

SAN MIGUEL COUNTY PLANNING COMMISSION

MINUTES – REGULAR MEETING

April 4, 2024

333 West Colorado Avenue and Online Meeting

Present: Lee Taylor, Chair
Josselin Lifton-Zoline, Vice-Chair
M.J. Schillaci, Secretary
Ian Bald, Member
Matthew Bayma, Member
Galena Gleason, Alternate

Planning Staff Present: Kaye Simonson, Planning Director
John Huebner, Senior Planner
Nicola Kerr, Planning Technician

County Staff Present: Amy Markwell, County Attorney
Rachel Allen, Assistant County Attorney

9:00 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

MOTION by Galena Gleason to approve the March 14, 2024 minutes

SECONDED by Josselin Lifton-Zoline motion **PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	Aye	Nay	Abstain	Absent

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director, updated the commission. Solar Regulations will be delayed past the May agenda, they are finding a meeting date for the subcommittee, The Master Plan has been sent off to Design Workshop for the final draft. There is a Land Use Code Amendment Regarding affordable housing deed restriction in May. Consideration of the Solar Moratorium extension will be on April 24th.

9:10 A.M. PUBLIC HEARING: LAND USE APPLICATION

Applicant: Marti Prohaska

Location: 772 County Road 44Z N
Parcel size: 5 acres
Zone District: Wright's Mesa
Proposal: Retail Greenhouse/ Nursery Special Use Permit

John Huebner, Senior Planner, presented the application.

Josselin Lifton-Zoline asked about dark sky requirements and water.

Martinique responded that there is both a well and cistern on the property as well as a connection to city water. There is a flood light that is motion censored and down cast.

Mathew Bayma asked what the difference will be between the Greenhouse now and after the Special Use Permit is approved.

Martinique responded that before it was delivery business rather than open for customers to buy at the brick and mortar location.

MOTION by Josselin Lifton-Zoline to approve the Special Use Permit for a Retail Greenhouse/Nursery for Wild Iris Greenhouse and Gardens, for the operation of a proposed seasonal nursery, and to adopt Planning Commission resolution #2024-4, with the following conditions:

1. The Special Use Permit is issued to the Applicant, Wild Iris Greenhouses and Gardens (Martinique David Prohaska), and does not run with the Land.
2. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.
3. All lighting shall be shielded and directed down and meet the requirements of LUC Section 5-710 II.

SECONDED by M.J Schillaci motion **PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	Aye	Nay	Abstain	Absent

9:30 A.M. PUBLIC HEARING: LAND USE APPLICATION

Applicant: Highbury Resources Inc
Location: 65 miles west of Telluride off of Highway 141, and County Roads T11, 12S, and 14R, near Slick Rock
Parcel size: Multiple Parcels, total disturbance totaling .46 acres
Zone District: West End (WE)
Proposal: Exploratory Drilling for Mineral Exploration

John Huebner, Senior Planner, presented the application.

Josselin Lifton-Zoline commented that it would be helpful to have some example photos of past revegetation successes.

Lee Taylor asked if the Planning Commission can ask the applicant to mitigate for old mining projects in the area.

Kaye Simonson responded that regulations regarding mining remediation is complicated and probably not.

Josselin Lifton-Zoline asked what the remediation efforts would entail for any test holes converted to ground water monitoring.

Alex Krieile, Highbury Resources Project Geologist, responded that it would be subject to the State permit and they would be responsible for reclaiming.

Josselin commented that access to the monitoring pits would be continued and asked how that would affect the vegetation.

Alex Kreile responded that they do not want to make roads, they would be walking to check the pits with minimal ground disturbance.

Joselin Lifton-Zoline commented that the plant survey was done in September but would be better to have been done in the Spring/ Summer during bloom.

Alex Kreile responded that plants are indeed easier to identify when flowering but the survey is still relevant.

Lee Taylor asked how long monitoring would continue after drilling and whether it would be done in person or wirelessly.

Doug Beahm, Highbury Resources, responded that it would be monitored for a year and a half at a minimum and in person depending on the flow rates from the ground water and how we obtain the water sample

Starr Jamison, County Natural Resources Director asked that gypsum cat eye be added in to the draft mitigation plan.

Harold Hutson, Highbury Resources, stated that they would be salvaging the topsoil and then immediately replacing which allows for the natural seed bank to remain in the soil.

Alex Kriele confirmed that they can add gypsum cat eye to the plan although they did not encounter any.

Starr Jamison emphasized that those operating the ATVs to access the drill pads should be educated on the rare plant life in the area.

Lee Taylor asked how much sound the drill rig going to make.

Alex Kriele responded that it is about the volume of a tractor, only audible within a close distance.

Lee Taylor asked if there is any risk of cuttings leaking into the water table through the mud pit.

Alex Kriele responded that the total material in the mud pits is negligible and total contamination not measurable. Until it is processed in a facility, the concentrations of minerals are moot. Gamma levels at the site will be no different prior to exploration.

Galena Gleason asked how many personnel will be employed.

Alex Kriele responded 3-4 per drill rig plus a geologist.

Galena Gleason pointed out that some of the drill holes are close to the edge of the canyon. What is the plan to mitigate the run off into the canyon and Dolores River during monsoon season?

Alex Kriele stated that they are sloped away from the canyon lip and they are planning to do all operations during the dry season rather than the wet season to not rut the earth.

Lee Taylor asked if a migratory bird nesting survey would be completed before.

Doug Beahm responded that their wildlife surveyor did not see any nests near the sites.

11:10 recessed

11:15 resumed

11:15 open for public comment

Suzy St. Onge spoke representing the Open Space Commission and herself, she stated that we are dealing with radioactive radium, we are going back in time. We are working on carbon sequestration and leaving out more fossil fuels so why are we going back on ourselves. The Four Corners area is still a cancer cluster from uranium mining there.

Mason Osgood, director of Sheep Mountain Alliance, pointed out that the petition that Great Old Broads brought forward has never seen so many signatures on a petition like this. Where is the balance between resources, nature, mining, and wildlife?

Kendra Ballard, a West End resident, stated that within the identity of the community is providing energy and mining. The West End will be negatively impacted if we are preventing

mining and the country needs uranium for batteries etc. especially if we want to reduce our reliance on other countries.

12:30 Public Comment Closed

Ian Bald commented that mining conflicts with the vision of the county that potential tourism based jobs would be better for the west end economy.

Galena Gleason reiterated her concerns regarding the proximity of certain drill holes to the Dolores River.

Mathew Bayma pointed out that we are talking about prospecting not mining, although the location is not the most desirable. The company has done their due diligence and addressed concerns in a meaningful way.

Lee Taylor stated that the question at hand is not whether we are going to allow it, since the mining is occurring on BLM land, but are their impacts sufficiently mitigated.

Galena Gleason asked if the Planning Commission could suggest not utilizing the drill holes in closest proximity to the Dolores River.

Amy Markwell asked if the applicant has already done an analysis on the impact to the water sources.

Alex Kriele re-stated that some of the surface drainage runs away from the canyon edge, and added that the company has a bond obligation of 23,000 dollars.

Harold Huston confirmed that the drill hole in section 33 close to Joe Day Canyon's surface topography drains away from the rim of the canyon. At the section 34 drill hole there is at least 800 feet between the drill hole and the rim of the canyon.

12:10 Public Comment was re-opened to allow those with technical difficulties to speak.

Kathryn Wilder, rancher and resident of Disappointment Valley, commented that Nicholas wash collects runoff during monsoon season and spills into the Dolores River. There are many routes into the Dolores River other than water going over the canyon rim.

Jennifer Singer, member of the Great Old Broads for Wilderness organization, stated that uranium mining and drilling are incompatible with protecting the Dolores River shed. The Ute have been protesting mining and processing at the White Mesa mill and continued project as such are likely to have detrimental effects to the Ute's health.

12:15 pm public comment closed.

MOTION by Mathew Bayma to recommend **APPROVAL** to the Board of County Commissioners for the Mining Special Use Permit SUP for Highbury Resources Inc. or its

contractor, for mineral exploration from drill pads on unpatented mining claims under Bureau of Land Management (BLM) public lands located in the Slick Rock area in west San Miguel county, subject to the following 14 terms and conditions,

1. The Special Use Permit is issued to the Applicant, Highbury Resources Inc., and does not run with the land.
2. No future mining activity at the project site by Highbury Resources Inc., its lessees, or the property owners or its lessees is authorized by this approval.
3. Contact the Planning Department, Road and Bridge Department and County Sheriff's Office prior to mobilization of and the start of drilling activities.
4. Provide a list of onsite contacts for Highbury Resources Inc. and the drilling project contractor.
5. This Special Use Permit conditional approval is subject to the terms and conditions of the Notice of Intent approved by the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) concerning this drilling program.
6. The project drilling program and reclamation plan shall be consistent with and comply with the applicable provisions as approved by the County, unless specifically modified in the BLM and CDRMS approval action.
7. Provide monthly progress reports to County Planning.
8. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.
9. Exploration activities shall be limited to summer 2024, and shall end no later than November 30.
10. The County shall be informed of any cultural resources discovered in the course of work. Pads and road disturbance should avoid any areas with cultural resources. All appropriate mitigation measures shall be taken to protect cultural resources.
11. The revegetation plan shall include best practices to maximize available water.
12. Provide documentation regarding the water source(s) for the project.
13. It is preferred that the site located in the proposed Dolores NCA and sites located adjacent to the Dolores River not be utilized. If utilized that site will be fully protected with stormwater best management practices.
14. It is preferred that a local contractor be used and reported to the BOCC.

SECONDED by Lee Taylor. **VOTE PASSES 3-2**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	Aye	<u>Nay</u>	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	Aye	<u>Nay</u>	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	Aye	Nay	Abstain	Absent

12:30 pm recessed for lunch

1:00 pm reconvened

1:00 P.M PUBLIC HEARING: LAND USE CODE AMENDMENT

The Planning Commission discussed a variety of potential edits to the Community Housing Zone District.

2:10 pm public comment opened

Michelle Haynes commented that an AHPUD can function as an overlay to a district and has had confusion regarding the difference between the two zone districts.

Morgan Smith commented that the language in the Zone District is confusing.

Scott Pearson asked, please don't allow the changes to the CH zone to change the Ilium Valley project. All those who are in favor of a CH zone are in their car commuting to and from Montrose and don't have the ability or time to come to a meeting regarding this, please consider their perspective as well.

Shellie Duplan stated that the CH zone was crafted in an echo chamber with no opportunities for public comment. There should be more opportunities for fill-in rather than giant developments. It is alienating those who can help and we don't understand how to implement CH.

Pam Bennet commented we need to know how to implement the CH and AHPUD. It is confusing and they should be the same thing.

Dan Enright stated that we have to think about how these changes will impact the Alexander property and think about those who can't be here to speak today. No one wants any small margin of affordable housing in their neighborhood, we will never get anywhere if we continue this attitude.

Emily Masson requested to please eliminate the 2021 changes to the CH Zone.

James Liebler asked to please eliminate the possibility for all bonuses as it never works.

Scott Bennett commented that you need to know and understand all the densities off hand in the County to be able to make a proper decision. He thinks Mountain Village was pushed to do a CH zone.

Nick Farkouh stated that the CH zone is not clear, currently the safety net is the planning commission's best judgment but sometimes there are external pressures and there will be future commissioners who may not have the same values, there should be a small scale, medium etc. and there should be caps and upper limits.

Ray Bowers commented that the Planning Commission is still struggling to define things after three years, the confusion continues and everything is so discombobulated. The Zoline property is an area of concern.

Mathew Allen commented that the Mountain Village project does not need the Community Housing Zone District but could use the AHPUD. If Mountain Village is going to continue approving enormous hotels they need to have higher housing mitigation standards for the developers. People in Montrose are not a part of our community and we shouldn't consider their needs above those who have been paying taxes here for years.

Yolana Vankova commented that there is no public comment in support of the Community Housing zone. We need more infill housing in telluride, people only want to walk to work. People are dying driving home in blizzards.

Amy Ward stated that some people have commented that developers have no problem making money from affordable housing developments which is untrue. If you make it so difficult that no one can build anything we are tying our hands and eliminating the point of CH. Without subsidies they will not get built.

Pete Johnson, resident of Ski Ranches, said that there is a lot anxiety from people in the community who have sacrificed so much to be here, there is a tsunami of opposition. Please repeal the CH zone.

Shanna Peterson stated that the CH zone being used for medium and high density is not in the best interest of the community, results from surveys indicated that people don't want to live in Shandoka or VCA, people want single family single floor residences.

Jennifer Barker commented that there should be one set of rules for everyone to follow rather than one for the government and one for everyone else.

Catherine Winchester commented that she is against the CH zone maximum density number of 20 units. The County shouldn't be held hostage by Mountain Village because they purchased a piece of property that is now under CH zoning. We want to see a spreadsheet of what has been planned and how many units are still needed.

MOTION by Josselin Lifton-Zoline to recommend **APPROVAL**; to the Board of County Commissioners to amend Land Use Code Section 5-324 Community Housing Zone District with the following changes,

1. With respect to free market housing there will be a corresponding limit on square footage, e.g. add "10 % or less gross square footage"
2. Revise the maximum density to be up to 15 units per acre
3. Eliminate section 5-324 E.1 Free-market units allowed subject to a PUD

SECONDED by Galena Gleason. **VOTE PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	Aye	Nay	Abstain	Absent

Mathew Bayma exited at 4 pm

4:30 P.M PUBLIC HEARING: LAND USE CODE AMENDMENT

Discussion of the addition of section 5-712 Mining Hazards to the San Miguel County Land Use Code.

4:30 Public Comment opened

Kendra Ballard, resident of the West End, stated that the community voice in east end is heard but there are a small number of conservation groups who are overpowering the voice of the West End. The concerns of the environmental groups are based off of mining regulations from the 50's. It is possible to mine and conserve. We need to know what options are available for energy in the future.

Kaye Simonson clarified that the amendment is regarding standards and procedures for development on sites with mining waste and not regarding new active mining.

John Huebner, Senior Planner presented the amendment.

The commission discussed the amendment.

MOTION by Josselin Lifton-Zoline to recommend **ADOPTION** to the Board of County Commissioners of Section 5-712, Mining Hazards, to the San Miguel County Land Use Code

SECONDED by Galena Gleason. **VOTE PASSED 5-0**

Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	Aye	Nay	Abstain	Absent

4:43 pm Adjourned

Respectfully Submitted,


Nicola Kerr (May 9, 2024 16:30 MDT)

Nicola Kerr, Associate Planner

Approved on 05/9, 2024.

SAN MIGUEL COUNTY PLANNING COMMISSION

Mj Schillaci

M.J. Schillaci, Secretary

:\PC Planning Commission\PC Minutes\2023\pc.5.23.minutes.docx]

Signature: 
M.J. Schillaci (May 9, 2024 19:35 MDT)

Email: maryjo.schillaci@gmail.com