



SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA THURSDAY, MARCH 9, 2023 – 9:00 AM

Online & 333 W. Colorado Avenue, 2nd Floor

MEETING INFORMATION - This meeting will be held online and in person. To join the meeting: <http://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8692 or 1-253-215-8782 (long-distance rates may apply)

We kindly request that people attending meetings in person wear a mask.

1. 9:00 A.M. CALL TO ORDER

2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

- a. Approval of the February 9, 2023 minutes
[pc.2.9.23.minutes DRAFT.docx](#)
- b. Approval of the January 12, 2023 minutes
[pc.1.12.23.minutes.DRAFT.docx](#)

3. 9:15 A.M. PUBLIC MEETING: LAND USE APPLICATION

- a. Applicant: Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc

Location: Society Turn Parcel, located three miles west of the Town of Telluride on Highway 145 southwest of Society Turn Roundabout

Parcel size: 20 acres

Zone District: Planned Unit Development Reserve (PUDR)

Proposal: Rezoning to Mixed-Use Development Zone District; and Preliminary Plan for Subdivision and Planned Unit Development (PUD) / MOTION

Continued from January 12 and February 9, 2023 Meetings
[CPC Society Turn Packet 030923.pdf](#)

4. 11:00 A.M. PUBLIC MEETING: LAND USE APPLICATION

- a. Applicant: Nate Smith, Attorney on behalf of Peter Pitts

Location: Units 2 and 4, Lot SV-150 Morningstar Condominiums, aka 896 Two Rivers Drive, Ilium

Zone District: Affordable Housing PUD (AHPUD)

Proposal: Convert 2,091 square feet of Neighborhood Commercial to Residential, and to add six (6) persons of population density and two (2) residential units / MOTION
[CPC Packet Materials -Pitts SPU 3.9.23.pdf](#)

5. EAST END MASTER PLAN

6. ADJOURN

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled. For more information contact Planning Department at (970) 728-3083.

If special accommodations are necessary per ADA, contact 970-728-3844, via email at bocc@sanmiguelcountyco.gov prior to the meeting.

The official, designated posting place for all meeting notices will be online at <https://www.sanmiguelcountyco.gov/liveagenda>. Use this link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and follow the prompts.



AGENDA ITEM 2.a

TITLE:

Approval of the February 9, 2023 minutes

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[pc.2.9.23.minutes DRAFT.docx](#)

Description:

**SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING**

February 9, 2023

Online Meeting

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

Absent: Tobin Brown, Sr. Alternate

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

County Staff Present: Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant

9:03 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

Review of Minutes is continued until the next meeting.

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director updated the commission.

- The Society Turn applicant has requested a continuance until March 9.
- The April meeting will be in Norwood, there is a PUD/Subdivision application.
- The February 15 BOCC meeting will have 3 appeals for the Employee Housing Mitigation Fee. The reports will include information on the proposed amendments.

Amy Markwell, County Attorney gave an update on the Diamond Ridge litigation, as Limited Motion for Reconsideration was filed and we are awaiting the judge's decision. The creation of the Community Housing Zone was upheld.

9:10 a.m. Ryan Righetti, Road & Bridge Superintendent joined the meeting.

9:15 PUBLIC MEETING: LAND USE APPLICATION

Representative: Gabriel Sweet, Big Rock Exploration LLC

Applicant(s): Tarsis Resources US Inc., a wholly owned United States subsidiary of Alanza Minerals Ltd.

Property Owner: Alianza Minerals Ltd.

Location: County Road 4R
Zone District: (W) West End
Proposal: Request for Mining Special Use Permit for mineral exploration from drill pads on its federal unpatented lode mining claims.

John Huebner, Senior Planner presented the application submitted on behalf of Tarsis Resources US Inc., subsidiary of Alianza Minerals Ltd. (Applicant) that seeks a Mining Special Use Permit for proposed mineral exploration from drill pads on its federal unpatented lode mining claims under Bureau of Land Management (BLM) federal public lands in northwest San Miguel County near the Utah state line. There are five (5) exploratory drill sites identified at the project location for the purpose of discovering copper. The drilling program includes developing up to five (5) drill pads, each measuring about 60 feet by 60 feet, and an equipment laydown area. The project area comprises BLM lands only and as such requires federal and state permit applications. The project plans to use BLM inventory road, existing routes on public land, and the limited development of temporary driveways to access drilling sites. The primary access to the project location is from East Lisbon Valley Road (Utah) that transitions to County Road 4R over the Colorado Border.

The drilling program is designed to minimize new surface impact within the project area. Development of temporary access routes to drill pad sites are limited. The location of drill pads favor areas that are level or previously disturbed and cleared.

Road maintenance to existing BLM Road 359 and BLM inventory roads prior to project mobilization will be minimal. No County roads will require maintenance.

A materials staging area (“laydown”) is proposed to store drilling equipment and project supplies on BLM public lands. This site will be out of the view of the traveling public, more secure, avoid new impact for the project, and reduce potential for spread of noxious weeds during project operations.

Project startup involving dirt work and road maintenance will take about a full week. Following the preparation of drill pads, equipment and vehicles will be mobilized to the site. Continuous 24 hours a day operation of the drilling rig is planned, to be conducted in 12-hour shifts.

Approximately three to five (3-5) persons will work on site per shift, and will probably lodge in Monticello, Utah.

The operational window for the project is from May 1 to October 31. This time window matched that requested by Colorado Parks and Wildlife to alleviate concerns regarding winter range for elk, deer, and bighorn sheep.

All drill holes will be permanently abandoned immediately after completion. Sump pits will be filled in with collected materials and fill dirt.

The total ground disturbance for this project is estimated to be 1.80 acres or less. Reclamation of drill pads and holes will occur following the decision to close a drill pad. All reclamation will conform to the specific guidance, protocols, and all BLM, Colorado DRMS and County permit

requirements. Reclamation bonds will be held by BLM and DRMS, which include a three to five year warranty period.

The following permits are required to be obtained by Tarsis Resources US Inc. prior to commencing the proposed exploratory boring program:

1. San Miguel County Mining Special Use Permit
2. U.S. Bureau of Land Management (BLM) Notice of Intent (for operations on BLM land)
3. Colorado Department of Reclamation, Mining and Safety (CDRMS) Notice of Intent (NOI)
4. State of Colorado Construction Storm Water Management Permit

Public notice of the application and public meeting was posted and published.

The application was referred to referral agents with comments received and addressed from Tony Bonaxquista, Colorado Parks and Wildlife Nucla District Manager, Lucas West, Colorado Division of Reclamation and Mining and Safety (CDRMS) Environmental Specialist, Amy Markwell, County Attorney, and Nick Sandberg, Public Lands Coordinator – San Juan, UT. The County Manager and County Open Space Director submitted questions that the applicant responded to.

Public comments were received from Mason Osgood, Sheep Mountain Alliance Executive Director, and Jennifer Thurston, Information Network for Responsible Mining Executive Director, stating opposition to the copper exploration due to its limited benefits and potential impacts to motorized and non-motorized recreation, the ecosystem, and proximity to the Dolores River National Conservation Area (NCA).

Gabriel Sweet, the VP of operations provided an in-depth presentation regarding the proposed limited drilling exploration project. They will need to get permits in place first. He reiterated that all the reclamation processes conform to DRMS and BLM guidelines throughout the project.

The commission inquired if they will use local workers. Gabe stated REAMS Construction was hired for the Klondike Basin project. They also inquired if the project area was the site of other mining projects in the area.

10:20 a.m. Open Public Comment

Mason Osgood attended the meeting in person and reiterated his co-comments that he and Jennifer Thurston are opposed to the project and its potential impacts to the ecosystem.

10:25 a.m. Closed Public Comment

MOTION by MJ Schillaci to recommend to the San Miguel County Board of Commissioners to approve a Mining Special Use Permit (SUP) for Tarsis Resources US Inc., a wholly owned United States subsidiary of Alianza Minerals Ltd (Applicant) or its contractor, for mineral exploration from drill pads on its federal unpatented lode mining claims under Bureau of Land Management (BLM) public lands in northwest San Miguel County near the Utah state line, based on the finding that the proposed use is consistent with the County Master Plan, and with the Land Use Policies in LUC Section 2-8, Natural and Man-Made Hazard and Resource Area; LUC

Section 2-11, Erosion; LUC Section 2-34, Revegetation with Native Species; LUC Section 2-35, Mining and Mineral Processing Operations, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; Section 5-11, Conditional Uses on Federal Lands; and Section 5-16, Mining; and Section 5-320 K, Review Standards for WE Zone District Special Uses, subject to the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, Tarsis Resources US Inc., and does not run with the Land.
2. No future mining activity at the project site by Tarsis Resources, 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 Tarsis Resources and the drilling project contractor.
5. This Special Use Permit conditional approval is subject to the Bureau of Land Management (BLM) and Colorado Division of Reclamation and Mining and Safety (CDRMS) approving this drilling program and issuing the requisite permits. Provide copies of these permits to County Planning.
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. Comply with all terms and conditions of the Colorado Department of Public Health and Environment Stormwater Discharge Permit. Provide a copy of the permit to County Planning.
8. Provide monthly progress reports to County Planning.
9. 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.
10. Staff shall review the BLM and DRMS permits prior to commencement, and with annual reviews by the CPC and BOCC through the life of the project.
11. Exploration activities shall be limited to May 1 to October 30.
12. The clearing of pinion-juniper and sagebrush shall be minimized to the greatest extent practical.
13. Provide a grading and drainage plan that includes a higher quality of sediment fencing and control.

14. 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.

15. The revegetation plan shall include soil restoration and best practices to maximize available water. The CPW recommendation shall be followed.

16. Provide documentation regarding the water source(s) for the project.

17. Identify any hazardous materials that will be used in the process, and describe how those materials will be stored and transported.

18. Applicant shall obtain a Road & Bridge Permit before commencing operation.

19. Applicant will abide by BLM noise abatement policy

SECONDED By Lee Taylor. **VOTE PASSED 4-1**

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>	<u>Nay</u>	Abstain	Absent
Matthew Bayma	<u>Aye</u>	Nay	<u>Abstain</u>	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

10:44 a.m. Recessed.

10:50 a.m. Reconvened.

PUBLIC MEETING: LAND USE APPLICATION

Applicant: Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc.

Location: Society Turn Parcel, located three miles west of the Town of Telluride on Highway 145 southwest of Society Turn roundabout.

Parcel size: 20 acres

Zone District: Planned Unit Development Reserve (PUDR)

Proposal: Rezoning to Mixed-Use Development Zone District; and Preliminary Plan for Subdivision and Planned Unit Development (PUD)

Request by the applicant for a continuation until Thursday, March 9, 2023 at 9:15 a.m. in order to allow time to respond to additional referral agency comments and to accommodate consultant schedules.

MOTION: By Josselin Lifton-Zoline to continue the Society Turn PUD and Subdivision Preliminary Plan and the Rezone to March 9, 2023

SECONDED By Ian Bald. **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	Aye	Nay	<u>Abstain</u>	Absent
Tobin Brown	Aye	Nay	Abstain	<u>Absent</u>
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

ANNUAL REVIEW

Representative: Gabriel Sweet, Big Rock Exploration

Project: Alianza's Mining SUP for mineral exploration in Klondike Basin off SH 141 and County Road 23R on public lands managed by the BLM and Colorado. The boring program includes up to 20 drill holes and pads for the purpose of exploring for copper.

John Huebner, Senior Planner introduced the review and stated that the applicant has met all conditions of approval and exceeded the standards.

Gabriel Sweet provided a PowerPoint presentation concerning the project results to date, and the next steps. The project started on August 1 and concluded for the season on September 25, including the reclamation. Five (5) of the twenty (20) pads were built and reclaimed. The drill holes were grouted in entirety for permanent abandonment per DRMS and BLM. They used significantly less water than expected, less than 25,000 gallons. The project is in compliance with all regulatory requirements. The permits and bonding will remain in place for 2023-2024 operations. The reclamation went well and the project saw 70% regrowth due to above-average rainfall. The proposed project is permitted for up to 4.93 acres of disturbance but has only impacted 1.38 acres.

Per a November 30 press release, they did find some copper. Jason Weber, Alianza states the results are a bit inconclusive and they will probably want to test more. Rob Duncan, Alianza said that it was an encouraging amount of copper. They will need to find new funding partners to take the project further. Their SUP is in effect for 2 more seasons.

LAND USE CODE AMENDMENT RECOMMENDATION

Amending Land Use Code Section 5-13, Affordable Housing, pertaining to Impact Fee for Residential Development, to increase the Exempt Floor area from 1800 s.f to 2000 s.f.; and to revise the mitigation rate for floor areas 2,501 to 5,000 s.f.

John Huebner, Senior Planner provided background information for the Amended Employee Housing Impact Fee. He stated that fees collected are used to implement housing programs consistent with LUC policies and standards and the County's Master Plan goals.

The amendment proposes to increase the exempt residential floor area from 1,800 s.f. to 2,000 s.f., and revising mitigation rates on a graduated scale that follows a smooth line and reflects the 2000 s.f. floor area exemption.

If the BOCC decides to amend the Employee Housing Mitigation Impact Fee to revise the mitigation rate and to increase the exempt residential floor area staff will request authorization that where applicable to recalculate fee amounts and issue refunds to those who have already paid the updated fee. This would be addressed in the adopting resolution.

No public comments have been received in regards to the LUC Amendment. There were comments received from Aldasoro Ranch HOA and Elizabeth Tipton after the packet was sent. Numerous comments have also been submitted in regards to the fee in general.

The commission discussed what other jurisdictions are regarding their mitigation rates and exemption levels; if any.

11:49 a.m. Opened Public Comment

Aldasoro Ranch, Shelly Duplan – Concerns with the dramatic financial impact. Wants a new employee study to replace outdated job generation study. Wants property owners to be phased in.

Elizabeth Tipton – Lot Owner who had sent in questions. Put her plans to build on hold. Feels the fees are unfair and only impacts second homeowners. County should deal with the historical problem. It should not have to impact her building a home.

Megan Bibliowicz – Land owner in Elk Run with young family. Their HOA has a minimum square footage requirement. Fee is debilitating. If they build an ADU the Deed Restriction would stay on it and then they would have trouble selling their (proposed) home because of the Deed Restriction.

Chris Hawkins – Alpine Planning, representing Aldasoro since 2018. Feels the formula needs to be revisited for employee generation rate. Aldasoro's consultation company says the county's methodology is out of date. Doesn't like varying fees through the different jurisdictions.

Jared Smith – Purchased home in Telluride Pines in 2013 and now a lot in Little Cone. He is selling the lot instead of building because of the fees.

12:10 p.m. Closed Public Comment

The commission discussed how the housing fees only impact the R-1 School District. They also discussed other counties, such as Pitkin using different rates for locals and non-locals along with a deferral of payment of the fee for 'primary' residents.

Amy Markwell, County Attorney added that residential development generates employees and affects the housing need that the county seeks to mitigate. The mitigation fees apply only to single-family construction, not PUD, commercial, or lodging, which require the actual building of units. The methodology to achieve the rates between the County and towns are very similar. Telluride's rate is 90% regardless of floor size, where the SMC mitigation rates are set at graduated rates.

MOTION By Josselin Lifton-Zoline to recommend to the Board of County Commissioners to adopt the proposed amendment to San Miguel County Land Use Code Section 5-13, Affordable Housing to increase the exempt floor area from 1,799 s.f. to 2,000 s.f., to modify the Employee

Housing Mitigation rate as presented, and to direct staff to issue refunds to those payees of residential impact fees since July 15 whose impact fee would have been effected by this amendment, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5- 1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code.

SECONDED By MJ Schillaci.

FRIENDLY AMENDMENT from Lee Taylor to increase the floor area exemption to 3000 s.f. and BOCC to adjust and refund.

The Commission discussed. Josselin and MJ did not accept the amendment.

FRIENDLY AMENDMENT from Ian Bald to start the mitigation rate at approximately 20% at 2,000 s.f. in order to have a constant line up to 5,000 s.f. but without increasing any mitigation rates above 3,000 s.f.

Accepted by Josselin and MJ.

Further discussion by the commission for a phased approach to the fees.

FRIENDLY AMENDMENT By Lee Taylor to recommend to the Board a phased rollout with 50% collected on projects permitted July 15, 2022- December 31, 2023. Then the mitigation will go to 100% starting January 1, 2024.

Josselin & MJ accept the Amendment **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	<u>Abstain</u>	Absent
Tobin Brown	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

EAST END MASTER PLAN UPDATE

The survey will go live February 13 for 3 weeks. The survey and ads will be bilingual. Survey participants can enter drawings for (6) \$25 gift cards. The plan is still in the information-gathering phase.

Staff discussed the process of open records and fulfilling the CORA request received regarding the East End Master Plan.

1:25 p.m. Adjourned.

Respectfully Submitted,

Nancy Hrupcin, Legal Assistant, County Attorney

Approved on _____, 2023.

SAN MIGUEL COUNTY PLANNING COMMISSION

M.J. Schillaci, Secretary

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AGENDA ITEM 2.b

TITLE:

Approval of the January 12, 2023 minutes

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[pc.1.12.23.minutes.DRAFT.docx](#)

Description:

**SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING**

January 12, 2023

Online Meeting

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

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

County Staff Present: Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant

9:03 a.m. Chair called the meeting to order.

APPROVAL OF MINUTES

Approval of the December 8, 2022 minutes

MOTION by MJ Schillaci to approve the December 8, 2022 minutes

SECONDED by Josselin Lifton-Zoline **VOTE PASSED 7-0.**

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
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

Approval of the November 10, 2022 minutes

MOTION by Josselin Lifton-Zoline to approve the November 10, 2022 minutes

SECONDED by MJ Schillaci **VOTE PASSED 7-0.**

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
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

PLANNING COMMISSION AND STAFF COMMENTS

Kaye Simonson, Planning Director updated the commission on the East End Master Plan draft survey that is in progress and that March 21 will be a planned community outreach day.

The mining exploration applicants will be returning with new projects.

PUBLIC HEARING; LAND USE APPLICATION

Applicant(s): Ashley Story, AB Legacy, Ltd.
Property Owner: Deep Creek #8 LLC
Location: Last Dollar Road off Mountain Flower Dr.
Parcel(s): Lot 2R, Golden Ledge Subdivision; PIN# 456324302002
Zone District: (F) Forestry, Agriculture and Open
Proposal: Application for Social and Scenic Uses Special Use Permit to allow for weddings and other events with attendance of two hundred (200) or fewer guests.

John Huebner, Senior Planner presented the background and application, with an additional seven public comments received. As stated in the packet, renting of property for weddings and similar events is considered a commercial activity. There have been events held previously on this site, and moving forward the applicant has agreed to comply with the Land Use Code.

The proposal is for a Special Use Permit to allow a venue site for weddings and special events. It is on a vacant parcel that will be set up with a temporary outdoor event tent. There are no permanent water, trash or bathroom facilities on the site.

Staff presented recommendations including limiting the number of events per year, which is consistent with another similar site, and having any music stopping at 10:00 pm to reduce the impact of noise on the neighbors.

The commission discussed the merits of larger all-day events vs. smaller events. It was asked if port-a-potties are brought up for each individual event, which they are.

Ashley Story, applicant then requested more than nine (9) events as there are several non-profits events also held on the site.

She clarified that most wedding events are between 125-150 people, below the 200 person limits. There is a \$500 deposit for her clients as a clean-up fee to address trash and they use bear proof trash containers.

The commission discussed not including the non-profit events in the final count.

10:02 a.m. Open for Public Comment

Pam Zoline – The application has merit and she is supportive. Asked if the county has considered putting a limit on the number of businesses as there might be many who want to do this type of business.

10:05 a.m. Closed Public Comment

Currently, there is no limit on the number of businesses, but part of the Special Use Permit process is to look at the cumulative impacts in an area.

The commission discussed having up to 20 events per calendar year.

MOTION by Matt Bayma to approve a Special Use Permit (SUP) for Social and Scenic Uses to allow weddings and special events for Ashley, Story, AB Legacy, Ltd. (“Applicant”) on the lower area of Lot 2R, Golden Ledge Subdivision the (“Property”), zoned Forestry, Agriculture and Open (F) as presented, based on the finding that the proposed use complies with the following Land Use 15 Code (LUC) standards: Section 5-307 D. XII. Social and Scenic Uses, Section 5-10, Special Uses, Section 5-407, Wildlife Habitat Areas, and subject to the ***following conditions of 1-18 with the following changes in italic, as a strikethrough, and changing the word ‘wedding’ to ‘event’ throughout the conditions.:***

1. This Special Use Permit (SUP) is issued to the Applicant, Ashley Story, AB Legacy, Ltd., and does not run with the Land and is not transferable.
2. This SUP Approval is subject to all written representations of the applicant, in the original submittal and all supplements, letters and emails, and are deemed to be conditions of approval, except to the extent modified by this Motion.
3. The use of the property shall be limited to the areas shown on the site plan. There shall be no further development and use without County Planning approval.
4. Prior to commencing the approved uses of the ~~event wedding~~ venue the Applicant must submit a Development Permit application with a complete set of plans and be issued a Development Permit by the Planning Department; and must submit a Building Permit application with a complete set of plans to the Building Department, and be issued a Building Permit and complete all proposed improvements.
5. Prior to commencing the approved uses of the ~~event wedding~~ venue the Applicant must submit a Driveway Access Permit application with a complete set of driveway plans to the Road and Bridge Department, and be issued a Driveway Permit and complete all proposed improvements. ***It shall be verified that the driveway is a minimum of 12’ wide.***
6. The SUP application as represented indicates that the Applicant and Property Owner are not planning or proposing to construct any new buildings or structures specifically to house or facilitate ~~weddings or other types of~~ events identified herein.
7. ~~An wedding and~~ event safety plan shall be finalized and signed off by the Telluride Fire Protection District Fire Marshal.
8. ~~Weddings and~~ Events are to ~~primarily~~ occur at the lower area of property, as a seasonal use, between June 1 and October 15.
9. The maximum number of ~~events weddings~~ that may be held, ~~which also includes events greater than 30 persons, shall be limited to a maximum of nine (9)~~ ***twenty (20) full day events*** per calendar year.

10. If ~~the wedding or~~ **an** event is planned to have more than 30 persons, or if the event includes having a bar to serve guests alcohol, the event planner shall make arrangements for carpooling guests in vans, i.e. commercial shuttle services, ~~to attend weddings and~~ **the** special events at Lot 2R, Golden Ledge Subdivision consistent with the terms of the use agreement with the AB Legacy, Ltd. These services will originate in the Towns of Telluride and Mountain Village and/or Lawson Hill and run with sufficient frequency to serve the needs of the attendees.

11. All parking for ~~weddings and~~ events shall be provided on the property and not within the County Road Rights-of-Way.

12. It is recommended and encouraged that music from bands or amplified music stop at ~~10:00~~ **11:00** p.m. but it shall stop no later than midnight (12:00 AM). The applicant (Ashley Story) will make a good faith effort to reduce the impact of noise on neighbors from 16 amplified music at the ~~event wedding~~ venue. Noise levels shall not exceed 60 decibels at property lines. It shall be the responsibility of the applicant to ensure noise levels are not exceeded.

~~13. If a scheduled wedding or event is planned for 150 or more persons the Applicant shall provide notice of the event to neighbors adjoining the property and the neighbors who own property along CR 60T, as well as the Golden Ledge HOA and the Grayhead at Telluride HOA.~~

~~13~~ **14.** The Applicant is providing the location for these ~~weddings and~~ events but the wedding party or event planner is responsible for catering, providing sanitary facilities (portable restroom and handwashing facilities), arranging for trash service and packing out trash, and using signs to direct guests to the venue. It is the Applicant's responsibility to ensure Clients are meeting all conditions of approval.

~~14.~~ **15.** The Clients of the Applicant are required to meet all county and state regulations regarding the provision of food and beverage service, i.e. food and liquor licenses, at the property.

~~15.~~ **16.** The use of bear-proof trash cans and dumpsters shall be utilized on the property.

~~16.~~ **17.** Any and all events at the venue shall comply with the applicable provisions of Fire Restrictions that may be in place at the time of a wedding or event.

~~17~~ **18.** There shall be an annual review one (1) year after the date of approval of this SUP (February 2024). The CPC may make a determination in its discretion if there is a need for additional on-going annual reviews, or periodic reviews of the terms and conditions of the SUP in the future.

SECONDED by Ian Bald **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
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

10:35 a.m. Recessed

10:45 a.m. Reconvened

PUBLIC HEARING: LAND USE APPLICATION

Applicant: Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc
Location: Society Turn Parcel, located three miles west of the Town of Telluride on Highway 145 southwest of Society Turn Roundabout
Parcel size: 20 acres
Zone District: Planned Unit Development Reserve (PUDR)
Proposal: Rezoning to Mixed-Use Development Zone District; and Preliminary Plan for Subdivision and Planned Unit Development (PUD) MOTION

(Site Visit was held Tuesday, January 10 at 9:00 a.m.)

Kaye Simonson, Planning Director gave the background of the project and presented the application. This is a five-step PUD review process and this is step three, which addresses the proposal in more detail. The proposal includes public benefits such as the dedication of land to the hospital district and land for the expansion of the water treatment plant. The CDOT access permit has been submitted. There are 91 required residential units and 27 extra employee housing units, for 121 total proposed in the plan. There are 602 parking spaces proposed, 382 on the surface and 220 subgrade. Architectural review is not part of the PUD. A discussion with CDOT regarding improvements and access to Highway 145 is ongoing. Any potential underpass will come through SMART or another entity, but the applicant will participate. A significant part of the infrastructure improvements will occur in Phase I. With the information presented to date the commission can either vote to recommend approving the plan to the BOCC or continue the item.

11:50 a.m. Lunch Break

12:20 p.m. Reconvene

Tom Kennedy, applicant, elaborated on the application. They have provided more than required in the Sketch Plan Review. Not much has changed other the 4th floor of employee housing and the CDOT access permit. The water and sewer agreement is in process. There will be phasing of development of the water and sewer expansion. Phase II may be deferred up to 10 years to service the remaining parcels.

Chris Touchette, project manager, reiterated the public benefits of the proposal, including 33% more affordable housing with the addition of the 4th floor. He spoke of the SMART conversation, addressing the concerns of the turning radius of buses and how the medical center would like a bus turnaround at their front door. There are 3 potential SMART bus stops. The scenic corridor was addressed as the landscape plan to screen vertical development in Phase I in 15-20 years will be mature. The plan was reconfigured per agency comments.

Alex Nees, consultant regarding Riparian areas, wildlife and the river stated that there are not very many impacts to be considered. There is a robust run-off plan in place and storm drainage capacities are designed to control flow, negate bank erosion and sediment discharge in the river.

Dan Quigley, Civil Engineer talked of the CDOT improvements, including the deceleration lane. He also covered the pedestrian circulation plan and working with the trails and bike paths.

There was a discussion of lighting and how perception is influenced by context, height, shielding, view angle and color temperature. The lighting package has been reduced to be dark sky compliant.

2:37 p.m. Break

2:45 p.m. Reconvene

2:46 p.m. Open for Public Comment

Jim Link, SMPA – Concerned about pedestrians and SMPA driveway.

John Miller – General support from Telluride Ski & Golf

Pam Lifton-Zoline – Questions on scale. What is the maximum population in 25-20 years. Concerned about setback

Chris Darnell, Telluride Regional Medical Center – In support of development. If the development is not approved, there is no plan B for the medical center.

2:58 p.m. Closed Public Comment

MOTION and Direction to staff by MJ Schillaci to continue consideration of the Society Turn PUD and subdivision and rezone to 2/9/23 with direction to send the application to referral agencies for an additional review period, especially the Telluride Fire Protection District and Lawson Hill. The hotel issue and wastewater treatment plant need to be discussed further.

SECONDED by Galena Gleeson, adding that information be provided regarding water and wastewater and how this project will affect facilities and services in the future.

MOTION AMENDED by MJ to include Galena's statement

FRIENDLY AMENDMENT by Josselin Lifton-Zoline requesting a plan to show a reduction in density

AMENDMENTS ACCEPTED BY MJ & Galena

Further comments by the applicant that the wastewater and water data regarding expansion needs to come from the town as they are the entity that will manage and monitor those items. Tom Kennedy is not sure his client will be interested in the density reduction. They will address the requests and tell the commission the reasoning behind the answers

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
Tobin Brown	<u>Aye</u>	Nay	Abstain	Absent
Galena Gleason	<u>Aye</u>	Nay	Abstain	Absent

3:36 p.m. Adjourned.

Respectfully Submitted,

Nancy Hrupcin, Legal Assistant, County Attorney

Approved on _____, 2023.

SAN MIGUEL COUNTY PLANNING COMMISSION

M.J. Schillaci, Secretary

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AGENDA ITEM 3.a

TITLE:

Applicant: Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc

Location: Society Turn Parcel, located three miles west of the Town of Telluride on Highway 145 southwest of Society Turn Roundabout

Parcel size: 20 acres

Zone District: Planned Unit Development Reserve (PUDR)

Proposal: Rezoning to Mixed-Use Development Zone District; and Preliminary Plan for Subdivision and Planned Unit Development (PUD) / MOTION

Continued from January 12 and February 9, 2023 Meetings

Presented by:

Time needed:

PREPARED BY:

John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC Society Turn Packet 030923.pdf](#)

Description:

Public Meeting Record

County Planning Commission

Application: Genesee Properties, Inc

Planned Unit Development /Subdivision Preliminary Plan for the Society Turn Parcel; Mixed-Use Development Zone District Rezoning of Parcel

Date: March 9, 2023

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Planning Commission from Kaye Simonson, Planning Director dated March 9, 2023.
4. Draft Resolution 2023-02, Planning Commission, San Miguel County, Colorado, Recommending Approval of the Preliminary Planned Unit Development and Subdivision of the Society Turn Parcel for Genesee Properties.
5. Draft Resolution 2023-03, Planning Commission, San Miguel County, Colorado, Recommending Approval of the Rezone to Mixed-Use Development Zone District of the Society Turn Parcel for Genesee Properties.
6. Application Supplement submitted by Tom Kennedy, Attorney, on behalf of Genesee Properties, Inc., Society Turn Preliminary PUD/Subdivision Plan Review and Related Matters received February 27, 2023.
7. Memorandum to the San Miguel County Planning Commission from Kaye Simonson, Planning Director dated February 9, 2023.
8. Memorandum to the San Miguel County Planning Commission from Kaye Simonson, Planning Director dated January 12, 2023.
9. Application submitted by Tom Kennedy, Attorney, on behalf of Genesee Properties, Inc., Society Turn Preliminary PUD/Subdivision Plan Review and Related Matters received October 25, 2022. (The complete application is online at <https://societyturn.info/>)
10. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated December 19, 2022 and December 13, 2022.
11. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on December 21, 2022.
12. Society Turn Sketch Plan application, amendments, documents, and Public Hearing and Public Meeting Records (By Reference Only)

AGENCY COMMENTS

13. Email from Kaye Simonson, Planning Director dated January 18, 2023 to Referral Agencies.
14. Email and Letter from Kaye Simonson, Planning Director dated December 6, 2022 to Referral Agencies.
15. Email from Randee Reider, CDOT Region 5 Permits Program Manager, to Planning Department dated December 6, 2022.
16. Letter received from Chris Darnell, TRMC - CEO, to Kaye Simonson, Planning Director dated December 30, 2022.
17. Letter received from David Averill, SMART – Executive Director, to Kaye Simonson, Planning Director dated December 30, 2022.
18. Letter received from Mark W. Caddy, CPW – District Wildlife Manager, to Kaye Simonson, Planning Director dated December 29, 2022.
19. Email received from Pam Hall, Lawson Hill POC – Manager, to Kaye Simonson, Planning Director dated December 23, 2022.
20. Letter received from Janet Kask, County Parks & Open Space Director, to Kaye Simonson, Planning Director dated December 30, 2022.
21. Email received from Ryan Righetti, County Road & Bridge Director, to Kaye Simonson, Planning Director dated January 3, 2023.
22. Letter received from Matt Gonzales, County Building Official, to SMC Planning Commission dated December 30, 2022.
23. Letter received from Julie Kolb, County Vegetation Control and Management, to Kaye Simonson, Planning Director dated January 3, 2023.
24. Letter received from J. David Foley, County Surveyor, to John Huebner, Senior Planner dated January 3, 2023.
25. Letter received from Laila Benitez, Mountain Village – Pro-Tem, to Kaye Simonson, Planning Director dated January 3, 2023.
26. Letter received from Paul O’Neil, SEH – Designated County Engineer, to Kaye Simonson, Planning Director dated January 5, 2023.

27. Letter received from Martha Whitmore, Attorney Hockersmith & Whitmore LLC, for San Miguel Power Association, to Kaye Simonson, Planning Director dated January 9, 2023
28. Email received from Jill Carlson, Colorado Geological Survey to Kaye Simonson, Planning Director dated January 20, 2023.
29. Letter and Attachment received from Last Dollar PUD Association Board of Directors to Kaye Simonson, Planning Director dated January 31, 2023.
30. Letter received from Shelly Duplan, Aldasoro Ranch Homeowners Company Director of Operations to Kaye Simonson, Planning Director dated January 30, 2023.
31. Email and Attachment received from Scott Heidergott, Fire Marshal, Telluride Fire Protection District to Kaye Simonson, Planning Director dated January 19, 2023.
32. Email received from John Pandolfo, Superintendent, Telluride R-1 School District, to Kaye Simonson, Planning Director dated January 18, 2023.

PUBLIC COMMENTS

33. Email received from Alison James, 291 Rio Vistas Road #105, Telluride, to Kaye Simonson, Planning Director dated December 22, 2022.
34. Email received from Alex Maarten dated January 11, 2023.
35. Letter from Bill Burgess, 129 Nimbus Drive, Unit 14D, dated February 8, 2023.

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: Kaye Simonson, AICP, Planning Director
RE: A. Society Turn PUD and Subdivision Preliminary Plan
B. Rezone from PUD-R to MXD Mixed Use Zone District
DATE: March 9, 2023

THE COMPLETE APPLICATION IS ONLINE AT <https://societyturn.info/>

Background

In 2019, the San Miguel County Planning Commission adopted an amendment to Section III, Future Land Use Element, of the Telluride Regional Area Master Plan (TRAMP), an element of the San Miguel County Comprehensive Development Plan, for the Society Turn Parcel (TRAMP Section III.N).

On July 27, 2021, the BOCC approved the Sketch Plan for a Planned Unit Development and Subdivision of the Society Turn Parcel for Genesee Properties, Inc., as set forth in Resolution 2021-22 (attached). The BOCC also amended the Land Use Code, establishing Section 5-323, Mixed Use Development – MXD zone district, pursuant to Resolution 2021-23 (attached). Sketch Plan approvals are valid for one year. On July 20, 2022, the BOCC approved an extension of the Sketch Plan approval to November 27, 2022. A complete application was submitted prior to that date.

CPC Action

At the January 12, 2023 meeting, the Planning Commission considered the proposed PUD and Subdivision and continued the application to February 9, 2023. The applicant subsequently requested a continuance to March 9.

At the January 12, meeting, the Planning Commission provided the following direction:

- Send the application to Referral Agencies, especially Telluride Fire Protection District and Lawson Hill.
- The hotel issue needs to be discussed further.
- Provide information on water and wastewater use, and how the project affects system capacity.
- Provide an option that shows a reduction in density.

Outside of the motion, the CPC discussed landscaping modifications that would provide more screening of the project, especially at the northeast corner, and the potential for a mix of tree types and a berm. The project report identified concerns regarding road and sidewalk width. Questions were also raised regarding riparian areas.

The Applicant noted at the hearing that wastewater and water usage data will come from the Town of Telluride, as the water and wastewater provider. Additionally, the Owner may not be interested in density reduction, but they will provide the reasoning behind their answers when they return to the Commission.

Application Update

The complete application continues to be available online at the above website. In response to the issues and concerns of the CPC, as well as recommendations contained in the January project report, the following materials have been submitted. Additionally, the Applicant met with several Referral Agencies to discuss their specific issues; responses to those agencies are also incorporated into the supplemental materials.

- First Supplement Narrative
- Exhibit A – Updated Berm Plan
- Exhibit B – Updated Landscape Screening and Additional Berming
- Exhibit C – Updated Bus Stop Plan
- Exhibit D – “Nonprofits Feeling Lodging Crunch,” Telluride Daily Planet, November 9, 2022
- Exhibit E – Roads & Sidewalks letter from Buckhorn Engineering
- Exhibit F – Riparian Habitat Impacts memo from SGM

Referral Agencies

The application was again sent out to all Referral Agencies following the January meeting. Responses are discussed in the Referral Agencies section of this report. Responses were received from Telluride Fire Protection District, Colorado Geological Survey, Aldasoro Ranch HOA, and Last Dollar PUD. Lawson Hill POC did not respond. Colorado Department of Transportation also did not respond directly, but they have recently issued two access permits (north entrance and east entrance), which are in the process of being finalized by the Applicant and CDOT. The Applicant will provide copies of the permits once they are signed by all parties.

Hotel Use

In the First Supplement Narrative, the Applicant references the EPS Market Study, which is available on the project website and was part of the Master Plan Amendment and Sketch Plan applications. As a condition of Sketch Plan approval, the BOCC required a plat note to ensure that a hotel would remain a single condominium unit and not become individual condominiums or a fractional ownership property; this note is shown on the draft Plat (Exhibit F). Additionally, there are standards within the Mixed Use Development – MXD zone district requiring a transportation management plan for hotels (LUC Section 5-323 C.III.d).

It has long been the position of the Towns and the County that visitor services and lodging should be located in the towns, in order to concentrate activities and reduce vehicle trips. However, there have been some shifts in recent years that are worthy of consideration. Notably, it has become apparent that there is little to no space within the towns for moderate-priced hotels that are family-oriented. Additionally, there has been discussion within the community about the need for more affordable lodging options for volunteers and guests related to non-profit events, as well as sports teams and business travelers (see Supplement Exhibit D). With the increase in short term rentals

in the region, more visitor trips into the towns are occurring without any possibility of transportation management.

Mass/Scale Reduction

In the CPC discussion, density (number of people) and mass and scale (floor area and height) were discussed somewhat interchangeably. The application, as amended, proposes a reduction in the mass and scale (floor area) of the hotel use by 10%, from a maximum floor area of 116,000 s.f. to 104,400 s.f. The number of permitted rooms would be unchanged, at 125. Therefore, there's no reduction in employee housing.

This reduces the project baseline model to 285,615 s.f., of which 44,995 s.f. would be the Medical Center, 64,821 s.f. would be Employee Housing, and 175,799 s.f., or 61.5% of the project floor area, would be commercial and lodging uses. For comparison purposes, the upper Lawson Hill PUD allows 324,619 s.f. of non-residential uses. The Ilium portion of the Lawson Hill PUD allows 266,100 s.f. of floor area in the commercial/industrial area (400-series lots, including up to 16 residential units).

Allowable Use	Baseline Model	Maximum Development for Each Allowable Use
Employee Housing	64,821 sf	No maximum area (but not more than 121 Units)
Medical Center	44,995 sf	40,000 (net) sf and 3 housing units (area included in Employee Housing above)
Retail and Eating/Drinking	19,595 sf	28,600 sf
Offices (General + Medical)	65,745 sf	85,000 sf
Flex space	55,355 sf	74,000 sf
Hotel/Motel Lodging	83,099 sf	104,400 sf (but not more than 125 Rooms)

From First Supplement Narrative, p. 3

Water and Wastewater

Water and wastewater usage is described in detail in Appendix M of the application. It describes water usage by average daily and annual demand, irrigation demands (potable and non-potable sources), and wastewater services. The Applicant has had significant negotiations with the Town, although the Town has not yet approved the water services agreement. The proposed phasing plan is based on the ability of the Town to provide water and wastewater service, as represented to the Applicant by the Town. The water and sewer service agreement must be approved by Town Council; it will need to be approved prior to submittal of the Final PUD application and would be effective upon recordation of the Final Plat and Development Agreement. The agreement and phasing will need to match the density and vesting period of the Final PUD. (See Sections 2.21, 2.22, 6.3 and 6.4 of the Preliminary Application Narrative dated October 25, 2022.)

Landscaping and Screening

As described in the prior report, the applicant is requesting a modification to the Scenic Highway setback. The primary view at this location is into the valley to the east. The request is described in Section 2.8.2 and 2.15 of the Preliminary Application Narrative

dated October 25, 2022 and depicted in Exhibit G, Preliminary Development Plan Sheet A4, with specific details in Exhibit I, Land Use Matrix. Proposed north setbacks would range from 38 feet to the property line at the Medical Center to 87 feet on Lot 4. The east setback on Lot 4, which is at the northeast corner of the site, would be about 30 feet to the property line. The highway pavement edge is about 40 feet beyond the property lines. The maximum building height on Lot 4 would be about 15 to 24 feet above the highway surface.

In the January meeting, the CPC discussed the possibility of adding evergreens to the landscaping plan, and whether it was possible to provide a berm similar to that at Lawson Hill where buildings also have 30-foot setbacks. Supplement Exhibit A is an Updated Berm Plan, while Supplement Exhibit B shows photo renderings of the proposed berm and landscaping, which would include additional coniferous trees (about 2/3 of the plantings). The renderings begin looking south, from just before the roundabout, and continue around the corner to the existing east entrance, turning to look back at the project. The renderings also show varied and mixed tree placement, to provide a more natural appearance. The berm would range from 5 feet to 14.5 feet in height, with a flat area on the top to facilitate planting.

Transit Coordination

The Applicant met with representatives of SMART and Telluride Medical Center (TMC). TMC noted the need for curbside service, while SMART was concerned with service impacts if buses had to navigate through parking lots. A transit circulation plan has been submitted as Supplement Exhibit C. In that plan, buses will circulate around the west side of the medical center on the service drive to the entrance, thus avoiding the parking lot. In later phases of development, as Road B is built, a bus stop would be added near the intersection of Road A and Road B.

Road and Sidewalk Widths

In response to issues raised within the January project report, and following discussion with the Telluride Fire Marshal, the Applicant's engineer provided a letter (Supplement Exhibit E). The Applicant agrees to redesign Road A to be 24 feet wide, exclusive of shoulders and curb and gutter, to meet Fire and County standards.

Regarding Road B, it is classified as a Collector Road due to traffic volume greater than 500 Average Daily Trips (ADT). However, it does not function as a Collector road, which are intended to have design speeds of approximately 45 miles per hour, and as the name suggests, "collect" traffic from local roads serving a large area and deliver it to arterial roads such as the highway. Road B will have a much lower speed, and it is not a through-road. LUC Figure 5-1G allows a road width of 16 feet with a design speed of 15 m.p.h., and 16-22 feet with a design speed of 20 m.p.h. Therefore, a modification of the road width standard for Road B (LUC Figure 5-1D) is supportable. TFPD noted that the proposed design is adequate for emergency access and the design is consistent with other local roadway designs. The Engineer's letter notes that reduced impervious surface reduces potential stormwater flow, which was also a stated concern of the CPC and some Referral Agencies.

The Engineer's letter provides justification for reduced sidewalk widths of 6 feet where there is no adjacent parking, and 8 feet with 2 feet of vehicle overhang. LUC Section 5-502 I, the sidewalk standards, does not address parking overhang, so the proposed design is technically compliant with the Code standard. The proposed 6-foot walks are not expected to have high levels of pedestrian traffic, and there are alternative circulation systems throughout the development, including trails. Bicycles and vehicles can share the low-speed roadway.

Riparian Areas

Supplement Exhibit F discusses riparian habitat impacts. The Ecologist's memo summarizes existing conditions and the potential impacts of the project, both direct and indirect. Because of the location and character of the riparian areas, which are out of the development area, only a small portion of the riparian area would be affected. Stormwater management and a drought management plan can address indirect impacts.

Public Notice

Planning Commission consideration of the Preliminary PUD is a Public Meeting. Notice was published in the Telluride Daily Planet and Norwood Post on Wednesday, December 21, 2022. Pursuant to LUC Section 3-903 B, the applicant posted the required signs on the property on or about December 13, 2022. Pursuant to LUC Section 3-903 C, the applicant mailed written notice to all owners of record located within 500 feet of the subject property on or about December 19, 2022. Motions by the CPC to continue consideration of the application were made at the January 12 and February 9, 2023 meetings.

Referral Agencies

The proposed Land Use Code text amendment was sent to the following agencies. Those who responded are indicated in bold. (Bold underline indicates new comments.)

- Black Hills Energy, Construction Coordinator
- **CDOT, Traffic & Safety - Permits Program**
- **Colorado Geological Survey**
- CDPHE
- **CPW, District Wildlife Mgr.**
- DWR, Well Commissioner / Augmentation
- Environmental Protection Agency
- Federal Aviation Administration
- **Lawson Hill, LHPOC Manager**
- **Last Dollar PUD, President**
- San Miguel County Sheriff
- **San Miguel County Parks & Open Space**
- **San Miguel County Road & Bridge**
- San Miguel County Attorney
- **San Miguel County Surveyor**
- **San Miguel County Building Official**
- San Miguel County Environmental Health
- San Miguel County Manager
- **San Miguel County Vegetation Mgmt.**
- **San Miguel County Addressing/GIS**
- San Miguel County Assessor
- **SEH, Designated County Engineer**
- Sheep Mountain Alliance, Director
- **SMART, Director**
- SMPA, Member Services – Manager
- SMRHA
- **Telluride Fire Protection District**
- **Telluride Hospital District**
- **Telluride R-1 School District, Superintendent**
- Telluride Regional Airport
- **Town of Mountain Village**
- Town of Telluride
- USFS, Norwood District Ranger
- **Aldasoro Ranch HOA**

Colorado Geological Survey: Per Colorado Statute, subdivision applications shall be submitted to the Colorado Geologic Survey (CGS) for review. CGS staff restated their finding at Sketch Plan that the hazards mapping, analysis and mitigation recommendations are valid, and they have no objection to project approval.

Telluride Fire Protection District: Scott Heidergott, Telluride Fire Marshal, reviewed the plans and provided comments. As discussed above, TFPD does not object to the reduced width for Road B but will require the full 24-foot width (12-foot lanes) on Road A. An annotated site plan was submitted identifying hydrant locations, fire lane signage, address sign standards, emergency access gate requirements, fire sprinkler and alarm system requirements, and fire apparatus turnaround standards.

Telluride R-1 School District: Superintendent John Pandolfo had questions regarding school land dedication and affordable housing.

Aldasoro Ranch HOA: Shellie Duplan submitted a letter on behalf of the Aldasoro Ranch HOA, noting their right to the use of two wells on the site and certain agreements related to the location of the wells and related easements.

Last Dollar PUD HOA: A letter was submitted reiterating their concerns that the impacts of the development on traffic have not been fully considered. Their July 2015 letter from SM Rocha, LLC was resubmitted. The letter asks for a “two way left turn lane,” or a center lane shared by traffic moving in both directions to allow left turns. (Improvements to Highway 145 are the purview of CDOT; that agency did not identify to the need for a center turn lane.)

A letter from Hockersmith and Whitmore, LLC, on behalf of SMPA, was submitted prior to the January meeting but not included in that meeting packet. The concerns of SMPA have been noted and the Applicant continues to work with them to resolve all access issues.

Public Comments

As of the writing of this report, a total of three public comment emails or letters have been received.

For the Sketch Plan, over 100 letters were received, many addressing the community need for a new regional Medical Center. A number of residents of the Last Dollar Subdivision wrote letters expressing concerns regarding traffic impacts, lighting, noise from the Medical Center helipad, visual impacts at the entrance to the valley, and wildlife impacts.

From the January 12, 2023 Project Report:

(Additions to address new information are underlined. See the January 12, 2023 report for the full project description.)

Master Plan

The property is located within the Telluride Regional Area Master Plan area. On May 8, 2019, the San Miguel County Planning Commission adopted an amendment to the TRAMP, an element of the San Miguel County Comprehensive Development Plan, adding Section N. Society Turn Parcel, to Section III, Future Land Use Element. Section III.N is included in this packet for reference.

Section III.N states in part,

The Planning Commission recommends that the development of the suitable portions of the Society Turn parcel be developed with a balanced mix of land uses that are compatible with the Telluride Region. Uses and activities should complement those occurring in the Town of Telluride, Town of Mountain Village, and Lawson Hill, enhancing the overall mix of uses serving local residents and visitors alike. This section of the Telluride Regional Area Master Plan is intended to be used in determining the future land uses that may be proposed on the site; all other Goals and Objectives of the Telluride Regional Area Master Plan will also apply.

It goes on to list potential uses that might be located on the site, with additional information describing certain uses. It concludes with a discussion of issues that will be addressed through the PUD process, as follows:

The development of the Society Turn parcel would occur through a Planned Unit Development (PUD) and subdivision review process as provided for in the LUC. The PUD process would require the provision of a public benefit, which could consist of the dedication of a site for either the Regional Medical Center, employee housing or other Public Facilities/Uses.

During the review of the PUD/Subdivision application, various land use issues and matters would be reviewed and established, inclusive of the following: (i) the final mix of uses, consistent with the uses and activities being recommended above, (ii) allowable range of mass/scale, setbacks, heights of building and other improvements, (iii) design guidelines for development of buildings and improvements on the site, including landscaping and berming, (iv) compliance with County employee housing mitigation, (v) parking requirements and guidelines to serve the development, focused on serving the actual parking needed for the uses particular uses, which may be determined by parking studies based upon then current demand calculations, (vi) management of traffic, including intersection improvements and transit opportunities as well as the provision of necessary infrastructure to serve the proposed development, including water and sewer, shallow utilities, internal roads, sidewalks, pedestrian

corridors, drainage and similar requirements, so as not to adversely impact public safety, and (vii) timing and phasing of the development. In the course of the review of development applications for the Society Turn parcel, consideration should be given to mitigating impacts of the proposed development on the Scenic Foreground through building placement, massing, and design, landscaping, and other design strategies. Consideration may be given to reducing the 200-foot scenic setback requirement for property located in the Scenic Foreground (Highway 145 south from Society Turn along the east side) and the 100-foot major highway setback requirement on the north side (Highway 145 from Society Turn to the west), provided impacts are sufficiently mitigated.

Implementation of the Future Land Uses as described herein is dependent upon the developer of the property entering into an agreement with the Town of Telluride for the provision of water and sewer services. It is acknowledged that such agreement may stipulate the type and amount of specific uses.

Environmentally sensitive areas shall retain their Future Land Use designations of Open Space/Rec/Parks or Wetlands/Rivers/Open Space.

Review Standards

LUC Sections 4-4, 4-606, 4-8 and 4-9 list the submission requirements. All required reports, maps and studies are included in the application. The Planning Director has authorized deferral of the Development Agreement, Covenants, Cost Estimates and Subdivision Improvement Agreement to Final Plat as the contents of those documents are dependent on the outcome of the Preliminary PUD process.

A. Preliminary PUD and Subdivision

5-1403 General Standards

Each Planned Unit Development (PUD) shall comply with the following general standards:

5-1403 A. Ownership

Land proposed for Planned Unit Development (PUD) must be in one ownership; however, the owners of contiguous parcels under separate ownership may jointly file an application.

The property is owned by Genesee Properties, Inc.

5-1403 B. Compatibility of Land Uses

Area and bulk requirements and permitted land uses may be varied pursuant to the standards within specific zone districts to insure compatibility among multiple land uses in a Planned Unit Development.

Because the property is currently zoned PUDR, area and bulk requirements and permitted land uses must be established. The Mixed Use Development zone district, and the land use matrix that will be developed for this PUD (Exhibit I), will outline permitted uses and development standards. The development, as proposed within the application and described above, has been designed to provide compatibility among the proposed uses. Limitations are placed on certain uses, such as retail and flex spaces larger than 8,000 s.f., and lodging uses, to ensure community compatibility. Areas of potential conflict, such as occasional odors from the wastewater treatment plant or helicopter flight operations associated with the Medical Center, would be intermittent.

5-1403 C. Area and Bulk Requirements and Variation

Area and bulk requirements may be established or varied pursuant to the standards in Section 5-1404 A.

As discussed above, the primary development standard that is requested to be varied through the PUD is the Scenic Highway and Major Setbacks, as required in LUC Section 505, Highway Setbacks. This can be mitigated through site design, landscaping, architectural design, and height limitations. The revised berm plan and landscape renderings strive to further mitigate impacts on views. The proposed development standards, including area and bulk requirements, are typical for a mixed-use development. The applicant is requesting modification of parking standards, as allowed by LUC Section 5-507. The applicant is also requesting twelve feet of additional height to allow the construction of additional employee housing on Lots 2A, 2B and 5, which are outside the Scenic Corridor. Finally, the applicant is requesting modifications to road design standards, including road width for Road B and sidewalk width where it is not adjacent to parking.

5-1403 D. Phasing

A Planned Unit Development (PUD) shall insure:

- I. Each phase is self-sufficient and not dependent upon later phases;
- II. The failure to develop subsequent phases will not have any adverse impacts on the Planned Unit Development (PUD), its surroundings or the community in general; and
- III. Amenities such as open space and recreational areas are provided along with proposed residential or tourist accommodation construction at each development phase.

Utilities and infrastructure are being installed in the first phase, along with construction of Roads A, C and D and the highway improvements. Road B will be built as a gravel road, to be completed in future phases. The phasing plan and development standards will ensure that each phase will be self-sufficient. (Exhibit J, Sheets C3-C5) Notably, each phase must meet or exceed requirements for parking and employee housing.

Temporary parking may be built as the different phases are being developed. Stormwater and drainage improvements must be adequate for each phase. Trails will be built in the first phase, and the southern portion of the open space parcel will be transferred to the County, allowing the County to proceed with development of any recreational amenities or facilities at their discretion.

5-1403 E. Common Open Space and Recreational Facilities

A Planned Unit Development (PUD) must:

- I. Include common open space and recreational facilities for the mutual benefit of residents of the entire tract, including residents of on-site affordable housing;
- II. Preserve and, if possible, enhance unique site features; and
- III. Include provisions for maintenance of common open space and recreational facilities to be described in the improvements agreement (Refer to Section 5-9).

Common open space and amenities will be included within the development. The primary recreational amenity is the all-weather trail system that passes around and through the site. The County could develop additional amenities and facilities on the open space parcel. The Improvements Agreement and/or Development Agreement will address maintenance of facilities.

5-1403 F. Maximum Density

A Planned Unit Development (PUD) is not entitled automatically to the maximum density allowed in the zone district in which the land is located. Density shall be established based upon:

- I. Analysis of environmental factors affecting the land;
- II. Availability and adequacy of transportation system and facilities;
- III. Compatibility with surrounding land uses;
- IV. Consideration of adopted County plans affecting the site; and
- V. Consistency with Land Use Policies in Article 2.

The maximum floor area and density is based on TRAMP Section III.N, Society Turn. The application includes studies analyzing impacts of the proposal and suitability of the site for development. The reports and studies support the suitability of the site for development and the proposed design, layout and uses.

The proposed PUD is generally consistent with the relevant Land Use Policies of LUC Article 2, including 2-1, Conformance with Adopted Comprehensive Plan; 2-3, Phasing of Public Services and Facilities; 2-4, Community Balance; and 2-6 Compatibility with Existing Adjacent Neighborhoods, as well as a number of policies related to more specific topics (Policies 2-9 through 20, 2-22, 2-23, 2-25, 2-26, 2-28, 2-29, 2-30, 2-32, and 2-34)

A key component of the PUD will be the improvements to Highway 145 at the new entrance to the site to allow for safe movement of traffic in and out of the site. The main point of concern identified by members of the public in response to this project come from residents of the Last Dollar PUD. The existing Vela Drive intersection does not meet standards, particularly with respect to approach angle. This is an existing problem that is not impacted by the proposed Society Turn development. Any traffic generated by the proposed development is mitigated by highway improvements. There is no nexus between the proposed Society Turn development and current conditions related to Vela Drive. The highway improvements as designed and ultimately built will meet CDOT standards, which include separation between intersections. Additionally, it is the purview of CDOT to determine speed limits, locations of passing lanes, and other traffic control issues within the state highway. The intersection improvements do not impact the location or design of CDOT's proposed chain station.

5-1403 G. Cultural Resources

A Planned Unit Development (PUD) shall take into consideration:

- I. The presence of cultural resources on the property, including historic, archaeological, and paleontological resources that are of local, state or national significance;
- II. The impact of the PUD on the cultural resources; and
- III. Measures that can be taken to preserve and protect cultural resources located within the PUD or mitigate impacts of the PUD on the cultural resources.

The cultural resource report indicates two structures of interest. The foundation near the north side of the site does not appear to have any local historical significance. The significance of the wood loadout structure on the north side of the river has not been fully assessed. Since it is within the open space parcel and will come under the ownership of the County, all impacts of the PUD development are fully mitigated.

5-1403 H. Procedures and Submission Contents

Refer to Section 3-7 for procedures and Sections 4-4 through 4-9 for submission contents.

All applicable submission requirements for Preliminary PUD and Subdivision as identified in LUC Section 4-4 have been submitted. The PUD is being considered

pursuant to the procedures of LUC Section 3-7, Five-Step Review. The concurrent Rezoning application is a two-step review, being considered pursuant to LUC Section 3-6, Two-Step Reviews. LUC Section 3-8 stipulates that projects seeking multiple land use approvals shall be consolidated.

5-1404 Variations in Standards

This Section establishes criteria for varying area and bulk, open space, off-street parking and use standards for a Planned Unit Development (PUD).

5-1404 A. Area and Bulk Requirements

The following area and bulk requirements may be varied to cluster buildings and dwelling units, provided the overall density of the development does not exceed the maximum allowable density permitted and the development remains consistent with the intent of Planned Unit Development (PUD) (refer to Section 5-1401):

- I. Minimum lot area;
- II. Minimum front, side and rear yard setbacks;
- III. Minimum lot width;
- IV. Maximum height of buildings; and
- V. Maximum floor area ratio.

The property is currently zoned PUDR and as such has no area and bulk requirements. The applicant is proposing the property be rezoned to Mixed Use Development – MXD zone district. The final PUD will include a Land Use Matrix that identifies all permitted uses and development standards. Minimum and maximum lot sizes are not required in the MXD zone because the nature of the zone district and site, as well as development standards regarding parking, landscaping and other features, makes those limitations irrelevant.

As discussed above, the primary development standard that the applicant is requesting be modified is the Major Highway and Scenic Highway setback, as required in LUC Section 5-505 Highway Setbacks. This can be mitigated through site design, landscaping, architectural design, and height limitations. A request for modification of parking standards is also included, as discussed elsewhere in this report. Modification of the minimum road width standard for Road B is requested, along with a reduced sidewalk width where not adjacent to parking. Finally, as allowed by the MXD zone district, additional height is required for Lots 2A, 2B and 5, to facilitate the construction of additional employee housing.

5-1404 B. Common Open Space or Open Space

Common open space or open space standards may be reduced by up to five percent if:

- I. Such reduction is consistent with the intent of the Planned Unit Development (PUD) procedure (refer to Section 5-1401);
- II. Such reduction is consistent with the San Miguel County Comprehensive Development Plan;
- III. Such reduction is consistent with the purpose and standards of the Scenic Foreground Overlay and Scenic View Plane Districts (refer to Section 5-316);
- IV. The common open space is useable and suitable for scenic, landscaping or recreation purposes; and
- V. A proportionate, undivided interest in all common open space is deeded in perpetuity to the homeowners association within the Planned Unit Development (PUD); which deed shall contain restrictions against future residential, commercial and industrial development.

There is no request to reduce the open space standards. As noted above, 3.8 acres (19% of the total parcel) will be dedicated to the County, meeting the open space and school dedication requirements. An additional 2.1 acres, or 10% of the parcel, will be private open space.

5-1404 C. Off-street Parking

Off-street parking standards (see Section 5-702) may be increased or decreased based upon consideration of the following criteria:

- I. The estimated number of cars owned by future occupants of dwellings in a Planned Unit Development (PUD);
- II. The parking needs of any non-residential uses;
- III. The varying time periods of use, whenever joint use of common parking is proposed; and
- IV. Available or proposed transportation system.

Because the proposed PUD is a mixed used development, it is expected that there will be overlap among uses, or uses with their attendant parking needs will occur at different times of the day. For example, lodging uses typically require the most parking between 4 pm and 8 am, while office uses require parking between 9 am and 5 pm. Residents require more parking at night as they may use their vehicles to get to work during the day. It is expected that some employee units would be studios and 1-bedroom units, most likely housing only one person, yet the LUC requires 2 parking spaces per

dwelling, regardless of size. It is expected that the site will be served by public transit once the medical center and housing is built. Also, there will be year-round multi-modal access to the site, allowing people to walk or ride bikes. The applicant has submitted Exhibit Q, Parking Study, and is requesting approval of an alternate parking plan. This would be for Planning Areas 2-5; the Medical Center and its associated parking would be independent.

Based on the floor area, type of use, number of hotel rooms and number of dwelling units set forth in Section 4.5 of the application, the LUC requirement would be 799 parking spaces. The Parking Plan, using the ITE Parking Generation Manual, estimates the parking need to be 738 spaces on weekdays and 508 spaces on weekends, without taking into consideration time of day or multi-modal factors. The plan anticipates peak need on weekdays, around midday. If multi-modal trip reduction is considered, the number of spaces would drop to 573. The Parking Plan proposes 602 spaces (382 surface spaces and 220 sub-grade spaces). The Land Use Matrix should identify the number of spaces per lot or phase, to ensure parking will meet the minimum at buildout. The reduction in hotel floor area does not impact parking, because parking for lodging is based on the number of rooms, not floor area.

5-1404 D. Permitted land uses may only be varied pursuant to the listing of uses allowed by PUD procedure and to demonstration of compliance with the review standards for the various land use districts within a PUD.

The PUDR zone district has no permitted land uses and is implemented through the PUD process. Uses are determined through the site-specific PUD. The Mixed Use Development (MXD) zone district establishes land uses. The uses listed in the MXD zone district are based on those specified in the Master Plan for this site.

B. Rezone from Planned Unit Development – Reserve (PUDR) to Mixed Use District (MXD)

The applicant is proposing to rezone the property to Mixed Use Development – MXD Zone District (see Application Section IX). LUC Section 5-323, the MXD zone district, was adopted concurrent with the Sketch Plan approval. The zone district closely follows and builds on TRAMP Section III.N, Society Turn. It specifies that all development in the MXD zone district will be reviewed pursuant to PUD and subdivision standards and identifies items that must be included in the PUD and subdivision plan. It also establishes a future process for consideration of an Architectural Review Plan, either concurrent with the PUD itself, or in the future at the time of actual development. This is necessary because development of the site will be phased.

The zone district lists allowed uses, substantially matching the Master Plan. Area and bulk requirements are largely determined through the PUD and will be contained in a Land Use Matrix (Exhibit I). Maximum building height is notable in that it will establish an above sea-level maximum elevation rather than a height based on existing or finished grade. This is related to the scenic corridor requirements and is intended to set

heights relative to the surface of the highway. It includes height exceptions for additional affordable housing, and for roof appurtenances and architectural features.

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

- I. Meets any applicable Sections of the Land Use Code;

The proposed rezone meets the applicable Sections of the Land Use Code, including the Purpose of LUC Section 5-323, Mixed Use Development – MXD.

- II. Is consistent with the San Miguel County Comprehensive Development Plan;

The proposed rezone is consistent with the San Miguel County Comprehensive Development Plan, and most notably Section III, Future Land Use Element Section N. Society Turn Parcel.

- III. Is compatible with surrounding Zone Districts and land uses, considering existing land, neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible;

As noted above, there are a variety of zone districts and uses surrounding the property. It is most compatible with the Lawson Hill PUD to the south, which is an Affordable Housing PUD containing commercial uses in the area closest to the project site. The development standards and design guidelines are intended to ensure development of the property will be compatible with the character of the area.

- IV. Would not result in unsupportable demands on public facilities, and would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;

The Town of Telluride has indicated the ability to serve the property with water and wastewater; a service agreement is forthcoming and will be required concurrent with submission of the Final Plat. The project includes significant improvements to State Highway 145 to address traffic impacts, and provides for transit service within the development. As part of the PUD, trails will be constructed and open space tracts will be conveyed to the County to meet park dedication requirements. Most notably, the Applicant will convey at no cost a parcel to the Telluride Hospital District, which will allow

the development of a medical center, significantly improving regional access to medical facilities.

- V. Would not result in significant adverse impacts on the natural environment;

The applicant has provided a Wildlife Report (Exhibit T) and a Wildlife Movement Memo (Exhibit U). The Report and Memo note that large ungulates move throughout the area and are already impacted by development. The report and memo note that development of the site will not significantly increase the level of impacts to wildlife. The Geologic Hazards Report (Exhibit V), Geotech Report (Exhibit W), Wetland Report (Exhibit R), Riparian Habitat Impacts memo (Supplement Exhibit F), and other documents demonstrate that impacts to the natural environment can be mitigated.

- VI. Would not be in conflict with the public interest; and

The rezone is in the public interest in that it will allow development of the PUD, which includes no-fee conveyance of land to the Telluride Hospital District for a new medical center; conveyance of land to the County for parks, open space and school land dedication; and conveyance of land to the Towns of Telluride and Mountain Village for future expansion of the regional wastewater treatment facility. The MXD zone district also provides incentives through increased height in exchange for creating additional affordable housing.

- VI. Would help achieve the Land Use Policies, as set forth in Article 2 of this Land Use Code.

The rezone of the property and subsequent development helps achieve the following relevant Land Use Policies of LUC Article 2, including 2-1, Conformance with Adopted Comprehensive Plan; 2-3, Phasing of Public Services and Facilities; 2-4, Community Balance; and 2-6 Compatibility with Existing Adjacent Neighborhoods, as well as a number of policies related to more specific topics (Policies 2-9 through 20, 2-22, 2-23, 2-25, 2-26, 2-28, 2-29, 2-30, 2-32, and 2-34)

- 5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

The property is currently zoned PUD-R and has been envisioned for development. The area is developed, including numerous utility facilities. Some neighbors in nearby subdivisions have expressed concerns regarding portions of the project, and support for other components.

- 5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road

safety.

A Traffic Impact Study has been prepared, outlining traffic generation for the proposed development. The density of the proposed development of the property has been carefully balanced with the capacity of the intersection. Improvements to Highway 145 are proposed to mitigate impacts of the additional traffic and provide for safe traffic movements. The Traffic Impact Study and the proposed road improvement design meets the requirements of CDOT, as evidenced by their issuance of the access permits for the project. The proposed improvements within the highway right-of-way do not impact CDOT's proposed chain station.

Areas of State and Local Interest/"1041" Environmental Hazard Review

5-401 Applicability

This section of the Code contains development standards for Areas and Activities of Local and State Interest, pursuant to C.R.S. Section 24-65.1-101 et seq. The standards apply to areas mapped on San Miguel County's adopted Environmental Hazard Maps and to unmapped areas known to be Areas of Local and State Interest ("Colorado House Bill 1041 Environmental Hazard Areas"). Section 5-401 D. identifies Areas of Local and State Interest, and Section 5-401 E. identifies Activities of Local and State Interest.

5-401 C. Two-step Reviews

Reviews of multiple single-family dwelling units, multi-family dwelling units and non-residential uses in relation to Areas of Local and State Interest shall be two-step reviews.

All reviews relevant to Activities of Local and State Interest shall be two-step reviews.

5-401 D. The following are the Areas of Local and State interest within San Miguel County:

- I. Floodplain hazard areas (refer to Section 5-403);
- II. Geologic hazard areas (refer to Section 5-404);
- III. Historic and archaeological resource areas (refer to Section 5-405);
- IV. Wildfire hazard areas (refer to Section 5-406); and
- V. Wildlife habitat areas (refer to Section 5-407).

These topics are all addressed in the January report and in the corresponding Exhibits. Impacts on Riparian Habitat are addressed in Supplement Exhibit F.

5-401 E. The following are the Activities of Local and State interest within San Miguel County: (Only applicable sections are listed.)

- I. Domestic Water and Sewage Treatment Systems (refer to Section 5-408);
- XI. Telluride Regional Airport (refer to Section 5-418).

These items are discussed in the January report. Water is also addressed in Exhibit M.

5-402 General Standards

The standards in this section apply to all Areas of Local and State Interest with the exception of Mancos shale, expansive soil and rock, wildfire and historic and archaeological areas.

5-402 A. Development in Hazard-free Areas

Restrict development to a hazard-free area if such an area exists on a site.

5-402 B. Development in Hazard Areas

If no adequate hazard-free area exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to persons or wildlife.

5-402 C. Development Prohibited

Development shall be prohibited within an Area of Local and State Interest (C.R.S. 1041 Environmental Hazard Area) if:

- I. Site planning and engineering techniques cannot completely mitigate potential hazards to public health, safety and welfare.
- II. Development subjects persons or the County to dangers or expenses required to mitigate hazardous conditions, respond to emergencies created by such conditions or rehabilitate improvements and lands.

As discussed in the January report, the proposed development avoids hazard areas and mitigates impacts in sensitive areas and to wildlife. The Standards for Activities of Local and State Interest are generally met.

SAMPLE MOTION

A. Preliminary PUD and Subdivision

I move to recommend the San Miguel County Commissioners approve the Society Turn Preliminary PUD Plan and Subdivision, based on the findings that the Preliminary PUD Plan and Subdivision is consistent with the San Miguel County Comprehensive Development Plan and more specifically, Section III.N of the Telluride Regional Area Master Plan Future Land Use Element, and meets the Intent for Planned Unit Developments, as set forth in Land Use Code Section 5-1401, the review standards of

Land Use Code Section 5-1403, the relevant Land Use Policies as set forth in Article 2 of the San Miguel County Land Use Code, and the relevant Areas and Activities of Local and State Interest/"1041" Environmental Review as set forth in Land Use Code Section 5-4. I further move to adopt Planning Commission Resolution No. 2023-03, with the following conditions:

1. The applicant shall address all relevant Referral Agency comments in the application for Final PUD and Subdivision.
2. All representations made within the Application and its exhibits shall be incorporated into the Final PUD and Subdivision Plan, Development Agreement, Covenants, and Subdivision Improvements Agreement, except as modified herein.
3. Lane widths shall be at least twelve (12) feet, exclusive of shoulders, curb and gutter, or valley pans, for all of Road A, per LUC Figure 5-1D.
4. Lane widths shall be at least eleven (11) feet, exclusive of shoulders, curb and gutter or valley pans, for all of Road B, with a design speed of no more than 20 miles per hour, per LUC Figure 5-1G.
5. Sidewalk widths along Road B shall be a minimum of eight (8) feet wide where adjacent to parking, per LUC Section 5-502 I. Sidewalks along Road A and along Road B where not adjacent to parking, may be a minimum of six (6) feet wide.
6. Official names for Roads A and B shall be provided.
7. Tailings cleanup shall occur prior to transfer of the County lots. Should the property not be included in the EPA cleanup, the Applicant shall complete cleanup as a Voluntary Cleanup (VCUP) project pursuant to Colorado Department of Public Health and Environment review and approval.
8. Unless an agreement is reached with San Miguel Power Association regarding a trail easement, no trails utilizing SMPA property shall be shown on the final plan.
9. Prior to submitting the Final PUD and Subdivision Plan, the applicant shall obtain the approved and executed Town of Telluride Water and Sewer Service Agreement.
10. As part of the Land Use Matrix, include conversion factors for trip generation and parking, to be used in the case of future Insubstantial PUD Amendments reallocating uses and floor area, e.g. hotel to commercial or commercial to residential.
11. The Development Agreement shall include provisions for partnerships, with

public or private entities, to facilitate and encourage development of the additional 4th floor housing, should the site developer not be interested in developing that housing as part of their project.

12. *List other conditions to be included in the Resolution.*

B. Rezone

I move to recommend to the Board of County Commissioners to approve rezoning of the Society Turn Parcel to Mixed Use Development – MXD, and adopt Planning Commission Resolution No. 2023-03, based on the following findings:

1. The proposed rezoning complies with the standards of Land Use Code Section 5-1803, Rezoning;
2. The proposed project is consistent with the Purpose of Land Use Code Section 5-323, Mixed Use Development;
3. The Applicant has demonstrated that the Property can be developed in a way that protects the public health, safety and welfare, including the provision of water and wastewater treatment; traffic; mitigation of geohazards; and mitigation of impacts on the environment;
4. The proposed rezoning implements Land Use Code Article 2, Land Use Policies;
5. The proposed rezoning is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code;
6. The proposed rezoning is consistent with and implements the Telluride Regional Area Master Plan, an element of the San Miguel County Comprehensive Development Plan, and in particular Future Land Use Element, Section III.N, Society Turn Parcel.

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**RESOLUTION OF THE COUNTY PLANNING COMMISSION,
SAN MIGUEL COUNTY, COLORADO,
RECOMMENDING APPROVAL OF A PRELIMINARY PLANNED UNIT
DEVELOPMENT AND SUBDIVISION OF THE SOCIETY TURN PARCEL FOR
GENESEE PROPERTIES, INC**

Resolution 2023-02

WHEREAS, Genesee Properties, Inc., a Wyoming Corporation, hereafter “Applicant”, is the owner a certain tract of land (“Society Turn Parcel”), hereafter “Property,” more particularly described as shown on Exhibit A, Legal Description; and

WHEREAS, Thomas G. Kennedy, Attorney, on behalf of the Applicant has submitted an Application (“Application”) for Preliminary Planned Unit Development (PUD) Plan and Subdivision for the Property, in accordance with San Miguel County Land Use Code Section 5-317 Planned Unit Development Reserve (PUDR), and for the proposed rezone of the property to Mixed-Use Development (MXD) zone district, Land Use Code Section 5-323; and

WHEREAS, Applicant is seeking approval of the Society Turn PUD Preliminary Plan and Subdivision that consists of the platting of certain Lots to accommodate the development of various separate buildings and other improvements on the Property, which would be used to implement those uses and activities allowed under the San Miguel County Comprehensive Development Plan/ Telluride Regional Area III. Future Land Use Element N. Society Turn Parcel, as shown on Exhibit C, Site Plan; and

WHEREAS, the Board of County Commissioners approved the Sketch Plan for a Planned Unit Development and Subdivision of the Society Turn Parcel for Genesee Properties, Inc., as set forth in Resolution 2021-22; and

WHEREAS, the Application was referred to the County Attorney, County Building Department, County Manager, County Road and Bridge Department, County Open Space and Parks Department, County Sheriff, County Environmental Health, County Surveyor, County Vegetation Management, County Addressing/GIS, County Assessor, SEH – County Designated Engineer, Colorado Department of Transportation, Colorado Geological Survey, Colorado Parks and Wildlife, Colorado Department of Public Health & Environment Environmental Protection Specialist, Colorado Division of Water Resources, Aldasoro Ranch Homeowners Company, Lawson Hill Property Owners Company, Last Dollar Home Owners Association, Black Hills Energy, San Miguel Power Association, Environmental Protection Agency, Federal Aviation Administration, Telluride Regional Airport, San Miguel Authority for Regional Transportation, Sheep Mountain Alliance, SMRHA, Telluride Fire Protection District, Telluride R-1 School District, Town of Mountain Village, Telluride Hospital District, Town of Telluride, and the US Forest Service for review and comment; and

WHEREAS, on or about December 19, 2022, the Applicant sent Notice of the application and the Planning Commission (CPC) Public Meeting to be held on Thursday, January 12, 2023 to all property owners within 500 feet of the subject parcel, and signs

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were posted on the property on or about December 13, 2022 noticing the proposed use and the CPC meeting to be held on January 12, 2023; and

WHEREAS, a Public Meeting Notice for the proposed Preliminary Subdivision and Planned Unit Development and the Planning Commission meeting to be held on January 12, 2023 was published in the Norwood Post and the Telluride Daily Planet on December 21, 2022; and

WHEREAS, a list of the items included in the Public Meeting Record is attached to this resolution as Exhibit B; and

WHEREAS, the Planning Commission considered this application, along with relevant evidence and testimony, at a public meeting on Thursday, January 12, 2023 and continued the application to the February 9, 2023 meeting in order to allow additional time to consider the application and to have questions addressed; and

WHEREAS, at the request of the Applicant, consideration of the application was continued at the February 9, 2023 meeting to March 9, 2023; and

WHEREAS, the Planning Commission considered this application, along with relevant evidence and testimony, on Thursday, March 9, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of San Miguel County, Colorado, recommends the San Miguel County Board of Commissioners approve the Society Turn Preliminary Planned Unit Development Plan and Subdivision, based on the findings that the Preliminary PUD Plan and Subdivision is consistent with the San Miguel County Comprehensive Development Plan and more specifically, Section III.N of the Telluride Regional Area Master Plan Future Land Use Element, and meets the Intent for Planned Unit Developments, as set forth in Land Use Code Section 5-1401, the review standards of Land Use Code Section 5-1403, the relevant Land Use Policies as set forth in Article 2 of the San Miguel County Land Use Code, and the relevant Areas and Activities of Local and State Interest/"1041" Environmental Review as set forth in Land Use Code Section 5-4, with the following conditions:

1. The applicant shall address all relevant Referral Agency comments in the application for Final PUD and Subdivision.
2. All representations made within the Application and its exhibits shall be incorporated into the Final PUD and Subdivision Plan, Development Agreement, Covenants, and Subdivision Improvements Agreement, except as modified herein.
3. Lane widths shall be at least twelve (12) feet, exclusive of shoulders, curb and gutter, or valley pans, for all of Road A, per LUC Figure 5-1D.
4. Lane widths shall be at least eleven (11) feet, exclusive of shoulders, curb and gutter or valley pans, for all of Road B, with a design speed of no more than 20 miles per hour, per LUC Figure 5-1G.

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5. Sidewalk widths along Road B shall be a minimum of eight (8) feet wide where adjacent to parking, per LUC Section 5-502 I. Sidewalks along Road A and along Road B where not adjacent to parking, may be a minimum of six (6) feet wide.
6. Official names for Roads A and B shall be provided.
7. Tailings cleanup shall occur prior to transfer of the County lots. Should the property not be included in the EPA cleanup, the Applicant shall complete cleanup as a Voluntary Cleanup (VCUP) project pursuant to Colorado Department of Public Health and Environment review and approval.
8. Unless an agreement is reached with San Miguel Power Association regarding a trail easement, no trails utilizing SMPA property shall be shown on the final plan.
9. Prior to submitting the Final PUD and Subdivision Plan, the applicant shall obtain the approved and executed Town of Telluride Water and Sewer Service Agreement.
10. As part of the Land Use Matrix, include conversion factors for trip generation and parking, to be used in the case of future Insubstantial PUD Amendments reallocating uses and floor area, e.g. hotel to commercial or commercial to residential.
11. The Development Agreement shall include provisions for partnerships, with public or private entities, to facilitate and encourage development of the additional 4th floor housing, should the site developer not be interested in developing that housing as part of their project.

BE IT FINALLY RESOLVED that all written representations of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this review process.

DONE AND APPROVED by the County Planning Commission of San Miguel County, Colorado, on March 9, 2023.

**SAN MIGUEL COUNTY, COLORADO
PLANNING COMMISSION**

By: _____
Lee Taylor, Chair

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Vote:	Lee Taylor	Aye	Nay	Abstain	Absent
	Ian Bald	Aye	Nay	Abstain	Absent
	M.J. Schillaci	Aye	Nay	Abstain	Absent
	Josselin Lifton-Zoline	Aye	Nay	Abstain	Absent
	Matthew Bayma	Aye	Nay	Abstain	Absent
	Tobin Brown	Aye	Nay	Abstain	Absent
	Galena Gleason	Aye	Nay	Abstain	Absent

ATTEST:

By: _____
M.J. Schillaci, Secretary

EXHIBIT "A" Legal Description
EXHIBIT "B" Public Meeting Record list
EXHIBIT "C" Site Plan

EXHIBIT "A" LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE DENVER PLACER, MINERAL SURVEY NO. 12119, OF THE UPPER SAN MIGUEL MINING DISTRICT AND IN THE NAVIKE PLACER, MINERAL SURVEY NO. 736, OF THE UPPER SAN MIGUEL MINING DISTRICT AND IN GOVERNMENT LOT 1 OF SECTION 32, ALL SITUATED IN SECTIONS 32 AND 33, TOWNSHIP 43 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, COUNTY OF SAN MIGUEL, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 9 OF SAID DENVER PLACER, BEING A UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT BRASS CAP;
THENCE ALONG LINE 9-10 OF SAID DENVER PLACER NORTH 81° 08' 37" WEST, 366.65 FEET;
THENCE DEPARTING SAID LINE 9-10 NORTH 08° 13' 23" WEST, 446.33 FEET;
THENCE SOUTH 81° 46' 37" WEST, 362.00 FEET;
THENCE SOUTH 08° 13' 23" EAST, 335.11 FEET TO SAID LINE 9-10;
THENCE ALONG SAID LINE 9-10 NORTH 81° 08' 37" WEST, 1406.67 FEET TO CORNER NO. 10 OF SAID DENVER PLACER;
THENCE ALONG LINE 1-2 OF THE BOSTON PLACER, MINERAL SURVEY NO. 2019, OF THE UPPER SAN MIGUEL MINING DISTRICT, NORTH 81° 05' 35" WEST, 107.35 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 145;
THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE NORTH 74° 26' 41" EAST, 846.03 FEET;
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BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON THE "STATE PLANE" GRID BEARING OF NORTH 2° 41' 20" EAST FROM CDOT CONTROL POINT MILEPOST 71.38 (A 3 1/4" ALUMINUM CAP) TO CDOT CONTROL POINT MILEPOST 71.48 (A 3 1/4" ALUMINUM CAP).
COUNTY OF SAN MIGUEL, STATE OF COLORADO.

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EXHIBIT “B” PUBLIC HEARING RECORD

Public Meeting Record

County Planning Commission

Application: Genesee Properties, Inc

Planned Unit Development /Subdivision Preliminary Plan for the Society Turn
Parcel; Mixed-Use Development Zone District Rezoning of Parcel

Date: March 9, 2023

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Planning Commission from Kaye Simonson, Planning Director dated March 9, 2023.
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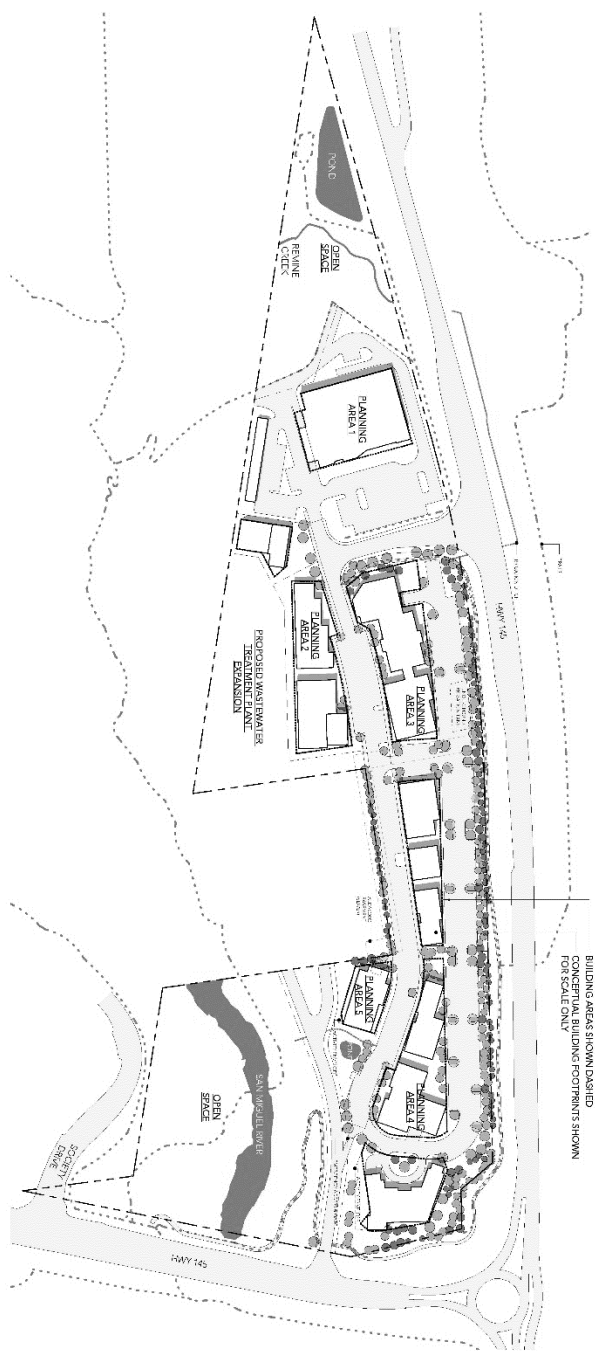
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34. Email received from Alex Maarten dated January 11, 2023.
35. Letter from Bill Burgess, 129 Nimbus Drive, Unit 14D, dated February 8, 2023.

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Exhibit “C” - Site Plan



BUILDING AREAS SHOWN DASHED
CONCEPTUAL BUILDING FOOTPRINTS SHOWN
FOR SCALE ONLY



A3

© 2007 L. CATHERINE AND PETER A. WARD
1000 Midland Avenue | P.O. Box 2061
Seabok, Colorado 80421
970-977-4075 wardc@earthlink.net

SITE PLAN

$$D_{\text{max}} = 1 \quad \text{and} \quad |D_{\text{max}}| = 1$$

HISTORY:		
REV#	DATE	DESCRIPTION

DATE: 10/21/22
ISSUE: PRELIMINARY PLAN
SUBMITTA: PROJECT NUMBER
170017

DATE: 10/21/2007

CCY ARCHITECTS

SOCIETY TURN PARCEL

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**RESOLUTION OF THE COUNTY PLANNING COMMISSION,
SAN MIGUEL COUNTY, COLORADO,
RECOMMENDING APPROVAL OF A REZONE FOR THE SOCIETY TURN PARCEL
FOR GENESEE PROPERTIES, INC. FROM PLANNED UNIT DEVELOPMENT
RESERVE (PUDR) TO MIXED USE DEVELOPMENT (MXD)**

Resolution 2023-03

WHEREAS, Genesee Properties, Inc., a Wyoming Corporation, hereafter “Applicant”, is the owner a certain tract of land (“Society Turn Parcel”), hereafter “Property,” more particularly described as shown on Exhibit A, Legal Description; and

WHEREAS, Thomas G. Kennedy, Attorney, on behalf of the Applicant has submitted an Application (“Application”) for Preliminary Planned Unit Development (PUD) Plan and Subdivision for the Property, in accordance with San Miguel County Land Use Code Section 5-317 Planned Unit Development Reserve (PUDR), and for the proposed rezone of the property to Mixed Use Development (MXD) zone district, Land Use Code Section 5-323; and

WHEREAS, concurrent with the Society Turn Preliminary PUD Plan and Subdivision, Applicant is seeking approval to rezone the Property in order to implement those uses and activities allowed under the San Miguel County Comprehensive Development Plan/ Telluride Regional Area III. Future Land Use Element N. Society Turn Parcel, as shown on Exhibit C, Site Plan; and

WHEREAS, on July 27, 2021 the Board of County Commissioners approved the Sketch Plan for a Planned Unit Development and Subdivision of the Society Turn Parcel for Genesee Properties, Inc., as set forth in Resolution 2021-22, and amended the Land Use Code, establishing Section 5-323, Mixed Use Development – MXD zone district, pursuant to Resolution 2021-23; and

WHEREAS, the Application was referred to the County Attorney, County Building Department, County Manager, County Road and Bridge Department, County Open Space and Parks Department, County Sheriff, County Environmental Health, County Surveyor, County Vegetation Management, County Addressing/GIS, County Assessor, SEH – County Designated Engineer, Colorado Department of Transportation, Colorado Geological Survey, Colorado Parks and Wildlife, Colorado Department of Public Health & Environment Environmental Protection Specialist, Colorado Division of Water Resources, Aldasoro Ranch Homeowners Company, Lawson Hill Property Owners Company, Last Dollar Home Owners Association, Black Hills Energy, San Miguel Power Association, Environmental Protection Agency, Federal Aviation Administration, Telluride Regional Airport, San Miguel Authority for Regional Transportation, Sheep Mountain Alliance, SMRHA, Telluride Fire Protection District, Telluride R-1 School District, Town of Mountain Village, Telluride Hospital District, Town of Telluride, and the US Forest Service for review and comment; and

WHEREAS, on or about December 19, 2022, the Applicant sent Notice of the application and the Planning Commission (CPC) Public Meeting to be held on Thursday,

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January 12, 2023 to all property owners within 500 feet of the subject parcel, and signs were posted on the property on or about December 13, 2022 noticing the proposed use and the CPC meeting to be held on January 12, 2023; and

WHEREAS, a Public Meeting Notice for the proposed Preliminary Subdivision and Planned Unit Development and the Planning Commission meeting to be held on January 12, 2023 was published in the Norwood Post and the Telluride Daily Planet on December 21, 2022; and

WHEREAS, a list of the items included in the Public Meeting Record is attached to this resolution as Exhibit B; and

WHEREAS, the Planning Commission considered this application, along with relevant evidence and testimony, at a public meeting on Thursday, January 12, 2023 and continued the application to the February 9, 2023 meeting in order to allow additional time to consider the application and to have questions addressed; and

WHEREAS, at the request of the Applicant, consideration of the application was continued at the February 9, 2023 meeting to March 9, 2023; and

WHEREAS, the Planning Commission considered this application, along with relevant evidence and testimony, on Thursday, March 9, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of San Miguel County, Colorado, recommends the San Miguel County Board of Commissioners approve rezoning the Society Turn Parcel to Mixed Use Development – MXD, based on the following findings:

1. The proposed rezoning complies with the standards of Land Use Code Section 5-1803, Rezoning;
2. The proposed rezoning is consistent with the Purpose of Land Use Code Section 5-323, Mixed Use Development;
3. The Applicant has demonstrated that the Property can be developed in a way that protects the public health, safety and welfare, including the provision of water and wastewater treatment; traffic; mitigation of geohazards; and mitigation of impacts on the environment;
4. The proposed rezoning implements Land Use Code Article 2, Land Use Policies;
5. The proposed rezoning is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code;
6. The proposed rezoning is consistent with and implements the Telluride Regional Area Master Plan, an element of the San Miguel County Comprehensive Development Plan, and in particular Future Land Use

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Element, Section III.N, Society Turn Parcel.

BE IT FINALLY RESOLVED that all written representations of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this review process.

DONE AND APPROVED by the County Planning Commission of San Miguel County, Colorado, on March 9, 2023.

**SAN MIGUEL COUNTY, COLORADO
PLANNING COMMISSION**

By: _____
Lee Taylor, Chair

Vote:	Lee Taylor	Aye	Nay	Abstain	Absent
	Ian Bald	Aye	Nay	Abstain	Absent
	M.J. Schillaci	Aye	Nay	Abstain	Absent
	Josselin Lifton-Zoline	Aye	Nay	Abstain	Absent
	Matthew Bayma	Aye	Nay	Abstain	Absent
	Tobin Brown	Aye	Nay	Abstain	Absent
	Galena Gleason	Aye	Nay	Abstain	Absent

ATTEST:

By: _____
M.J. Schillaci, Secretary

EXHIBIT "A" Legal Description
EXHIBIT "B" Public Meeting Record list
EXHIBIT "C" Site Plan

EXHIBIT "A" LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE DENVER PLACER, MINERAL SURVEY NO. 12119, OF THE UPPER SAN MIGUEL MINING DISTRICT AND IN THE NAVIKE PLACER, MINERAL SURVEY NO. 736, OF THE UPPER SAN MIGUEL MINING DISTRICT AND IN GOVERNMENT LOT 1 OF SECTION 32, ALL SITUATED IN SECTIONS 32 AND 33, TOWNSHIP 43 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, COUNTY OF SAN MIGUEL, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 9 OF SAID DENVER PLACER, BEING A UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT BRASS CAP;
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THENCE DEPARTING SAID LINE 9-10 NORTH 08° 13' 23" WEST, 446.33 FEET;
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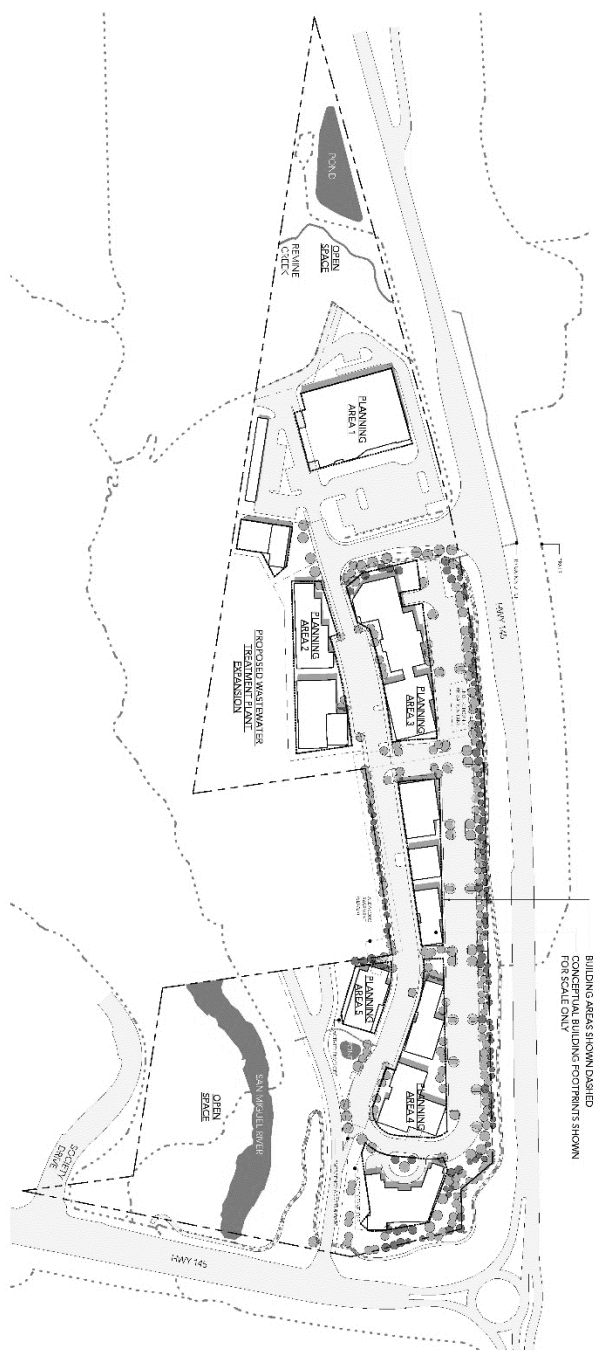
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Exhibit “C” - Site Plan



BUILDING AREAS SHOWN DASHED
CONCEPTUAL BUILDING FOOTPRINTS SHOWN
FOR SCALE ONLY



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© 2007, 2008, 2009, 2010, 2011, 2012
 by Michael and Jennifer L. Kelly, LLC
 36001 Coon Creek Rd. # 201
 97057-4075, www.godspower.com

SITE PLAN

$$D_{\text{max}} = 1 \quad \text{and} \quad |A| = 10.24$$

HISTORY:		
REV#	DATE	DESCRIPTION

DATE: 10/21/22
ISSUE: PRELIMINARY PLAN
SUBMITTA: PROJECT NUMBER
170017

DATE: 10/21/22

CCY ARCHITECTS

SOCIETY TURN PARCEL

**FIRST SUPPLEMENT TO
APPLICATIONS FOR
SOCIETY TURN PRELIMINARY
PUD/SUBDIVISION
PLAN REVIEW
AND
RELATED MATTERS**

February 27, 2023

First Supplement
Society Turn Preliminary PUD/Subdivision Application

Genesee Properties, Inc., a Wyoming corporation (“Applicant” or “Genesee”) is supplementing its pending Application as follows:

1. **Society Turn Development Plan.**

The review process being followed by the Applicant conforms with the County Land Use Code.

In 2019, the County approved an amendment to the Telluride Regional Area Master Plan (TRAMP) on the Society Turn Parcel permitting additional uses on the Society Turn parcel beyond Utility/Light Industrial such as commercial, employee housing/residential, public, and lodging.

On July 28, 2021, the County Board of County Commissioners conditionally approved a Sketch PUD Plan for the development plan occurring on the Society Turn Parcel.

Genesee submitted its application for Preliminary PUD/Subdivision and related matters on October 25, 2022, which included the significant number of supporting documents, studies, plans and other materials required by the County Land Use Code. The application was deemed to be complete by the Planning Department. These materials have been posted for public review on the web at societyturn.info

The Preliminary PUD/Subdivision addressed each of the conditions imposed by the BOCC in the course of its review and approval of the Sketch PUD Plan. In terms of land uses, densities and building mass/scale, the only material change to the Society Turn development plan from the approved Sketch PUD Plan and what is proposed in the Preliminary PUD/Subdivision, was the inclusion of a plan to allow fourth floor units on the lots south of internal road B (Lots 2A, 2b and 5), the development of which would be limited to additional deed restricted housing units, over and above the employee housing units required for employee housing mitigation under the Land Use Code. This would create an opportunity for the ultimate developer of Lots 2A, 2b and/or 5 or potentially other parties to construct additional deed restricted housing.

There have not been any material changes to the various conditions affecting the Society Turn Parcel, which the County reviews as part of the Preliminary PUD/Subdivision application, including geologic hazards, geotechnical conditions, wetlands, wildlife, civil engineering (roads, sidewalks, drainage, etc), historic structures, housing mitigation, all of which were re-evaluated by the project consultants and included as part of the Sketch PUD plan review. The Traffic Study was updated to address comments raised by CDOT and to accommodate the potential for additional deed restricted housing on Lots 2A, 2b and/or 5 (noted above and discussed in the application).

Genesee is pleased with its application and believes that it is a very fair plan that balances private development opportunities with public/institutional areas and uses, including a land conveyance to the Hospital District to allow for the much needed new Regional Medical Center, a land conveyance to enable the expansion of the Regional Sewer Facility and a land conveyance to the County for development for public uses determined by the County, including for school purposes (which Genesee anticipates will be jointly evaluated by the County with the School District).. The Society Turn development plan allocates less than 40% of the property for private development, which would include employee housing mitigation. As noted in prior applications and testimony, there is a limited amount of land available on this site for development and Genesee has prepared a holistic, economically viable development plan for the entire property, which it is placing before the County for its review and approval with these land use allocations. For reasons noted herein and in the full Sketch Plan submitted to the County, Genesee is concerned about further reductions to the portion of the project allocated for private development and the project remaining viable.

2. Changes to the Preliminary PUD/Subdivision Development Plan.

In its recent hearing with the County Planning Commission, Commissioners made suggestions about changes to the Preliminary PUD/Subdivision Development Plan, requesting that the Applicant consider revising the plan to address. In response to this the Applicant is proposing certain changes to the Preliminary PUD/Subdivision Development Plan, as follows:

- A. **Mass/Scale Reduction.** The Applicant proposes reducing the overall Mass and Scale of the Hotel piece by 10% per the revised table below. After careful review, the Applicant has determined such an area reduction will not impact the Hotel's ability to provide value-priced lodging and family-oriented accommodations as described below in Section 3, "Hotel," while retaining the 125 hotel rooms, which is the Applicant's necessary target number of rooms for the hotel to be viable. This action has the net effect of reducing the overall Free Market Development component of the project in the Baseline Model to 285,615 sq. ft.

Allowable Use	Baseline Model	Maximum Development for Each Allowable Use
Employee Housing	64,821 sf	No maximum area (but not more than 121 Units)
Medical Center	44,995 sf	40,000 (net) sf and 3 housing units (area included in Employee Housing above)
Retail and Eating/Drinking	19,595 sf	28,600 sf
Offices (General + Medical)	65,745 sf	85,000 sf
Flex space	55,355 sf	74,000 sf
Hotel/Motel Lodging	83,099 sf	104,400 sf (but not more than 125 Rooms)

- B. **Additional Berming.** The Applicant has responded to the Planning Commission's request to provide additional landscape berming and planting along the Northeastern corner and Eastern edge of the property. By culverting an open drainage swale, the Applicant proposes to place additional fill and create an undulating berm that varies in height from 5' to 14.5' high with an 8' wide flat section at the top for planting. An updated plan describing the proposed berm can be found attached as **Exhibit "A"**.
- C. **Landscape Screening.** The Applicant has considered the Planning Commission's suggestion to provide more coniferous trees and less deciduous trees along the North and East property line to improve wintertime screening of the Society Turn Parcel development from Highway 145. The Applicant proposes a mix of roughly 2/3 coniferous and 1/3 deciduous these. A series of updated renderings describing these changes to the Landscape Screening and Additional Berming can be found attached as **Exhibit "B"**.
- D. **Transit Coordination.** Following the January 12, 2023 meeting with the Planning Commission, the Applicant met with David Averill and Kari DiStefano from SMART as well as Chris Darnell with TMC. TMC described the Medical Center's operational need for curbside bus service to the facility; SMART agreed to provide service accordingly. This would accommodate bus traffic coming both from the east, with a bus turning left into the Society Turn Parcel at Road A and from the west/down valley, with a bus turning right into the project. Initially, the hammer head for the southern terminus of Road A would remain as designed and depicted in the civil engineer drawings. During later phases of development at Society Turn, the lower portion of Road A will be developed as a cul-de-sac and at that time an additional bus stop will be accommodated by the Applicant proximate to the intersection of Road A and Road B per SMART's request. An updated plan describing these changes to the transit service can be found attached as **Exhibit "C"**.

3. **Hotel**

When commencing its evaluation of its development plan for Society Turn, Genesee engaged Economics and Planning Systems, Inc. (“EPS”) to prepare a Market Study for the property, taking into account regional needs and trends for the short run and long term. The findings contained in the Society Turn Market Study assisted Applicant in developing the proposed land uses for the Society Turn Parcel.

In its Market Study, EPS determined that the region could easily support 250 rooms contained in a family oriented, budget friendly hotel/motels styled facility. The Society Turn Development Plan initially included the ability to construct one or two hotels/motels accommodating up to a total of not more than 150 rooms among both hotels, considerably less than the number of hotel rooms identified by the EPS Market Study.

In response to comments made by some Planning Commission members in the course of its review of the Sketch PUD plan review, the proposal presented to the BOCC was revised and the number of hotel rooms were reduced from 150 to 125. Following its consideration of the Application and balancing the varying attributes and elements of the Society Turn development plan, the BOCC approved the PUD Sketch Plan for Society Turn, including the 125-room hotel. In approving the Sketch PUD plan, the BOCC established a certain condition relating to the hotel, which provides as follows:

“To ensure the hotel provides value-priced and family-oriented accommodations, there shall be a plat note prohibiting rooms within the hotel property from becoming condominiums or fractional ownership. The hotel development shall be a single unit within the condominium for the development.”

The Preliminary PUD/Subdivision application conforms with this condition and the Applicant has committed that these restrictions will be included these provisions in the Development Agreement for the Project.

The development plan for Society Turn reflected in the Preliminary Plan conforms with the 125-room Hotel that was reviewed and approved by the BOCC in the Sketch PUD. The ability to have a hotel on the Society Turn Parcel continues to be of great importance to the Owner and is critical to the Society Turn Development Plan.

The rationale for the utility and importance of the Hotel for the community and not just as a tourist accommodation project was discussed in detail in the Preliminary PUD/Subdivision application and will not be replicated here. It is relevant to note that since the Preliminary PUD/Subdivision application was submitted, there has been other and further recognition of the need for this type of product for the local community. The need for more facilities to accommodate short-term stays for guest, particularly for local groups including non-profits was discussed in the course of the November 7, 2022 Intergovernmental Meeting. A copy of the news article discussing these needs is attached as **Exhibit “D”**.

As discussed above, the overall mass/scale of the hotel portion of the project is being reduced as part of this submittal.

4. **Civil Engineer Responses to Road/Sidewalk.** In response to questions raised by Planning Commission members about the design of certain proposed roadways and sidewalks, the project civil engineer has reviewed the plans and applicable codes/regulations and has adjusted the width of Road A in response to comments and has provided a memorandum stating the grounds for the Applicant’s request to not make further adjustments to the design of Road B. A copy of the memo is attached as

Exhibit "E". The engineer discussed these plans with the Fire Marshall, who has reviewed and accepted the plans. The Applicant requests that the County accept the designs for the reasons stated in the memo.

5. **Riparian Areas**. In response to some questions raised by Planning Commission members, SGM prepared a memorandum discussing the status of the riparian areas adjacent to the Society Turn parcel and the minimal impacts of the project on these areas. A copy of the memo is attached as **Exhibit "F"**.

6. **CDOT Access Permit**. The Applicant is pleased to report that the Colorado Department of Transportation (CDOT) has issued two access permits for the Society Turn Development Plan, which is being circulated for signature by the parties. One is for the main/primary access and the second is for the emergency access to the east which coincides with the access road to the Regional Sewage Treatment Plant. The Access Permit accommodates the various land uses and densities proposed in the Preliminary PUD/Subdivision application. The required road and intersection improvements required by CDOT in connection with the access permits for the Project generally conform with the road and intersection improvements illustrated by the project engineer and submitted with the Preliminary PUD/Subdivision application. The plans for the road and intersection improvements serving the project align with the chain station which CDOT indicated would be developed adjacent to the Society Turn Parcel and will be submitted to CDOT for its review and approval as part of the next step in their review process

Respectfully Submitted,

Genesee Properties, Inc.,
a Wyoming corporation

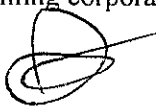
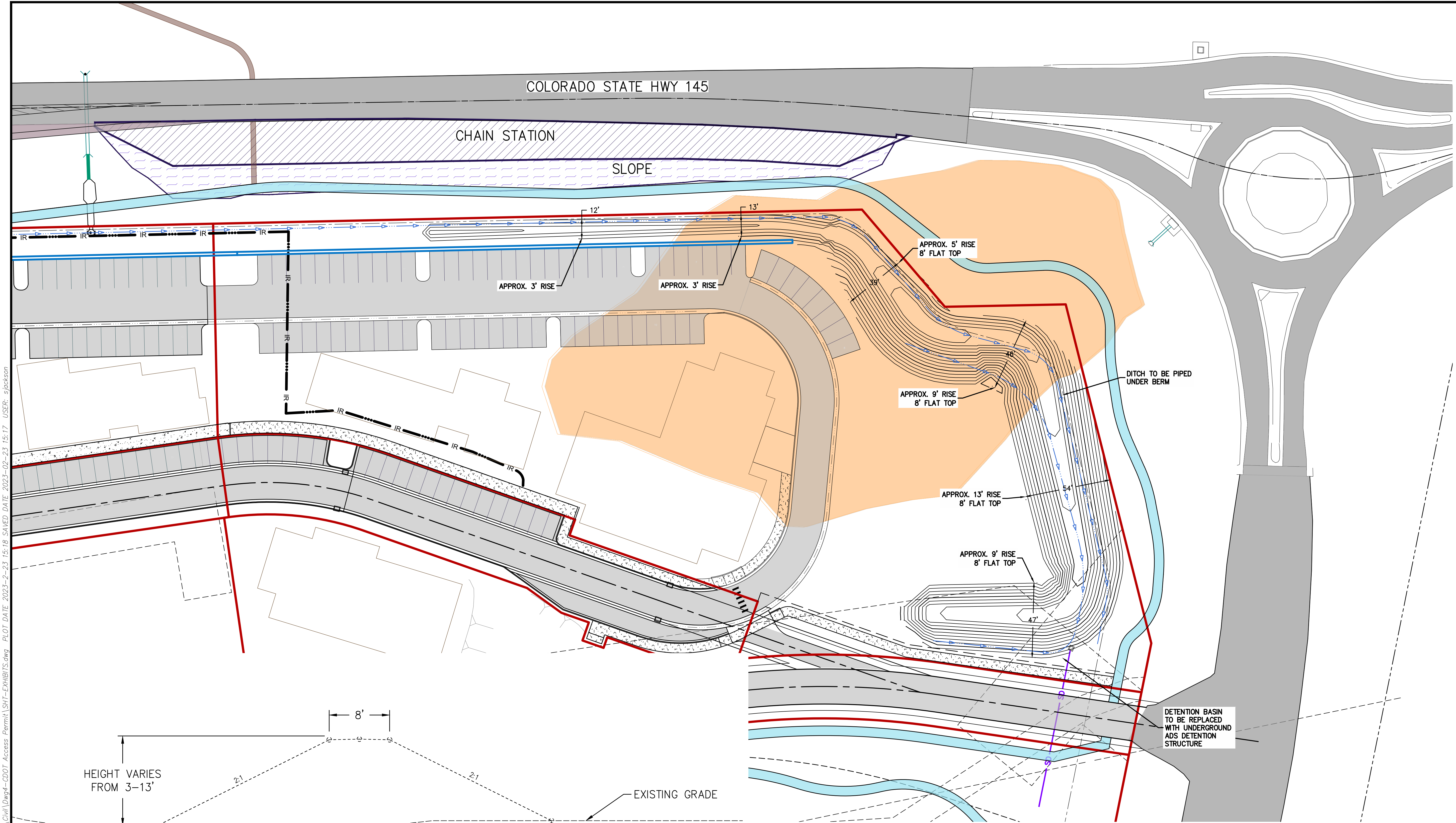
By: 
Thomas G. Kennedy, Authorized Agent

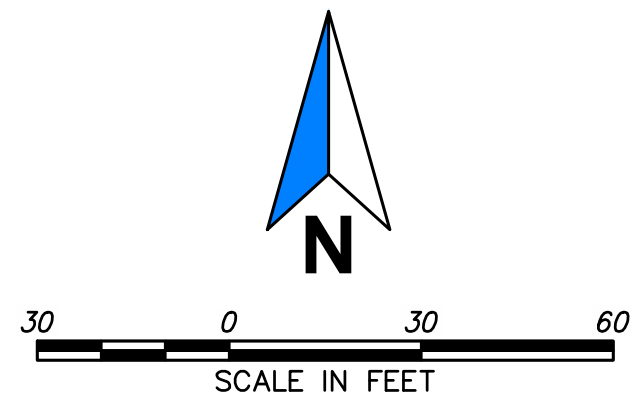
Table of Exhibits

Exhibit A	Proposed Berm Plan
Exhibit B	Proposed Landscape and Berm Renderings
Exhibit C	Proposed Transit Service Plan
Exhibit D	Hotel Needs News Article
Exhibit E	Civil Engineer Road and Sidewalk Design Justification Memorandum
Exhibit F	Riparian Area Memo

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NOTE: DRAINAGE AND DETENTION
DESIGN TO BE FINALIZED AFTER
PRELIMINARY PLAN APPROVAL.



TYPICAL BERM SECTION
NTS

REVISIONS		BY
REV	DATE	DESCRIPTION

BUCKHORN
ENGINEERING

GENESEE PROPERTIES, INC.
SOCIETY TURN PD / PRELIMINARY PLAN
PROPOSED LANDSCAPE BERM WITH GRADING

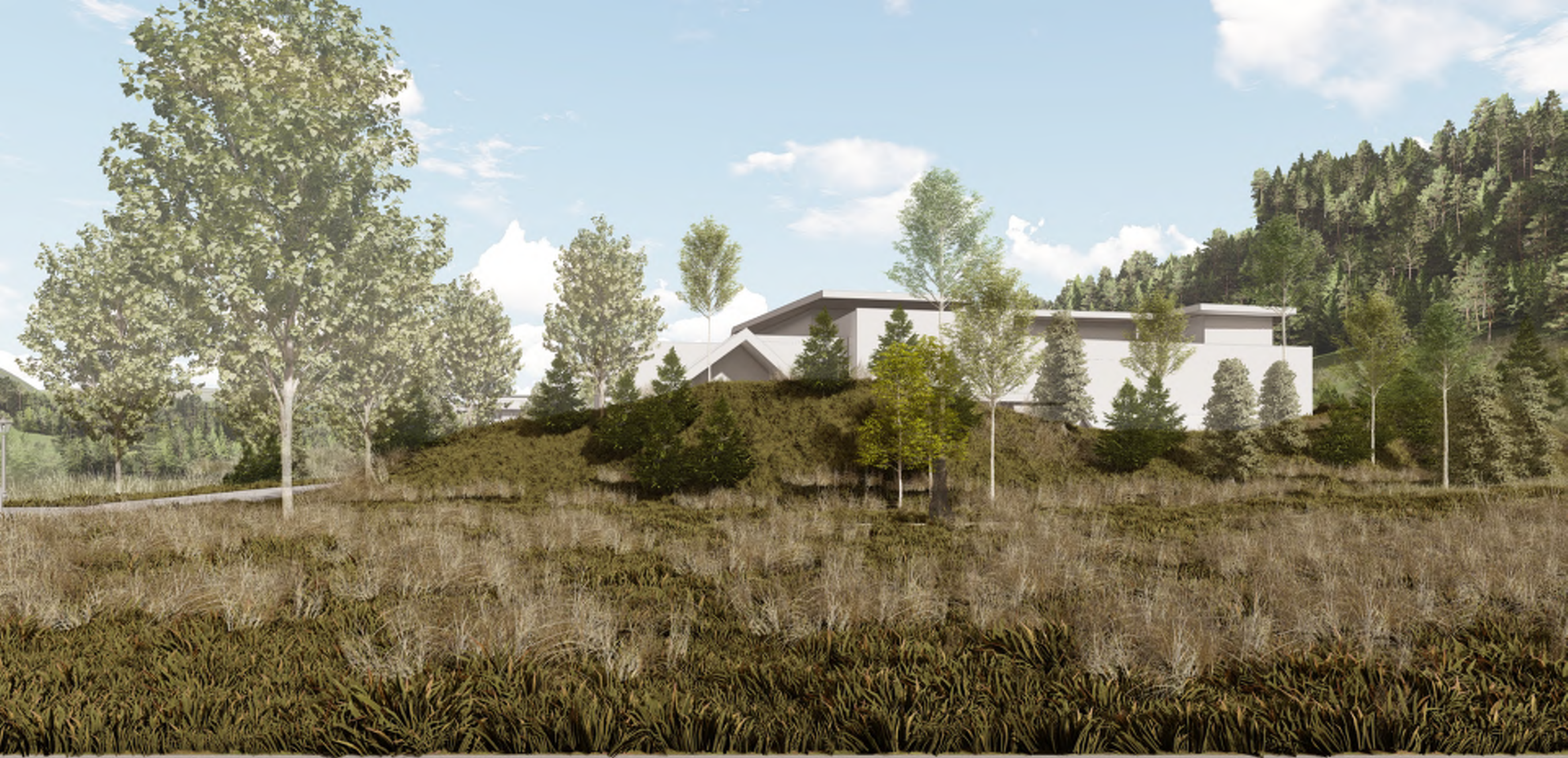
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

PROJECT	2021-055-CIV
DATE	02/23/2023
DRAFTER	SJ
CHECKED	DCQ
BUCKHORN ENGINEERING	
SHEET	
EX-7A	
1 OF 1	

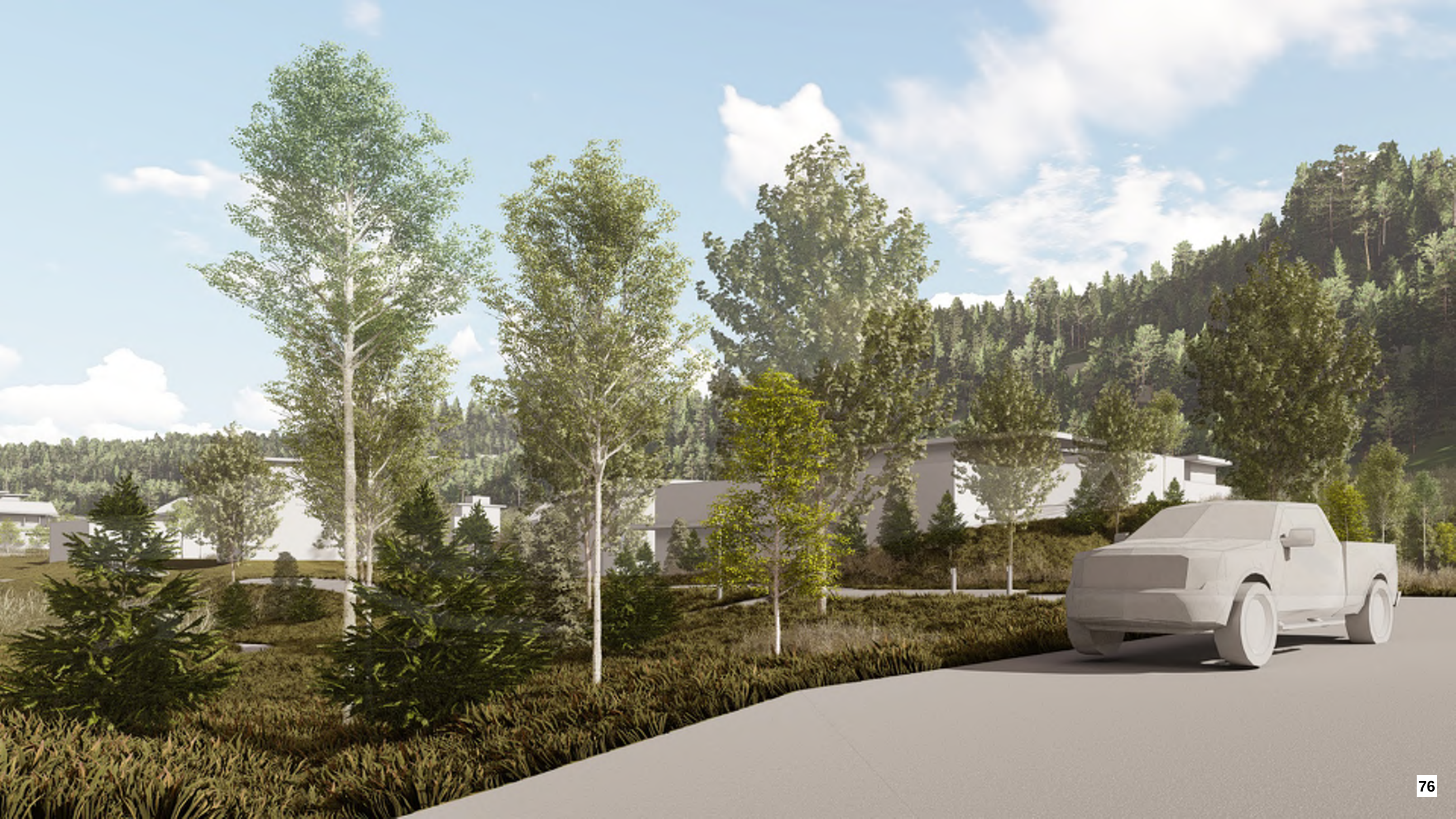


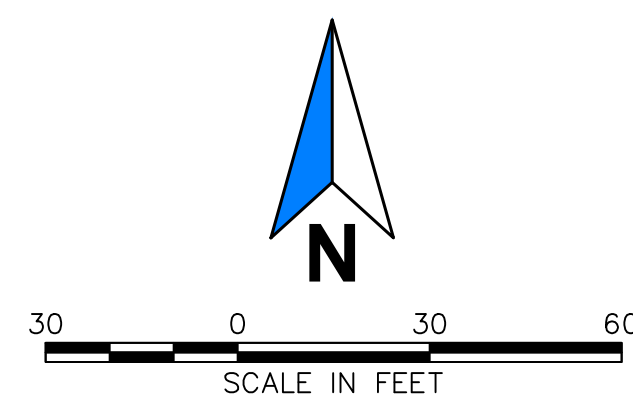
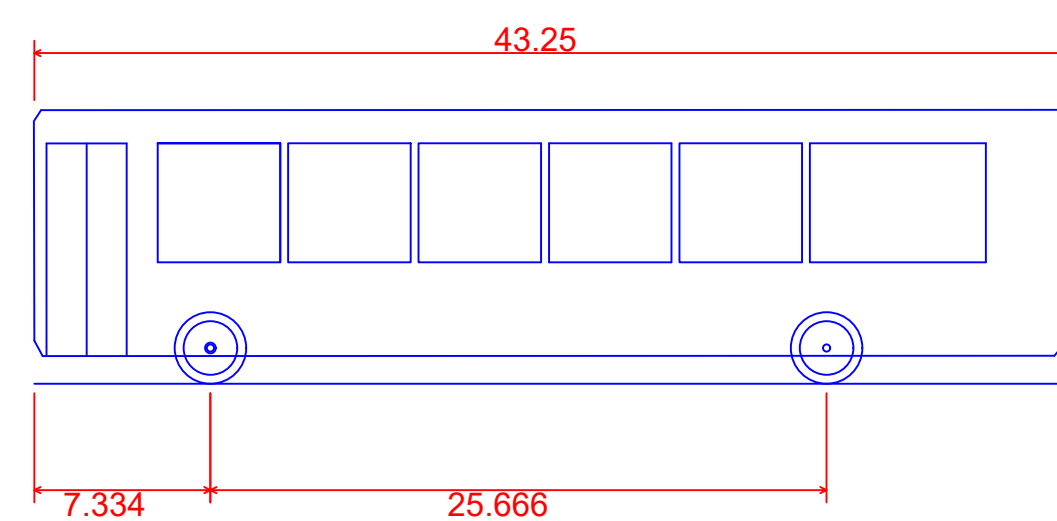
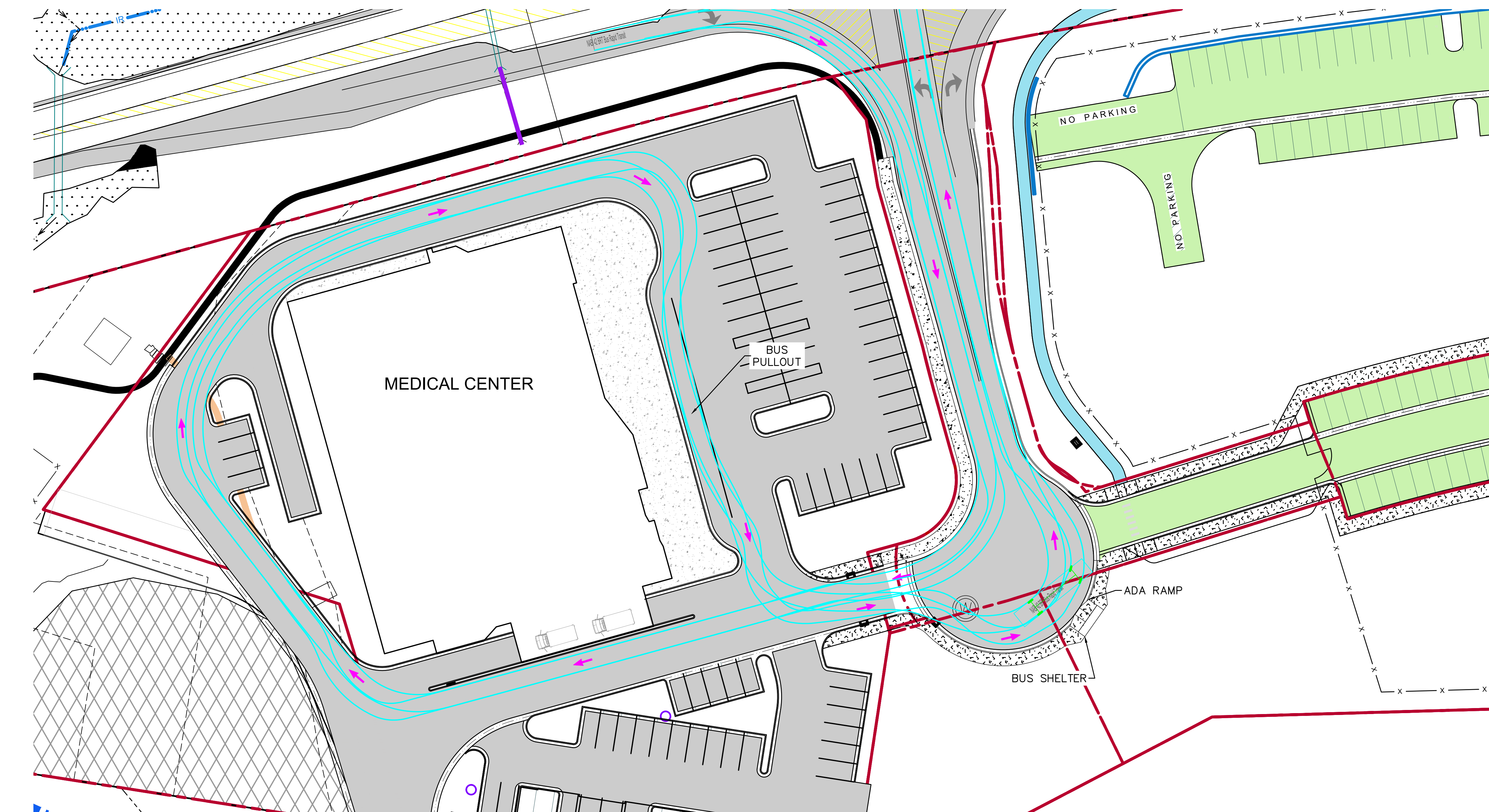












LEGEND



BUCKHORN
ENGINEERING
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

GENESEE PROPERTIES
EXHIBIT 6
TOWN OF TELLURIDE SMART BUS ROUTE

PROJECT	2021-055-CIV
DATE	02/02/2023
DRAFTER	SJ
CHECKED	DQ

EX-6

Nonprofits feeling lodging crunch Finding short-term stays for guests ‘has become a major problem’

By Justin Criado, Editor
Nov 9, 2022

Nonprofits are feeling the effects of inadequate lodging options, according to Telluride Theatre Artistic Director Sasha Cucciniello. She talked about the unexpected pandemic problem during Monday’s intergovernmental meeting, during which she explained essentially every nonprofit in town is having a hard time finding short-term lodging for visiting guests, volunteers and seasonal employees.

“I’m here representing a large group of nonprofits, some who are also here today. We’ve all come together with a shared issue of lodging for our visiting artists, instructors, filmmakers, speakers, musicians and scientists, as well as seasonal staff and volunteers,” Cucciniello said. “During COVID, I started a weekly meeting for the large arts nonprofits in town, and we just Zoomed together to commiserate and just share our COVID miseries and grants ideas and all of that. As things started to progress, we came together and our major issue that all of us were facing was this short-term lodging. Over the last two years, this has become a major problem. It grew and grew and grew. And we started to include other nonprofits as well, not just arts organizations. Currently, 15 nonprofits are working together to create awareness and have come together in this major collaborative effort.”

As of Monday, the Wilkinson Public Library also shared similar lodging concerns, as the Telluride institution hosts events featuring visiting speakers, Cucciniello explained. The nonprofit partners recognize the over-arching housing issue in the area but still wanted to make local elected officials aware of the growing concern.

“We’re trying to share resources and best practices. It’s a huge problem for everyone. I want to make this really clear to everyone that we do not want to take anything away from any long-term housing issues or solutions, as we all are facing those as well. Our issues are specific to short-term visiting guest lodging,” she said. “These are not tourists. These are an important part of our employee base. Each of us have different needs, and each of us have different wants. And part of us coming together is creating this database of what each organization needs throughout the year and how we can fulfill those with a solution.”

Unfortunately, Cucciniello’s message wasn’t a forewarning, but a sobering look at the reality local nonprofits are now facing in providing diverse programming for the community.

“The change that we’ve seen over the last two years has been aggressive and impactful. The significant impacts on our budgets and our ability to offer cultural and intellectual events in the Town of Telluride. For example, MountainFilm experienced a \$40,000 budget shortfall. Because of this, the Sheridan Opera House also experienced a \$30,000 overage on this budget item. The Palm has had to cancel events. (Telluride Theatre) has had to cancel teachers and staff and all of those because of this. Beyond this, the time and effort that we all have to put into this to get short-term lodging has been major. Sage (Martin, Mountainfilm executive director) and Film Fest shares that they now have one person that just works on this year-round,” she said. “We bring this to you all today to just plant this seed. As you look to the future of our ecological makeup of the region, we just want to bring this to your attention, to have a healthy community to continue to bring world-class entertainment speakers and thinkers. This is part of the holistic way that our community works. It’s part of our ecological makeup. To have a healthy community, we need our events, we need these speakers, we need these film festivals. It’s a major economic driver as well. And just as you’re making these decisions for the community, just keep this in the back of your heads. This is what we as these nonprofits need to have to function and to continue to bring our events and speakers and scientists and teachers to town.”

Local officials were receptive to Cucciniello’s message and suggested she also include local athletics in the conversation moving forward.

“Was athletics thought about at all because there's this other element out there of some of our athletic groups in order to have teams come here, there's also a similar issue with visiting referees and all that stuff,” Telluride Mayor DeLanie Young proposed.

Cucciniello agreed it would be beneficial to talk with athletic groups as well and include as many people as possible or organizations that are similarly affected.

“I will reach out to some of the athletics to see if that's something that we can bring into the fold. We do not want to be exclusive. This is a problem that's facing all of us, so I think this is the time that we all want to dance together to try to find some creative solutions,” she said.

Mountain Village Mayor Laila Benitez, who was recently named the executive director of the San Miguel Resource Center, explained finding short-term lodging is also an issue for the center.

“I just wanted to selfishly say on behalf of the San Miguel Resource Center, if you could add us to that list, we'd like to be at the table to brainstorm. This is something that impacts us greatly as well,” she said.



January 19, 2023

Ms. Kaye Simonson, AICP
Planning Director
San Miguel County Planning

kayes@sanmiguelcountyco.gov

Sent electronically this date

Subject: Society Turn Parcel Preliminary PUD

RE: **Response to Comments Regarding Development Roads A and B**

Kaye:

In response to comments from staff, the public and County Planning Commission members for at the January 12, 2023 Planning Commission meeting for the Society Turn Parcel Preliminary PUD, we are writing this letter to provide additional information and responses regarding the proposed roads for the development. For our responses, we have identified the source of the comment or question and referenced that portion of the comment letter that applies to our engineering design areas.

Road A

1. Comment: From San Miguel County staff and TFPD Fire Marshall that Road A shall have a minimum pavement width of 24-feet.

Response: Road A will be re-designed to provide a minimum paved width of 24-feet exclusive of shoulders and curb and gutter rather than the 22-foot minimum width currently shown on the preliminary PUD plans.

Road B

2. Comment: From Planning Commission members, San Miguel County staff and TFPD Fire Marshall on the proposed width of Road B being less than 24-feet and what is the justification for that design?

Response: The request for variance on the driving width of Road B consists of three points:

- (a) Since Road B is not a through travel road connecting Road A with SH 145 to the east, narrower driving lanes will tend to encourage slower speeds and safer conditions than a full road width of 24-feet;
- (b) Less asphalt paving provide will require less impervious cover and will reduce potential stormwater flows to the site's detention systems and ultimately to the San Miguel River;
- (c) As agreed by TFPD Fire Marshall Scott Heidergott in our conversation today, Road B as currently designed provides adequate emergency vehicle access and is consistent with other roadways in the area that have received variances to the 24-foot minimum width requirement in the Land Use Code.

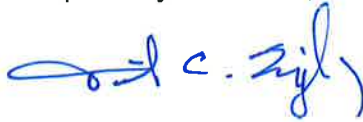
Sidewalks

3. Comment: From San Miguel County staff and Planning commission members requesting justification for variance from LUC requirement of 8-foot width for all sidewalks.

Response: The design proposes an 8-foot sidewalk for that portion of Road B that contains nose in parking spaces. Even with up to 2 feet of vehicle overhang, this provides a minimum of 6 feet of clear walking space which is well in excess of the ADA requirement of 3 feet and the CDOT requirement of 5 feet. Portions of Road B with no parking have been designed with 6-foot widths for adequate walking space. 6-foot sidewalks offer adequate space while minimizing impervious cover which reduces stormwater flows to the detention systems and the San Miguel River. Pervious pavement could be considered for the sidewalks but added cost of construction and maintenance make that an impractical option. In addition, keep in mind that there are other pedestrian and biker corridors through the property, including the paved valley commuter trail, portions of the Remine Creek Trail, other hiker/biker trails along the river and the roads themselves which would be good options for a person on a bike.

Please let us know if you have any questions about these responses or require additional information in support of the Preliminary PUD Plan submittal for the Society Turn Parcel.

Respectfully submitted,



Daniel C. Quigley, P.E.
Project Engineer



MEMORANDUM

To: Thomas G. Kennedy, Esq.
Law Offices of Thomas Kennedy

From: Alexander Nees, Senior Ecologist
SGM, Inc.

Date: February 9, 2023

Re: **Consideration of Riparian Habitat Impacts Associated with the Proposed Society Turn Development**

This memorandum was prepared to provide additional discussion of the potential for impact to riparian habitats as a result of the proposed development on the Society Turn parcel. This memorandum has been prepared at the request of the San Miguel County Planning Commission, and is an addendum to the more generalized and extensive Wildlife Impact Report prepared as a component of the Preliminary Submittal package to San Miguel County (SGM, A. Nees, 2022).

Summary of Existing Conditions

As stated in the Wildlife Impact Report, the only portions of the project area that contain riparian habitat are those small areas immediately adjacent to the San Miguel River on the east end of the parcel and Remine Creek on the west end of the parcel. Both features are perennial waterways that support a narrow riparian vegetation fringe along the banks.

- The San Miguel is typified by sparse blue spruce (*Picea pungens*) and narrowleaf cottonwood (*Populus angustifolia*) and several species of willows (including *Salix monticola* and *Salix exigua*). The density of woody vegetation is extremely low, consisting of two mature cottonwoods and less than a dozen small spruce along approximately 500 linear feet of river corridor. This density of vegetation is not sufficient to provide many of the habitat characteristics and benefits typically associated with riparian zones. There is minimal shading of the water surface, only very narrow areas of soil saturation, few inputs of nutrients, coarse woody debris, or insect food source from overhanging vegetation, minimal nesting or foraging habitat for insect-gleaning birds, and no continuous cover that would attract ungulates to loaf or bed along the river.

The density of riparian woody vegetation appears to be low as a result of historic mining activity. The site is included in the Idarado Mine Superfund site, and CDPHE maps two separate un-remediated tailings piles on the south bank, which generally correspond to the visible areas of bare ground in that region. It is likely that the riparian zone was denuded during historic mining periods, and that vegetation has not re-established due to poor soils.

The riparian corridor is heavily utilized by recreationalists, including hikers, bikers, and walkers who use the Remine Creek trail and the existing pedestrian bridge across the river. Human activity is highly visible from all portions of the stream corridor, due to the previously-mentioned lack of screening vegetation, and is sufficient to deter use of the area by all but the most tolerant/habituated wildlife.

- Remine Creek occupies an extremely steep, narrow channel approximately 320 feet long as it crosses the property. The channel is deeply incised into the terrace bank that borders the San Miguel River. Riparian and wetland conditions are confined to the base of this channel, which is incised 20

feet or more below the surrounding ground surface. The riparian corridor is entirely dominated by dense willows. Remine Creek reaches its confluence with the San Miguel River immediately south and downgradient from the property boundary.

The habitat in Remine Creek does not currently host significant recreational use, and it is visually-screened from surrounding areas by topography and vegetation. However, the corridor is so narrow (less than 10-feet wide in most places) and the vegetation is so dense that it is only an attractive movement corridor for small wildlife. Ungulates would not be expected to travel through the riparian corridor or linger within it.

Potential for Riparian Habitat Impacts

The riparian habitat within the Parcel is entirely encompassed by the proposed Open Space zones within the preliminary development plan. This design acknowledges the value of the riparian corridor zones for scenic values, general wildlife habitat, and recreation. It also reflects the availability of preferable siting for the proposed development on the flat terrace banks and pasture areas above the riparian zones.

Direct Impacts

The riparian corridor along the San Miguel River already includes the Galloping Goose Connector trail, which introduces significant physical disturbance and anthropogenic activity into this area. Further, the lack of screening vegetation increases the visibility and impact of this anthropogenic presence. The area is also surrounded by permanent human occupancy, including the wastewater treatment plant to the north, the state highway to the east, and the Lawson Hill development to the south. The proposed development would have minimal impact on the effective condition of riparian habitat in this section, since no buildings are proposed, and no other activities that would fundamentally change the existing character of the site. The anthropogenic impact would be expected to increase as a result of building lighting, noise, and increased human usage. However, these influences are already pervasive throughout the site.

The riparian corridor along Remine Creek would experience a very small direct impact at the northern boundary of the property, because the existing culvert under the CO-145 needs to be extended to accommodate the turning lane that is required by CDOT for safe access to the site. This work would be confined exclusively to the portion of the channel that is immediately adjacent to highway, and where the creek channel is composed of imported boulder material associated with construction of the roadway. A small amount (approximately 175 square feet) of riparian/wetland habitat would be permanently filled as a result of the turning lane construction. This portion of the riparian habitat has minimal value due to its proximity to the road, its imported, non-soil substrate, and a preponderance of weedy/ruderal herbaceous species.

The general location and character of the Remine Creek corridor would persist. Despite the proximity to proposed development, including the medical center, the incised channel would retain visual screening via topography and vegetation. As previously discussed, Remine Creek is not an effective movement corridor for ungulates under current conditions, and it would retain its value as a movement corridor for small wildlife after the proposed development is complete.

Indirect Impacts

The primary potential for indirect impacts to the riparian habitat is through alterations in stormwater infiltration and discharge as a result of impermeable surface construction, as well as consumptive water use for landscaping purposes which would be supplied by a well drilled on the property near Remine Creek. Potable water used by the development would be supplied by Town of Telluride's water system and would not be derived from onsite resources.

The riparian zones of Remine Creek and the San Miguel are impacted by the rates and amounts of local precipitation infiltration to shallow groundwater and subsequent discharge to downstream surface waters, which the proposed development has the potential to affect.

With regards to stormwater, a stormwater management plan has been created for the development, which will collect precipitation from impermeable surfaces and discharge it to the San Miguel River. The total volume of stormwater inputs to the River from the Society Turn parcel would not change from current conditions, but the timing may change and the rate of discharge is likely to increase as a result of the stormwater management system versus the current natural surface. The current design incorporates drainage basins to modulate flow rates, settle sediment loads, and three separate drainage outlets to the San Miguel River. No collected and managed stormwater would be discharged to Remine Creek, and the volumes and discharge rates to the San Miguel are likely to be inconsequential as a percentage of total flow in and water quality of the waterbody. The drainage plan has been designed by Buckhorn Engineering to meet State standards for stormwater management and is designed to limit sediment loads to the San Miguel River.

The well that would supply irrigation water to elements of the project does have the potential for minor depletions of groundwater supplies in the project area, and thereby may reduce surface water expressions, particularly during prolonged dry periods. Groundwater withdrawals are only planned to occur during the irrigation season, which limits the timing and amount of minor depletions to the San Miguel River.

In recognition of this potential impact, a Drought Management Plan may be implemented as needed. In addition, if replacement water is needed in the San Miguel because downstream senior water users have placed a call, augmentation of the San Miguel's flow would be provided by one or more of three existing sources (SGM, Water Supply and Wastewater Plan, 2022). These include leased augmentation water from Trout Lake, releases from an on-site augmentation pond and senior ditch rights owned by the project applicant on Mill Creek and Deep Creek. In summary, the applicant owns sufficient alternate water rights to augment flows in the San Miguel River, if necessary. This augmentation would occur as needed to serve senior downstream water rights, but also has the effective outcome of ensuring a certain base flow level in the San Miguel River, regardless of withdrawals by the onsite well.

It should also be emphasized that, at the point where it passes through Society Turn, the San Miguel River's catchment is approximately 133 square kilometers. There is minimal impoundment or flow control on the headwaters reach of the San Miguel River, therefore the yearly hydrograph is typical of a natural snowmelt-dominated feature, with a pronounced peak flow occurring in early summer, with a rapid decrease throughout the summer to base-level flow conditions which persist into winter and spring. This base-level flow responds rapidly and notably to significant local precipitation events.

In summary, the riparian system of the San Miguel River at this site is adapted to both seasonal trends and rapid variation in flow levels. The riparian habitat is dominated by species and vegetation communities that are tolerant of disturbance, both flooding and temporary desiccation, and would be expected to persist in the riparian corridor regardless of minor temporary depletions or discharges from the property related to groundwater pumping or stormwater discharge, respectively.

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: Kaye Simonson, AICP, Planning Director
RE: A. Society Turn PUD and Subdivision Preliminary Plan
B. Rezone from PUD-R to MXD Mixed Use Zone District
DATE: February 9, 2023

At the January 12, 2023 meeting the Planning Commission continued consideration of the Society Turn PUD and Subdivision and Rezone to the February 9 meeting. The applicant has requested a continuance to March 9, in order to allow time to respond to additional referral agency comments, and to accommodate consultant schedules.

Sample Motion:

Move to continue the Society Turn PUD and Subdivision Preliminary Plan and the Rezone to March 9, 2023.

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: Kaye Simonson, AICP, Planning Director
RE: A. Society Turn PUD and Subdivision Preliminary Plan
B. Rezone from PUD-R to MXD Mixed Use Zone District
DATE: January 12, 2023

THE COMPLETE APPLICATION IS ONLINE AT <https://societyturn.info/>

Background

In 2019, the San Miguel County Planning Commission adopted an amendment to Section III, Future Land Use Element, of the Telluride Regional Area Master Plan (TRAMP), an element of the San Miguel County Comprehensive Development Plan, for the Society Turn Parcel (TRAMP Section III.N).

On July 27, 2021, the BOCC approved the Sketch Plan for a Planned Unit Development and Subdivision of the Society Turn Parcel for Genesee Properties, Inc., as set forth in Resolution 2021-22 (attached). The BOCC also amended the Land Use Code, establishing Section 5-323, Mixed Use Development – MXD zone district, pursuant to Resolution 2021-23 (attached). Sketch Plan approvals are valid for one year. On July 20, 2022, the BOCC approved an extension of the Sketch Plan approval to November 27, 2022. A complete application was submitted prior to the date.

Request

There are several components to the application, as listed on pages 9-11 of the Application and as follows:

- Preliminary PUD and Subdivision
- Rezone to Mixed Use Development – MXD zone district
- 1041 Environmental Hazard Review
- Scenic Foreground Review
- Extended Vesting
- Development within a Wetland Buffer
- Development within a Floodplain

Proposal

The approximately 20-acre property is located at the southwest corner of Society Turn and abuts Highway 145 on the north and east. The property extends across the river on the east end, with an area fronting on Society Drive opposite the Conoco. The Telluride Wastewater Treatment Plant is accessed through the property from the east, the Source Gas/Black Hills Energy facility is accessed from the north, and the San Miguel Power Association substation is accessed from both the east and north. Remine Creek Trail also crosses the site.

The property is zoned Planned Unit Development – Reserve (PUDR), which is a temporary zoning designation used until a site-specific development plan is proposed,

at which time the property would be rezoned. The PUDR zone district does not establish development standards, density, or allowed uses. To implement the PUDR zoning, a PUD and Subdivision must be approved and the property must be rezoned to a new zone district. The PUD implements the Master Plan; the Society Turn Master Plan amendment, adopted in 2019, outlines the intended uses and purpose of the area.

The application proposes a mixed-use development, including office, retail, food and beverage, lodging and flex space; employee housing; a parcel dedicated for a medical center; dedication of land for wastewater treatment plant expansion; dedication of land for open space; trails; and infrastructure.

Planned Unit Development

The intent, applicability and review standards for a Planned Unit Development are set forth in Section 5-14 of the Land Use Code. As stated in LUC Section 5-1401:

Planned Unit Development (PUD) is a subdivision procedure permitting variation of dimensional, permitted uses and parking standards to promote compliance with the County's Land Use Policies. Specific purposes are:

- A. Promoting flexibility in the type, design and siting of structures to preserve and take advantage of a site's unique natural resources and scenic features and to avoid or mitigate any hazards;*
- B. Encouraging efficient use of land and public streets, utilities and governmental services;*
- C. Preserving open space;*
- D. Achieving a compatible land use relationship with surrounding areas; and*
- E. Promoting multiple land uses and greater variety in the type, design and siting of buildings.*
- F. Preserve and protect wildlife and wildlife habitat areas.*

Planning Commission Sketch Plan Action

The Planning Commission held a hearing on February 11, 2021 and continued it to March 11, 2021. At the March 11 hearing, the Planning Commission voted unanimously to recommend the BOCC adopt LUC Section 5-323 Mixed Use Development (MXD) zone district, and voted unanimously to adopt Planning Commission Resolution No. 2021-02, recommending the Board of County Commissioners approve the Society Turn Sketch Planned Unit Development, with the following conditions:

1. The applicant shall address all relevant Referral Agency comments in the application for Preliminary PUD and Subdivision.
2. Provide an alternative land use plan that eliminates hotel uses and

- provides a compatible substitute use.
3. There shall be a site visit with story poles at the Preliminary PUD stage. The story poles shall show the potential 4th floor.
4. Provide greater detail regarding development standards and location of potential additional affordable housing. Consider locating the extra housing away from the highway.
5. To address community and Commission concerns regarding traffic and sight corridors, we request a reduction in total square footage.

BOCC Sketch Plan Action

The BOCC held a hearing on July 21, 2021, and continued the hearing to July 28, 2021. At the July 28 hearing, the BOCC voted unanimously to adopt BOCC Resolution No. 2021-22, approving the Society Turn PUD Sketch Plan, and to adopt BOCC Resolution No. 2021-23, amending the Land Use Code to adopt the MXD zone district. The BOCC included the following conditions of approval for the Sketch Plan (*relevant application sections responsive to the conditions are in italics*):

1. The applicant shall address all relevant Referral Agency comments in the application for Preliminary PUD and Subdivision.
2. The application for Preliminary PUD and Subdivision shall include a land use table that specifies a minimum net floor area for required Employee Housing. There shall be no maximum floor area for employee housing. Further, the land use table shall establish a mix of unit types and minimum unit sizes to ensure the number of employees being housed is maximized. (*Exhibit I*)
3. There shall be a site visit with story poles at the Preliminary PUD stage. (*To be held January 10, 9 am*)
4. There shall be the ability to add a 4th floor to the buildings on Planning Areas 2 and 5, to be used solely for employee housing in excess of the required units. (*Exhibits I and X*)
5. To ensure the hotel provides value-priced and family-oriented accommodations, there shall be a plat note prohibiting rooms within the hotel property from becoming condominiums or fractional ownership. The hotel development shall be a single unit within the condominium for the development. (*Exhibit F*)
6. The Applicant shall agree to participate in a potential Remine Creek Trail underpass through an equitable contribution, to be determined in the future and spelled out in the Development Agreement. (*Application Section 6.8.2*)
7. The applicant shall agree to participate in a potential wildlife crossing through an equitable contribution, to be determined in the future and spelled out in the Development Agreement. (*Application Section 4.4.G*)
8. EV charging stations shall be included in the project. (*Application Exhibit AA*)
9. Applicant shall agree to consider accommodation of on-site renewable energy to offset energy usage within the development. (*Application*

Exhibit AA)

10. Investigate the potential catchment of water and other water savings methods. (*Application Exhibits G, J, M and AA*)

Land Use Code Modifications

All uses and development standards are established by the PUD. There is currently no density assigned to the property; that is occurring through the PUD. The land use standards for which the applicant is requesting modifications are highway setbacks and parking, which are development standards of general application and not specific to a single zone district. The Land Use Code envisions modifications to both, either through a one-step review process or a PUD. Similar modifications have been made for other PUDs, including Lawson Hill. For example, the Lawson Hill setback to Highway 145 ranges from about 30 feet to 67 feet, rather than the 200 feet required by LUC Section 5-505. The applicant is also requesting additional height to allow the construction of additional employee housing beyond that required by the Land Use Code.

Public Benefits

The applicant is proposing a number of public benefits. About half of the property will be dedicated to public purposes, uses and activities. Benefits include:

- Dedication and conveyance of 2.6 acres to the Telluride Hospital District, including installation of infrastructure to the property
- Dedication and conveyance of 1.5 acres to the Towns of Telluride and Mountain Village for potential expansion of the Regional Wastewater Treatment Plant
- Dedication of 3.8 acres in two tracts to San Miguel County, in excess of the minimum open space and School dedications required by LUC Sections 5-804 and 5-805
- New and extended trails

The Applicant is also requesting additional height for certain lots, to allow the construction of additional employee housing above and beyond that required by the Land Use Code. Construction of that additional housing is not guaranteed – it would be up to the site developer(s) to build the housing. However, the PUD would make it possible to have more housing as an added public benefit.

Process

(See pp. 6-9 of the Application)

Per LUC Section 3-7, Planned Unit Developments (PUDs) and Subdivisions require a five-step review process:

1. Sketch Plan PUD/Subdivision – Planning Commission Public Hearing
2. Sketch Plan PUD/Subdivision – Board of County Commissioners Public Meeting
3. Preliminary PUD/Subdivision – Planning Commission Public Meeting
4. Preliminary PUD/Subdivision – BOCC Public Hearing
5. Final PUD/Subdivision – BOCC final approval and signature

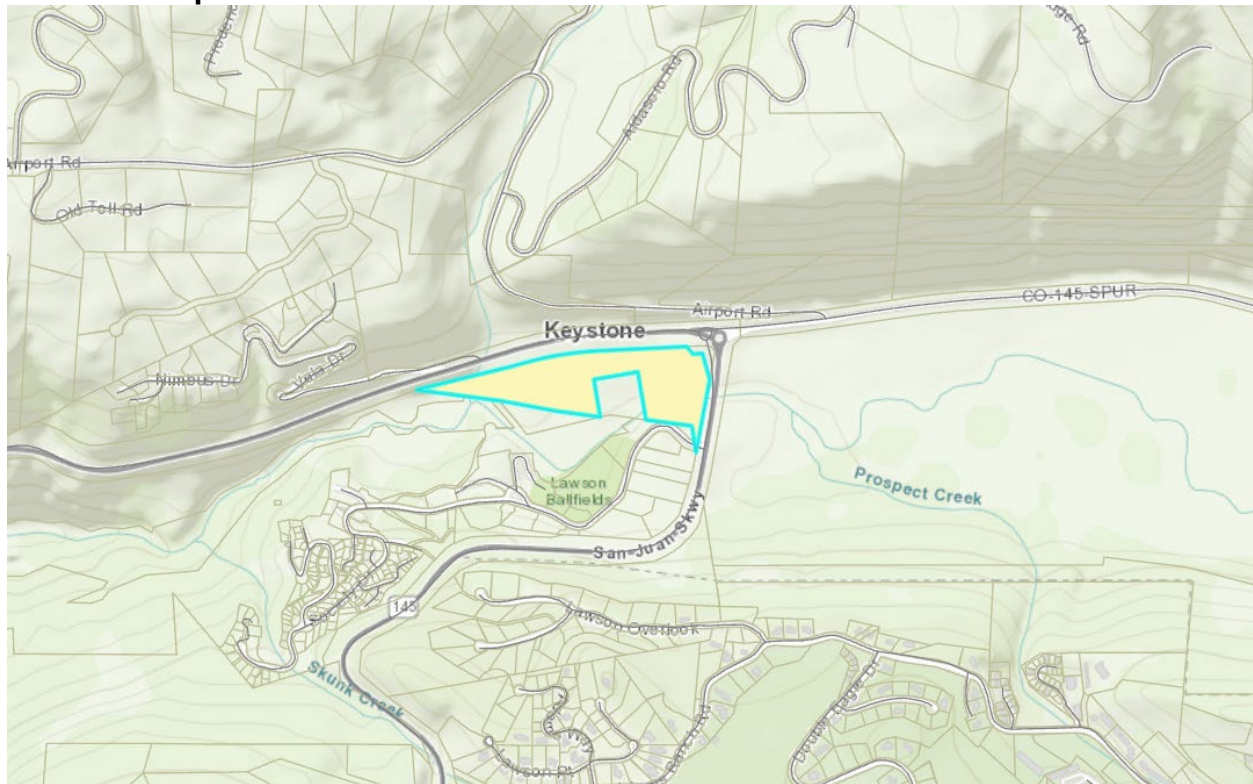
The purpose of this PUD is to establish the development standards and permitted uses for the property. Sketch Plan addressed the general concept of a proposal. The Preliminary PUD/Subdivision includes more detailed reports, plans and studies. It also considers LUC Section 5-4 Areas and Activities of Local and State Interest/"1041" Environmental Hazard Review. The application also includes a request to rezone the property to Mixed Use Development – MXD. The Rezone is a two-step processes (LUC Section 5-18), requiring review and recommendation from the Planning Commission, with final approval by the BOCC in a public hearing. *(See Application Section 1, Summary of Applications.)*

For the Preliminary PUD, LUC Section 3-702 B.IV states, "The Planning Commission shall review the Preliminary Submission application at a public meeting and recommend approval, denial or approval with conditions." Section 3-702 B.V states, "The Planning Commission may document its recommendation within a resolution recorded with the County Clerk and Recorder."

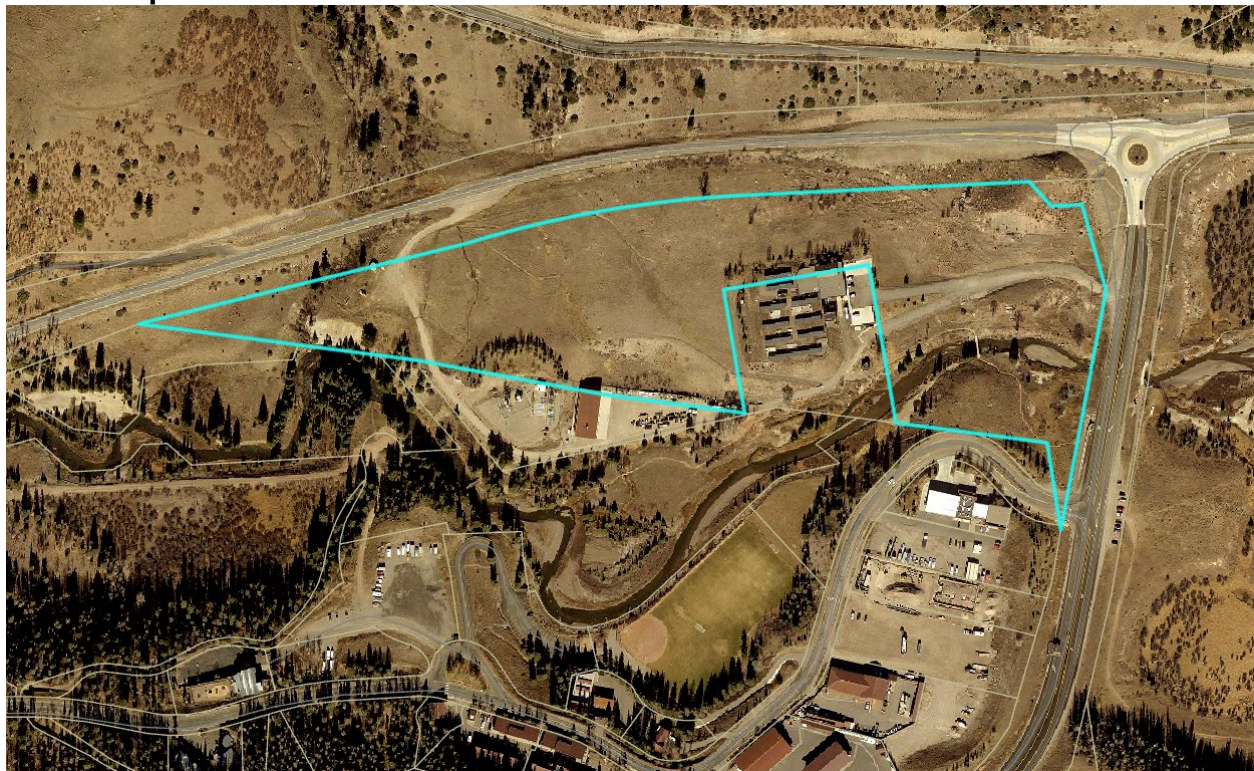
Submission requirements for Preliminary Subdivision and Planned Unit Development Reviews are set forth in LUC Sections 4-402 Maps; 4-403 Standards Report; 4-404 Environmental Report; 4-405 Preliminary Drainage Plan; 4-406 Water Supply Plan; 4-407 Sewage Disposal; 4-408 Public Utilities; 4-409 Mineral Resources; 4-410 Site Data Tabulation; 4-411 Scenic Quality Report; and 4-412 Cultural Resource Report. The application contains all above-listed reports, maps and studies. The Planning Director has deferred 4-413 Planned Unit Development Agreement; 4-414 State Stormwater Discharge Permit; 4-416 Construction Costs; and 4-417 Covenants to submission of Final PUD. The drafting and review of those documents would be premature at this phase. Rather, the CPC and BOCC should provide direction for details that should be included in those documents. Regarding Section 4-415 Law Enforcement Authority; the County Sheriff is a referral agency and has not indicated the need to provide law enforcement services that would normally be provided by the County Sheriff. LUC Section 4-606 lists submittal requirements for Applications for Development in an Area Local and State Interest/C.R.S. 1041 Environmental Hazard Review. The Rezone submission requirements include those listed in LUC Section 4-6. LUC Section 4-2 Minimum Submission Contents for All Land Use Applications applies to the entire proposal. *(See Application Section 1.2-1.21, pp. 11-14 for a complete list and cross reference to Exhibits.)*

Following approval of the Preliminary PUD, the Final Plat would be prepared and submitted, and would include a Subdivision Improvements Agreement, which addresses the construction of infrastructure. The Development Agreement, which outlines other terms and conditions for the development of the property would also be submitted. The Final PUD and Plat and associated documents and agreements are reviewed and approved by the BOCC.

Location Map



Aerial Map



Proposed Project

A. Preliminary PUD and Subdivision

(See Application Section II, pp. 14-29)

The Society Turn project is proposed to create a number of development lots along with open space parcels and infrastructure. (See Exhibit G.) Five development parcels, or planning areas, are proposed within the subdivision, along with two open space/public use parcels and one parcel for wastewater treatment plant expansion. There are also three private Association parcels that would be owned by the future property owner's association. One is envisioned as being Active Open Space with utilities and infrastructure, while the other two will be for infrastructure, including roads, sidewalks, utilities and other support uses. The site is divided by Road A, which is accessed from Highway 145 on the north, and Road B, which extends eastward. Roads C and D are the existing access drives to the wastewater treatment plant.

Planning Areas

In total, about 7.6 acres, or 38% of the site, would be available for private development, within five Planning Areas. The remainder would be for public uses, open space, and infrastructure. Planning Area 1 is the Medical Center site (2.6 acres, Application Section 2.3.1, pp. 17-18). Planning Area 2 (1.2 acres) is south of Road B and to the west of the wastewater treatment plant. Planning Area 3 (3.2 acres) is to the east of Road A and between Highway 145 and Road B. Planning Area 4 (2.7 acres) is at the northeast corner of the site, north of Roads B and C and south and west of Highway 145. Planning Area 5 (0.5 acres) is to the south of Road B and to the east of the wastewater treatment plant. (See Application Section 2.3.2, p. 18) The largest open space parcel, the County Tracts, (3.8 acres total, Application Section 2.2.4, p. 16-17) is along the San Miguel River and extends south to Society Drive; it is described in the plan as a County Public Use/Open Space Parcel, with development potential adjacent to Society Drive. This parcel is intended to satisfy the School and Open Space dedication requirements of LUC Section 5-8. The other open space parcel (2.1 acres, Application Section 2.3.3, p 19), would be in the western tip of the property, where the gas facility is located. As an Association parcel, it is intended to be active open space, with a potential augmentation pond for irrigation. The final piece is the 1.5-acre area for wastewater treatment plant expansion, to the west of the existing plant (Application Section 2.2.5, p. 17). The roads and infrastructure account for the remaining 2.3 acres.

Land Use	Acreage	Percentage
Open Space (Private)	2.1	11%
Public Use/Open Space	3.8	19%
Planning Area 1 – Medical Center	2.6	13%
Planning Areas 2-5 – Private Development	7.6	38%
WWTP Expansion Site	1.5	7%
Infrastructure	2.3	12%

See Application p. 20 and Exhibit H

Access and Circulation

The main access to the site will be a new road from Highway 145 on the north, located a bit east of the existing driveway and referred to as Road A in the application. Road B would extend to the west to the existing access drive that leads to the wastewater treatment plant (Road C). As described in the Traffic Study (Exhibit N), Engineering Plans (Exhibit J), and CDOT Access Permit Application (Exhibit O), Road A would be the primary access point to the site. The existing east drive would continue to be used for emergency and wastewater treatment plant access, but would not be available to general traffic due to the limited distance from the roundabout and the lack of room to create turn lanes on Highway 145. Allowing buses to use Road B to access the site would be desirable. At this time, CDOT has indicated they will not be permitting bus access at that location, but the question should continue to be asked, especially as transit routes are developed in anticipation of serving the project.

The applicant and their traffic consultant conducted an extensive consultation process with CDOT in preparing the traffic study. The development of the property is highly dependent on the capacity of the intersection with Highway 145. Additional uses, or changing proposed uses to those with higher trip generation, cannot fit within the intersection capacity design. As shown in Exhibit J, N and O, improvements will be constructed on Highway 145, including a west-bound left turn pocket, east-bound acceleration and deceleration lanes, and dedicated left and right turn lanes from Road A (See Exhibit J, Sheet A1). As designed, these improvements will meet CDOT standards and take into account existing and proposed traffic measures, site distance, and separation from other intersections and driveways. A west-bound acceleration lane is not proposed, as projected traffic volumes do not meet CDOT warrants, or standards. It is not expected that a high number of vehicles will be turning left (west); the majority of the traffic will be coming and going from the east. Speed limits have not been set; CDOT will make that determination in the future, based on warrants.

Traffic counts were based on a study done in the first week of March 2020 (prior to Covid shut downs), as well as CDOT counts conducted in July 2018. Counts were adjusted according to CDOT standards to take into account increases since 2018 and reduced 2020 traffic volumes. The Traffic Study also determined a 20-year background traffic volume, which included a growth factor. (Appendix N.1, p. 5)

Internal roads are proposed to be private, maintained by the subdivision rather than the County. However, they must still be constructed to County standards. Roads A and B would be classified as Collector Roads as the Average Daily Trips would be between 500 and 1500 one-way trips. The roads must meet the requirements of LUC Section 5-5 Roads, Highways, Streets and Trails. Road Sections are shown on Exhibit J, Sheets C-6 and C-7.

Road A is shown with a 60-foot pavement width at the north, narrowing to 40 feet. On the north, the road needs to accommodate outbound left and right turn lanes. The paved width at the north is 40 feet, wide enough to accommodate three lanes, plus curb and gutter. On the west (Medical Center) side, a 6-foot sidewalk is shown. LUC

Section 5-502 I states that 8-foot sidewalks shall be required along all streets with non-residential uses. The proposed sidewalk does connect to a new natural surface trail that would go around the north side of the Medical Center to the open space parcel on the west. On the south, the road narrows and 11-foot lanes plus curb and gutter are shown. LUC Figure 5-1D shows the cross section for a collector road, with travel lanes of 12 feet, exclusive of curb and gutter or shoulders.

Road B cross sections (Exhibit J, Sheet C-6) proposes 10.5-foot of paved road plus claims 1.5 feet of the valley pans as part of the travel lane, with head-in parking. As noted above, the lane width should not include drainage structures such as the v-pans. Sidewalks are shown at 6 feet instead of the required 8 feet, and could have up to 2 feet of vehicle overhang, further reducing the walking area. There will be significant pedestrian traffic along Road B. Sidewalk widths will need to be evaluated. Roads C and D, which would only serve the wastewater treatment plant and provide emergency access, have 11-foot lanes with shoulders. This meets the Local Access standard of LUC Figure 5-1C.

Land Uses

The proposed land uses for the development parcels are based on those described within the Society Turn Master Plan (TRAMP Section III.N). Allowable uses and densities are described in Sections 2.3-2.7 of the Application (pp. 17-22). Floor area and number of units have been carefully calculated to meet the Town of Telluride's ability to provide water and sewer to the project, as well as traffic capacity and mass and scale. The amount of free-market development proposed for Lots 2-5 have not been changed since the Sketch Plan. The density for the Medical Center was increased from 40,000 s.f. to 44,995 s.f. This was at the request of the Hospital District. The net floor area would continue to be 40,000 s.f. but would exclude non-traffic generating spaces such as stairwells, elevator shafts, mechanical space and "internal circulation paths." The latter term requires clarification; hallways connecting the various spaces and activities should be part of the net floor area. Additionally, 3 dwelling units have been added to the Medical Center site; these would be situated above parking along the south property line.

Baseline floor area is assigned to each type of use. As the project ultimately develops and evolves over time, the actual amount of floor area for particular types of uses may shift to meet market demands, e.g., there may be more office space but less flex space. While staying within the overall limits, one use could be increased with a corresponding decrease in another use category. Also, floor area could be shifted from one lot to another. The exceptions are the Medical Center site, which would have a maximum gross and net floor area, and employee housing, which would have no maximum floor area. Rather, there is a maximum of 121 units. This includes the estimated amount of housing required by the current Land Use Code, which is 91 units based on the Baseline Model; up to 27 units on the fourth floors of Lots 2 and 5; and 3 units on the Medical Center site. Also, lodging would be limited to no more than 125 rooms total within the PUD, regardless of floor area.

Allowable Use	Baseline Model	Maximum Development for Each Allowable Use
Employee Housing	64,821 sf	No maximum area (but not more than 121 Units)
Medical Center	44,995 sf	40,000 (net) sf and 3 housing units (area included in Employee Housing above)
Retail and Eating/Drinking	19,595 sf	28,600 sf
Offices (General + Medical)	65,745 sf	85,000 sf
Flex space	55,355 sf	74,000 sf
Hotel/Motel Lodging	92,332 sf	116,000 sf (but not more than 125 Rooms)

(From Application Section 2.5, p. 19)

When adopting the Master Plan amendment, the Planning Commission expressed reservations regarding whether there was a need for additional lodging in the region, and whether this location, away from the core activity areas of Telluride and Mountain Village, is appropriate and might generate more traffic as a result. The applicant addresses this in Section 2.7 of the Application; Exhibit Z-1, Hotel Community Needs Analysis; and Exhibit Z-2, Society Turn Hotel Memo. The draft MXD zone district (Section 523 C.III.d) also provides guidance relative to community need, growth effects, transportation, type of facility and its associated amenities, and operational and management structure. It should be noted that since the hotel reports were prepared, there have been community discussions around the need for lodging for volunteers, speakers, and others related to festivals, special events, and non-profits, which this type of lodging could serve.

Building Heights and Scenic Quality

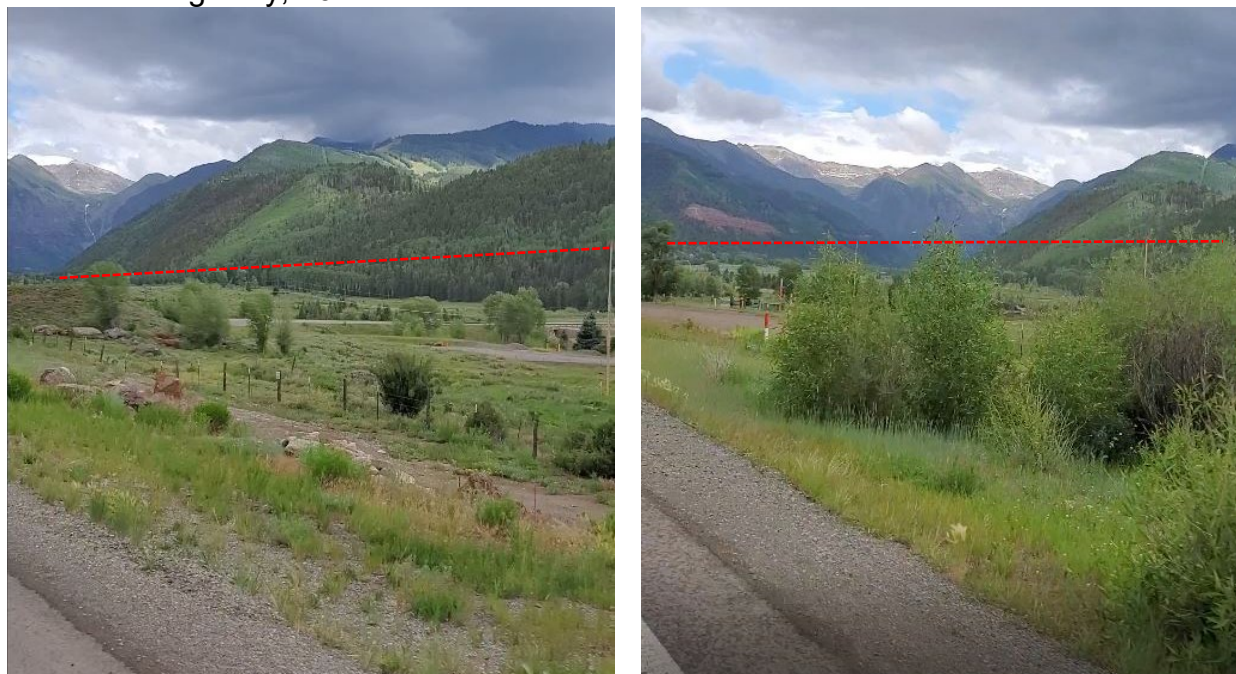
Land Use Code Section 5-505 B, Scenic and Major Highway (Highway Setbacks) identifies scenic and major highways. Highway 145 along the north side is considered a "Major Highway" while the highway along the east side of the property is considered a "Scenic Highway." The LUC requires a 200-foot setback on the east and a 100-foot setback on the north, stating, "The purpose of the increased setbacks from scenic and major highways is to preserve the scenic quality and undisturbed, natural beauty of land located contiguous to highways in San Miguel County." The existing quality of the view along and across this property is both scenic, where the valley opens up at the top of Keystone Hill, and industrial, with the wastewater treatment plant, gas facility and electrical substation.

The modification to setback requirements is the primary PUD variance that is being requested. Otherwise, all standards of the Land Use Code are generally met; modifications are minor in nature, or the LUC has a method for modification (i.e. parking). The request is described in Section 2.8.2 and 2.15 of the Application and depicted in Exhibit G, Preliminary Development Plan Sheet A4, with specific details in Exhibit I, Land Use Matrix. Proposed north setbacks would range from 38 feet to the property line at the Medical Center to 87 feet on Lot 4. The east setback on Lot 4 would be about 30 feet to the property line. The highway pavement edge is about 40 feet beyond the property lines. Not all setbacks are shown on Exhibit I; that will need to be

completed. Parking is proposed to be allowed within 20 feet of the property line. Parking will be well below highway grade, and it is proposed to plant trees to screen the parking area from view of the highway.

The site's finished elevation is well below the highway surface elevation across most of the site. Since the Sketch Plan, the Applicant has worked to refine the plans, and provided more detailed engineering. The site has been lowered about 18 inches relative to the Sketch Plan. Heights are specified in the Land Use Matrix (Exhibit I) as elevation above sea level. Building heights are proposed to be about 35 feet above finished site elevation. On Lots 2A, 2B and 5, the maximum allowable height could increase another 12 feet, provided all of the additional height is used for the construction of additional employee housing; the fourth floor could not be used to increase any of the commercial uses, or for any of the required employee housing. On the north and east, tops of buildings would range from 11 feet above the highway surface at the Medical Center, 17 to 20 feet at Planning Area 3, and 15 to 24 feet above the highway surface at Planning Area 4, closest to the roundabout. This is only a few feet taller than the existing height of the glacial moraine. Three-story buildings would have the appearance of only one and a half to two stories as seen from the highway. There would be significant vegetation to screen the development and direct sightlines to the valley. The design guidelines would require natural colors and textures and prohibit reflective materials. All lighting would be required to be fully shielded and directed down, as shown on pages 39-41 of Exhibit G, Preliminary Development Plan.

View from Highway, 2021



Note: the red dashed lines connect the tops of the 2021 story poles. However, there would be building breaks and articulation. The mass would be less than as suggested here. Scenic corridor setbacks are intended to protect views from the highway.

View from near property line at the Medical Center site, 2021



Parking

Parking is discussed in Section 2.9 of the Application and in Exhibit Q. Because of the mixed-use nature of the development, it is expected that providing all of the parking for each individual use would result in more parking than would be needed at any given time. LUC Section 5-702 G allows modification of parking standards through a PUD, pursuant to the standards in LUC Section 5-1404 C. The project is expected to have shared surface parking on the north side, as well as subgrade parking and some on-street parking. The Parking Study calculates a need for 573 spaces. This includes parking for the additional employee housing. The parking plan shows 602 parking spaces, excluding the Medical Center site, providing a surplus of 29 spaces. The Land Use Matrix will identify the number of spaces that will be required for each phase of development. There may be interim surface lots during development.

Employee Housing

Employee housing would be the only residential use allowed in the PUD; free-market residential development would not be allowed. It is envisioned that employee housing will be located on the top floors of buildings, and would be built concurrent with the commercial development. Each phase would be required to fully mitigate its employee housing requirement, although surplus housing could be credited to future phases. LUC Section 5-323 D.VII allows a building to exceed the maximum allowable building height by up to twelve (12) feet, "if the additional development is being used for employee housing in excess of the required employee housing."

Employee housing is described in Section 2.18 of the Application and in Exhibit X, Employee Housing Mitigation Plan. Employee housing mitigation rates will be vested at

the current mitigation rate in Land Use Code Section 5-1303 A, which establishes employee housing mitigation rates based on the gross commercial floor area or number of proposed hotel rooms. The Land Use Code dictates the number of units that must be provided, rather than the number of employees it must accommodate. Based on the proposed uses and floor areas, 91 employee housing units would be required; the applicant expects those would be a mix of studio, one-bedroom and two-bedroom units within 64,821 s.f. (gross floor area). The actual number of employee housing units could increase or decrease, depending on the uses finally developed. Also, as noted above, three employee housing units are designated to the Medical Center site, and up to 27 additional units could be built on Lots 2A, 2B and 5 if the developer chooses to utilize the extra height allowance.

During Sketch Plan, questions were asked regarding how the County's employee housing generation compares to the Town of Telluride's regulations. While an interesting exercise, it is the County's Land Use Code that is applicable and ultimately must be used. There are key differences between the two jurisdictions. County employee housing mitigation is based on gross commercial floor area, and stipulates the number of units that must be provided, while the Town's regulations are based on net floor area and specify the number of employees for whom housing must be provided. If larger units are provided, under the County's regulations, the number of housed employees increases.

The application proposes a mix of 25% studios (375 s.f. unit size), 50% one-bedroom units (525 s.f.), and 25% two-bedroom units (850 s.f.). This unit mix was used for water, wastewater, traffic and parking calculations. Based on 91 units, this could house about 135 employees. While the Baseline Model shows 64,821 s.f. of employee housing, there is no maximum floor area, which could allow larger units. The final PUD matrix should include a maximum percentage of studio units and a minimum number of two-bedroom units.

Environmental Resources

Consideration of Environmental Hazards is part of the review required pursuant to LUC Section 5-4 Areas and Activities of Local and State Interest/"1041" Environmental Hazard Review, which is discussed in Section IV of the Application. Section V of the Application address Wetlands. A number of reports have been prepared regarding environmental conditions and natural resources, including Exhibit R, Wetland Report; Exhibit S, Wetland Compliance Memo; Exhibit T, Wildlife Report; Exhibit U, Wildlife Movement Memo; Exhibit V, Geologic Hazards Report; Exhibit W, Geotech Report; and Exhibit Y, Historical Survey Report.

Wetlands:

The Wetland Report was conducted primarily for the future highway improvements and was expanded to include the area north of the highway, which may be impacted by road improvement construction. The Report notes a wetland area of about 0.02 acres along Remine Creek north of the highway and another area of about 0.153 acres south of the highway at the far west end of the site. There is also an area about 0.115 acres with

some willows but no wetland characteristics along the highway. Exhibit S analyzes wetlands as defined by LUC Section 5-22. The report concludes that the development proposal would have some direct impacts impact on wetland areas, as defined by the US Army Corps of Engineers (0.004 acres) and by San Miguel County (0.082 acres). A US Army Corps of Engineers “404” permit will be obtained concurrent with the CDOT access permit, and the Applicant will submit a request to the County for an administrative Wetlands Special Use Permit (WSUP). A WSUP would also be required for any construction occurring within a 100-foot wetland buffer. WSUPs are approved administratively.

Wildlife:

The Wildlife Report notes that there is no known nesting, denning, breeding or production habitat on the property, but is known to be crossed by large ungulates at dispersed locations. The report makes a determination that “wildlife value is already largely absent from the parcel.” The majority of wildlife movement is farther east, on the Valley Floor. The report notes that development of the property will substantially constrain or eliminate animal movement, but that the Remine Creek and San Miguel River corridors are preserved within Open Space parcels. The report provides a number of recommendations to mitigate impacts related to trail use, lighting, dogs, trash control, helicopter flight paths that will minimize flushing, and wildlife-friendly fencing. The Wildlife Movement memo notes that the Vehicles per Day on Highway 145 is already at a level that creates deterrents to wildlife crossings and finds that the proposed development’s additional traffic will have minimal additional impacts on elk movement. The potential development of a wildlife overpass or underpass was discussed during Sketch Plan. The memo notes that local use patterns are not conducive to effective utilization of such a crossing. The level of recorded animal incidents in the area is slightly elevated but low compared to the region.

Geologic Hazards:

The Geologic Hazards Report identifies most of the area proposed for development as stable with low risk of geologic hazards. Steeper slopes are in the open space areas that won’t be developed, as are flood zones. The large mound at the northeast corner of the site, which is proposed to be removed and used for construction on the site, is a glacial moraine. Soils on the site have low to very low expansive potential. Both the Geologic Hazards Report and Geotech Report provide recommendations to mitigate conditions on the site.

Historic Resources:

Exhibit Y, Historical Survey Report, identifies two structures of interest. The first is a wood structure that appears to be a mining loadout or tipple located on the embankment north of the river. This structure is in the area that will be part of the County/Open Space parcel. The other structure appears to be the foundation of a small building, located near the north fence, just west of the large cottonwood tree. There is no information on what the building might have been used for or its age.

Tailings:

The applicant has retained a consultant to inspect the site for tailings (Application Section 2.2.4.e). Areas of tailings have been identified along the river in the east part of the site, within the proposed open space parcel that would be transferred to the County. The EPA has begun planning for remediation of tailings in the area and it is expected that this site will be included in that project. Should the EPA not include it in the Lawson Hill project, a remediation plan should be prepared by the Applicant for review and approval by the Colorado Department of Public Health and Environment under the Voluntary Cleanup (VCUP) program. Remediation work must be completed prior to conveyance of the land to the County.

Architectural Review & Design Guidelines

Exhibit AA contains the draft Design Guidelines, which are discussed in Section 7 of the Application. Because the site will be developed over time, possibly by a number of developers, an Architectural Review Plan has not been submitted as part of the PUD. The MXD zone district allows deferral of the Architectural Review Plan for individual lots until such a time as applications for development permits are submitted to the County. There will be a Review Board established for the development that will have primary responsibility for review and approval of design elements. The draft Design Guidelines, in addition to the usual architectural standards, includes a section on “Green Building and Design,” which includes energy efficiency, renewable energy, water consumption, and EV charging.

Utilities and Services

The property will be served by the regional utility providers: San Miguel Power Association, Black Hills Energy, phone, internet and cable providers, waste providers, and Town of Telluride water and sewer. In order to align with the Town’s ability to serve the property, there will be an agreement specifying when each phase of the development can be served. Planning Area 1 can be served within the next 5 years, while Planning Areas 2-5 would be dependent on the availability of sewer service. Genesee would enter into an agreement with the Town regarding water and sewer service (Application Sections 6.3-6.6). This is related to the proposed phasing and vesting length, discussed below. Additionally, the applicant will be designing an irrigation system to be used on Planning Areas 2-5. This system will use an onsite well and an underground storage tank and will not use potable water for irrigation on those lots. It will be the responsibility of the medical center to secure a source of water for irrigation, or use potable water.

Development of the property should include active and passive solar and energy-efficient design to help meet County goals for carbon reduction. The County’s 2010 Prescriptive Energy Code and Green Building Standard were replaced by the 2018 International Building Code, adopted in 2022. Section X.13 of the draft Design Guidelines (Exhibit T) contains “Green Building and Design Objectives.” Development of the property will fall under the 2018 or later Building Code, which continue to evolve and have higher energy efficiency standards.

Transit

Exhibit P, Transit Plan, addresses multi-modal transit alternatives, including public and private buses and shuttles, pedestrian and bike paths and trails, and carpooling. A Real Estate Transfer Assessment (RETA), as required by LUC Section 5-20, will be established and collected. The RETA is used to fund transit and related projects, in partnership with SMART. It is expected that the site will be served by SMART, initially just to the Medical Center and later to the rest of the development. There would be one or more bus stops, at locations to be determined in consultation with SMART. The site plan shows a bus pullout on Road B, near the east end of the site. There is no bus stop shown on the part of the site near the Medical Center. The cul de sac bulb shown on prior plans at the intersection of Roads A and B could have provided a bus pullout and turnaround but it is now shown as a T intersection, eliminating that possibility.

The ability to serve the site will depend upon SMART being able to maintain levels of service on current routes. Any extension of a route has impacts on frequency of bus service. With CDOT limiting access to the north entrance, buses would have to travel past the roundabout, into the site, and back out to the north before returning to the main route. Discussions with CDOT should continue regarding the ability for transit to use the east entrance, even if limited to right-in and right-out movement. Routing of buses through the development also impacts the ability to serve; specifically, if buses have to navigate through parking lots, that adds time to the route. The phasing of development provides SMART a significant amount of time to plan for service, but the applicant needs to work with SMART now regarding the design location and site improvements for pullouts and expected routes.

Trails:

The project includes a variety of non-motorized paths and trails. (See Exhibit J, Sheets T1-T12 for maps and Exhibit G, Sheet A2.) There will be sidewalks within the developed area. As noted above, the sidewalks are proposed to only be 6 feet wide; the Code requires 8-foot sidewalks. While sufficient for the west sidewalk along Road A, 6 feet is not adequate along Road B where there will be heavier pedestrian traffic. A paved trail will extend from the current underpass to the site, allowing all-season pedestrian and bike access to and from the Town of Telluride, Lawson Hill and Medical Center. A trail will run along the north side of the property, in the Highway 145 right-of-way, to provide continuous access to the Medical Center throughout all phases of development. When Road B is finished, bicyclists will also be able to ride on the low-speed road and pedestrians will have sidewalks.

From the Medical Center site, trail connections will lead to the west project open space, Lawson Hill open space, bridge, and ultimately the Keystone Gorge and Galloping Goose trail. The Remine Creek trail will be re-routed to run along the north side of Highway 145, with a pedestrian and bike crossing closer to the roundabout. This location was determined in consultation with CDOT; the current crossing is in the general area of the new access point. The trail realignment and site design could facilitate future construction of an underpass for the Remine Creek trailhead. While the Applicant has agreed to participate in a potential underpass, construction of that facility

would be by an entity other than the Applicant. It would not be part of this proposal. The Remine Creek trail was an improvement associated with the Deep Creek Ranches PUD.

Phasing

LUC Section 3-1402 Vested Property Right Term establishes vesting of rights for a period of three years from final approval of the site-specific development plan, consistent with State statute. The Code states, "However, the Board of County Commissioners may enter into development agreements with land owners specifying that property rights shall be vested for a period exceeding three years when warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, economic cycles and market conditions." Because of the need to phase the project to match align with water and sewer availability, and because most of the public benefits are being provided up front, the Applicant is requesting extended vesting rights for 25 years (Application Section 2.22). Development of the free-market component of the project (Lots 2-5) would not begin for at least 7-10 years after final approval to ensure there is adequate wastewater capacity. Additionally, market demand will dictate exactly what uses are built. The economic analysis upon which the plan is based looked at the regional need for office, retail, flex and lodging uses through 2040.

The applicant, upon recording the Final Plat, Subdivision Improvements Agreement, and Development Agreement, would convey the Medical Center parcel to the Telluride Hospital District; convey the wastewater treatment plant parcel to the Towns; and convey the portion of the open space parcel south of the river to the County. They would also begin construction of infrastructure, building the new north access and highway turn lanes, Road A, and trails, as shown on Exhibit J, sheet C-3. Later circulation and road improvements would be built as shown on Exhibit J, sheets C-4 and C-5. Transfer of the open space parcel north of the river to the County would not occur until development of Planning Area 5; there would be an easement enabling the County to use, operate and manage the area prior to transfer.

Vesting means development can occur using the land use regulations in effect at the time the application was approved. A longer vesting period can be approved and documented in a Development Agreement. The PUD will lock in most of the development rights with respect to uses and development standards. The area most affected by length of vesting would be employee housing mitigation; if not vested and housing mitigation requirements increase, more housing would be required, which would have a cascading impact on distribution of uses within the overall development as well as the water and sewer service agreement. It could also impact transportation improvements; the intersection is designed based on a certain volume of traffic. Additional housing might generate more traffic.

B. Rezone from Planned Unit Development – Reserve – PUD-R to Mixed Use Development - MXD

Concurrent with the Sketch Plan, the Land Use Code was amended to add the Mixed Use Development (MXD) zone district, LUC Section 5-323. The Applicant is now requesting rezoning of the property to MXD, as described in Section IX of the Application. The entirety of the property is proposed to be rezoned to MXD, including the County tracts and the WWTP parcel. The County or Town could propose rezoning to other zone districts, i.e. Parks or Public, in the future if determined to be more appropriate. The Development Agreement should spell out that ability so a PUD amendment would not be needed. Rezoning is considered pursuant to LUC Section 5-1803.

The MXD zone district closely follows and builds on TRAMP Section III.N, Society Turn. The MXD zone district requires all development to be reviewed pursuant to PUD and Subdivision standards and identifies items that must be included in the PUD and Subdivision plan. It also establishes a future process for consideration of an Architectural Review Plan, either concurrent with the PUD itself, or in the future at the time of actual development. This is necessary because development of the site will be phased; requiring architectural plans at this time would be premature.

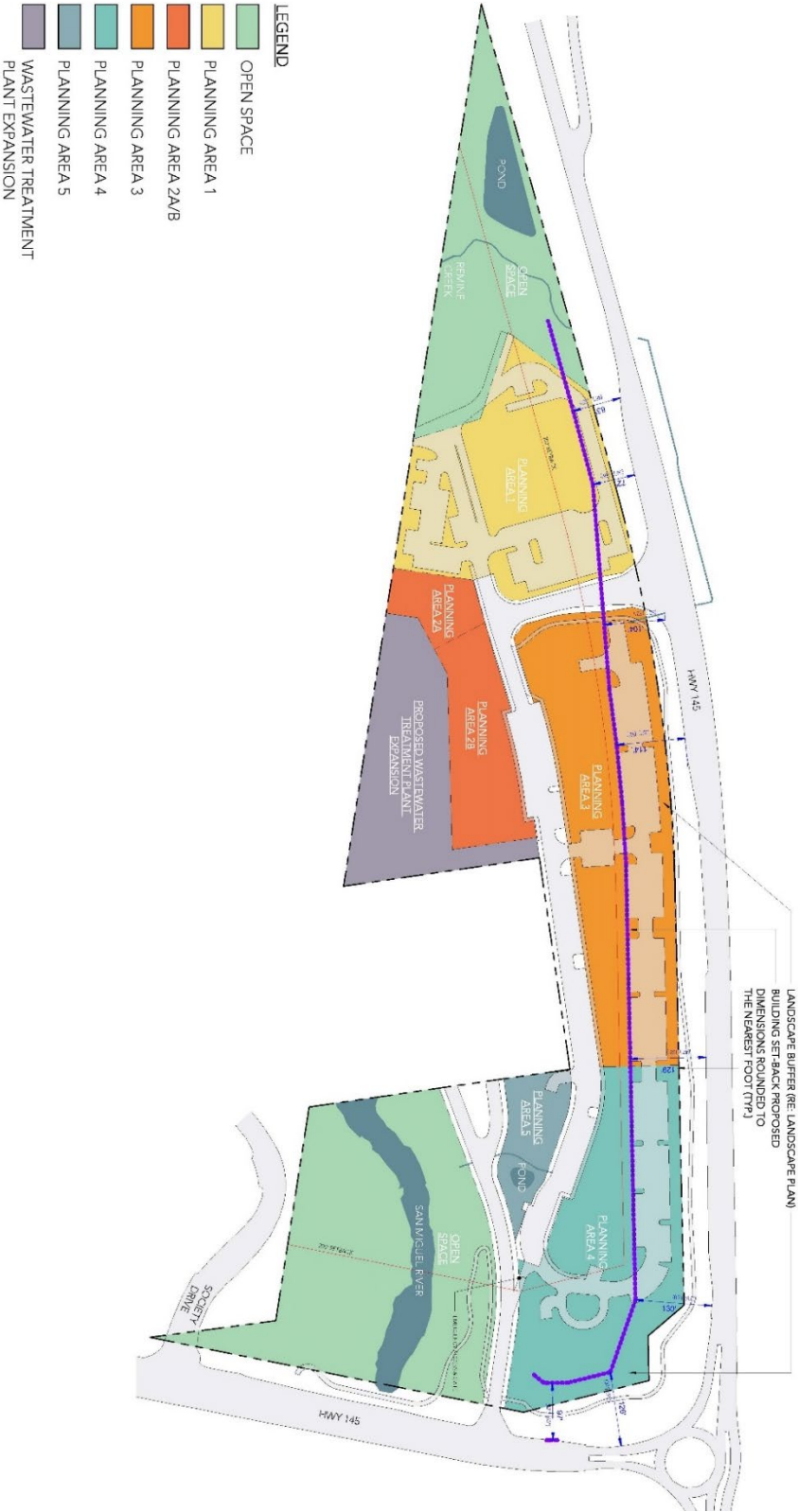
**Illustrative
Plan
(Exhibit G,
Sheet A2)**



SITE PLAN
(Exhibit G, Sheet A3)



Land Use Map
(Exhibit G, Sheet A5)



Public Notice

Planning Commission consideration of the Preliminary PUD is a Public Meeting. As a courtesy, notice was published in the Telluride Daily Planet and Norwood Post on Wednesday, December 21, 2022. Pursuant to LUC Section 3-903 B, the applicant posted the required signs on the property on or about December 13, 2022. Pursuant to LUC Section 3-903 C, the applicant mailed written notice to all owners of record located within 500 feet of the subject property on or about December 19, 2022.

Referral Agencies

The proposed Land Use Code text amendment was sent to the following agencies. Those who responded are indicated in bold.

- Black Hills Energy, Construction Coordinator
- **CDOT, Traffic & Safety - Permits Program**
- CDPHE, Environmental Protection Specialist
- **CPW, District Wildlife Mgr.**
- DWR, Well Commissioner / Augmentation
- **Lawson Hill, LHPOC Manager**
- Last Dollar PUD, President
- San Miguel County Sheriff
- **San Miguel County Parks & Open Space**
- **San Miguel County Road & Bridge**
- San Miguel County Attorney
- **San Miguel County Surveyor**
- **San Miguel County Building Official**
- San Miguel County Environmental Health
- San Miguel County Manager
- **San Miguel County Vegetation Mgmt.**
- **San Miguel County Addressing/GIS**
- **SEH, Designated County Engineer**
- Sheep Mountain Alliance, Director
- **SMART, Director**
- SMPA, Member Services – Manager
- Telluride Fire Protection District
- **Telluride Hospital District**
- Telluride R-1 School District, Superintendent
- **Town of Mountain Village**
- Town of Telluride
- USFS, Norwood District Ranger

Colorado Department of Transportation, Jo Heinlein: The CDOT Permit Department is currently short-staffed and they note the need for extended review times. The access permit has been submitted to CDOT.

Colorado Parks and Wildlife, Mark Caddy: CPW reiterated the concerns they expressed at Sketch Plan regarding the movement of elk across the parcel and in the surrounding area, recognizing that elk use of the parcel is limited. Recommendations were made regarding bear-proof trash receptacles, and using only non-fruiting non-invasive plants in the landscaping. Finally, CPW recommends stormwater management practices that will limit silt and sediment loading to the river.

Lawson Hill Property Owners Company (LHPOC), Pam Hall: The LHPOC requested additional time to review the project and asked that the application be continued.

San Miguel County Parks & Open Space, Janet Kask: Janet Kask, Parks and Open Space Director provided comments related to Parks, Open Space, and Historic Resources. Prior to acceptance of the County Tracts, tailings must be remediated and the property must be in a condition acceptable to the County. Concerns regarding visual impacts along the San Juan Scenic Byway were noted. Possible impacts on the San Miguel River and Remine Creek riparian zones are of concern. Connectivity between the new all-weather trail, relocated Remine Creek Trail, and the existing Galloping Goose connector trail and bridge is needed. Site drainage needs to be

designed in a way that ensures trail safety in the event of flooding. The need for developed parking for trail access was mentioned. Other items mentioned included concern for wildlife corridors, acknowledgement that the wooden tibble is within the parcel that will be dedicated to the County, and acknowledgement that the glacial moraine will be removed.

San Miguel County Road and Bridge, Ryan Righetti: Road and Bridge Director Ryan Righetti stated that although the roads are proposed to be private, they must be constructed to County road standards. He also noted the need to include snow storage areas in the design.

San Miguel County Surveyor, David Foley: The County Surveyor provided a number of comments regarding existing and proposed easements, and areas where development may conflict with easements. He also noted the need to provide an access easement on the parking lot loop to ensure the ability of motorists to circle back to Road B. On Exhibit E, Existing Conditions Map, the 100-year flood plain should be shown. He also noted the need to provide street names. In his memo, he stated that the former Rio Grande Southern (RGS) right-of-way had been deeded to the County. Planning staff verified with the Applicant and Applicant's surveyor that the County had in fact reconveyed the right-of-way to the owner of the property in 1968.

San Miguel County Building Official, Matt Gonzales: Matt Gonzales noted that there have been changes to the Energy Code and the Building Code. Recent legislation may impact the project, and may require the County to adopt additional codes related to energy efficiency and carbon reduction. Given the request for 25-year vesting, building codes are guaranteed to change during that time. The Design Guidelines (Exhibit AA) should reference codes "in effect at the time of development" rather than the now-current codes.

San Miguel County Vegetation Management, Julie Kolb: Vegetation Manager Julie Kolb provided a number of conditions related to reseeding, landscaping plants, the control of noxious weeds, and revegetation.

San Miguel County Addressing/GIS, Heather Widlund: Heather Widlund provided verbal comments to Planning staff, noting the Applicant needs to request approval of street names for Road A and Road B.

SEH, Designated County Engineer, Paul O'Neil: Paul O'Neil, P.E. of SEH has reviewed the plans as the Designated County Engineer. He noted the need to increase road lane widths to 12 feet, excluding V-pans, as required by the Land Use Code, and increase sidewalks along Road B to 8 feet wide. He also noted the need for plans and profiles for the driveways through Lots 3 and 4, which provides a loop for Road B. An easement to allow the loop should be provided. He inquired as to whether the Fire Department had provided any feedback on certain issues. (The Telluride Fire Protection District was included as a referral agency but as of the writing of this report, they have not provided comments on the Preliminary PUD.) He also noted a transposition of numbers in the

Traffic Study Memo, and stated that Total ADT should be updated rather than just peak hour volumes. He identified the need to discuss traffic control features within the development. He deferred to the Town of Telluride on water supply as the provider. Regarding parking, he questioned how phasing will affect availability and access during construction, and identified a need to quantify surface versus structure parking within the Matrix so we can be assured that the project is tracking to provide all parking upon completion. Finally, he raised several questions regarding drainage, include how it will be impacted by the phasing, and runoff from the CDOT right-of-way and culverts.

SMART, Director, David Averill: David Averill, Executive Director of SMART, provided a detailed letter outlining a number of issues with Exhibit J, Engineer Plans, Exhibit N-1, Traffic Study Update, and Exhibit P, Transit Plan. Notably, the plans need to provide room for buses to turn around, preferably without having to travel through parking lots. SMART continues to want a bus stop on the north side of Highway 145; this is something that should be addressed with CDOT. Concerns are also noted relative to the overall Level of Service (LOS) on Highway 145 regionally. Regarding the Transit Plan, a number of concerns and corrections were stated.

Telluride Hospital District: Chris Darnell, Telluride Regional Medical Center CEO, provided a letter in support of the project, noting that the no-cost land conveyance is critical to be able to develop a new facility. He noted the significant impact a new healthcare facility can have on a rural community.

Town of Mountain Village: Mayor Laila Benitez provided a letter in support of the project and recognizing the benefits of conveying the Medical Center and WWTP parcels.

A number of referral agencies provided comments on the Sketch Plan application but have not commented on the Preliminary PUD and Subdivision. Their comments continue to be valid, and are restated below.

SMPA, Brad Zaporski: *SMPA is in support of the project but has reservations regarding the proposed revision to access to the Telluride Substation, offices, warehouse and storage yard. The project would result in an amendment to the access easement that was previously granted to SMPA. At least once a week, an 80-foot semi accesses the site. On occasion, 90-foot trucks bring in replacement equipment. SMPA is concerned that semis will not be able to maneuver to the property through the rerouted easement, which would be off Road A and through the Medical Center parking lot. Currently, some trucks access the site through the wastewater treatment plant site but staff has been told that that may not be possible in the future. SMPA and the applicant should continue to work on finding a solution.*

On July 13, 2021, a letter was received from Hockersmith and Whitmore, attorneys for SMPA and Tri-State Generation and Transmission Association expressing their concern that the easement as proposed in the sketch plan would not suit their needs. The Applicant will provide a response to SMPA and Tri-State and has said they will continue

to work in good faith with SMPA and Tri-State to reach a resolution. (Note: an easement has been provided, as shown on Exhibits F and J.)

Telluride Fire Protection District: Jim Boeckel, (former) Fire Marshal, noted that the location of fire hydrants should be field verified with the TFPD prior to installation. John Bennet, District Chief, provided a letter in support of the project, noting that the COVID-19 pandemic has highlighted the need for a larger medical center with expanded capability.

Telluride R-1 School District, John Pandolfo, Superintendent: The Telluride R-1 School District noted some of its needs for facilities and program space. Pursuant to the Land Use Code, lands are dedicated to the County and the County and School District then work together to determine the disposition of land. It is envisioned that the open space parcel could include an outdoor education facility.

Town of Telluride, Ron Quarles, Planning and Building Director: The Town of Telluride notes that the public benefits (land conveyance for the medical center, wastewater treatment plant, and open space) are reasonable with respect to the overall development of the property. The water and sewer service agreement with the Town should be finalized prior to Preliminary PUD. (Note: to date the Town has not approved that agreement and it has not been submitted.) A method to track land use approvals relative to that agreement will need to be developed to ensure development occurs within the timeframes and limitations of the agreement. Recommendations are made regarding hotel uses and the need for current statistical data relative to the Hotel Needs Assessment, as well as site design and architecture. The Town recommends reviewing the drainage and stormwater management plan to better handle pollutants within the discharge, and to discharge in a location that will not impact the wastewater treatment plant. Finally, fire flow analysis will need to be conducted, and sewer main design should reflect work that will be done related to the wastewater treatment plant upgrade. The Town of Telluride's comments should be addressed in the Preliminary PUD.

Colorado Geological Survey, Jill Carlson: CGS found the engineer's characterization of conditions and recommendations to be valid and has no objections to sketch plan approval. (Note: the Final Plat must be submitted to CGS for their approval.)

FAA, John Sweeney: The FAA notes concerns regarding residential development within the area. The letter identifies forms that will need to be filed with the FAA for development on the property and for the Medical Center Helipad. The Airport Impact Area (LUC Section 5-417) would be evaluated as part of the Preliminary PUD. The Airport Impact Area and Height Zones have been mapped and are contained in Appendix D to the Land Use Code. The very western tip of the property, which is proposed to be open space, is within the Airport Impact Area; all residential uses are outside the area. The remainder of the property is covered by the height zones, but those are intended to control heights above the runway surface. This property is approximately 400 feet below the runway and the height limits are not applicable.

Last Dollar PUD HOA, Pete Wagner, President and Doug Tueller: Last Dollar PUD's primary issue with the proposed Society Turn PUD is that of traffic and to that end retained a traffic consultant, SM Rocha, whose comments are attached to their letter. Several questions are raised by SM Rocha regarding design specifics, including the depth of exit lanes on Road A; sidewalk widths of 6 feet instead of 8 feet; no bike lanes on Road A or Road B; intersection operation standards and level of service in 2040; whether the design for Highway 145 improvements meets CDOT standards. These items should be addressed in the Preliminary PUD. On July 16, a new letter was received from SM Rocha. It recommends plans and improvements that are beyond the scope of this project.

Sheep Mountain Alliance, Mason Osgood: Sheep Mountain Alliance provided comments in support of aspects of the project as well as concerns regarding the Remine Creek Trail crossing, impacts on elk habitat, view corridor impacts and employee housing.

Public Comments

As of the writing of this report, one public comment email has been received.

For the Sketch Plan, over 100 letters were received, many addressing the community need for a new regional Medical Center. A number of residents of the Last Dollar Subdivision wrote letters expressing concerns regarding traffic impacts, lighting, noise from the Medical Center helipad, visual impacts at the entrance to the valley, and wildlife impacts.

Master Plan

The property is located within the Telluride Regional Area Master Plan area. On May 8, 2019, the San Miguel County Planning Commission adopted an amendment to the TRAMP, an element of the San Miguel County Comprehensive Development Plan, adding Section N. Society Turn Parcel, to Section III, Future Land Use Element. Section III.N is included in this packet for reference.

Section III.N states in part,

The Planning Commission recommends that the development of the suitable portions of the Society Turn parcel be developed with a balanced mix of land uses that are compatible with the Telluride Region. Uses and activities should complement those occurring in the Town of Telluride, Town of Mountain Village, and Lawson Hill, enhancing the overall mix of uses serving local residents and visitors alike. This section of the Telluride Regional Area Master Plan is intended to be used in determining the future land uses that may be proposed on the site; all other Goals and Objectives of the Telluride Regional Area Master Plan will also apply.

It goes on to list potential uses that might be located on the site, with additional information describing certain uses. It concludes with a discussion of issues that will be

addressed through the PUD process, as follows:

The development of the Society Turn parcel would occur through a Planned Unit Development (PUD) and subdivision review process as provided for in the LUC. The PUD process would require the provision of a public benefit, which could consist of the dedication of a site for either the Regional Medical Center, employee housing or other Public Facilities/Uses.

During the review of the PUD/Subdivision application, various land use issues and matters would be reviewed and established, inclusive of the following: (i) the final mix of uses, consistent with the uses and activities being recommended above, (ii) allowable range of mass/scale, setbacks, heights of building and other improvements, (iii) design guidelines for development of buildings and improvements on the site, including landscaping and berming, (iv) compliance with County employee housing mitigation, (v) parking requirements and guidelines to serve the development, focused on serving the actual parking needed for the uses particular uses, which may be determined by parking studies based upon then current demand calculations, (vi) management of traffic, including intersection improvements and transit opportunities as well as the provision of necessary infrastructure to serve the proposed development, including water and sewer, shallow utilities, internal roads, sidewalks, pedestrian corridors, drainage and similar requirements, so as not to adversely impact public safety, and (vii) timing and phasing of the development. In the course of the review of development applications for the Society Turn parcel, consideration should be given to mitigating impacts of the proposed development on the Scenic Foreground through building placement, massing, and design, landscaping, and other design strategies. Consideration may be given to reducing the 200-foot scenic setback requirement for property located in the Scenic Foreground (Highway 145 south from Society Turn along the east side) and the 100-foot major highway setback requirement on the north side (Highway 145 from Society Turn to the west), provided impacts are sufficiently mitigated.

Implementation of the Future Land Uses as described herein is dependent upon the developer of the property entering into an agreement with the Town of Telluride for the provision of water and sewer services. It is acknowledged that such agreement may stipulate the type and amount of specific uses.

Environmentally sensitive areas shall retain their Future Land Use designations of Open Space/Rec/Parks or Wetlands/Rivers/Open Space.

Zoning

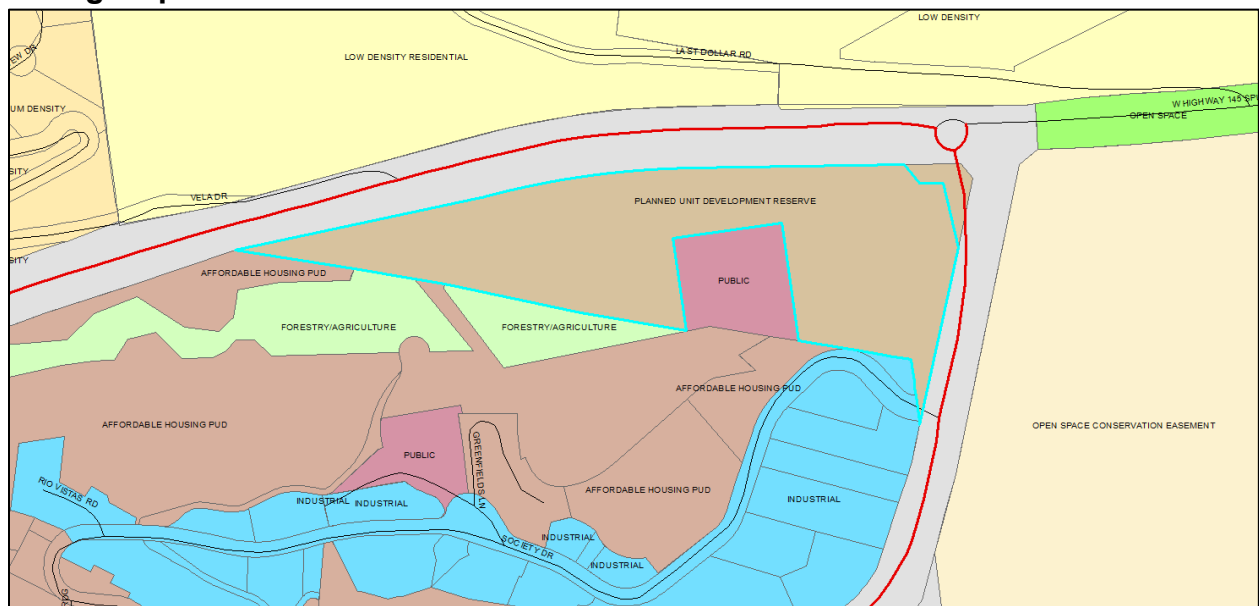
(See Exhibit D)

The property is currently zoned Planned Unit Development – Reserve (PUDR). As stated in LUC Section 5-317 A, “PUD Reserve status for a contiguous parcel provides a transition between designation under the San Miguel County Comprehensive

Development Plan and final zoning. No development shall occur under the PUDR Zone District.” The PUDR zone district does not have any development standards or allowed uses. Rather, that is determined through the PUD process, based on the adopted Future Land Use contained in the Master Plan.

The Lawson Hill development, to the south, is zoned Affordable Housing PUD and Industrial. The SMPA property and the Keystone Gorge area are zoned Forestry/Agriculture. The Valley Floor, to the east, is within the Town of Telluride and is zoned Open Space. To the north, the Deep Creek subdivision is zoned Low Density Residential, Aldasoro Ranch subdivision is zoned Low Density, and the Last Dollar subdivision is zoned Medium Density.

Zoning Map



Review Standards

LUC Sections 4-4, 4-606, 4-8 and 4-9 list the submission requirements. All required reports, maps and studies are included in the application. The Planning Director has authorized deferral of the Development Agreement, Covenants, Cost Estimates and Subdivision Improvement Agreement to Final Plat as the contents of those documents are dependent on the outcome of the Preliminary PUD process.

A. Preliminary PUD and Subdivision

5-1403 General Standards

Each Planned Unit Development (PUD) shall comply with the following general standards:

5-1403 A. Ownership

Land proposed for Planned Unit Development (PUD) must be in one ownership;

however, the owners of contiguous parcels under separate ownership may jointly file an application.

The property is owned by Genesee Properties, Inc.

5-1403 B. Compatibility of Land Uses

Area and bulk requirements and permitted land uses may be varied pursuant to the standards within specific zone districts to insure compatibility among multiple land uses in a Planned Unit Development.

Because the property is currently zoned PUDR, area and bulk requirements and permitted land uses must be established. The proposed Mixed Use Development zone district, and the land use matrix that will be developed for this PUD (Exhibit I), will outline permitted uses and development standards. The development, as proposed within the application and described above, has been designed to provide compatibility among the proposed uses. Limitations are placed on certain uses, such as retail and flex spaces larger than 8,000 s.f., and lodging uses, to ensure community compatibility. Areas of potential conflict, such as occasional odors from the wastewater treatment plant or helicopter flight operations associated with the Medical Center, would be intermittent.

5-1403 C. Area and Bulk Requirements and Variation

Area and bulk requirements may be established or varied pursuant to the standards in Section 5-1404 A.

As discussed above, the primary development standard that is requested to be varied through the PUD is the Scenic Highway and Major Setbacks, as required in LUC Section 505, Highway Setbacks. This can be mitigated through site design, landscaping, architectural design, and height limitations. The proposed development standards, including area and bulk requirements, are typical for a mixed-use development. The applicant is requesting modification of parking standards, as allowed by LUC Section 5-507. The applicant is also requesting twelve feet of additional height to allow the construction of additional employee housing on Lots 2A, 2B and 5, which are outside the Scenic Corridor.

5-1403 D. Phasing

A Planned Unit Development (PUD) shall insure:

- I. Each phase is self-sufficient and not dependent upon later phases;
- II. The failure to develop subsequent phases will not have any adverse impacts on the Planned Unit Development (PUD), its surroundings or the community in general; and

- III. Amenities such as open space and recreational areas are provided along with proposed residential or tourist accommodation construction at each development phase.

Utilities and infrastructure are being installed in the first phase, along with construction of Roads A, C and D and the highway improvements. Road B will be built as a gravel road, to be completed in future phases. The phasing plan and development standards will ensure that each phase will be self-sufficient. (Exhibit J, Sheets C3-C5) Notably, each phase must meet or exceed requirements for parking and employee housing. Stormwater and drainage improvements must be adequate for each phase. Trails will be built in the first phase, and the southern portion of the open space parcel will be transferred to the County, allowing the County to proceed with development of any recreational amenities or facilities at their discretion.

5-1403 E. Common Open Space and Recreational Facilities

A Planned Unit Development (PUD) must:

- I. Include common open space and recreational facilities for the mutual benefit of residents of the entire tract, including residents of on-site affordable housing;
- II. Preserve and, if possible, enhance unique site features; and
- III. Include provisions for maintenance of common open space and recreational facilities to be described in the improvements agreement (Refer to Section 5-9).

Common open space and amenities will be included within the development. The primary recreational amenity is the all-weather trail system that passes around and through the site. The County could develop additional amenities and facilities on the open space parcel. The Improvements Agreement and/or Development Agreement will address maintenance of facilities.

5-1403 F. Maximum Density

A Planned Unit Development (PUD) is not entitled automatically to the maximum density allowed in the zone district in which the land is located. Density shall be established based upon:

- I. Analysis of environmental factors affecting the land;
- II. Availability and adequacy of transportation system and facilities;
- III. Compatibility with surrounding land uses;
- IV. Consideration of adopted County plans affecting the site; and

V. Consistency with Land Use Policies in Article 2.

The maximum floor area and density is based on TRAMP Section III.N, Society Turn. The application includes studies analyzing impacts of the proposal and suitability of the site for development. The reports and studies support the suitability of the site for development and the proposed design, layout and uses.

The proposed PUD is generally consistent with the relevant Land Use Policies of LUC Article 2, including 2-1, Conformance with Adopted Comprehensive Plan; 2-3, Phasing of Public Services and Facilities; 2-4, Community Balance; and 2-6 Compatibility with Existing Adjacent Neighborhoods, as well as a number of policies related to more specific topics (Policies 2-9 through 20, 2-22, 2-23, 2-25, 2-26, 2-28, 2-29, 2-30, 2-32, and 2-34)

A key component of the PUD will be the improvements to Highway 145 at the new entrance to the site to allow for safe movement of traffic in and out of the site. The main point of concern identified by members of the public in response to this project come from residents of the Last Dollar PUD. The existing Vela Drive intersection does not meet standards, particularly with respect to approach angle. This is an existing problem that is not impacted by the proposed Society Turn development. Any traffic generated by the proposed development is mitigated by highway improvements. There is no nexus between the proposed Society Turn development and current conditions related to Vela Drive. The highway improvements as designed and ultimately built will meet CDOT standards, which include separation between intersections. Additionally, it is the purview of CDOT to determine speed limits, locations of passing lanes, and other traffic control issues within the state highway.

5-1403 G. Cultural Resources

A Planned Unit Development (PUD) shall take into consideration:

- I. The presence of cultural resources on the property, including historic, archaeological, and paleontological resources that are of local, state or national significance;
- II. The impact of the PUD on the cultural resources; and
- III. Measures that can be taken to preserve and protect cultural resources located within the PUD or mitigate impacts of the PUD on the cultural resources.

The cultural resource report indicates two structures of interest. The foundation near the north side of the site does not appear to have any local historical significance. The significance of the wood loadout structure on the north side of the river has not been fully assessed. Since it is within the open space parcel and will come under the ownership of the County, all impacts of the PUD development are fully mitigated.

5-1403 H. Procedures and Submission Contents

Refer to Section 3-7 for procedures and Sections 4-4 through 4-9 for submission contents.

All applicable submission requirements for Preliminary PUD and Subdivision as identified in LUC Section 4-4 have been submitted. The PUD is being considered pursuant to the procedures of LUC Section 3-7, Five-Step Review. The concurrent Rezoning application is a two-step review, being considered pursuant to LUC Section 3-6, Two-Step Reviews. LUC Section 3-8 stipulates that projects seeking multiple land use approvals shall be consolidated.

5-1404 Variations in Standards

This Section establishes criteria for varying area and bulk, open space, off-street parking and use standards for a Planned Unit Development (PUD).

5-1404 A. Area and Bulk Requirements

The following area and bulk requirements may be varied to cluster buildings and dwelling units, provided the overall density of the development does not exceed the maximum allowable density permitted and the development remains consistent with the intent of Planned Unit Development (PUD) (refer to Section 5-1401):

- I. Minimum lot area;
- II. Minimum front, side and rear yard setbacks;
- III. Minimum lot width;
- IV. Maximum height of buildings; and
- V. Maximum floor area ratio.

The property is currently zoned PUDR and as such has no area and bulk requirements. The applicant is proposing the property be rezoned to Mixed Use Development – MXD zone district. The final PUD will include a Land Use Matrix that identifies all permitted uses and development standards. Minimum and maximum lot sizes are not required in the MXD zone because the nature of the zone district and site, as well as development standards regarding parking, landscaping and other features, makes those limitations irrelevant.

As discussed above, the primary development standard that the applicant is requesting be modified is the Major Highway and Scenic Highway setback, as required in LUC Section 5-505 Highway Setbacks. This can be mitigated through site design, landscaping, architectural design, and height limitations. A request for modification of parking standards is also included, as discussed elsewhere in this report. Finally, as allowed by the MXD zone district, additional height is required for Lots 2A, 2B and 5, to

facilitate the construction of additional employee housing.

5-1404 B. Common Open Space or Open Space

Common open space or open space standards may be reduced by up to five percent if:

- I. Such reduction is consistent with the intent of the Planned Unit Development (PUD) procedure (refer to Section 5-1401);
- II. Such reduction is consistent with the San Miguel County Comprehensive Development Plan;
- III. Such reduction is consistent with the purpose and standards of the Scenic Foreground Overlay and Scenic View Plane Districts (refer to Section 5-316);
- IV. The common open space is useable and suitable for scenic, landscaping or recreation purposes; and
- V. A proportionate, undivided interest in all common open space is deeded in perpetuity to the homeowners association within the Planned Unit Development (PUD); which deed shall contain restrictions against future residential, commercial and industrial development.

There is no request to reduce the open space standards. As noted above, 3.8 acres (19% of the total parcel) will be dedicated to the County, meeting the open space and school dedication requirements. An additional 2.1 acres, or 10% of the parcel, will be private open space.

5-1404 C. Off-street Parking

Off-street parking standards (see Section 5-702) may be increased or decreased based upon consideration of the following criteria:

- I. The estimated number of cars owned by future occupants of dwellings in a Planned Unit Development (PUD);
- II. The parking needs of any non-residential uses;
- III. The varying time periods of use, whenever joint use of common parking is proposed; and
- IV. Available or proposed transportation system.

Because the proposed PUD is a mixed used development, it is expected that there will be overlap among uses, or uses with their attendant parking needs will occur at different times of the day. For example, lodging uses typically require the most parking between

4 pm and 8 am, while office uses require parking between 9 am and 5 pm. Residents require more parking at night as they may use their vehicles to get to work during the day. It is expected that some employee units would be studios and 1-bedroom units, most likely housing only one person, yet the LUC requires 2 parking spaces per dwelling, regardless of size. It is expected that the site will be served by public transit once the medical center and housing is built. Also, there will be year-round multi-modal access to the site, allowing people to walk or ride bikes. The applicant has submitted Exhibit Q, Parking Study, and is requesting approval of an alternate parking plan. This would be for Planning Areas 2-5; the Medical Center and its associated parking would be independent.

Based on the floor area, type of use, number of hotel rooms and number of dwelling units set forth in Section 4.5 of the application, the LUC requirement would be 799 parking spaces. The Parking Plan, using the ITE Parking Generation Manual, estimates the parking need to be 738 spaces on weekdays and 508 spaces on weekends, without taking into consideration time of day or multi-modal factors. The plan anticipates peak need on weekdays, around midday. If multi-modal trip reduction is considered, the number of spaces would drop to 573. The Parking Plan proposes 602 spaces (382 surface spaces and 220 sub-grade spaces). The Land Use Matrix should identify the number of spaces per lot or phase, to ensure parking will meet the minimum at buildout.

5-1404 D. Permitted land uses may only be varied pursuant to the listing of uses allowed by PUD procedure and to demonstration of compliance with the review standards for the various land use districts within a PUD.

The PUDR zone district has no permitted land uses and is implemented through the PUD process. Uses are determined through the site-specific PUD. The Mixed Use Development (MXD) zone district establishes land uses. The uses listed in the MXD zone district are based on those specified in the Master Plan for this site.

B. Rezone from Planned Unit Development – Reserve (PUDR) to Mixed Use District (MXD)

The applicant is proposing to rezone the property to Mixed Use Development – MXD Zone District (see Application Section IX). LUC Section 5-323, the MXD zone district, was adopted concurrent with the Sketch Plan approval. The zone district closely follows and builds on TRAMP Section III.N, Society Turn. It specifies that all development in the MXD zone district will be reviewed pursuant to PUD and subdivision standards and identifies items that must be included in the PUD and subdivision plan. It also establishes a future process for consideration of an Architectural Review Plan, either concurrent with the PUD itself, or in the future at the time of actual development. This is necessary because development of the site will be phased.

The zone district lists allowed uses, substantially matching the Master Plan. Area and bulk requirements are largely determined through the PUD and will be contained in a Land Use Matrix (Exhibit I). Maximum building height is notable in that it will establish

an above sea-level maximum elevation rather than a height based on existing or finished grade. This is related to the scenic corridor requirements and is intended to set heights relative to the surface of the highway. It includes height exceptions for additional affordable housing, and for roof appurtenances and architectural features.

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

- I. Meets any applicable Sections of the Land Use Code;

The proposed rezone meets the applicable Sections of the Land Use Code, including the Purpose of LUC Section 5-323, Mixed Use Development – MXD.

- II. Is consistent with the San Miguel County Comprehensive Development Plan;

The proposed rezone is consistent with the San Miguel County Comprehensive Development Plan, and most notably Section III, Future Land Use Element Section N. Society Turn Parcel.

- III. Is compatible with surrounding Zone Districts and land uses, considering existing land, neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible;

As noted above, there are a variety of zone districts and uses surrounding the property. It is most compatible with the Lawson Hill PUD to the south, which is an Affordable Housing PUD containing commercial uses in the area closest to the project site. The development standards and design guidelines are intended to ensure development of the property will be compatible with the character of the area.

- IV. Would not result in unsupportable demands on public facilities, and would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;

The Town of Telluride has indicated the ability to serve the property with water and wastewater; a service agreement is forthcoming. The project includes significant improvements to State Highway 145 to address traffic impacts, and provides for transit service within the development. As part of the PUD, trails will be constructed and open space tracts will be conveyed to the County to meet park dedication requirements. Most

notably, the Applicant will convey at no cost a parcel to the Telluride Hospital District, which will allow the development of a medical center, significantly improving regional access to medical facilities.

- V. Would not result in significant adverse impacts on the natural environment;

The applicant has provided a Wildlife Report (Exhibit T) and a Wildlife Movement Memo (Exhibit U). The Report and Memo note that large ungulates move throughout the area and are already impacted by development. The report and memo note that development of the site will not significantly increase the level of impacts to wildlife. The Geologic Hazards Report (Exhibit V), Geotech Report (Exhibit W), Wetland Report (Exhibit R) and other documents demonstrate that impacts to the natural environment can be mitigated.

- VI. Would not be in conflict with the public interest; and

The rezone is in the public interest in that it will allow development of the PUD, which includes no-fee conveyance of land to the Telluride Hospital District for a new medical center; conveyance of land to the County for parks, open space and school land dedication; and conveyance of land to the Towns of Telluride and Mountain Village for future expansion of the regional wastewater treatment facility. The MXD zone district also provides incentives through increased height in exchange for creating additional affordable housing.

- VI. Would help achieve the Land Use Policies, as set forth in Article 2 of this Land Use Code.

The rezone of the property and subsequent development helps achieve the following relevant Land Use Policies of LUC Article 2, including 2-1, Conformance with Adopted Comprehensive Plan; 2-3, Phasing of Public Services and Facilities; 2-4, Community Balance; and 2-6 Compatibility with Existing Adjacent Neighborhoods, as well as a number of policies related to more specific topics (Policies 2-9 through 20, 2-22, 2-23, 2-25, 2-26, 2-28, 2-29, 2-30, 2-32, and 2-34)

- 5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

The property is currently zoned PUD-R and has been envisioned for development. The area is developed, including numerous utility facilities. Some neighbors in nearby subdivisions have expressed concerns regarding portions of the project, and support for other components.

- 5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

A Traffic Impact Study has been prepared, outlining traffic generation for the proposed development. The density of the proposed development of the property has been carefully balanced with the capacity of the intersection. Improvements to Highway 145 are proposed to mitigate impacts of the additional traffic and provide for safe traffic movements.

Areas of State and Local Interest/"1041" Environmental Hazard Review

5-401 Applicability

This section of the Code contains development standards for Areas and Activities of Local and State Interest, pursuant to C.R.S. Section 24-65.1-101 et seq. The standards apply to areas mapped on San Miguel County's adopted Environmental Hazard Maps and to unmapped areas known to be Areas of Local and State Interest ("Colorado House Bill 1041 Environmental Hazard Areas"). Section 5-401 D. identifies Areas of Local and State Interest, and Section 5-401 E. identifies Activities of Local and State Interest.

5-401 C. Two-step Reviews

Reviews of multiple single-family dwelling units, multi-family dwelling units and non-residential uses in relation to Areas of Local and State Interest shall be two-step reviews.

All reviews relevant to Activities of Local and State Interest shall be two-step reviews.

5-401 D. The following are the Areas of Local and State interest within San Miguel County:

- I. Floodplain hazard areas (refer to Section 5-403);
- II. Geologic hazard areas (refer to Section 5-404);
- III. Historic and archaeological resource areas (refer to Section 5-405);
- IV. Wildfire hazard areas (refer to Section 5-406); and
- V. Wildlife habitat areas (refer to Section 5-407).

These topics are all addressed above, on pages 13-15 and in the corresponding Exhibits.

5-401 E. The following are the Activities of Local and State interest within San Miguel County: (Only applicable sections are listed.)

- I. Domestic Water and Sewage Treatment Systems (refer to Section 5-408);
- XI. Telluride Regional Airport (refer to Section 5-418).

These items are discussed on pages 15 and 25, respectively. Water is also addressed

in Exhibit M.

5-402 General Standards

The standards in this section apply to all Areas of Local and State Interest with the exception of Mancos shale, expansive soil and rock, wildfire and historic and archaeological areas.

5-402 A. Development in Hazard-free Areas

Restrict development to a hazard-free area if such an area exists on a site.

5-402 B. Development in Hazard Areas

If no adequate hazard-free area exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to persons or wildlife.

5-402 C. Development Prohibited

Development shall be prohibited within an Area of Local and State Interest (C.R.S. 1041 Environmental Hazard Area) if:

- I. Site planning and engineering techniques cannot completely mitigate potential hazards to public health, safety and welfare.
- II. Development subjects persons or the County to dangers or expenses required to mitigate hazardous conditions, respond to emergencies created by such conditions or rehabilitate improvements and lands.

As discussed in this report, the proposed development avoids hazard areas and mitigates impacts in sensitive areas and to wildlife. The Standards for Activities of Local and State Interest are generally met.

PLANNING COMMISSION ACTION

If the Planning Commission wishes to have additional time to consider the application, or seek additional input from referral agencies, the Commission may move to continue consideration of the Preliminary PUD and Subdivision and Rezone to a specific date, as follows:

I move to continue consideration of the Society Turn Preliminary PUD and Subdivision and Rezone to February 9, 2023, with direction to send the application to Referral Agencies for an additional review period. *(The Commission may include direction to the Applicant requesting additional information.)*

Should the Commission choose to move to make a recommendation to the BOCC at this time, the motions should include the following:

A. Preliminary PUD and Subdivision

I move to recommend the San Miguel County Commissioners approve the Society Turn Preliminary PUD and Subdivision, based on the findings that the Preliminary Plan and Subdivision is consistent with the San Miguel County Comprehensive Development Plan and more specifically, Section III.N of the Telluride Regional Area Master Plan Future Land Use Element, and meets the Intent for Planned Unit Developments, as set forth in Land Use Code Section 5-1401, the review standards of Land Use Code Section 5-1403, the relevant Land Use Policies as set forth in Article 2 of the San Miguel County Land Use Code, and the relevant Areas and Activities of Local and State Interest/"1041" Environmental Review as set forth in Land Use Code Section 5-4. I further move to direct staff to prepare a Resolution for consideration and adoption by the Planning Commission at the February 9, 2023 meeting, with the following conditions:

1. The applicant shall address all relevant Referral Agency comments in the application for Final PUD and Subdivision.
2. All representations made within the Application and its exhibits shall be incorporated into the Final PUD and Subdivision Plan, Development Agreement, Covenants, and Subdivision Improvements Agreement, except as modified herein.
2. Lane widths shall be at least 12 feet, exclusive of curb and gutter or valley pans, for all of Road A and Road B, per LUC Figure 5-1D.
3. Sidewalk widths along Road B shall be a minimum of eight (8) feet wide, per LUC Section 5-502 I.
4. Tailings cleanup shall occur prior to transfer of the County lots. Should the property not be included in the EPA cleanup, the Applicant shall complete cleanup as a Voluntary Cleanup (VCUP) project pursuant to Colorado Department of Public Health and Environment review and approval.
5. Prior to submitting the Final PUD and Subdivision Plan, that applicant shall obtain the approved and executed Town of Telluride Water and Sewer Service Agreement.
6. *List other conditions to be included in the Resolution.*

B. Rezone

I move to recommend to the Board of County Commissioners to approve rezoning of the Society Turn Parcel to Mixed Use Development – MXD, and direct staff to prepare a resolution for consideration and adoption by the Planning Commission at the February 9, 2023 meeting, based on the following findings:

1. The proposed rezoning complies with the standards of Land Use Code Section 5-1803, Rezoning;
2. The proposed rezoning is consistent with the Purpose of Land Use Code Section 5-323, Mixed Use Development;
3. The Applicant has demonstrated that the Property can be developed in a way that protects the public health, safety and welfare, including the provision of water and wastewater treatment; traffic; mitigation of geohazards; and mitigation of impacts on the environment;
4. The proposed rezoning implements Land Use Code Article 2, Land Use Policies;
5. The proposed rezoning is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code;
6. The proposed rezoning is consistent with and implements the Telluride Regional Area Master Plan, an element of the San Miguel County Comprehensive Development Plan, and in particular Future Land Use Element, Section III.N, Society Turn Parcel.

**THE COMPLETE APPLICATIONS FOR
SOCIETY TURN
PRELIMINARY PUD AND
SUBDIVISION AND
REZONE**

ARE ONLINE AT <https://societyturn.info/>

**APPLICANT'S CERTIFICATION OF COMPLIANCE WITH THE PUBLIC NOTICING
REQUIREMENTS OF THE SAN MIGUEL COUNTY LAND USE CODE SECTION 3-9**

Genesee Properties, Inc. Applicant, or the duly designated agent(s) of Applicant, has applied to San Miguel County for approval of a land use application. Applicant recognizes that the provisions of the San Miguel County Land Use Code (LUC) Section 3-9 require public notice by First Class mail and posting of the property not less than twenty (20) days before the date scheduled for a public meeting or hearing.

Applicant or Applicant's agent(s) have examined the current tax records of San Miguel County as they appeared either in the records of the San Miguel County Assessor or under the San Miguel County Geographic Information Systems* (GIS) mapping program no more than sixty (60) days prior to the date of the public meeting or hearing. Applicant or Applicant's agent(s) hereby certifies that: (Applicant must check all.)

☒ Following an examination of the records in the San Miguel County Assessor or under the San Miguel County GIS* mapping program, the Applicant has provided public notice, in compliance with LUC § 3-903C not less than twenty (20) days before the date scheduled for a public meeting or hearing, by First Class mail to every property owner and condominium unit owner within 500 feet of the perimeter of the subject property. **I hereby certify that I have attached a copy of this public notice letter and mailing list to this certification.**

AND

☐ ~~Not less than twenty (20) days before the date scheduled for a public meeting or hearing, I hereby certify that, in compliance with LUC § 3-903B, public notice has also been provided by posting a sign in a conspicuous place on the property that is the subject of the land use application.~~

I understand that San Miguel County requires completion and delivery of this Certification of Compliance to the San Miguel County Planning Department at least ten (10) days prior to the initial public meeting or hearing on a land use application. I further understand that failure to submit the required Certification of Compliance to the County Planning Department at least ten (10) days prior to the initial public meeting on a land use application will result in the public meeting or hearing being rescheduled to a later date.

Anne M. Connor
Name

Genesee Properties, Inc.
(Insert Applicant's name if executed by agent)

Society Turn
Physical location of Property and/or legal description

PO Box 3081 Telluride, CO 81435-3081
Mailing Address (if different from above)

Date: 12/19/22

Signature: Anne M Connor

[text/luc/certification.property.owner]

* GIS data may not accurately or completely reflect owners in multi-unit, multi-floor buildings in San Miguel County. In such instance, the applicant must examine the Assessor's information in addition to the GIS data in order to provide the required public notice.

**APPLICANT'S CERTIFICATION OF COMPLIANCE WITH THE PUBLIC NOTICING
REQUIREMENTS OF THE SAN MIGUEL COUNTY LAND USE CODE SECTION 3-9**

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Applicant or Applicant's agent(s) have examined the current tax records of San Miguel County as they appeared either in the records of the San Miguel County Assessor or under the San Miguel County Geographic Information Systems* (GIS) mapping program no more than sixty (60) days prior to the date of the public meeting or hearing. Applicant or Applicant's agent(s) hereby certifies that: (Applicant must check all.)

☐ Following an examination of the records in the San Miguel County Assessor or under the San Miguel County GIS* mapping program, the Applicant has provided public notice, in compliance with LUC § 3-903C not less than twenty (20) days before the date scheduled for a public meeting or hearing, by First Class mail to every property owner and condominium unit owner within 500 feet of the perimeter of the subject property. **I hereby certify that I have attached a copy of this public notice letter and mailing list to this certification.**

AND

☒ Not less than twenty (20) days before the date scheduled for a public meeting or hearing, I hereby certify that, in compliance with LUC § 3-903B, public notice has also been provided by posting a sign in a conspicuous place on the property that is the subject of the land use application.

I understand that San Miguel County requires completion and delivery of this Certification of Compliance to the San Miguel County Planning Department at least ten (10) days prior to the initial public meeting or hearing on a land use application. I further understand that failure to submit the required Certification of Compliance to the County Planning Department at least ten (10) days prior to the initial public meeting on a land use application will result in the public meeting or hearing being rescheduled to a later date.

Momas G. Kennedy
Name

Genesee Properties
(Insert Applicant's name if executed by agent)

Society Turn
Physical location of Property and/or legal description

Box 3081 Telluride CO 81435
Mailing Address (if different from above)

Date: 12/13/88

Signature: _____

[text/luc/certification.property.owner]

* GIS data may not accurately or completely reflect owners in multi-unit, multi-floor buildings in San Miguel County. In such instance, the applicant must examine the Assessor's information in addition to the GIS data in order to provide the required public notice.

Legal Notices

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, ADOPTING THE 2023 BOARD OF COUNTY COMMISSIONER OPEN MEETING SCHEDULE

Resolution #2022-58

WHEREAS, the Board of County Commissioners (BOCC) of San Miguel County has adopted the dates on which the regular meetings of the BOCC shall be held. The schedule is attached and incorporated herein by reference as Exhibit “A.”

WHEREAS, the County BOCC considered these meeting dates, along with relevant evidence and testimony, as its meeting on December 7, 2022.

NOW THEREFORE BE IT RESOLVED The County BOCC Open Meeting Schedule for 2023 (Exhibit “A,” attached hereto) is hereby adopted and approved and shall be published in the manner provided for by law.

1. The types of open meetings which may be held by the San Miguel County Board of Commissioners are:

a. Regular Meetings

Regular Meetings are generally held on Wednesdays. Matters considered by the BOCC during a Regular Meeting may include reports from department heads or elected officials, public hearings on specific issues, policy-making decisions, signing contracts or agreements, work sessions on specific issues, or approving expenditures or requests from county officials. A Regular Meeting shall be held after at least twenty-four (24) hours’ notice as posted at the designated posting place, recorded, and have minutes taken.

b. Special Meetings

Special Meetings may be called by the Chair when circumstances warrant or upon the request of a member of the BOCC or County Manager. A Special Meeting shall be held after at least twenty-four (24) hours’ notice as posted at the designated posting place, recorded, and have minutes taken.

c. Emergency Meetings

Emergency Meetings may be held without twenty-four (24) hours’ notice when necessary for the immediate preservation of public property, health, peace, and safety and shall be conducted pursuant to procedures as adopted by the BOCC by Resolution #2018-26. An Emergency Meeting shall be recorded and have minutes taken. Any formal decision made by the BOCC at an Emergency Meeting shall be ratified at the next scheduled Regular Meeting.

d. Work Sessions

Work Sessions are generally held on Wednesdays. A work session is an informal, deliberative session between staff and members of the BOCC. Matters considered during these meetings may include receiving reports from County staff, discussion of County business, or day-to-day oversight of property or employee supervision. No formal, policy-making decisions may be made at a work session. A work session shall be held after at least twenty-four (24) hours’ notice as posted at the designated posting place, recorded, and minutes will not be taken.

2. The BOCC shall annually designate posting places for BOCC open meeting notices.

3. The official designated posting place for all BOCC notices will be online at <https://www.sanmiguelcountyco.gov/liveagenda>.

4. BOCC Staff shall post the regular meeting agenda at the

designated posting place and on the County’s official website at least two working days before the regular meeting but no less than 24 hours prior to the meeting. The posted meeting agenda is subject to change before the meeting or at the meeting.

5. BOCC staff shall also post the BOCC Calendar listing meetings that may be attended by one or more of the Commissioners at the designated County’s official website. Changes to the BOCC Calendar may occur and shall be updated accordingly.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, at a duly noticed public meeting held in Telluride, Colorado, on December 7, 2022.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

Kris Holstrom

Kris Holstrom, Chair

ATTEST:

Carmen Warfield

Carmen L. Warfield, Chief Deputy Clerk to the Board

VOTE:

Hilary Cooper **Aye** Nay Abstain Absent

Kris Holstrom **Aye** Nay Abstain Absent

Lance Waring **Aye** Nay Abstain Absent

Exhibit A

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
2023 PUBLIC MEETING SCHEDULE

COMMISSIONER/PUBLIC MEETINGS Commissioner meetings are held the first and third Wednesday of each month. They are held via zoom.us or if possible, in person at 333 West Colorado Avenue, Second Floor, Miramonte Building, Telluride – OR– 1110 Summit St, Sheriff Annex, Norwood –OR– Egnar Fire House. Meetings are scheduled on Wednesdays and are to begin at 9:30 a.m. unless otherwise noted. Meeting dates and locations are subject to change when circumstances warrant.

Work Sessions: Commissioner Work sessions are scheduled the second and fourth Wednesday of each month. They begin at 9:30 a.m. unless otherwise noted. Meeting dates and locations are subject to change when circumstances warrant. Discussion Meetings will be held via zoom.us. Work sessions do not take Public comment.

The Public is invited to attend via zoom at Join a Meeting, Zoom.us, Meeting, Zoom.us, Meeting ID #534.180.495, Password 014764, audio 1-301-715-8592 or 1-253-215-8782

NOTE: Regular Meetings, Public Hearings, and Special Meetings are recorded and ACTION MAY BE TAKEN ON ANY ITEM. Formal Action cannot be taken at work sessions.

The official, designated posting place for all BOCC notices will be online at: <https://www.sanmiguelcountyco.gov/liveagenda>. Use the link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and follow the prompts.

Board of County Commissioner Meetings

[Regular Meetings and Work Sessions]

September 2023						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2023						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2023						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2023						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September		
09/04/23 (Mon)	Labor Day - Cty Closed	Holiday
09/06/23 (Wed)	Telluride	Regular Meeting
09/13/23 (Wed)	Telluride	Work Session
09/20/23 (Wed)	Norwood	Regular Meeting
09/27/23 (Wed)	Telluride	Work Session

October		
10/04/23 (Wed)	Egnar	Regular Meeting
10/09/23 (Mon)	Indigenous People's Day - Cty Closed	Holiday
10/11/23 (Wed)	Telluride	Work Session
10/18/23 (Wed)	Telluride	Regular Meeting
10/25/23 (Wed)	Telluride	Work Session

November		
11/01/23 (Wed)	Telluride	Regular Meeting
11/08/23 (Wed)	Telluride	Work Session
11/11/23 (Sat)	Veterans Day	Holiday
11/15/23 (Wed)	Telluride	Regular Meeting
11/23/23 (Thu)	Thanksgiving - Cty Closed	Holiday
11/24/23 (Fri)	Day after Thanksgiving - Cty Closed	Holiday
11/29/23 (Wed)	Telluride	Work Session

December		
12/06/23 (Wed)	Telluride	Regular Meeting
12/13/23 (Wed)	Telluride	Work Session
12/20/23 (Wed)	Telluride	Regular Meeting
12/25/23 (Mon)	Christmas Day - Cty Closed	Holiday
12/26/23 (Tue)	Day after Christmas - Cty Closed	Holiday
12/27/23 (Wed)	Telluride	Work Session

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, ADOPTING THE 2023 SAN MIGUEL COUNTY HOLIDAYS

Resolution #2022-57

WHEREAS, the Board of County Commissioners of San Miguel County shall adopt the dates in 2023 on which the Holidays of San Miguel County shall be taken. The list is attached hereto and incorporated herein by reference as Exhibit “A”.

WHEREAS, the Board of Commissioners of San Miguel County, Colorado considered these holidays, along with relevant evidence and testimony at its regular meeting on December 7, 2022.

NOW, THEREFORE, BE IT RESOLVED that the San Miguel County Board of Commissioners approved and adopted the

San Miguel County Holidays for 2023 (Exhibit “A”, attached

hereto) and same shall be published in the manner provided for by law.

APPROVED and DONE by the Board of Commissioners of San Miguel County, Colorado, on December 7, 2022.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

Kris Holstrom

Kris Holstrom, Chair

Vote: Hilary Cooper **Aye** Nay Abstain Absent

Kris Holstrom **Aye** Nay Abstain Absent

Lance Waring **Aye** Nay Abstain Absent

ATTEST:

Carmen Warfield

Carmen Warfield, Chief Deputy Clerk

EXHIBIT A

San Miguel County
2023 Holiday Schedule

2023 Approved Holidays		
Holiday	Date	
1	Martin Luther King Day	Monday, January 16, 2023
2	President’s Day	Monday, February 20, 2023
3	Memorial Day	Monday, May 29, 2023
4	Juneteenth	Monday, June 19, 2023
5	Day Before Independence Day	Monday, July 03, 2023
6	Independence Day	Tuesday, July 04, 2023
7	Labor Day	Monday, September 04, 2023
8	Indigenous People’s Day	Monday, October 09, 2023
9	Thanksgiving	Thursday, November 23, 2023
10	Day After Thanksgiving	Friday, November 24, 2023
11	Christmas	Monday, December 25, 2023
12	Day after Christmas	Tuesday, December 26, 2023

PUBLIC HEARING NOTICE

The San Miguel County Planning Commission has been asked to consider an application submitted by Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc. for a Rezoning to Mixed-Use Development Zone District and for a Preliminary Plan Subdivision and Planned Unit Development (PUD) for the “Society Turn Parcel” a 20 acre property located three miles west of the Town of Telluride on Highway 145 southwest of the Society Turn Roundabout. Rezoning and Preliminary Plan Subdivisions and Planned Unit Developments applications are subject to Two-step Review, i.e. review and recommendation at a Public Meeting by the Planning Commission (CPC) and review and action at a Public Hearing by the Board of County Commissioners (BOCC).

This Public Meeting is the first step of a Two-step Planning Commission and Board of County Commissioner Review pursuant to Land Use Code Sections 5-1803, 3- 601 E. and 3-702 B.

A public meeting on the above application will be held by the San Miguel County Planning Commission at 9:45 a.m. or thereafter, Thursday, January 12, 2023 in Telluride, to be held on-line, but at which you may appear in person. To provide comment or ask questions regarding the proposal, please join the meeting at <https://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Please call the Planning Department at 970-728-3083 for more information on the application. A complete text of this proposal may be viewed at <https://societyturn.info/>. The official designated posting place for all meeting notices will be online at <http://www.sanmiguelcountyco.gov/liveagenda>.

Written comments of more than one page may not receive complete consideration if not received by December 30, 2022. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

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PUBLIC NOTICE

NOTICE TO
CREDITORS
Estate of Mark Krasic,
Deceased
Case No.: 2022PR30025

All persons having claims against the above-named estate are required to present them to the Personal Representative or to the District Court of San Miguel County, Colorado, on or before April 12, 2023, or said claims may be forever barred.

Elyssa Krassic
Personal Representative
c/o Carol A. Viner
VINER LAW
1104 S. Townsend Ave.
Montrose, CO 81401
s/ Carol A. Viner
ARN: 33676

Classifieds ads are small but POWERFUL

The Norwood Post
has the largest reach of
any media in the region and
is the only newspaper dedicated
to news and information about
the Norwood area.

Continued

CHALK BOARD

CHALK BOARD, from page 1

norwoodparkandrec.org or the NPRD Facebook page for announcements, schedules and events.

TRI-COUNTY HEALTH NETWORK: Help with health insurance, Medicaid and CHP+ available. Call 708-7096 for more information.

UNCOMPAGHRE MEDICAL CENTER: Health Insurance, Medicaid, CIPC Assistance, call Cindy or Sarah at 327-4233.

TRUE NORTH YOUTH PROGRAM: Resume building, essay editing, academic, college and career support on Thursdays, 9 a.m. to 1 p.m. at Norwood High School

LOG CABIN MUSEUM: open Fridays and Saturdays from 11 a.m. to 3 p.m. or by appointment, call Barbara Youngblood at 327-4400

LONE CONE LIBRARY: Open to the public. Now offering programs for all ages, including Friday programs; Storytime for Littles 10:30-11:15 a.m. and Library Club noon-1:30 p.m. For a complete listing please visit loneconelibrary.org and click calendar for a full list of programs and events. Information also available on Lone Cone Library Facebook page or by email at staff@loneconelibrary.org.

NATURITA COMMUNITY LIBRARY: For library information, hours and other youth programs, call 970-787-2270 or visit the Naturita Community Library Facebook page.

MEDICAL SHUTTLE: Medical shuttle available for all. Sponsored by the Tri-County Health Network and operated by All Points Transit. Shuttle to Montrose and Grand Junction for medical and dental appointments is \$5. All other appointments/errands, \$10. The only requirement is that riders have a scheduled appointment. Visit tchnetwork.org/regional-medical-shuttle/ more info or call All Points Transit at 970-249-0128 to reserve a seat.

DAILY SHUTTLE: The Galloping Goose. Call 728-5700 or visit telluride-co.gov/index.aspx?NID=254.

SMART: Expanded Telluride and Norwood service, beginning May 26. Monday-Friday, SMART will be adding the following services:
· A trip from Telluride to Norwood at 9:45 a.m.
· A trip from Norwood to Telluride at 11:00 a.m.
· A trip from Telluride to Norwood at 11:30 p.m.

The new trips will include stops at Two Rivers and the Lawson Hill Park & Ride.

An early morning trip, three additional mid-day trips and one additional evening trip will serve Lawson Hill.

The Nucla/Naturita Norwood bus will also make a quick stop at the Lawson Hill Park & Ride to allow people who work in the Lawson Hill commercial area to catch a ride to and from Norwood without needing to call ahead or ride into Telluride to pick up the Norwood bus.

The Nucla/Naturita bus will be leaving Nucla and stops along the way five minutes earlier. The Down Valley bus will also be stopping at the Lawson Hill Park & Ride. SAN MIGUEL/WEST MONTROSE COUNTIES COLORADO STATE UNIVERSITY EXTENSION: For registration and info for all classes and events, including 4-H, call 970-327-4393, visit <http://sanmiguel.extension.colostate.edu> or email maryw@sanmiguelcountyco.gov.

Legal Notices

LEGAL, from page 24

Board of County Commissioner Meetings

[Regular Meetings and Work Sessions]

September 2023						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September		
09/04/23 (Mon)	Labor Day - Cty Closed	Holiday
09/06/23 (Wed)	Telluride	Regular Meeting
09/13/23 (Wed)	Telluride	Work Session
09/20/23 (Wed)	Norwood	Regular Meeting
09/27/23 (Wed)	Telluride	Work Session

October 2023						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

October		
10/04/23 (Wed)	Egnar	Regular Meeting
10/09/23 (Mon)	Indigenous People's Day - Cty Closed	Holiday
10/11/23 (Wed)	Telluride	Work Session
10/18/23 (Wed)	Telluride	Regular Meeting
10/25/23 (Wed)	Telluride	Work Session

November 2023						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November		
11/01/23 (Wed)	Telluride	Regular Meeting
11/08/23 (Wed)	Telluride	Work Session
11/11/23 (Sat)	Veterans Day	Holiday
11/15/23 (Wed)	Telluride	Regular Meeting
11/23/23 (Thu)	Thanksgiving - Cty Closed	Holiday
11/24/23 (Fri)	Day after Thanksgiving - Cty Closed	Holiday
11/29/23 (Wed)	Telluride	Work Session

December 2023						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

December		
12/06/23 (Wed)	Telluride	Regular Meeting
12/13/23 (Wed)	Telluride	Work Session
12/20/23 (Wed)	Telluride	Regular Meeting
12/25/23 (Mon)	Christmas Day - Cty Closed	Holiday
12/26/23 (Tue)	Day after Christmas - Cty Closed	Holiday
12/27/23 (Wed)	Telluride	Work Session

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, ADOPTING THE 2023 SAN MIGUEL COUNTY HOLIDAYS

Resolution #2022-57 WHEREAS, the Board of County Commissioners of San Miguel County shall adopt the dates in 2023 on which the Holidays of San Miguel County shall be taken. The list is attached hereto and incorporated herein by reference as Exhibit "A".

WHEREAS, the Board of Commissioners of San Miguel County, Colorado considered these holidays, along with relevant evidence and testimony at its regular meeting on December 7, 2022.

NOW, THEREFORE, BE IT RESOLVED that the San Miguel County Board of Commissioners approved and adopted the San Miguel County Holidays for 2023 (Exhibit "A", attached

hereto) and same shall be published in the manner provided for by law.

APPROVED and DONE by the Board of Commissioners of San Miguel County, Colorado, on December 7, 2022.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

Kris Holstrom, Chair

Vote: Hilary Cooper Aye Nay Abstain Absent Kris Holstrom Aye Nay Abstain Absent Lance Waring Aye Nay Abstain Absent

ATTEST: Carmen Warfield, Chief Deputy Clerk

EXHIBIT A

San Miguel County 2023 Holiday Schedule

2023 Approved Holidays		
Holiday	Date	
1 Martin Luther King Day	Monday, January 16, 2023	
2 President's Day	Monday, February 20, 2023	
3 Memorial Day	Monday, May 29, 2023	
4 Juneteenth	Monday, June 19, 2023	
5 Day Before Independence Day	Monday, July 03, 2023	
6 Independence Day	Tuesday, July 04, 2023	
7 Labor Day	Monday, September 04, 2023	
8 Indigenous People's Day	Monday, October 09, 2023	
9 Thanksgiving	Thursday, November 23, 2023	
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12 Day after Christmas	Tuesday, December 26, 2023	

PUBLIC NOTICE

NOTICE TO CREDITORS Estate of Mark Krasic, Deceased Case No.: 2022PR30025

All persons having claims against the above-named estate are required to present them to the Personal Representative or to the District Court of San Miguel County, Colorado, on or before April 12, 2023, or said claims may be forever barred.

Elyssa Krassic Personal Representative c/o Carol A. Viner VINER LAW 1104 S. Townsend Ave. Montrose, CO 81401 s/ Carol A. Viner ARN: 33676

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TTThe San Miguel County Planning Commission has been asked to consider an application submitted by Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc. for a Rezoning to Mixed-Use Development Zone District and for a Preliminary Plan Subdivision and Planned Unit Development (PUD) for the "Society Turn Parcel" a 20 acre property located three miles west of the Town of Telluride on Highway 145 southwest of the Society Turn Roundabout. Rezoning and Preliminary Plan Subdivisions and Planned Unit Developments applications are subject to Two-step Review, i.e. review and recommendation at a Public Meeting by the Planning Commission (CPC) and review and action at a Public Hearing by the Board of County Commissioners (BOCC).

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HOROSCOPE

By SALLY BROMPTON www.sallybrompton.com

BIRTHDAY WEDNESDAY:

Make a point of widening your horizons over the coming year and don't be surprised if some of the new things you discover become central features of your life. Life is full of possibilities, some of which you may have never imagined.

ARIES (March 21 - April 20):

As an Aries you don't lack for ambition but now the Sun is moving into the career area of your chart your desire to do well will go through the roof. Remember, the key to success is having a clear vision of what you want to accomplish.

TAURUS (April 21 - May 21):

You may think it best to avoid taking risks today but that is actually the opposite of what you must do. Allow the adventurous side of your nature to come to the fore and don't be afraid to take on challenges that might terrify others.

GEMINI (May 22 - June 21):

Talk to friends and family members whose opinions you trust today, especially when seeking advice on financial issues and business decisions. There may be more at stake than you realize, so make sure you are armed with the right facts and figures.

CANCER (June 22 - July 23):

Now that the Sun is moving into your opposite sign you must expect to be confronted with situations where you have no choice but to compromise. That's not a bad thing - in fact it could do you the world of good both personally and professionally.

LEO (July 24 - Aug. 23):

The Sun in your fellow Fire sign of Sagittarius in recent weeks did wonders for your confidence and now you must take that confidence and do something with it. On the work front, especially, you need to show others you are not just a big talker.

VIRGO (Aug. 24 - Sept. 23):

One of the best times of the year begins for you today as the Sun moves into the most dynamic area of your chart. Creative and artistic matters are under especially good stars, so don't be afraid to take chances - they WILL pay off for you.

LIBRA (Sept. 24 - Oct. 23):

The Sun's move into one of the more sensitive areas of your chart today means you may be rather touchy, especially when dealing with people whose ideas and values are at odds with your own. What happened to that Libra desire to live and let live?

SCORPIO (Oct. 24 - Nov. 22):

Social activities should be a lot of fun between now and the weekend, so don't sit at home in front of a screen, get out into

the world and have a good time. You can be a bit too serious at times but that shouldn't be a problem now.

SAGITTARIUS (Nov. 23 - Dec. 21):

The message of the stars today is that you need to be more selective about what you do with your energy and how you spend your time. The Sun's move into the financial area of your chart also warns you need to take better care of your money.

CAPRICORN (Dec. 22 - Jan. 20):

A new solar cycle begins for you today as the Sun moves into your birth sign and if you want to make it a good one you must get busy quickly. You have so many plans and so much potential - so be positive and make great things happen.

AQUARIUS (Jan. 21 - Feb. 19):

This is a good time to look back over the past few months and identify what you've done right and what you've done wrong. Don't be harsh on yourself for your mistakes, because if you learn from them your future successes are sure to be immense.

PISCES (Feb. 20 - Mar. 20):

Friendships are under excellent stars at the moment, so get together with people whose outlook on life reflects your own and do things together that you enjoy. Yes, of course, there are serious things going on in the world but it's not a crime to laugh.

Missed any of our papers this week?

Get news recaps straight to your inbox!

Sign up for

THE WEEK IN REVIEW

@ TellurideNews.com

... and follow us on social media!

NEW YORK TIMES CROSSWORD

ACROSS

1 Title for Geraint or Gawain

4 "A Thousand ____" (1992 Pulitzer winner)

9 Doesn't wax

14 Here, in Saint-Tropez

15 Feature of many a sit-in

16 Paper-saving invoice

17 Flurry of transcription errors

19 Term of address for a young man

20 Biblical unit of weight

21 Venue with a token-based currency

23 Donkey ____

24 Devotee of polar regions

28 "Don't reach for your wallet!"

30 Staycation option

31 "The Boy Who Cried Wolf" author

34 One crying to Mami or Papi

35 Fear of trousers

39 Common burrito topping, informally

41 Journalist/podcaster Rehm

42 Ill-advised

45 Fun find for a bargain hunter

50 Elaborates condescendingly to a female

53 "For here" alternative

54 Walked in long steps

55 Having a metal coating

57 Earthy color

59 Study of urban areas

61 Go bad

62 Small box on a map

63 "Norma ____"

64 Like many a rom-com or maple tree

65 Tots

66 Coin-____ (some laundromats)

DOWN

1 Para alpine sport equipment

2 Balm with a paradoxical name

3 Gets ready to eat?

4 Fictional manufacturer of giant rubber bands and cactus costumes

5 Timothée of "Dune"

6 Tried to get elected

7 "Giant Brain" in 1946 news

8 Button next to "Select" on old game controllers

9 Google Sheets, e.g.

10 Capital near Dubai

11 "Ooh, that could work!"

12 Big game

13 ____-mo

18 Indie band known for their high-concept, viral music videos

22 Sin : y-axis :: ____ : x-axis

PUZZLE BY JOHN HAWKLEY

25 Fix up, as a lawn

26 Word with crime or chocolate

27 Peer at suspiciously

29 Mum's mum

32 Nail polish brand with the shade "I'm Not Really a Waitress"

33 Step for clinical trials

35 Fast cash establishment

36 What might change your mind, in a way

37 Going wild

38 ____-Air (upscale L.A. neighborhood)

39 What might accompany a baseball card

40 "De ____ Vez" (Selena Gomez song)

43 "____ you jest!"

44 Green: Prefix

46 "... and others too," more officially

47 "My Neighbor ____" acclaimed 1988 Japanese animated film

48 A big one may be hard to overcome in a relationship

49 Resounding agreement

51 Accept, as a college applicant

52 Itty-bitty

56 Concerns for property developers

57 Bygone spy grp.

58 Expert in filing

60 "For shame!"

ANSWER TO PREVIOUS PUZZLE

HAT NOUSE KOFI

OTRA ANNOY IRAN

THATSMYCUE WEDS

WACOTEXAS DIODE

ANTMAN PAPI TIA

RDS LOB APCHEM

BANANASPLIT

YOGASESSION

ZOOMMEETING

LAURIE AND MEG

OMG TSAR GOSOLO

ABOVE GUILTTTRIP

DOTE KINDASORTA

UNIT ALIEN PIES

PITS TENSE EST

Online subscriptions: Today's puzzle and more than 7,000 past puzzles, nytimes.com/crosswords (\$39.95 a year).

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Kaye Simonson <kayes@sanmiguelcountyco.gov>

Agency Referral: Genesee Properties - Society Turn Preliminary PUD/Subdivision

1 message

Kaye Simonson <kayes@sanmiguelcountyco.gov>

Wed, Jan 18, 2023 at 1:57 PM

To: Shellie Duplan <director@aldasororanch.com>, "Reider - CDOT, Randee" <randee.reider@state.co.us>, Dan Roussin <daniel.roussin@state.co.us>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Paul O'Neil <poneil@sehinc.com>, Janet Kask <janetk@sanmiguelcountyco.gov>, Bill Masters <billm@sanmiguelsheriff.org>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Kevin Chaney <kevinc@sanmiguelcountyco.gov>, Dave Foley <surveyfoley@gmail.com>, "ross.davis@state.co.us" <ross.davis@state.co.us>, "Powers - DNR, Gregory" <gregory.powers@state.co.us>, Kelly Crane <kelly.crane@state.co.us>, "Caddy - DNR, Mark" <mark.caddy@state.co.us>, Scott Heidergott <sheidergott@telluridefire.com>, Telluride Fire District <jbennett@telluridefire.com>, "Eno, Megan -FS" <megan.eno@usda.gov>, Lawson Hill POC <lawsonhill@gmail.com>, Pete Wagner <Pete@wagnerskis.com>, "Green, Donald" <Donald.Green@blackhillscorp.com>, "doliver@smpa.com" <doliver@smpa.com>, David Averill <david.averill@smarttelluride.com>, Mason Osgood <mason@sheepmountainalliance.org>, John Pandolfo <jpandolfo@telluride.k12.co.us>, Paul Wisor <pwisor@mtnvillage.org>, Michelle Haynes <MHaynes@mtnvillage.org>, "paulr@lizardhead.net" <paulr@lizardhead.net>, preich@tellmed.org, Chris Darnell <cdarnell@tellmed.org>, Scott Robson <srobson@telluride-co.gov>, Ron Quarles <rquarles@telluride-co.gov>, Kevin Geiger <KGeiger@telluride-co.gov>, "CGS_LUR@mines.edu" <CGS_LUR@mines.edu>, Sarah Enders <sarahe@sanmiguelcountyco.gov>, James Van Hooser <jamesv@sanmiguelcountyco.gov>, Kenny Maenpa <kenny@tellurideairport.com>, Heather Widlund <heatherw@sanmiguelcountyco.gov>, Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org>, John.Sweeney@faa.gov, "Sandoval, Joni" <Sandoval.Joni@epa.gov>, Courtney McElaney <courtney@smrha.org>, doug.jamison@state.co.us, Julie Kolb <juliek@sanmiguelcountyco.gov>

Cc: John Huebner <johnh@sanmiguelcountyco.gov>, kevin.walters@state.co.us

At their January 12, 2023 meeting, the Planning Commission heard presentations and public comment regarding the Genesee Properties, Inc. for Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel and continued consideration to February 9, 2023, in order to allow more time to consider this complex application and hear from more referral agencies.

The project application can be found at <https://societyturn.info/> and is scheduled for review by the San Miguel County Planning Commission on Thursday, February 9, 2023.

The Planning Department requests that you please provide your review comments by February 1, 2022 to Kaye Simonson, Planning Director, kayes@sanmiguelcountyco.gov.

If you have already provided comments and have nothing new to add, no response is needed. Thank you for reviewing this application and providing your feedback.

--

Kaye Simonson, AICP
Planning Director
San Miguel County Planning Department
Office: (970)369-5436
Cell: (970)729-9929
www.sanmiguelcountyco.gov



For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

San Miguel County is hiring! Take a look at our open positions



PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

MEMORANDUM

TO: Mike Bordogna, County Manager
Amy Markwell, County Attorney
Ryan Righetti, County Road and Bridge Director
Paul O'Niel, SEH, Designated County Engineer
Janet Kask, County Open Space and Parks
Bill Masters, County Sheriff
Matt Gonzales, County Building Official
Kevin Chaney, County Environmental Health Specialist
David Foley, County Surveyor
Ross Davis, Colorado Department of Public Health & Environment
Greg Powers, Colorado Division of Water Resources
Kelly Crane, Colorado Parks and Wildlife
Randee Reider, Colorado Department of Transportation
Scott Heidergott, Telluride Fire Protection District
Megan Eno, US Forest Service
Pam Hall, Lawson Hill Property Owners Company
Pete Wagner, Last Dollar Home Owners Association
Donald Green, Black Hills Energy
Duane Oliver, San Miguel Power Association
David Averill, San Miguel Authority for Regional Transportation
Mason Osgood, Sheep Mountain Alliance
John Bennett, Telluride Fire Protection District
John Pandolfo, Telluride R-1 School District
Paul Weiser, Town of Mountain Village
Michelle Haynes, Town of Mountain Village
Paul Reich, Telluride Hospital District
Scott Robson, Town of Telluride
Ron Quarles, Town of Telluride

FROM: Kaye Simonson, AICP, Planning Director

RE: Rezoning and Planned Unit Development (PUD)/Subdivision Preliminary Plan for Genesee Properties Inc.'s 20 acre property parcel located on SW corner of Highway 145 at Society Turn

APPLICANT: Thomas G. Kennedy, Attorney

DATE: December 6, 2022

The above-referenced application is attached for your review and comment. The Planning Commission meeting date is Thursday, January 12, 2023. Please provide your review comments by December 30, 2022 to Kaye Simonson, Planning Director, kayes@sanmiguelcountyco.gov in the County Planning Department. Please contact the Planning Department if you have any questions.

Your review comments are very important to us and help the Planning Commission and/or Board of County Commissioners understand the application and make informed decisions with appropriate conditions. All comments received in response to this request for review will be forwarded to the applicant and included in meeting packets for the decision makers. If you wish to discuss the project with staff prior to submitting final comments, please indicate in your email(s) that your comments and questions are preliminary.



PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

December 5, 2022

Tom Kennedy via email: tom@tklaw.net

Re: Certification of Application Completeness: Rezoning and Planned Unit Development (PUD)/Subdivision Preliminary Plan for Genesee Properties Inc.'s 20 acre property parcel located on SW corner of Highway 145 at Society Turn

Dear Tom:

The purpose of this correspondence is to serve as notification (in accordance with Section 3-202 E. of the San Miguel County Land Use Code) that the application submitted on behalf of Genesee Properties, Inc. for a Rezoning to the Mixed-Use Development Zone District and a Preliminary Plan Subdivision and Planned Unit Development (PUD) for the "Society Turn Parcel", meets the minimum submittal requirements of the Land Use Code standards and is certified complete. The Planning Department accepts that the submission of the following items will be deferred to the Final Plat submission: PUD Agreement, State Stormwater Discharge Permit, Construction Cost and draft Subdivision Improvements Agreement (SIA), and Covenants. It should be noted that a determination of application completeness shall not necessarily constitute a determination of compliance with the substantive requirements of the County Land Use Code. Additional information may be required after further review by the referral agencies and County staff. The County Planning Commission and Board of County Commissioners may also require more materials or information to be supplied by you as the applicant during the public review process. Rezoning applications are identified in Land Use Code (LUC) Section 5-1803 and Section 3-601 E, and Preliminary Plan Subdivisions and Planned Unit Developments are specifically listed in LUC Section 3-702 B as a development applications subject to Two-step Review, i.e. review and recommendation at a public meeting by the Planning Commission (CPC) and Public Hearing review and action at a public hearing by Board of County Commissioners (BOCC).

The application, contingent upon the receipt of the necessary responses from referral agencies, has been scheduled for a public hearing by the County Planning Commission at its January 12, 2023 regular meeting to be held in person and on-line.

Your application, which has been certified complete, will now be sent to the County Manager, County Assessor, County Attorney, County Building Department, Short-Elliott-Hendrickson (SEH), designated County Engineer, County Road and Bridge Department, County Open Space and Parks Department, County Sheriff, County Site Inspector, County Surveyor, County Treasurer, Colorado Department of Transportation, Colorado Parks and Wildlife, Colorado

Department of Public Health & Environment, Colorado Division of Water Resources, Aldasoro Ranch Homeowners Company, Lawson Hill Property Owners Company, Last Dollar Home Owners Association, Black Hills Energy, Century Link, San Miguel Power Association, Federal Aviation Administration, San Miguel Authority for Regional Transportation, Sheep Mountain Alliance, Telluride Fire Protection District, Telluride R-1 School District, Telluride Regional Airport, Town of Mountain Village, Telluride Hospital District, Town of Telluride, and the US Forest Service. The applicant will be responsible for reimbursing the Planning Department for payment of any review fees, both the initial submittal and any subsequent reviews. In addition, the applicant will be responsible for payment of all copy charges.

Prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **post notice** (*letter and sign to be obtained from the Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

Pursuant to C.R.S. § 24-65.5-102(2)(a), a land use application that is subject to the requirements of public notice for neighboring property owners and the subsurface mineral estate underneath the subject property includes, but is not limited to, all public hearings and public meetings before either the County Planning Commission or the County Board of Commissioners, including preliminary or final plat for a subdivision, rezonings, any subdivision exemption creating more than one (1) new parcel, a planned unit development, and applications for special use permits where such applications are in anticipation of new surface development. In such case, the applicant shall provide notice, pursuant to C.R.S. §§ 30-28-133(10) and 24-65.5-103(1), to all owners and lessees of a mineral interest of record on the subject property of the pending application. For purposes of identifying the mineral estate owner on the subject property, the applicant or his representative shall examine the records in the office of the San Miguel County Clerk and Recorder. Notice to the mineral estate owner shall be provided by first class mail to the last-known address of record of the mineral estate owner not less than thirty (30) days before the date scheduled for the initial public meeting by San Miguel County.

The enclosed letters certifying that all surrounding property owners have been mailed notice must be submitted to the Planning Department prior to the scheduled meeting date.

If you have any questions regarding this matter, my comments and suggestions or the scheduling of this application please do not hesitate to contact me.

Sincerely,



Kaye Simonson, Planning Director

December 9, 2022

NOTICE TO PROPERTY OWNERS,

The San Miguel County Planning Commission has been asked to consider an application submitted by Thomas G. Kennedy, Attorney on behalf of Genesee Properties, Inc, for a Rezoning to Mixed-Use Development Zone District and for a Preliminary Plan Subdivision and Planned Unit Development (PUD) for the "Society Turn Parcel" a 20 acre property located three miles west of the Town of Telluride on Highway 145 southwest of the Society Turn Roundabout. Rezoning and Preliminary Plan Subdivisions and Planned Unit Developments applications are subject to Two-step Review, i.e. review and recommendation at a Public Meeting by the Planning Commission (CPC) and review and action at a Public Hearing by the Board of County Commissioners (BOCC).

This Public Meeting is the first step of a Two-step Planning Commission and Board of County Commissioner Review pursuant to Land Use Code Sections 5-1803, 3-601 E. and 3-702 B.

A public meeting on the above application will be held by the San Miguel County Planning Commission at 9:45 a.m. or thereafter, Thursday, January 12, 2023 in Telluride, to be held on-line, but at which you may appear in person. To provide comment or ask questions regarding the proposal, please join the meeting at <https://zoom.us/join>, Meeting ID: 965 1288 5206, Password 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Please call the Planning Department at 970-728-3083 for more information on the application. A complete text of this proposal may be viewed at <https://societyturn.info/>. The official designated posting place for all meeting notices will be online at <http://www.sanmiguelcountyco.gov/liveagenda>.

Written comments of more than one page may not receive complete consideration if not received by December 30, 2022. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

The meeting on this proposal is not limited to those receiving copies of this notice. If you know of any neighbor or potentially affected property owner who, for any reason, has not received a copy of this notice, it would be appreciated if you would inform them of this public hearing.

Respectfully,

Thomas G. Kennedy, Esquire



Agency Referral: Genesee Properties-Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel

1 message

John Huebner <johnh@sanmiguelcountyco.gov>

Tue, Dec 6, 2022 at 2:51 PM

To: John Huebner <johnh@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>
Bcc: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Paul O'Neil <poneil@sehinc.com>, Janet Kask <janetk@sanmiguelcountyco.gov>, Bill Masters <billm@sanmiguelsheriff.org>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, Kevin Chaney <kevinc@sanmiguelcountyco.gov>, David Foley <surveyfoley@gmail.com>, Ross.davis@state.co.us, Gregory Powers - DNR <gregory.powers@state.co.us>, Kelly Crane <kelly.crane@state.co.us>, "Reider - CDOT, Randee" <randee.reider@state.co.us>, Scott Heidergott <sheidergott@telluridefire.com>, megan.eno@usda.gov, Pamela Hall <lawsonhill@gmail.com>, Pete Wagner <pete@wagnerskis.com>, "Green, Donald" <Donald.Green@blackhillscorp.com>, doliver@smpa.com, David Averill <david.averill@smarttelluride.com>, Mason Osgood <mason@sheepmountainalliance.org>, John Bennett <jbennett@telluridefire.com>, jpandolfo@telluride.k12.co.us, pwisor@mtnvillage.org, Michelle Haynes <mhaynes@mtnvillage.org>, Paul Reich <paulr@lizardhead.net>, Paul Reich <preich@axishealthsystem.org>, cdarnell@tellmed.org, srobson@telluride-co.gov, Ron Quarles <rquarles@telluride-co.gov>

All,

Please find the enclosed link to the application submitted by Tom Kennedy, Attorney on behalf of Genesee Properties, Inc. for Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel. The planning letter certifying the application complete is attached for your reference. Thank you for reviewing this application and providing your feedback.

The Planning Department requests that you please provide your review comments by December 30, 2022 to Kaye Simonson, Planning Director, kayes@sanmiguelcountyco.gov

The project application can be found at <https://societyturn.info/> and is scheduled for review by the San Miguel County Planning Commission on Thursday, January 12, 2023.

Regards,

John

John Huebner
Senior Planner
San Miguel County Planning Department
Office: (970)728-3083
www.sanmiguelcountyco.gov



For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan



genesee.stp.prelim.subd.pud.mxd.rezone Certified Complete ltr REFERRAL 12.6.22.pdf
3376K



PERMIT RESPONSE DELAYED Re: Agency Referral: Genesee Properties-Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel

1 message

Reider - CDOT, Randee <randee.reider@state.co.us>

Tue, Dec 6, 2022 at 2:52 PM

To: johnh@sanmiguelcountyco.gov

Please note, the CDOT Permits Department is currently extremely short staffed. Email responses will be delayed and a permit status update may take up to 45 days. Thank you in advance for your patience.

For general questions related to Access Permits, please contact Max Schechinger at (970) 385-8362.

For general questions related to Utility/Special Use Permits, please contact Diane Johnston at (970) 385-3630.

--

Thank you,

Randee Reider

Region 5 Permits Program Manager



COLORADO

Department of Transportation

Region 5

P 970.385.3626 | F 970.385.8361

3803 N. Main Ave., Suite 100, Durango, CO 81301

randee.reider@state.co.us | codot.gov | cotrip.org



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500 W PACIFIC AVE
PO BOX 1229
TELLURIDE, CO 81435
OFC: 970.728.3848
FAX: 970.728.3404

December 30, 2022

San Miguel County Planning Commission
Attn: Kaye Simonson, Planning Director
San Miguel County, Colorado

Dear Ms. Simonson and Planning Commission Members,

Please accept this letter of support for the proposal by Genesee Properties, Inc. to develop the Society Turn Development Plan.

The mission of Telluride Regional Medical Center (TRMC) is to provide affordable, exceptional medical care that improves the health and quality of life for those in our community. We have served the greater Telluride community for 45 years, and we are committed to continuing to meet the area's healthcare needs into the future. This development is not only critical, but necessary to make that goal a reality.

The replacement of our current medical center facility has been an active goal of the TRMC Board and staff for almost a decade. The project has been through many iterations during this time, and the Society Turn location represents the best chance of securing healthcare services for generations to come.

Our present location is too small and does not allow for expansion. Our space is dated, inefficient, and in many ways prohibitive to providing the level of care and services our patients expect and need. We are limited by our current facility, and the problems will only worsen going forward. There is no doubt that TRMC must find a new location sooner rather than later.

As part of the planned Society Turn Development Plan, Genesee Properties, Inc. is committing to a no-cost conveyance of land that will enable TRMC to re-locate. This will allow us to expand our space, upgrade our facilities, promote an environment more conducive to healing, and add additional services, like beds for patients who need overnight stays.

This land donation is paramount to TRMC building a new facility. As you know, the planned facility will be expensive, so the no-cost land conveyance will allow us to use available funds to build a state-of-the-art building and focus on patient-related purposes. We feel a strong sense of urgency to achieve this critical milestone of land conveyance because once the land is conveyed, it will still take 2+ years to see the reimagined medical center to fruition. So time is of the essence.

Also, it is important to note that there is no backup plan if this development is not approved. We do not own our current location, and even if we did, there is no additional room to build. Renovations would displace us for months, if not a year, and still the space would be less than adequate and forever limiting. As such, we are depending on this land donation for our new facility. The development must move forward if we want to elevate healthcare in the community and region.

On a personal note, I moved to Telluride from Montana where I worked in Big Sky and saw firsthand the profound impact that a new healthcare facility can have on a rural community. As CEO at Telluride Regional Medical Center, I recommend approving the Society Turn Development Plan proposed by Genesee Properties, Inc.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "CD", is written over a horizontal line.

Chris Darnell
CEO, Telluride Regional Medical Center



**SAN MIGUEL AUTHORITY for
REGIONAL TRANSPORTATION**

**PO BOX 3140
137 SOCIETY DRIVE UNIT B
TELLURIDE, CO 81435
SMARTTELLURIDE.COM**

Hi Kaye,

Here are SMART's comments on the most recent Society Turn Parcel proposal that Kari and I put together. Please let me know if you have any questions for us.

Exhibit J. Engineer Plans: This set of plans looks to have eliminated the designated bus turn around shown on previous plans. This is a step backwards from SMART's perspective. It is unclear where the bus is supposed to go once it enters the project area and it appears as if a bus would have to perform some sort of backing maneuver(s) to exit the site. If the intention is that the bus enter the Medical Center Area (Planning Area 1), proceed clockwise around and behind the Medical Center on the SMPA and Gas Access, to the front of the Medical Center and back out on Road A, this is also problematic. It is generally ill-advised to operate full size buses (or any transit vehicle) in parking lots that consider transit operations as an afterthought, have pedestrians randomly walking to/from their vehicles, cars backing out of parking spots into the drive aisles where the bus is supposed to circulate, other cars stopping in drive aisles waiting for backing cars to clear so they can take their space, etc. None of that makes for safe or efficient traffic operations. We may have missed it but didn't see any plans that show dimensions on the roadway and this is necessary information for us. An inner turning radius of a standard 40-foot bus is 21.5 feet, which is required to clear the curb. At its tightest turning angle, the rear overhang of the back bumper extends out to 43.3 feet. While not all of the SMART vehicles are 40 feet in length, to accommodate SMART bus services any vehicle in our fleet would have to be able to negotiate the area around the Medical Center as this layout apparently proposes. It is also important to note that three parking area clusters on the described route require that vehicles back directly into the lane that the bus will be using. This situation will require additional headway time to compensate for bus delays experienced on this site.

This scenario described above could work for the Medical Center, but it is less than ideal for Planning Areas 2, 3 and 4. Service to those areas would be more efficient if the bus were to make a loop around the Medical Center, proceed east along Road B and Road C, then exit to the right on Highway 145 toward the Lawson Hill Park & Ride. This option would likely require additional discussions with CDOT. Congestion caused by people entering and exiting parking pods along Road B would slow headway times.

Currently the Lawson Hill Route runs at 45-minute headways through most of the day, seven days a week. SMART Staff estimates that adding this Project as designed to the Lawson Hill Route could add 10-15 minutes to all headway times, including Norwood and Down Valley assuming they would make a stop here on their way to points east. Taken total, if SMART routes come into this development as designed, it will result in more time and additional operating costs.



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Repeat comment that would address all of our circulation concerns with the current site plan: A bus pullout on the north side of the highway at the new entrance to the site would be beneficial from a transit operations perspective and would eliminate any concerns about delay in north bound left turns (Down Valley) out of the site at peak hours and associated impacts on travel time/schedules, etc. A need for a formal ped crossing of the highway would then exist of course, but it already may with the crossing of the Remine Creek trail and higher usage on that facility in the future.

In short, we see this iteration of the plans and proposed circulation as less transit operations friendly than the previous site plan that was submitted. Indeed, as proposed it may be very difficult to serve efficiently.

Exhibit N-1 Traffic Study Updated: According to the study, traffic impacts on the Spur were excluded because the next significant intersection is at the Telluride Middle School/High School. Additional traffic on the Spur in either direction will certainly affect SMART's ability to provide quality bus service. An analysis of trip increases on the Spur generated by this project would help SMART staff determine whether and how we may need to adjust the frequency of our routes to serve this project.

While geographically the Society Turn Project is near the center of the SMART Service area, access to the STP Project by SMART involves a circuitous route through an already congested area. Adding the STP Project to the Lawson Hill Route will require an extension that, as stated above, will add an estimated 10 - 15 minutes to the existing 45-minute Lawson Loop. Service by the Nucla, Norwood and Down Valley routes will have to be carefully evaluated. Adding 10 – 15 minutes to an already long commute is unlikely to be popular. The additional cost associated with longer run times is also a concern.

School generated traffic has perhaps the most major impact on the Spur. School buses are 40' long and the comments above that refer to ease of circulation within the project for SMART vehicles are also relevant to school bus operations.

This study contemplates a 5% multi-modal trip reduction. This seems optimistic given current commuting information. According to the American Community Survey, in Census Block 9681.03 (the Census Block in which the STP Project lies), despite the fact that 36.3% of developed properties are within a quarter mile of a bus station, only 2.5% of commuters use public transportation to get to work and only 2.1% use a bicycle. These statistics refer to resident commuters. The statistic does not take into consideration the trips that will be generated by hotel clients that will likely have recreational gear and other items that won't fit on a bike or the bus and Medical Center users that will, by nature, be less mobile than healthy individuals.



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In our recollection, CDOT's 2045 traffic volume projections (presented to the Gunnison Valley TPR during the development of the CDOT 2045 Statewide Transportation Plan) show an LOS of D or F for that segment of SH145 between Placerville and the Society Turn Roundabout in the year 2045. How do we square that information with the statement in the TIS that concludes: "The existing roadway network and adjacent intersections operate at an acceptable LOS in the total traffic scenario"?

Exhibit P Transit Plan: As a repeat comment, SMART was not consulted on the development of the "transit plan" for the site.

As commented on above, this study assumes 5% multi modal use. Paragraph 3.1, Pedestrian/Bicycle discussion contains pertinent inaccuracies with respect to Pedestrian/Bicycle access to the Mountain Village. The main activity center in Mountain Village (Mountain Village Center) is 4.3+- miles away by road and 4+- miles away by trail. More importantly, the Mountain Village Center is nearly 1000' higher in elevation than the STP Project, making this commute more of a challenge than the typical would-be bicycle commuter is willing to take on.

Bike sharing programs are popular and may work as a transit enhancement in the summer, but they are impractical if the commuter needs to carry anything or if the weather is bad. SMART secured a CMAQ grant for and considered a bike share program in the past but ultimately discarded the idea, partly because as a publicly funded entity SMART would have had an unfair advantage over locally owned bike rental companies and partly because we do not have the capacity to administer and maintain such a program.

Paragraph 3.2 Car-pooling / Ridesharing / Van Shuttles also has some inaccuracies. SMART operates seven vanpools that serve commuters from Norwood, Ridgway and Montrose. They go to both Telluride and the Mountain Village. These services are subscription based only and not available to the general public unless they are a member of the vanpool. These vanpool services are not available for visitors. Additionally, San Miguel County has not operated a van pool since 2019. Mountain Village handed off its commuter shuttle program (now formalized as a subscription-based van pool mode) to SMART on January 1st, 2022.

Paragraph 3.3 Fixed Route Transit – SMART operated Lawson Hill, Mountain Village, and Off-Season services are free. The Town of Telluride has not operated the Lawson Hill route since 2020.

Paragraph 3.4 Hotel Transit – It is encouraging to see that the hotel will be required to provide shuttle services to visitors however the statement that "In the winter months, it is anticipated that guests will likely be arriving by air service, most likely in Montrose" appears to be contrary to the idea that the proposed hotel be family oriented and budget friendly and serve business



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travelers, emergency responders or visiting sports teams. Given that goal, it would be expected that hotel customers would be regional and would drive to Telluride rather than fly. Uber and Lyft are typically not available in San Miguel County so that will not likely be an option to private vehicle trips and should not be considered as a realistic alternative in any analysis at this time.

Thanks for the opportunity to provide comment,

A handwritten signature in blue ink that reads "David Averill".

David Averill
Executive Director
San Miguel Authority for Regional Transportation



COLORADO

Parks and Wildlife

Department of Natural Resources

Montrose Service Center
2300 South Townsend Avenue
Montrose, Colorado 81401
P 970.252.6000 | F 970.252.6053

December 29, 2022

Kaye Simonson
Planning Director
San Miguel County Planning Department
333 W Colorado Ave, 3rd Floor
Telluride, CO 81435
Office: (970)728-3083
www.sanmiguelcountyco.gov

Refer: Agency Referral: Genesee Properties-Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel

Ms. Simonson,

Thank you for the opportunity to comment on the Genesee Properties-Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel. Colorado Parks and Wildlife has commented several times regarding this parcel as it has moved through the San Miguel County subdivision process. Our concerns have not changed, thus we have attached copies of our previous comment letters and hope that San Miguel County and the Town of Telluride will take our concerns seriously and look into the future for the survival of the numerous wildlife species in the Telluride/Mountain Village area that require a movement/migration corridor.

Again, thank you for the opportunity.

Sincerely,

Mark W. Caddy
Colorado Parks and Wildlife
District Wildlife Manager
Norwood District
P.O. 532
Norwood, CO 81423
970-209-2368
Cc: R. Sralla





COLORADO

Parks and Wildlife

Department of Natural Resources

Montrose Service Center
2300 S. Townsend Avenue
Montrose, CO 81401
P 970.252.6000 | F 970.252.6053

April 12, 2019

Kaye Simonson
County Planning Department
P.O. Box 548
Telluride, CO 81435
kayes@sanmiguelcountyco.gov

RE: Telluride Regional Area Master Plan Amendment Society Turn Parcel

Dear Ms. Simonson;

Thank you for the opportunity to comment on the amendment to the Telluride Regional Master Management Plan with regard to the Society Turn Parcel owned by Genesee. Our comments are not necessarily directed at the proposed wording changes in the TRAMP, but instead are oriented towards the continued development of the valley floor east of Telluride.

Since the acquisition of the Valley Floor by the town of Telluride, there has been an increase in usage by elk. Elk can be found there starting in early spring (around calving time) into late fall. During the spring, summer, and fall, these elk can move south onto the national forest land, through the town of Mountain Village and onto more national forest and private lands owned by Tel-ski. However, their movement in early winter tends to be more northerly onto the south facing slopes of the Aldasoro Ranches.

With the potential development of the Genesee property and parcels belonging to San Miguel Valley Corp, CPW has concerns about the possible movement restrictions of elk and other wildlife that utilize the open areas to move across the box canyon in which Telluride resides. Reduced areas of movement will put wildlife in conflict with residents of housing developments as well as motorists into and out of Telluride and could have a significant impact on wildlife populations in the area. Mitigation for such development might include, but is not limited to, private land purchases to insure a movement corridor, installation of wildlife movement corridors including over or under passes along the spur and Highway 145 near the Lawson Hill area, and installation of high wire fence along the spur to direct wildlife to those movement corridors.

Housing, food sales, and restaurant development can increase wildlife/human conflicts unless proper garbage cans are used. This is especially true when dealing with black bears. Telluride has its fair share of black bear conflicts which have been somewhat mitigated by the town ordinance requiring bear resistant trash container for residential structures. However, the same requirement needs to be in place for restaurants and business selling food where left over or outdated products will be disposed of via trash containers. Without the bear proof trash containers, food oriented business development on the Genesee property could have a negative impact on the residential communities in close vicinity.

As wildlife is one of the factors contributing to the high quality of life in the Telluride, CPW appreciates the opportunity to have input into any proposed developments in the area. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, reading "Mark W. Caddy". The signature is written in a cursive, flowing style.

Mark W. Caddy
Colorado Parks and Wildlife
District Wildlife Manager, Norwood District
P.O. Box 532
Norwood, CO 81423
970-209-2368



COLORADO

Parks and Wildlife

Department of Natural Resources

Montrose Service Center
2300 S. Townsend Avenue
Montrose, CO 81401
P 970.252.6000 | F 970.252.6053

January 26, 2021

Kaye Simonson
Planning Director
San Miguel County
333 W Colorado Ave, 3rd Floor
Telluride, CO 81435

RE: Sketch Plan PUD/Subdivision and LUC Amendment Society Turn Parcel - Genesee Properties, Inc.

Dear Ms. Simonson;

Thank you for the opportunity to comment on the Sketch Plan PUD/Subdivision and LUC Amendment Society Turn Parcel - Genesee Properties, Inc. Colorado Parks and Wildlife (CPW) has reviewed the site plan and wildlife report associated with this application. The proposed project is consist of mix use commercial and residential development on a 19 acre parcel adjacent to Highway 145 at Society Turn near the town of Telluride, CO. CPW provides the following comments related to the project:

Elk

CPW has mapped the parcel and surrounding area as severe winter range for elk and is on the edge for an elk migration corridor. Elk utilize the valley floor and during years of light snow fall and accumulation use of the parcel is limited, however, during years of normal or heavy snowfall events elk do utilize the parcel despite it being adjacent to existing highway and commercial and residential development.

The movement of large wild ungulates from summer range in the Prospect Basin, Alta Lakes, Mountain Village area to the winter range of the south facing slopes on the north side of the box canyon that Telluride lies in is extremely important to the continued survival of those populations. These populations provide not only economic benefits through hunting, but are a part of the visual lure of the area for visitors in the spring and summer. CPW is concerned with continued development of private parcels along the valley floor from the eastern edge of Telluride to the top of Keystone Hill could alter these seasonal migration patterns and long term populations. We recommend that the county prioritize efforts to permanently preserve the movement corridors and to ensure the permeability of the highway crossing for the benefit of wildlife including lynx and other species into and of the Telluride Valley.

Black Bears

CPW agrees with the assessment that development of the parcel will increase conflict potential between black bears and humans. The neighboring residential areas of Lawson Hill and Last Dollar report bear issues every year. With the addition of multi-family dwellings,



food service facilities, and budget nightly rental facilities, human-bear conflicts could significantly increase. The proposed mitigations in the plan (no fruit bearing vegetation, bear proof trash cans, etc) are the most basic measures that should be taken. CPW strongly suggests that all bird feeding be prohibited; this includes the feeding of hummingbirds with sugar syrup dispensers. CPW strongly recommends that all trash receptacles for businesses, multi-family dwellings, and nightly rental facilities be contained within a structure of metal, brick, or stone where human access points are constructed of metal with a locking mechanism that requires dexterous manipulation. All exterior trash receptacles should be bear proof, not just bear resistant.

Riparian and River Resources

The San Miguel River contains a recreational cold-water trout fishery popular with anglers. These trout also supports river otters, which prey on the fish. River otters have been reported further up river than noted in the plan materials. River otters have been sighted as far up stream as Bilk Creek confluence. Increased silt and sedimentation loading as well as other non point source pollution from the development and impervious surfaces could impact water quality within the San Miguel River. We recommend that project design feature incorporate permeant storm water management practices to reduce and prevent these material from entering the waterway. In addition, we recommend providing/planting a vegetation buffer and building setback of at least 300 feet from the Ordinary High Water Mark from the river.

Our goal in commenting is to ensure that wildlife populations can continued to be enjoyed by residents and visitors of Telluride and San Miguel County. The application of project design features and best management practices will help to avoid and minimize projects impacts to wildlife resources within the planned development.

Again, thank you for the opportunity to comment on this sketch plan. If you have any question or would like to discuss our recommendations please feel free to contact myself at 970-209-2368.

Sincerely,



Mark W. Caddy
District Wildlife Manager
Colorado Parks and Wildlife
P.O. Box 532
Norwood, CO 81423
970-209-2368

Rachel Sralla, Area Wildlife Manager
Cory Chick, Southwest Region Manager
Brian Magee, Land Use Coordinator
Eric Garduino, Aquatic Biologist
File



Kaye Simonson <kayes@sanmiguelcountyco.gov>

Re: PLEASE EXTEND REVIEW COMMENT PERIOD FOR SOCIETY TURN DEVELOPMENT

1 message

Lawson Hill POC <lawsonhill@gmail.com>

Fri, Dec 23, 2022 at 7:52 AM

To: Kimberly Galler Collins <kagaller@hotmail.com>

Cc: "kayes@sanmiguelcountyco.gov" <kayes@sanmiguelcountyco.gov>

Hi Kimberly and Kaye,

I wanted to clarify that the Lawson Hill Board of Directors received this information about the Genesee application the first week in December as a "referral." I was following up with the BOD yesterday because I had not received their feedback. I took it upon myself to copy all the owners with this information because I thought it was important to let everyone know about the meeting date and timing.

The timing with Diamond Ridge outcome was purely coincidental.

I would agree that this three week period allotted for review of this very complex application feels very short, primarily because it falls at possibly the busiest time of the year for everyone. Many families travel during the Holidays or have family and friends visiting, therefore reducing the time for review and written comment by a whole week. The best option may be to attend the site visit and meeting so that the application can be explained to all. The Planning Commission would have the option to continue the review to the next meeting, if the participants did not feel there was adequate time. It would have been better to have scheduled this important application during a less crazy time for everyone.

Happy Holidays,

Pam

On Thu, Dec 22, 2022 at 9:04 PM Kimberly Galler Collins <kagaller@hotmail.com> wrote:

Dear Kaye, I'm a long time Lawson Hill resident, and we just received the email on 12/21 requesting comments to be submitted by 12/30 for the Society Turn project.

This is an absolutely unacceptable short amount of time to review documents and submit comments during the busiest 9 days of the year for anyone who is locally employed or anyone with children on school break during the Christmas holiday, which encompasses almost every Lawson resident.

PLEASE EXTEND THE COMMENT PERIOD.

This short comment window is also extremely questionable considering the current Diamond Ridge situation (notably unsuccessful for the BOCC) in which notice was sent during April off-season when most local families were out of town and not checking email. This is a similarly unacceptable situation to send this at the start of Christmas when this could easily fly under the radar of concerned locals.

Lance Waring should be especially aware of this, as he is a Lawson resident and as a county commissioner should realize this short comment period at the holidays is an absolutely unrealistic ask of locals.

It makes many of us wonder if the commissioners are again attempting to sneak something past us, and it cannot be considered a coincidence that this was sent to Lawson residents on the same day the Diamond Ridge development was overturned.

While I'm supportive of this general location for TMC and I'm fundamentally unopposed to this long-slated development, we need a longer comment period and NOT during the holiday week.

Thank you for your consideration.

Kimberly Collins



Lawson Hill Property Owners Co.
P.O. Box 3927
Telluride, CO 81435
970-728-5893
<https://lawsonhill.com>

DATE: December 30, 2022
TO: Kaye Simonson, Planning Director
FROM: Janet Kask, Director, Parks & Open Space
RE: Agency Referral: Genesee Properties – Preliminary Plan
PUD/Subdivision and Rezoning – Society Turn Parcel

Reference is made to the Agency Referral: Genesee Properties – Preliminary Plan PUD/Subdivision and Rezoning – Society Turn Parcel. Comments below represent the County's Parks & Open Space departmental staff, the County's Open Space Commission, the County's Historical Commission and the County's Vegetation Control & Management department. Some County staff and Commission volunteers have conducted site visits on their own.

Comments are below –

- Prior to any land dedication from the applicant to the County, the presence of tailings, particularly in the area along the San Miguel River on the easterly portion of the Society Turn property, which coincide with a portion of the County tracts to be conveyed to the County, must be remediated. The applicant must develop a remediation plan acceptable to the County prior to conveyance of said parcel(s).
- Concern about the visual impact of development with entry to the Town of Telluride and local area. This is a designated San Juan Skyway Scenic Byway corridor.
- Concern about impacts on the San Miguel River and Remine Creek riparian zones.
- Request connectivity of proposed trail realignment of the Remine Creek trail and the Galloping Goose connector trail and bridge in the designated, to be deeded, Open Space parcel (A-2).
- Any impact on the designated regional trail realignments with the existing Town of Telluride utility easement and proposed new well field, new drainage and new slope easements on the designated, to be deeded, Open Space parcel (A-2)? New drainage could impact public safety during a potential flood event.
- Need for dedicated and developed parking for connecting trails and Valley Floor trails.
- Concern about potential impacts on the existing wildlife corridor(s).
- We understand the wooden tipple, which might have been part of the historic RGS railroad, will remain and is located on a parcel to be deeded to the County.
- Historical/geological concern – We understand that due to the proposed development and recreational trail plans, the glacial moraine will be removed.
- The applicant must consult the County-approved seed mix list for revegetation purposes. Any additional species, i.e., forbs and shrubs should require County approval.
- County LUC Section 5-9 Improvements Agreements and Performance Guarantees – Section 5-903 – Landscape Guarantee – County Vegetation Control & Management is requesting a bond be placed on this development project to ensure for a successful revegetation effort along with the management of noxious weeds post construction.

Please let me know if you have any questions. Thanks.



Kaye Simonson <kayes@sanmiguelcountyco.gov>

Re: Agency Referral: Genesee Properties-Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel

1 message

Ryan Righetti <ryanr@sanmiguelcountyco.gov>

Tue, Jan 3, 2023 at 11:10 AM

To: John Huebner <johnh@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>

Cc: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Phyllis Shaffer <phylliss@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>

Good afternoon,

Below are the comments from Road and Bridge related to the development of the Genesee Property Society Turn Parcel.

1) If the potential that roads within the development are offered by the landowner and are to be considered or may be considered for acceptance into the County Road System, all roads should be designed and constructed to the current Road Design Standards as defined in the SMC Land Use Code meeting the current and projected highest ADT.

2) Ample snow storage areas should be included into the design of the roadways.

Thank you ,

Ryan Righetti
Director, Road and Bridge
San Miguel County, Colorado

970.327.4835 Office

970.327.4090 Fax

On Tue, Dec 6, 2022 at 2:51 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

All,

Please find the enclosed link to the application submitted by Tom Kennedy, Attorney on behalf of Genesee Properties, Inc. for Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel. The planning letter certifying the application complete is attached for your reference. Thank you for reviewing this application and providing your feedback.

The Planning Department requests that you please provide your review comments by December 30, 2022 to Kaye Simonson, Planning Director, kayes@sanmiguelcountyco.gov

The project application can be found at <https://societyturn.info/> and is scheduled for review by the San Miguel County Planning Commission on Thursday, January 12, 2023.

Regards,

John

John Huebner
Senior Planner

San Miguel County Planning Department

Office: (970)728-3083

www.sanmiguelcountyco.gov



San Miguel County

East End | Master Plan

For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan



SAN MIGUEL COUNTY BUILDING DEPARTMENT

MATT GONZALES

BUILDING OFFICIAL

MEMORANDUM

TO: SMC Planning Commission

CC: Kaye Simonson, Planning Director
Amy Markwell, County Attorney
Mike Bordogna, County Manager

FROM: Matt Gonzales, SMC Building Official 

DATE: 30 December 2022

RE: Genesee Properties-Preliminary Plan PUD/Subdivision and
Rezoning - Society Turn Parcel

In response to Genesee Properties's application for a Preliminary Plan PUD/Subdivision and Rezone of the Society Turn Parcel, please find review comments below:

Refer to Preliminary Plan Material, Exhibit AA:

1. Section X.13, Subsections 13.1, 13.3, 13.3.2, 13.3.3, 13.3.4;
 - a. "Prescriptive Energy Code & Green Building Standard" no longer in effect. 2018 I-codes as amended are currently in effect.
 - b. Development team will want to consider recently passed state legislation, including HB-1362.
 - c. As of 1/2/2023 occupancy groups R-2, R-3, R-4 would be subject to 2018 IECC, residential provisions. All other occupancy groups would be subject to 2018 IECC, commercial provisions.
 - d. SMC will likely adopt 2018 IECC appendices CA and RA in 2023, outlining requirements for solar-ready provisions.
 - e. If SMC adopts new code cycle on or after 7/1/2023, we will be required to adopt the 2021 IECC, State Model Electric Code, and State Board-developed Solar-Ready Code.
 - i. If code adoption occurs on or after 7/1/2026, in addition to the aforementioned, we will be required to adopt Low-Energy and Low-Carbon Code, as put together by the State Board.
 - f. Other SMC code amendments may be in effect by the time of permit issuance for projects.

2. Section X.14, Subsections 14.11, 14.12;
 - a. Radon mitigation is required in SMC.
 - b. While the construction of the Medical Center will be subject to 3rd party inspection and issuance of Certificate of Occupancy as outlined in the MOU between the “Hospital District” and the “County,” effective 2/2/2022, other buildings/structures proposed in the PUD not within other jurisdictional boundaries, will be subject to SMC Building Code and be required to obtain building permits, conform to currently adopted code, and obtain Certificates of Occupancy prior to occupancy.



VEGETATION CONTROL and MANAGEMENT DEPARTMENT

JULIE KOLB

Genessee Properties:

Dear Applicant

In response to your recent Wildlife Assessment Part 6.0 Noxious Weeds the following conditions are the requirements of San Miguel County Vegetation Management.

1. All reseeding mixes must be approved by San Miguel County Vegetation Management.
2. Any landscaping plants, or additional species not on the pre-approved list must be approved by SMCVM. Landscaping plants should be native species, and not introduced species.
3. The mention of integrated weed management efforts is supported, however grazing of Canada thistle as a primary means of control is not. Grazing is not a one-size-fits all method and depends on the specific animal utilized, and the timing of grazing.
4. The survey of noxious weeds should be conducted as soon as possible, to inform development and effective management.
5. It is expected that noxious weeds that exist on the property will be controlled with the goal of eventual eradication, at the conclusion of development. This is required by the Colorado Noxious Weed Act.
6. Revegetation: Annual species are beautiful, however not necessarily the best choice for competition against noxious weeds. SMCVM does not recommend annuals. The specific abiotic groundcovers should meet SMCVM's approval as well, because of the nature of the weed species of concern.

J. David Foley
 San Miguel County Surveyor
 P. O. Box 825, Ophir, CO 81426
 Phone/ Fax 970-728-9998
surveyfoley@gmail.com

John Huebner, Associate Planner
 San Miguel County Planning Department
 P. O. Box 548
 Telluride, CO 81435

January 3, 2023

Re: Society Turn Preliminary PUD/Subdivision Plan

I have reviewed the application received by email from the County Planning Dept. on December 6, 2022 and have the following comments:

General

1. The Snow Storage Area shown on Sheet C-4 of Exhibit F Engineering Plans is located on a Gas Easement per Reception No. 249246. The applicant would need permission from the Gas Company to use this easement area for snow storage.
2. Utilities, Roads, Drainage and well field improvements are located on Town of Telluride easements for access and utilities to service the Wastewater Treatment Plant. This includes Detention Basins 1 and 2 and Drainage Structure 3 per Sheet 27 (SD-1), storm drains per Sheet 29 (SD-3), utilities and Road B per Sheet 44 (U-3), well field easement per Sheets 5 and 8 of the Preliminary Plat. The applicant would need permission from the Town of Telluride to use this easement area.

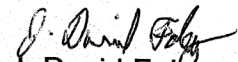
Exhibit E Existing Conditions Map - Improvement Survey Plat and Topographic Survey by Bulson Surveying

3. Show 100 year flood plain per Land Use Code 4-402 C. VI. b.

The applicant would need permission from the Gas Company to use this easement area
Preliminary Subdivision Plat by Bulson Surveying

4. Label all of the pages of this map "Preliminary Subdivision Plat"
5. Add street names as required by Land Use Code 4-402 C. III.
6. The former Rio Grande Southern railroad right-of-way is owned by San Miguel County per Deed at Reception No. 017594. This parcel is a separate ownership and should be eliminated from your plat.

7. Label the easement shown for the Easement Agreement at Reception No. 439903 on Sheet 3 and show a tie to this easement.
8. Show the Amended Easements per Reception No. 460667 (Exception 35 of Exhibit C. Title Commitment).
9. Show the Easement to Mountain Bell indicated on Plat Book 1 at page 67 and supposedly filed with the District Court (as noted on the plat).
10. Show the fiber optic facilities agreement per Reception No. 465369 and Reception No. 474230 (Exception 36 of Exhibit C. Title Commitment).
11. Lot 1 Building Envelope for employee housing is located within the new Site Drainage Discharge Easement. Change one or the other to eliminate this overlap.
12. Road A needs a slope easement to accommodate the proposed grading shown on Sheet 19 (C-9).
13. The Driveway around Planning Areas 3 and 4 needs either a Right-of-way or an Access Easement to complete the loop around to Driveway 1 (Sheet 15 C-5)


J. David Foley

San Miguel County Surveyor



PLANNING & DEVELOPMENT SERVICES

455 Mountain Village Boulevard, Suite A
Mountain Village, CO 81435
(970) 369-8250

ATT: Kaye Simonson, Planning Director
San Miguel County
P.O. Box 548
Telluride, Colorado 81435

January 3, 2023

Dear Ms. Simonson,

This letter is in response to the letter dated December 6, 2022 regarding the *Rezoning and Planned Unit Development (PUD)/Subdivision Preliminary Plan for Genesee Properties Inc.'s 20 acre property parcel located on SW corner of Highway 145 at Society Turn.*

The Town has reviewed the application materials and has no concerns with the current proposal. The Town of Mountain Village continues to support the development of this property as outlined in the preliminary plans.

We see the conveyance of land to the Telluride Hospital District for the future home of an upgraded medical center as essential to the entire region. Our ability to provide quality healthcare and much needed emergency medical services to both locals and visitors should be a priority for all of us given the difficulties we have faced through the COVID pandemic. **Getting a new medical center built in the immediate vicinity as soon as possible should be a top priority for all residents of our region.**

The conveyance of land to the Towns of Telluride and Mountain Village for an expanded wastewater treatment facility, as well as the parcel to be conveyed to the county for parks and school facilities will also be of great benefit to the parties involved.

Lastly, as each parcel is developed, appropriate affordable housing mitigation per county regulations will be implemented. Having each new development within the county provide a significant number of units of affordable housing when fully built out is key as we move forward.

Thank you for the opportunity to provide comments on this development as it moves through the planning process.

Regards,

Laila Benitez

Mayor, Town of Mountain Village



Memorandum

934 Main Ave, Unit C
Durango, CO 81301
Ph (970) 385-4546
Fax (970) 385-4502

To: Kaye Simonson, San Miguel County
From: Paul O'Neil P.E., Senior Engineer II
Date: January 5, 2023
Re: Genesee Properties – Society Turn Property Preliminary PUD Review

I have reviewed the following documents as part of my engineering review for San Miguel County:

1. Preliminary Application and Narrative
2. Exhibit AA Design Guidelines
3. Exhibit BB Land Dedication Table
4. Exhibit E. Existing Conditions
5. Exhibit G. Preliminary Development Plan Package
6. Exhibit N-2 Traffic Study. Update memo
7. Exhibit O. Original and Amended Access Permit
8. Exhibit Q. Parking Study.
9. Society Turn Parcel Preliminary Plan Engineers Report
10. Preliminary Drainage Report

I understand that this project is seeking preliminary PUD approval and that more detailed construction phased plans will be reviewed and approved as part of construction approval. In reviewing the request, I have the following findings/comments:

Has the fire department weighed in on road widths, fire lanes, parking locations and potential aerial access distance to buildings.

Preliminary Engineering Plans

- Lane width shall be 12' minimum per Land Use Code based upon Collector road standard, while there is additional width provided with the curb and gutter and valley pans drivers often aren't comfortable driving on the different surface so all pavement drive lanes should be increased to minimum 12-foot width.
- Sidewalk widths per Land Use Code shall be 8' wide. 6' sidewalk along Road A should be sufficient, however along road B with 2' being used for parking overhand the 8' sidewalk should be installed.
- How does traffic circulate without access to driveway 1 and driveway 2? It appears that the circulation route will be through these parking areas but unsure why they aren't shown in typical sections, ROW dedications, plan and profiles, easement descriptions.

Traffic Study Memo

- Retail and Eating/Drinking should be revised to 28,600 rather than 26,800.

- Total ADT volume should be updated with new land uses in memo rather than just peak hour volumes

Traffic Study

- The traffic study appears to focus mainly on the highway access permit and rightfully so however a brief discussion of traffic control features, circulation, such as stop signs, striping, emergency access gates, etc should be added for the internal road layout especially near the medical center and Road A intersection. I assume a 2-way stop controlled intersection on Road B and at the connections to Road B.

Water Supply Plan

Will defer to Town of Telluride as they are providing service.

Parking Study

- The parking study contemplates parking demands for the overall project and reduces significantly the number of spaces vs the County Code volume, 602 vs 799. The parking study does not evaluate the phased approach to the project. With most of the surface parking occurring along Road B and Planning Areas 3 and 4 will there be enough parking for Planning Area 2a and 2B? Additionally do the shared parking benefits work with the proposed phasing? It appears that this has been thought through to an extent based upon the phasing plans included in the preliminary engineering plans but the parking study should discuss the amount of parking for each phase so the County knows what is required as the project will be phased out over many years.
- Surface parking vs structured parking should be quantified so each planning area knows how much is needed as part of the larger project.

Drainage Study

- Similarly, to the comments above about the parking study the drainage report should discuss how the phasing of the project will impact the proposed drainage infrastructure. Will the improvements as part of Phase 1 “over-detain” until additional phases come online. While probably ok a phasing plan should be added so the County knows what is required with each phase as the project goes forward.
- Capacity analysis of proposed diversion swales that capture run-on from CDOT highway culverts should be provided. Can ditch handle potential flows, does ditch need riprap protection, etc?
- A phase level drainage analysis should be provided at next steps to show pipe capacity, inlet capacity, underground detention volumes, etc.



HOCKERSMITH & WHITMORE, LLC
ATTORNEYS & COUNSELORS at LAW

Alpine Bank Building
917 Main Street (2nd Floor)
Post Office Box 646
Ouray, CO 81427-0646

t: 970.325.4414
f: 970.325.7333
marti@ouraylaw.com

Martha P. Whitmore

January 9, 2023

Planning Commission
San Miguel County
P.O. Box 1170
Telluride, CO 81435

RE: Society Turn Sketch Plan Review – Genesee Properties, Inc. (“Applicant”)

Dear Commissioners:

We are submitting these comments on behalf of San Miguel Power Association, Inc. (“SMPA”) and are requesting that the Board include as a condition of approval of this application the conveyance of suitable easements to SMPA to replace the existing access rights through the subject property. The application as submitted would require construction over the existing access road used by SMPA. Unless suitable easements are conveyed by Applicant, SMPA would be forced to obtain an easement through a condemnation action, which could result in delay of the development and may result in an easement not compatible with the preliminary plan. SMPA acknowledges the community need for a medical facility such as that proposed in the application, and does not want to impede its development. However, SMPA’s ability to continue to provide reliable electrical service to the Telluride region depends on maintaining unimpeded access to the Tri-State substation and SMPA’s facilities.

The Applicant has included its perspective on the history of the SMPA existing easement in section 3.1.4. While this is not the appropriate forum to debate the legal extent of existing SMPA access rights, suffice it to say that SMPA views the access rights somewhat differently. SMPA has had continuing dialogue with the Applicant’s attorney in an effort to reach agreement on an acceptable access easement. However, at this time, no agreement has been reached on important financial aspects of the access easement as SMPA is unwilling to pay more than its fair share of costs given the limited traffic count attributable to SMPA. While the Applicant is taking the position that it has the right to relocate the access easement, SMPA also has the ability to condemn an acceptable access easement. We hope that the conditions imposed on the preliminary plan approval can include the direction to Applicant to enter into a reasonable access agreement with SMPA to avoid delays associated with the alternatives offered by both the Applicant and SMPA while continuing to ensure the protection of a reliable power supply to the region.

Board of County Commissioners
San Miguel County
January 9, 2023
Page 2 of 2

Applicant has been generous in offering the County open space and trail access as discussed on page 4 of the Preliminary Plan narrative. SMPA certainly supports the concepts of trail access and trail connectivity. However, in consideration of public safety and security for the entire regions electric supply, a trail system traversing SMPA property is not appropriate. As a result, SMPA has not given approval for any trail to cross its property, including the proposed extension of the Galloping Goose trail. Exhibits F and G do not clearly mark the location of the proposed trails, so SMPA requests that the BOCC include a condition of approval ensuring that the trails do not cross SMPA property. Such a configuration could significantly and negatively impact public safety and the region's electrical supply.

SMPA supports the construction of a much-needed hospital as a benefit to the community, and with appropriate approval conditions as requested supports the preliminary plan application.

Sincerely,

HOCKERSMITH & WHITMORE, LLC

By: 
Martha P. Whitmore



Kaye Simonson <kayes@sanmiguelcountyco.gov>

Re: [External] Agency Referral: Genesee Properties - Society Turn Preliminary PUD/Subdivision

1 message

CGS_LUR <CGS_LUR@mines.edu>

Fri, Jan 20, 2023 at 6:20 PM

To: Kaye Simonson <kayes@sanmiguelcountyco.gov>

Hi Kaye,

I don't see any new geological or geotechnical information among the available referral documents at <https://societyturn.info/> so the comments in my 3/5/2021 PUD/subdivision sketch plan email to John Huebner remain valid:

The geologic hazards mapping, analysis and mitigation recommendations in Dowl's 6/15/2020 Geologic Hazards Assessment are valid. Dowl's characterization of subsurface conditions and geotechnical recommendations (Feasibility Geotechnical Report, August 21, 2020) are also valid. Provided Dowl's recommendations are adhered to, CGS has no objection to project approval.

If there are specific concerns you'd like the Colorado Geological Survey to address, please let me know.

Thanks,
Jill Carlson

Land Use Review Program
Colorado Geological Survey
[1801 Moly Road](#)
Golden, CO 80401
cgs_lur@mines.edu
303-384-2655

From: Kaye Simonson <kayes@sanmiguelcountyco.gov>

Sent: Wednesday, January 18, 2023 1:57 PM

To: Shellie Duplan <director@aldasororanch.com>; Reider - CDOT, Randee <randee.reider@state.co.us>; Dan Roussin <daniel.roussin@state.co.us>; Mike Bordogna <mikeb@sanmiguelcountyco.gov>; Amy Markwell <amym@sanmiguelcountyco.gov>; Ryan Righetti <ryanr@sanmiguelcountyco.gov>; Paul O'Neil <poneil@sehinc.com>; Janet Kask <janetk@sanmiguelcountyco.gov>; Bill Masters <billm@sanmiguelsheriff.org>; Matt Gonzales <mattg@sanmiguelcountyco.gov>; Kevin Chaney <kevinc@sanmiguelcountyco.gov>; Dave Foley <surveyfoley@gmail.com>; ross.davis@state.co.us <ross.davis@state.co.us>; Powers - DNR, Gregory <gregory.powers@state.co.us>; Kelly Crane <kelly.crane@state.co.us>; Caddy - DNR, Mark <mark.caddy@state.co.us>; Scott Heidergott <sheidergott@telluridefire.com>; Telluride Fire District <jbenett@telluridefire.com>; Eno, Megan -FS <megan.eno@usda.gov>; Lawson Hill POC <lawsonhill@gmail.com>; Pete Wagner <Pete@wagnerskis.com>; Green, Donald <Donald.Green@blackhillscorp.com>; doliver@smpa.com <doliver@smpa.com>; David Averill <david.averill@smartelluride.com>; Mason Osgood <mason@sheepmountainalliance.org>; John Pandolfo <jpandolfo@telluride.k12.co.us>; Paul Wisor <pwisor@mtnvillage.org>; Michelle Haynes <MHaynes@mtnvillage.org>; paulr@lizardhead.net <paulr@lizardhead.net>; preich@tellmed.org <preich@tellmed.org>; Chris Darnell <cdarnell@tellmed.org>; Scott Robson <srobson@telluride-co.gov>; Ron Quarles <rquarles@telluride-co.gov>; Kevin Geiger <KGeiger@telluride-co.gov>; CGS_LUR <CGS_LUR@mines.edu>; Sarah Enders <sarahe@sanmiguelcountyco.gov>; James Van Hooser <jamesv@sanmiguelcountyco.gov>; Kenny Maenpa <kenny@tellurideairport.com>; Heather Widlund

<heatherw@sanmiguelcountyco.gov>; Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org>;
John.Sweeney@faa.gov <John.Sweeney@faa.gov>; Sandoval, Joni <Sandoval.Joni@epa.gov>; Courtney
McEleney <courtney@smrha.org>; doug.jamison@state.co.us <doug.jamison@state.co.us>; Julie Kolb
<juliek@sanmiguelcountyco.gov>
Cc: John Huebner <johnh@sanmiguelcountyco.gov>; kevin.walters@state.co.us <kevin.walters@state.co.us>
Subject: [External] Agency Referral: Genesee Properties - Society Turn Preliminary PUD/Subdivision

At their January 12, 2023 meeting, the Planning Commission heard presentations and public comment regarding the Genesee Properties, Inc. for Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel and continued consideration to February 9, 2023, in order to allow more time to consider this complex application and hear from more referral agencies.

The project application can be found at <https://societyturn.info/> and is scheduled for review by the San Miguel County Planning Commission on Thursday, February 9, 2023.

The Planning Department requests that you please provide your review comments by February 1, 2022 to Kaye Simonson, Planning Director, kayes@sanmiguelcountyco.gov.

If you have already provided comments and have nothing new to add, no response is needed. Thank you for reviewing this application and providing your feedback.

--

Kaye Simonson, AICP
Planning Director
San Miguel County Planning Department
Office: (970)369-5436
Cell: (970)729-9929
www.sanmiguelcountyco.gov



For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

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**LAST DOLLAR P.U.D. ASSOCIATION
P.O. BOX 1106
TELLURIDE CO, 81435**

January 31, 2023

Via Email: kayes@sanmiguelcountyco.gov

Kaye Simonson, San Miguel County Planning Director
San Miguel County Planning Commission
San Miguel County Board of Commissioners

RE: Comments from Last Dollar P.U.D. Association (the “**Association**”) regarding the
Planned Unit Development Application for the Society Turn Parcel submitted by
Genesee Properties, Inc. (“**Genesee**”)

Dear Ms. Simonson:

As the San Miguel County Planning Commission (“**CPC**”) turns its focus back to the Society Turn Parcel application, the Last Dollar P.U.D. Association (“**LDPUD**”) is taking this opportunity to reiterate areas of specific concern regarding the impact of the proposed development. In prior comments and submissions, LDPUD and its affected owners have repeatedly acknowledged the significant public benefit of the land donations to the Telluride Hospital District and Regional Waste Water Treatment Plant. While our enthusiasm over these aspects of the project has not changed, we remain extremely concerned that the CPC has not adequately considered the impact the overall development will have on traffic. Namely, in light of the multitude of high density uses, including office, retail, lodging, employee housing and flex space, it is crucial that current traffic patterns, safety-related issues and the volume of expected traffic are thoroughly analyzed and reviewed.

In that connection, we are resubmitting the letter dated July 15, 2021, from SM Rocha, LLC, the Last Dollar’s traffic consultant (“**SM Rocha**”) to enable your staff to better evaluate the traffic impacts at the intersection of CO 145. The enclosed correspondence highlights the contribution the Society Parcel Development will make to roadway traffic and motor vehicle volume and outlines recommendations for a Transportation Plan. SM Rocha thoroughly reviewed the Traffic Impact Study submitted by Genesee and identified multiple areas where the application fails to meet CDOT standards. Based on the recommendations of SM Rocha, at a bare minimum, the CPC should consider creating a two-way left turn lane at the Society Turn Parcel to avoid dangerous conditions along CO 145.

It is of the utmost importance that the CPC consider these infrastructure deficiencies, particularly in light of the recent District Court ruling addressing the Diamond Ridge Property. The comparison to Diamond Ridge is significant and based on the District Court’s analysis, the failure to perform due diligence in disregard of the Master Plan is unacceptable. As such, we respectfully request that the CPC refuse to proceed with this project until systematic planning and an accounting for the roadway improvement requirements is performed.

Sincerely,

LAST DOLLAR P.U.D. ASSOCIATION

By: /s/ Board of Directors



July 15, 2021

Board of County Commissioners
San Miguel County
333 West Colorado Avenue
Telluride, CO 81435

**RE: Recommendations for Regional Transportation Actions for Future Land Development
(Society Turn Parcel Development)**

Dear Board of County Commissioners,

Please accept this letter as submitted in response to the County notice for public comment in advance of the July 21, 2021 hearing date for the Society Turn Parcel development. As noticed, written comments of more than one page may not receive full consideration if not submitted to the County Planning Department by July 14, 2021. SM ROCHA, LLC (SMR) expresses our sincere apology for this late submission and respectfully requests the Board of County Commissioners' full consideration of information presented hereinafter.

The Last Dollar Homeowners Association (LDHOA) has retained the office of SMR to provide peer review of the transportation network surrounding the Society Turn Parcel development (future Telluride Medical Center).

Upon review of transportation study documents provided with the Society Turn Parcel development, San Miguel County and Town of Telluride Transportation Plan information, and on behalf of LDHOA, suggestions and recommendations are provided for consideration to address future transportation needs resulting from current proposed and future land development actions.

The suggestions and recommendations are presented to aid essential travel needs along CO-145 (West Colorado Avenue) and CO-145 (Lawson Hill) to and from the Town of Telluride area and potentially relieve traffic congestion experienced by motorists from overcrowded roadways with no planned growth accommodations.

SMR recommends the following actions for consideration and implementation based on the need to allow for safe and efficient travel along the area roadway:

- **Create a Transportation Plan for Implementation within Area Growth –**
The transportation plan would be a multi-modal plan covering the County limits, the Town of Telluride, future growth areas of other applicable municipalities, and CDOT. The plans focus would be the future 20-year horizon and should include conceptual roadway visions for the Buildout of the County and participating municipalities in order to preserve adequate right-of-way to accommodate long-term transportation needs.

This plan should provide overall guiding framework to communicate a vision for the County including information about existing conditions, deficiencies, and opportunities for improvement. The plan should also include evaluation of future motorized and non-motorized needs based on future land use projections and the overall vision for the County. It could look at the County and participating municipalities as a whole to view the broad range of issues that impact travel and mobility including land use, pedestrian, bicycle, and transit issues, rather than merely level of service, traffic counts and future modeling projections, which is what current development plans represent.

Suggested plan organization:

- Land Use and Socioeconomic Assumptions – describes the population, household, and employment projections used to define the County’s buildout scenario.
- Roadway Plan – presents the needs assessment, development and analysis of transportation alternatives, roadway plans for buildout, roadway functional classifications and design standards, and implementation costs for roadway improvements.
- Multi-Modal Transportation – identifies the planning efforts associated with providing a balanced transportation system with several mode options.

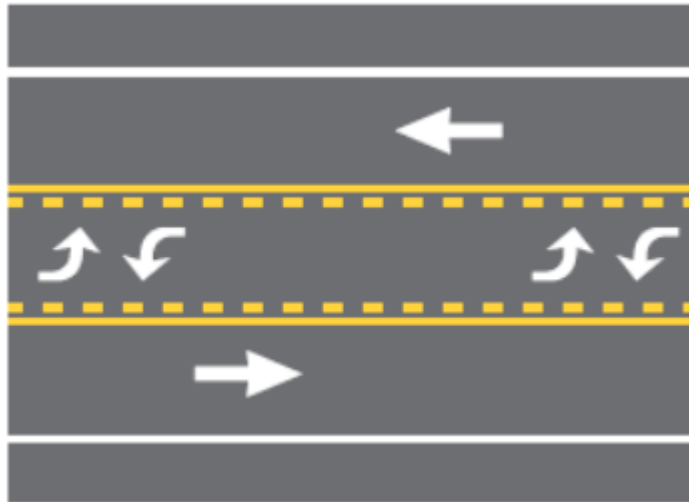
- **Create a Continuous Two-Way Left Turn Lane (TWLTL) –**

The potential safety and operational effects of TWLTL are well-recognized. The planning and implementation of a TWLTL is recommended for consideration as traffic congestion increases along CO-145 within the area of the Society Turn Parcel Development, with an immediate application for eastbound and westbound travel from the Keystone Hill Overlook, through the Society Turn/Mountain Village Roundabout, to the Town of Telluride.

Funding and additional right-of-way acquisition of a TWLTL, as well as any other transportation improvement envisioned through a Transportation Plan, could be included in specific requirements of a land development application or through an assessed transportation impact fee.

It is vital for a community approach to ensure funding sources are made available to encourage, and emphasize, the importance to implement needed improvements on CO-145, including the CDOT governed portions of CO-145 from the Keystone Overlook to the Society Turn Roundabout, in a manner that no objection could be made. Again, this funding can be done in form of both transportation impact fees for contributing new development, such as the Society Turn Parcel, and obtaining needed right-of-way to enable the TWLTL construction in critical areas of CO-145 such as from the Keystone Overlook to the Society Turn Roundabout.

The Federal Highway Administration (FHWA) provides the following example of a TWLTL:



In general, the creation of a TWLTL could offer several advantages which include:

- Improve overall roadway operations and safety.
- Limited road right-of-way requirements.
- Removal of left turning vehicles from the through lanes allowing vehicles to wait in the center lane until a safe gap in oncoming traffic is available before turning left. This can reduce delay to through vehicles and lead to a reduction in rear-end and sideswipe collisions.
- Provide spatial separation between opposing lanes of traffic which can lead to a reduction in head-on collisions.
- Function as a lane for emergency vehicles.
- Accommodate land development requirements for additional driveways and intersections leading to an increase in left turn volumes and may help to alleviate future problems with left turn movements.

Based on review of transportation study documents and the suggestions and recommendations described in this letter, it is believed that implementation of the TWLTL would provide great benefit in quickly improving traffic operations along CO-145 not only regionally but within the immediate area of the Society Turn Parcel development.

It is also recommended that the Board of County Commissioners and the Society Turn Parcel development consider the TWLTL concept and incorporate the potential concept into site development plans by either participation in additional roadway improvements and/or additional road right-of-way dedication along the development frontage.

These presented suggestions and recommendations are our professional opinion and believed to be appropriate as they will not only benefit the future traffic demands created by the Society Turn Parcel development but, most importantly, help structure the County and surrounding municipalities, including CDOT, as a unified community in the funding, implementation and accommodation of future transportation demands anticipated with regional growth projections and the level of in-fill development expected within the County and Telluride, CO area.

We trust that our public comment will assist the Board of County Commissioners in review of the Society Turn Parcel development. Please contact us should further assistance be needed.

Sincerely,

SM ROCHA, LLC

Traffic and Transportation Consultants

A handwritten signature in black ink, appearing to read "Mike Rocha", written in a cursive style.

Mike Rocha, TSOS, TOPS
Principal



January 30, 2023

Via Email: kayes@sanmiguelcountyco.gov
Kaye Simonson, Planning Director

Re: Agency Referral: Genesee Properties - Society Turn Preliminary PUD/Subdivision

Dear Kaye,

Thank you for inviting the Aldasoro Ranch Homeowners Company (HOC), to provide review comments on the Preliminary Plan PUD for the Society Turn Parcel.

The Aldasoro HOC has had a long and cooperative relationship with the owners of the Society Turn parcel, Genesee Properties, and are parties to multiple agreements that could potentially affect how that property is developed.

Under those agreements, the Aldasoro HOC has the right to the use of two wells that it has developed on the Society Turn parcel, as well as easement rights to install a pipeline connecting those wells to the Aldasoro HOC property. If it desires, the Aldasoro HOC has the right to relocate those wells on the Society Turn parcel subject to certain limitations. Likewise, under those agreements, Genesee Properties has the right to relocate the Aldasoro HOC wells, subject to certain limitations. Our understanding is that Genesee's current development plan will require the relocation of the Aldasoro HOC wells.

We met directly with representatives of Genesee and understand at this point they have not determined exactly where they would like to relocate the wells. This remains a subject of active discussion between the parties and while we are hopeful that their plan to relocate the wells can be accomplished in a manner consistent with our agreements, we wanted to note the existence of Genesee's contractual obligation so that the Planning Commission can consider this obligation as it relates to their pending land use application review.

Thank you for the opportunity to provide comment as a referral agency.

Regards,

Shellie Duplan
Director of Operations



Kaye Simonson <kayes@sanmiguelcountyco.gov>

Re: Agency Referral: Genesee Properties - Society Turn Preliminary PUD/Subdivision

1 message

Scott Heidergott <sheidergott@telluridefire.com>

Thu, Jan 19, 2023 at 11:16 AM

To: Kaye Simonson <kayes@sanmiguelcountyco.gov>, Dan Quigley <DQuigley@buckhornengineering.com>

Kaye,

I just spoke with Dan and Chris over a Zoom meeting, mainly about the road widths presented. Road A shall be a minimum of 24 feet wide exclusive of shoulders and I will accept the other road widths as designed and presented. I am attaching the updated file.

I have attached the file with updated comments on page 4.

 **Exhibit G.Preliminary Development Plan Package ...**

Kind regards,

On Thu, Jan 19, 2023 at 10:23 AM Kaye Simonson <kayes@sanmiguelcountyco.gov> wrote:

Thanks. I was able to extract p. 4 from that and it's readable. The first file you sent was only 55KB, so pretty tiny.

Kaye

On Thu, Jan 19, 2023 at 10:13 AM Scott Heidergott <sheidergott@telluridefire.com> wrote:

Kaye,

I was trying to only send page 4 where I commented, but I will send the whole file.

Kind regards,

 **Exhibit G.Preliminary Development Plan Package ...**

On Thu, Jan 19, 2023 at 9:55 AM Kaye Simonson <kayes@sanmiguelcountyco.gov> wrote:

Scott, the resolution on your file is too low and not readable. Can you get us a clearer version? Thanks.

Kaye

On Thu, Jan 19, 2023 at 9:49 AM Scott Heidergott <sheidergott@telluridefire.com> wrote:

Kaye and John,

Attached are comments for the Genesee property.

Kind regards,

On Wed, Jan 18, 2023 at 1:57 PM Kaye Simonson <kayes@sanmiguelcountyco.gov> wrote:

At their January 12, 2023 meeting, the Planning Commission heard presentations and public comment regarding the Genesee Properties, Inc. for Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel and continued consideration to February 9, 2023, in order to allow more time to consider this complex application and hear from more referral agencies.

The project application can be found at <https://societyturn.info/> and is scheduled for review by the San Miguel County Planning Commission on Thursday, February 9, 2023.

The Planning Department requests that you please provide your review comments by February 1, 2022 to Kaye Simonson, Planning Director, kayes@sanmiguelcountyco.gov.

If you have already provided comments and have nothing new to add, no response is needed. Thank you for reviewing this application and providing your feedback.

--

Kaye Simonson, AICP
Planning Director
San Miguel County Planning Department
Office: (970)369-5436
Cell: (970)729-9929
www.sanmiguelcountyco.gov



San Miguel County
East End | Master Plan

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--

**Scott Heidergott**

Fire Marshal

sheidergott@telluridefire.com | Cell: 970-708-0098

Telluride Fire Protection District | <http://telluridefire.com/>
PO Box 1645
131 West Columbia Avenue
Telluride, CO 81435

Station: 970-728-3801
Fax: 970-728-3292

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--

Kaye Simonson, AICP
Planning Director
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**Scott Heidergott**

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--
Kaye Simonson, AICP
Planning Director
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sheidergott@telluridefire.com | Cell: 970-708-0098

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3/1/23, 4:16 PM

San Miguel County Mail - Re: Agency Referral: Genesee Properties - Society Turn Preliminary PUD/Subdivision

have received this communication in error, please notify us immediately by telephone, email or fax and return the original message to us at the above address via the US Postal Service. We will reimburse any costs you incur in notifying us and returning the correspondence. Thank you.



DATE:
10.21.22

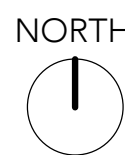
ISSUE:
PRELIMINARY PLAN
SUBMITTAL
PROJECT NUMBER:
17012

HISTORY:

REV # | DATE | DESCRIPTION

SITE PLAN

SCALE: 1" = 100'-0"



A3



Kaye Simonson <kayes@sanmiguelcountyco.gov>

RE: Agency Referral: Genesee Properties - Society Turn Preliminary PUD/Subdivision

1 message

John Pandolfo <JPandolfo@telluride.k12.co.us>
To: Kaye Simonson <kayes@sanmiguelcountyco.gov>

Wed, Jan 18, 2023 at 5:04 PM

Hi Kaye,

How does the current plan allocate any land to the school district for affordable housing or other uses? If it does not currently, what would be the steps to get there?

Thank you,

John Pandolfo

Superintendent Telluride Schools

Direct 970-369-1213



From: Kaye Simonson <kayes@sanmiguelcountyco.gov>

Sent: Wednesday, January 18, 2023 1:58 PM

To: Shellie Duplan <director@aldasororanch.com>; Reider - CDOT, Randee <randee.reider@state.co.us>; Dan Roussin <daniel.roussin@state.co.us>; Mike Bordogna <mikeb@sanmiguelcountyco.gov>; Amy Markwell <amym@sanmiguelcountyco.gov>; Ryan Righetti <ryanr@sanmiguelcountyco.gov>; Paul O'Neil <poneil@sehinc.com>; Janet Kask <janetk@sanmiguelcountyco.gov>; Bill Masters <billm@sanmiguelsheriff.org>; Matt Gonzales <mattg@sanmiguelcountyco.gov>; Kevin Chaney <kevinc@sanmiguelcountyco.gov>; Dave Foley <surveyfoley@gmail.com>; ross.davis@state.co.us; Powers - DNR, Gregory <gregory.powers@state.co.us>; Kelly Crane <kelly.crane@state.co.us>; Caddy - DNR, Mark <mark.caddy@state.co.us>; Scott Heidergott <sheidergott@telluridefire.com>; Telluride Fire District <jbenett@telluridefire.com>; Eno, Megan -FS <megan.eno@usda.gov>; Lawson Hill POC <lawsonhill@gmail.com>; Pete Wagner <Pete@wagnerskis.com>; Green, Donald <Donald.Green@blackhillscorp.com>; doliver@smmpa.com; David Averill <david.averill@smarttelluride.com>; Mason Osgood <mason@sheepmountainalliance.org>; John Pandolfo <JPandolfo@telluride.k12.co.us>; Paul Wisor <pwisor@mtnvillage.org>; Michelle Haynes <MHaynes@mtnvillage.org>; paulr@lizardhead.net; preich@tellmed.org; Chris Darnell <cdarnell@tellmed.org>; Scott Robson <srobson@telluride-co.gov>; Ron Quarles <rquarles@telluride-co.gov>; Kevin Geiger <KGeiger@telluride-co.gov>; CGS_LUR@mines.edu; Sarah Enders <sarahe@sanmiguelcountyco.gov>; James Van Hooser <jamesv@sanmiguelcountyco.gov>; Kenny Maenpa <kenny@tellurideairport.com>; Heather Widlund <heatherw@sanmiguelcountyco.gov>; Jennifer Dinsmore <jenniferd@sanmiguelsheriff.org>; John.Sweeney@faa.gov; Sandoval, Joni <Sandoval.Joni@epa.gov>; Courtney McEleney <courtney@smrha.org>; doug.jamison@state.co.us; Julie Kolb <juliek@sanmiguelcountyco.gov>

Cc: John Huebner <johnh@sanmiguelcountyco.gov>; kevin.walters@state.co.us

Subject: Agency Referral: Genesee Properties - Society Turn Preliminary PUD/Subdivision

At their January 12, 2023 meeting, the Planning Commission heard presentations and public comment regarding the Genesee Properties, Inc. for Preliminary Plan PUD/Subdivision and Rezoning - Society Turn Parcel and continued consideration to February 9, 2023, in order to allow more time to consider this complex application and hear from more referral agencies.

The project application can be found at <https://societyturn.info/> and is scheduled for review by the San Miguel County Planning Commission on Thursday, February 9, 2023.

The Planning Department requests that you please provide your review comments by February 1, 2022 to Kaye Simonson, Planning Director, kayes@sanmiguelcountyco.gov.

If you have already provided comments and have nothing new to add, no response is needed. Thank you for reviewing this application and providing your feedback.

--

Kaye Simonson, AICP

Planning Director

San Miguel County Planning Department

Office: (970)369-5436

Cell: (970)729-9929

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Kaye Simonson <kayes@sanmiguelcountyco.gov>

Society Turn questions and suggestions

1 message

alison james <alipainting@hotmail.com>

Thu, Dec 22, 2022 at 4:13 PM

To: "Kayes@sanmiguelcountyco.gov" <Kayes@sanmiguelcountyco.gov>

Hi Kaye,

My name is Alison James, I am a Lawson resident, I think I met you a couple of weeks ago at the Master Plan presentation in Lawson.

I have a few observations on the new development. I was looking through the design pictures and see some fun things.

1. Will we be getting a Marriott?
2. There is a pic of a pool with a sun room and deck, will that be open to the public? Where will it be located? Will it be south facing? Will it have a deck?
3. There is a picture of a cafe, where on the plan is that? Will it have southern exposure?
4. We will need a couple of bus stops at either end, as there is no way that town can accommodate all those extra cars. I don't see bus stops. Will people have to walk all the way to the Conoco to catch a bus?
5. I'm not seeing the unofficial hiking trail that connects Lawson to the Remine trail, which cuts right across the property. Can this be made an official pedestrian trail please? I will be happy to show you exactly where it is on the site visit if you like.

Thanks Kaye,

Merry Christmas, Alison

291 Rio Vista Road, #105, Telluride

[\(954\) 487 0657](tel:9544870657)

Sent from [Outlook](#)

Get [Outlook for Android](#)



Kaye Simonson <kayes@sanmiguelcountyco.gov>

Fwd: Society Turn development.

1 message

Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Wed, Jan 11, 2023 at 12:26 PM

To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Nancy Hrupcin <nancyh@sanmiguelcountyco.gov>, James Van Hooser <jamesv@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>

Commissioners' bcc'd.

I have responded to Alex that this would be forwarded to the Commissioners and the Planning Department for public record on this development.

Carmen L. Warfield

Carmen L. Warfield

Chief Deputy Clerk - BOCC

San Miguel County

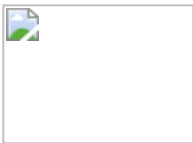
[333 W. Colorado Ave, 3rd Floor](#)

PO Box 1170

Telluride, CO 81435

970-369-5429

970-708-8399 cell

E:carmenw@sanmiguelcountyco.govW:www.sanmiguelcountyco.gov

----- Forwarded message -----

From: **Tellurider** <fsmvc@proton.me>

Date: Wed, Jan 11, 2023 at 12:06 PM

Subject: Society Turn development.

To: bocc@sanmiguelcountyco.gov <bocc@sanmiguelcountyco.gov>

Let this email serve as public comment that I oppose the Society Turn Development. The proposal is a repackaged form of valley floor development by the same people who ran the Cordillera and San Miguel Valley Corporations.

The proposal is a package of lies about environmental conservation, visual blight, employee housing, traffic mitigation and more. The entire development plan should be scrapped.

George Harvey got it right in the paper when he said Hilary Cooper should resign in disgrace for her part in the

Diamond Ridge proposal. Her stance on development bleeds into her decision on Society Turn. Lance Waring should be ashamed of his place in the documentary about preserving the valley floor as he capitulates to the people he once fought against.

The entire BOCC should be ashamed of their spit on the face of conservation and preservation of the San Juan Mountains.

Alex Maarten.

Sent with [Proton Mail](#) secure email.

William Burgess
129 Nimbus Drive Unit 14D
Telluride, CO 81435

February 8, 2023

kayes@sanmiguelcountyco.gov

Kaye Simonson, San Miguel County Planning Director
San Miguel Planning Commission
San Miguel County Board of Commissioners

Re: Planned Unit Development Application for the Society Turn Parcel

Dear Ms. Simonson, Board Members and Commissioners,

I'm writing to weigh in on the Society Turn Parcel application.

As a long term homeowner in Last Dollar Subdivision, I ask for your consideration of my perspective on a few issues that will have direct impacts on surrounding neighborhoods.

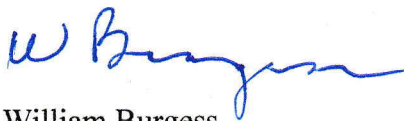
I urge you to carefully analyze traffic impacts affecting access to Last Dollar Subdivision. The process of turning East onto Hwy 145 from Nimbus Drive is already a tedious, time consuming and dangerous challenge. Any increase in vehicular traffic entering the proposed development would certainly exacerbate the problem. I trust that you will thoughtfully plan to mitigate all traffic impacts while ensuring pedestrian and non-motorized vehicle safety in this critical area.

Light pollution is of great concern to the community and must be minimized at all cost. In recognition of the San Miguel County Dark Sky Reserve plan, I ask that you move forward with clear focus on protecting night sky visual quality for all surrounding neighborhoods. Any special lighting requests for parking lots, commercial development or suggested helicopter landing area should be required to strictly comply with Dark Sky Regulations or else be denied.

The proposed hotel is highly problematic. Any hotel, regardless of affordability, would generate substantial growth. This on top of the hospital and other commercial expansion would negate much or all of any on-site housing gains and likely create a negative impact on our already strained regional housing market. Water usage is a major concern. Hotels are notoriously water consumptive and the potential burden on our water supply is alarming. Sewer, traffic, parking and other growth related impacts are also significant. Thorough analysis of impacts vs benefit for short term lodging on this site is necessary.

Thank you and please continue to protect our quality of life in this special community.

Sincerely,



William Burgess



AGENDA ITEM 4.a

TITLE:

Applicant: Nate Smith, Attorney on behalf of Peter Pitts

Location: Units 2 and 4, Lot SV-150 Morningstar Condominiums, aka 896 Two Rivers Drive, Ilium

Zone District: Affordable Housing PUD (AHPUD)

Proposal: Convert 2,091 square feet of Neighborhood Commercial to Residential, and to add six (6) persons of population density and two (2) residential units / MOTION

Presented by:

Time needed:

PREPARED BY:

John Huebner, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[CPC Packet Materials -Pitts SPU 3.9.23.pdf](#)

Description:

PUBLIC MEETING RECORD

County Planning Commission

Application: Peter Pitts – Substantial PUD Amendment to convert neighborhood commercial use to residential, Units 2 and 4, Lot SV-150, Ilium, 896 Two Rivers Drive

Date: March 9, 2023

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated March 9, 2023.
4. Application submitted by Nate Smith, Smith Law Firm on behalf of Peter Pitts dated December 29, 2022.
5. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated February 13, 2023.
6. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on February 22, 2023.
7. Email from Nate Smith, Applicant, to John Huebner, Senior Planner dated February 2, 2023.

AGENCY COMMENTS

8. Email and Memo from John Huebner, Senior Planner, to Review Agencies dated January 2, 2023.
9. Email received from Ryan Kusuno, Ilium Park Owners Association President to Kaye Simonson, Planning Director, dated January 6, 2023.
10. Letter from Lois Majors, Counsel – San Miguel County Housing Authority, to Ryan Kusuno, Ilium Park Owners Association President, dated January 10, 2023.
11. Email received from Ryan Kusuno, Ilium Park Owners Association President to Lois Majors, Counsel – San Miguel County Housing Authority, dated January 12, 2023.

PUBLIC COMMENTS

None received at time of report

MEMORANDUM

TO: San Miguel County Planning Commission
FROM: John Huebner, Senior Planner
RE: Peter Pitts – Substantial PUD Amendment to convert neighborhood commercial use to residential, Units 2 and 4, Lot SV-150, Ilium, 896 Two Rivers Drive
DATE: March 9, 2023

Background

The subject multi-family structure constructed on Lot P, Lawson Hill PUD was permitted in 1997 by the Building Department for a two residential unit and one commercial unit condominium building, as allowed by the PUD. An indeterminate time after the completion of the original structure, the commercial unit was converted into two separate residential rental units for a total of four residential units in the building.

The application states that the two converted residential units have been used exclusively for residential purposes for the past two decades.

The Board of County Commissioner resolution 2000-23 referenced by the applicant concerns the conversion of unbuilt neighborhood commercial square footage into residential AH PUD Zoning on Lot P. The passage of this resolution, however, does not affect this property since the neighborhood commercial space had already been constructed prior to this resolution.

Proposal

Nate Smith, Attorney, has submitted an application on behalf of Peter Pitts (Applicant), owner of Units 2 and 4, Morningstar Condominiums, Lot SV-150, aka 896 Two Rivers Drive, Ilium, zoned Affordable Housing PUD, that seeks a Substantial PUD Amendment to convert 2,091 square feet of Neighborhood Commercial space to Residential. This would add six (6) persons of population density and two (2) residential units on Lot P, Lawson Hill PUD. The applicant intends to sell the proposed residential units to qualified buyers.

The Land Use Code Population Density is determined by unit size. Dwelling units with size between 900 and 1500 square feet are allocated three persons of density. The applicant's two units' areas are within this size range.

The Allowed Use for the units, assigned residential unit(s), zoned population, maximum Floor Area, parking and area & bulk requirements for each lot/tract are identified within the Lawson Hill Development Plan Matrix (Matrix). An amendment to the Matrix is required to formally convert the use designation of the Units from neighborhood commercial to residential, and to add two residential units and six persons of population density.

The transfer of density from another lot like that required for an Insubstantial PUD Amendment application is not required for this Substantial PUD Amendment. Issues related to water and sewer usage, parking, and traffic impacts need to be addressed by this application. A written confirmation that water and sewer services will be provided by the Ilium Park Homeowners Association is required.

In addition, if this application is approved, a condition of approval will be that the applicant shall obtain a building permit and a certificate of occupancy from the Building Department for the two residential units that were converted from a commercial unit.

Substantial Plat and/or PUD Amendment applications require Two-step Planning Commission and Board of Commissioner review pursuant to Land Use Code Sections 3-601 A. & B., 4-5, 5-1503 and 5-1803.

Proposed Lawson Hill Development Plan Matrix

	Tract or Lot #	Area	Zone District	# of Units	Zoned Population	Max Flr Area	Required Parking
Existing	SV150	.119	AHPUD	2	4	3,889	4
Proposed	SV150	.119	AHPUD	4	10	3,889	4

Note1: Required parking accounts for outdoor parking spaces only

With approval of this application, Lot P would increase from 38 to 40 units and Population density would increase from 83 persons to 89 persons. The maximum total square footage on Lot P would remain at 37,789. The lot (Two Rivers Planned Community) has 37 existing built units; 29 are single-family and 2 structures contain multiple units. There are lots permitting 4 duplex units that have not been constructed.

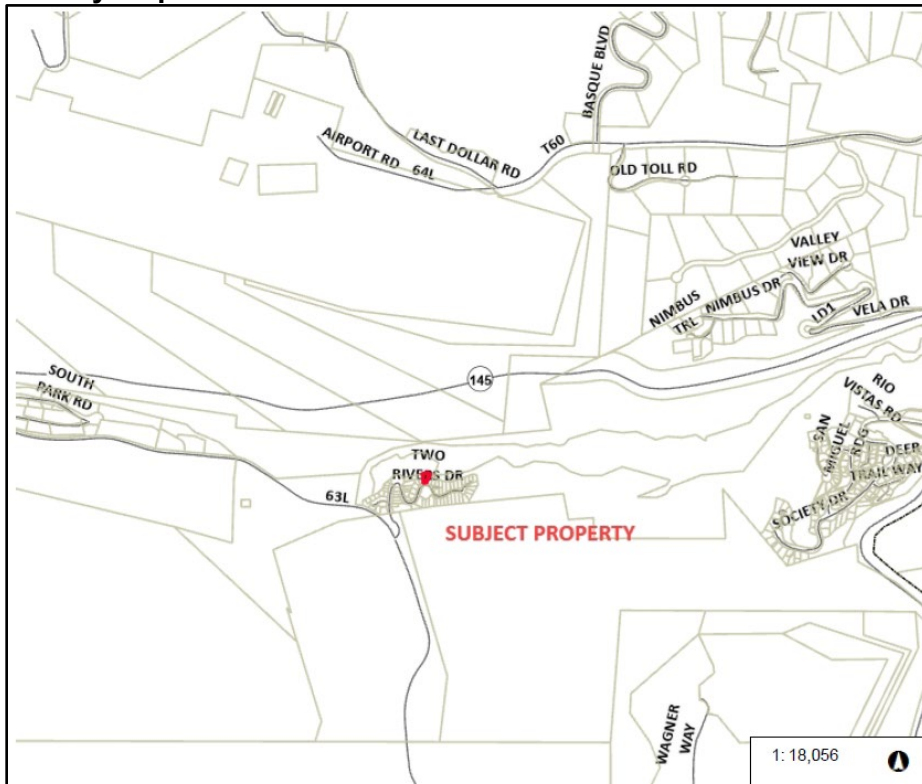
The building on Lot SV-150 is approximately 3,879 square feet and has four separate units currently that are used for residential purposes. There are four outdoor parking spaces and two enclosed garage spaces associated with this lot that meet County Land Use standards. The six parking spaces for the four units in this multi-family structure meets Land Use Code standards for condominium structures. Access to this lot is off Two Rivers Drive.

Based upon San Miguel County Land Use Code Section 5-5 Road standards, each residence contributes 6 trips per day to the traffic count. The requested increase of 2 residential units on Lot P would contribute 12 average daily trips. The total neighborhood commercial use would have contributed an undetermined amount of trips/day.

The proposed units will need to be deed-restricted under Land Use Code Section 5-1304 and the purchasers would need to qualify under the County R-1 Deed Restriction for ownership.

The Planning Commission and Board of Commissioners approved similar changes for Lots SV141 and SV142, in the 2000s and for Lot P generally in 2000.

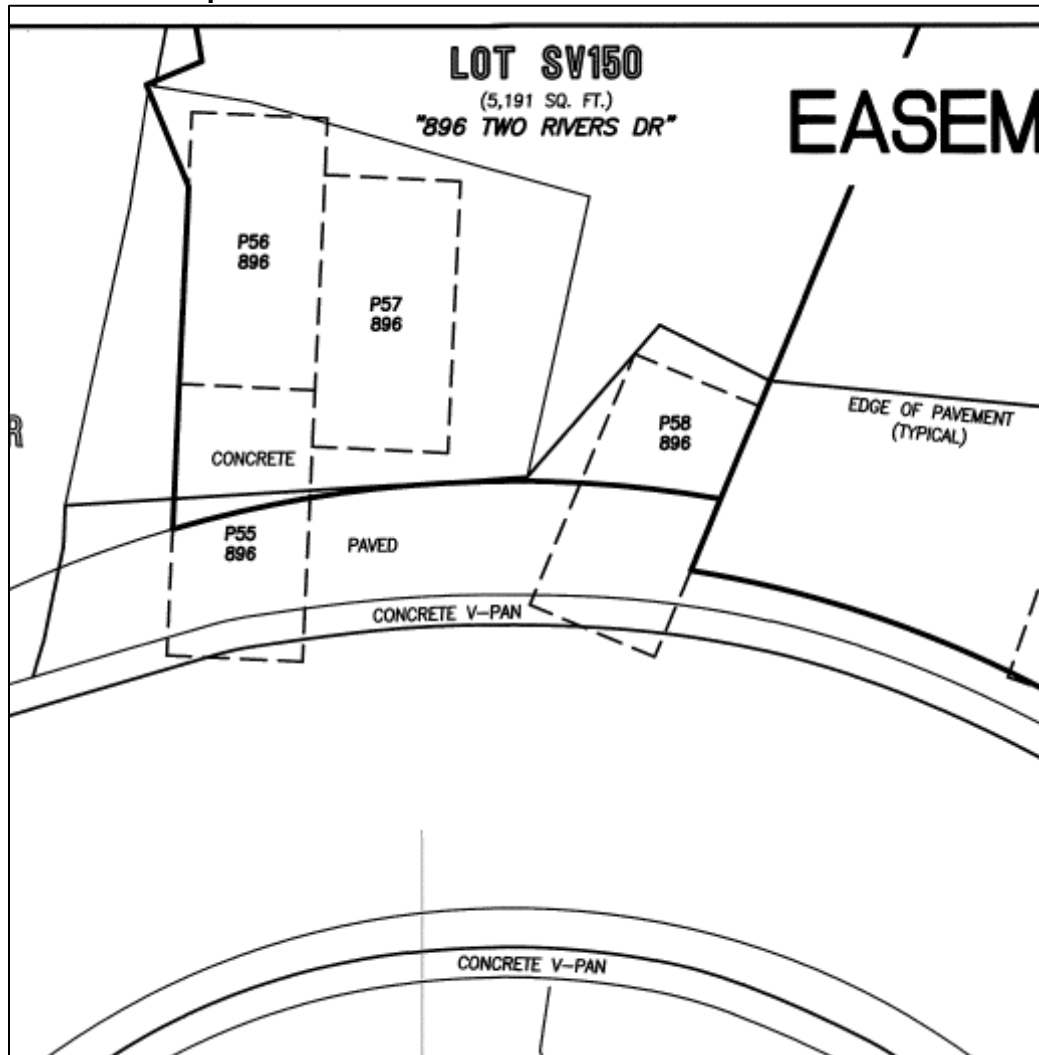
Vicinity Map



Aerial Map



Partial Site Map



Review Standards for a Substantial PUD Amendment

5-1501 General

This section of the Code establishes standards for insubstantial and substantial amendments to a final plat and PUD.

5-1503 Substantial Amendment

Any amendment that is not insubstantial according to the criteria in Section 5-1502 shall be approved pursuant to the procedures in Section 3-601, and the submission contents and standards of Section 4-5 for final plat review and the standards in this section (refer to section 3-702 C. for procedures and Section 4-5 for submission contents). The final plat shall state the purpose of the Amendment and whether the Amendment amends or supersedes in whole or in part the previously approved final plat.

- 5-1503 A. The proposed amendments must be consistent with the approved sketch plan subdivision approval, however in the absence of a valid sketch plan approval the amendment shall be compared to the preliminary plat;
- 5-1503 B. The proposed amendment must be necessary to achieve the intent and purposes of the Planned Unit Development (PUD); and
- 5-1503 C. The proposed amendment must be consistent with the standards of Section 5-1803.

This applicant's Substantial P.U.D. Amendment seeks to increase residential density and to convert neighborhood commercial square footage to residential housing. This is consistent with previous applications that were approved by the county review bodies and sought the conversion of neighborhood commercial spaces on SV-140 and SV-141 to single-family residential space and on Lot P generally.

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

- 5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:
 - V. Meets any applicable Sections of the Land Use Code;
 - VI. Is consistent with the San Miguel County Comprehensive Development Plan;
 - VII. Is compatible with surrounding Zone Districts and land uses, considering existing land, neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible;

- VIII. Would not result in unsupportable demands on public facilities, and would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
 - IX. Would not result in significant adverse impacts on the natural environment;
 - X. Would not be in conflict with the public interest; and
 - XI. Would help achieve the Land Use Policies, as set forth in Article 2 of this Land Use Code.
- 5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.
- 5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

This proposal generally conforms to the Telluride Regional Area Master Plan that states consideration be given for the conversion of industrial property on "Live-work" lots located in Upper Lawson Hill PUD to residential. The water and sewer utility provider has agreed to provide services to these converted residential units. There would be no measurable increase in traffic impacts in the neighborhood or on the state highway that could adversely affect the entire region. It is believed that these units have been used for residential purposes for over 20 years. Therefore there are no new or additional impacts on services or infrastructure.

Public Noticing

A Notice of Public Meeting was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, February 22, 2023 for the Planning Commission public meeting and this application to be held on-line and in person on Thursday, March 9, 2023. Per the requirements of LUC Section 3-9, the Public Notice and required sign posting on the subject property was completed by the Applicant on February 13, 2023 for the for the Planning Commission public meeting to be held on-line Thursday, March 9, 2023 and this application. The posting of the required sign was photographically documented.

Referral Agents

The application was referred to the County Manager, County Attorney, County Building Official, County Surveyor, San Miguel Regional Housing Authority, Ilium Park Owners Association, and Two Rivers Homeowners Association for review and comment.

Referral Agency Comments

Lois Major, San Miguel County Housing Authority (SMCHA) Attorney, provided letter in support of the applicant's request sent to the Ilium Park Owners Association for a "will serve" letter to provide water and sewer services for Units 2 and 4, Morningstar Condominiums. She states that maintaining the two units in the residential pool is a priority for the SMCHA.

Ryan Kusuno, Ilium Park Owners Association (IPOA) President, in email to Lois Major, SMCHA, states that the Association only has the water and sewer capacity to serve up to the maximum buildout in the subdivision and does not have extra capacity. Due to these factors the IPOA Board cannot provide a “will serve” letter to ‘officially’ provide water and sewer services for the units. He further states in separate email to Planning staff that the IPOA board has previously turned down other requests for services from other lot owner(s) unless they transfer density from another lot.

Planning staff met with the IPOA President and a IPOA Board Member to clarify our support for this application, specifically that these two units have been in use residentially for well over a decade and to “lose” these units to commercial use would exacerbate the inadequate housing issue for local employees in the Telluride region. The applicant reports that the IPOA Board at its February meeting voted unanimously to send the county the “will serve” notice letter. A condition of any approval of the application will require that the county receive a formal copy of the will serve letter.

Public Comments

None received at time of report.

Sample Motion:

I move to recommend to the San Miguel County Board of Commissioners to approve a Substantial P.U.D. Amendment for Units 2 and 4, Morningstar Condominiums, Lot 150-SV, Ilium, to change the use from Neighborhood Commercial to Residential, that would increase the residential units by two (2) and increase the population density on Lot P by six (6) persons, and eliminate the neighborhood commercial use, based on the finding that the proposed use is consistent with the County Master Plan, and complies with the Land Use Code review standards in Section 5-1503 Substantial Amendment and 5-1803, Rezoning and subject to the following specific terms and conditions:

1. 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.
2. Applicant shall obtain a Building Permit and a certificate of occupancy from the Building Department for the two residential units that were converted from a commercial unit. This PUD amendment approval shall not be effective unless and until the certificate of occupancy is issued. Failure to obtain the building permit and certificate of occupancy within one (1) year shall result in this approval becoming void, whereupon the Owner will be required to remove all residential improvements and revert the property to neighborhood commercial use.
3. An amendment to the Lawson Hill PUD Development Plan Matrix to reflect the addition of two (2) residential units and six (6) persons of population density, and the elimination of the neighborhood commercial use, shall be prepared and recorded concurrent with the issuance of the certificate(s) of occupancy.
4. County Deed Restrictions and Covenants shall be prepared and recorded concurrent with issuance of the certificate(s) of occupancy.
5. A letter is required from the Ilium Park Owners Association stating that it will provide water and sewer services to Units 2 and 4, Lot 150-SV.



NATE@TELLURIDEFIRM.COM

970-369-9070

P.O. BOX 1616, TELLURIDE, CO 81435

TELLURIDEFIRM.COM

SUBSTANTIAL PUD AMENDMENT APPLICATION
(Peter Pitts)

December 29, 2022

Via email and hand delivery at johnh@sanmiguelcountyco.gov

John Huebner, Planner
San Miguel County
P.O. Box 548
Telluride, CO 81435

RE: Application for a Substantial PUD Amendment (the “**Application**”), pursuant to § 5-1503 of the San Miguel County (the “**County**”) Land Use Code (the “**LUC**”)

Dear John:

Please accept this Application submitted by this firm on behalf Peter Pitts (the “**Applicant**”), the owner of Units 2 and 4, Morningstar Condominiums in the Two Rivers community (jointly, the “**Units**”). Based on our previous meetings and correspondence, the following details are relevant to the Application:

I. Background

The Units are located within the Two Rivers community, which is governed by the Lawson Hill PUD Development Plan Land Use Matrix (the “**Matrix**”). The Units were originally approved by San Miguel County to be used as neighborhood commercial. In 2000, the Board of County Commissioners (“**BOCC**”) passed Resolution 2000-23, which converted neighborhood commercial uses in the Two Rivers community to residential (the “**Resolution**”). The Resolution is attached here as Schedule 1. Despite the passage of the Resolution, the Units remained listed in the Matrix as neighborhood commercial. It is unclear if the Matrix’s ongoing reference to the Units being non-residential was an oversight or if the Resolution did not include the Units. Irrespective, for the past two decades, the Units have been used exclusively for residential purposes.

In an effort to sell the Units to qualified buyers and confirm allowed uses of the Units, the Applicant seeks to (i) formally convert the use designation of the Units within the Matrix from neighborhood commercial to residential and (ii) add two units of residential density to account for the conversion (jointly, the “**Amendment**”). The Amendment would eliminate any uncertainty created by the Resolution. The Application requests approval the Amendment.

II. The Application

a. Required Background Information — LUC § 4-202

Property owner information:

Peter Pitts
C/o Tiare Marie Pitts Flora as attorney in fact for Peter Pitts
113 Pebble Drive
Durango, CO 81301
(970) 903-1355

The owner authorization is attached hereto as **Schedule 2.**

b. Parcel Descriptions — LUC § 4-203

The physical addresses of the Units are 896 Two Rivers Drive, Units 2 and 4, Telluride, CO 81435. The legal description of the Units is:

Units 2 and 4, Morningstar Condominiums, according to the Corrected Condominium Map of the Morningstar Condominiums thereof recorded on November 17, 2022 at Reception No. 479151 and the Declaration of Covenants, Conditions, Restrictions, and Easements for the Morningstar Condominiums recorded on November 11, 2022 at Reception No. 479062, all in the Office of the Clerk and Recorder of San Miguel County, Colorado.

The vicinity map of the Units is attached hereto as **Schedule 3.**

c. Disclosure and Proof of Ownership — LUC § 4-204

Disclosure and Proof of Ownership can be found in the deeds attached hereto as **Schedule 4.**

d. Legal Access — LUC § 4-205

Legal access to the Units exists via County Road 63L and Two Rivers Drive.

e. Standards Report — LUC § 4-206

This Application complies with all applicable substantive review standards set forth in LUC § 5-1503, as follows:

§ 5-1503 A. – Consistency with Plat

The Amendment is not inconsistent with the Subdivision Exemption Plat for the Two Rivers community (the “**Plat**”). The Plat depicts only residential uses within the Two Rivers community. This Application would change no property lines set forth in the Plat.

§ 5-1503 B. – Intent and purchase of the Lawson Hill P.U.D.

The Units are located within the Lawson Hill P.U.D. The primary intent and purpose of the Lawson Hill P.U.D within the Two Rivers community was to develop affordable residential housing. Upon the passage of the Resolution, neighborhood commercial uses became incompatible with the Two Rivers community. This Application seeks to convert the neighborhood commercial designation of the Units to residential, which would ensure continued compatibility. Thus, this Application is consistent with the original intent and purpose of the Lawson Hill P.U.D. (and the Resolution) as it pertains to Two Rivers.

§ 5-1503 C. – Consistency with rezoning requirements of § 5-1803

§ 5-1803 A.I – *The Application does not conflict with the applicable sections of the LUC.* The applicable sections of the LUC pertaining to this Application is the Affordable Housing Planned Unit Development zoning district (“**AH PUD**”). The purpose of AH PUD is to provide areas suitable for clustered affordable housing for persons (and their families) who live and earn their living primarily in the R-1 School District. Formally converting the Units to residential and adding residential density in the Matrix would promote the goals of the AH PUD as it would confirm the existence of two Units of affordable housing for locals working within the R-1 School District.

§ 5-1803 A.II – *The Application is consistent with the San Miguel Comprehensive Development Plan.* Page 2 of the San Miguel Comprehensive Development Plan states that “[i]t is a goal of the County to ensure that employee housing is provided within the County and in particular the eastern end of the County.” The Application would create/formalize two new additional employee housing units in the eastern end of the County. Another goal of the San Miguel Comprehensive Plan is to provide for the development of housing for year-round residents within the San Miguel Canyon Area. This Application would help meet that goal.

§ 5-1803 A.III. – *If approved, the Amendment would be compatible with surrounding Zone Districts and land uses.* The surrounding Zone District is AH PUD. The Resolution eliminated all other neighborhood commercial uses in and around Two Rivers. All adjacent

land uses are residential. Thus, the Amendment would make the Units more compatible with such uses than the Units' existing neighborhood commercial designation.

§ 5-1803 A.IV. – *The Amendment would not exceed the current capacity of public facilities serving the Units.* The conversion of the two Units to residential uses would have no practical impact on public facilities. The Units have been occupied as residential Units for two decades. During this time, there were no issues with public facilities being overloaded. The Applicant has long paid the Ilium Park Owners Association (“IPOA”) for water service for the Units (as well as the two other residential units) over the past two decades and IPOA has always provided sufficient water for the Units. IPOA would experience no additional water demand if the Amendment is approved.

§ 5-1803 A.V. – *The Amendment would have no adverse impact on the natural environment.* This Units already exist. The Application does not contemplate any new development. The Amendment would not create any additional adverse impacts on the natural environment.

§ 5-1803 A.VI. – *The Amendment would be consistent and compatible with the community character.* The community character in Two Rivers is currently employee residential housing. The Resolution sought to eliminate the neighborhood commercial within the Two Rivers community. The Amendment would (i) confirm the elimination of neighborhood commercial in the Two Rivers community and (ii) create additional employee housing opportunities to be purchased by local employees/families.

§ 5-1803 A.VII. – *Nothing contemplated in this Application would conflict with the public interest.* Creating additional employee housing would promote the public interest during this housing shortage.

§ 5-1803 B. – *No conditions affecting the Units have changed and the Applicant is unaware of any opposition to the Amendment from the surrounding neighborhood.* Because these Units have been occupied as residential for two decades, the surrounding Two Rivers neighborhood would not experience any difference. No owners within the Two Rivers community oppose this Application. The Applicant is not aware of any opposition from other adjacent property owners, including Telluride Ski & Golf and the Telluride R-1 School district.

§ 5-1803 C. *The Amendment would not create any additional traffic generation.* Again, these Units have been occupied as residential for two decades. The Amendment would not create traffic, it would simply codify the existing uses.

f. Pre-Application Conference Summary Sheet — LUC § 4-207

Please find the Pre-application Conference Summary attached hereto as **Schedule 5**. This Application and its schedules are compliant with all requirements set forth in the summary.

g. Site Plan - LUC § 4-208

The Corrected Condominium Map for the Units, attached as **Schedule 6**, shall serve as the site plan.

III. Conclusion

This Application complies with all procedural and substantive requirements associated with a Substantial PUD Amendment, as set forth in LUC § 5-1503. For these reasons, the Applicant requests approval to (i) formally convert the use designation of the Units within the Matrix from neighborhood commercial to residential and (ii) add two units of residential density to account for the conversion

Sincerely,

SMITH LAW FIRM, P.C.

By: 
Nathaniel R. Smith, President

cc: Tiare Flora
Kaye Simonson, County Planner

RESOLUTION
BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO
APPROVING A SUBSTANTIAL PLAT AND P.U.D. AMENDMENT
FOR LOT O AND FOR LOT P, LAWSON HILL P.U.D.

Resolution 2000-23

WHEREAS, Lot P, LLC, a Colorado limited liability company, owns certain development rights associated with Lot O, Rio Vistas, Lawson Hill P.U.D. and with Lot P, Sunshine Valley Condominiums, Lawson Hill, P.U.D.. Lot P, LLC and West Central Housing Development Organization, a Colorado nonprofit corporation (hereinafter jointly and severally referred to as the "Applicant") request a Substantial Plat and P.U.D. Amendment for Lot O and Lot P of the Lawson Hill P.U.D.. The Applicant's Substantial Plat and P.U.D. Amendment seeks to increase residential density and to convert neighborhood commercial square footage to residential housing as follows:

1. Lot O would receive two additional 1,040 square foot units and four additional 602 square foot units, thereby increasing the total population by 14 people;
2. Lot O would receive an additional 864 square feet of industrial square feet;
3. Lot O would increase overall by 5,352 square feet ($2 \times 1,240 + 4 \times 602 + 864$);
4. Lot P would receive an additional four 890 square foot residential units and four 1,040 square foot residential units, thereby increasing the total population by 20 people;
5. Such Residential square footage and units on Lot P would be achieved by converting the remaining unbuilt neighborhood commercial square footage (5,946 square feet) to residential AH PUD Zoning, thereby increasing the residential square footage on Lot P by 1,774 square feet; and
6. Lot P would receive an additional 1,000 square feet to allow the existing residential units to have 899 square feet per unit for a total overall increase of 2,774 square feet ($1,774 + 1,000$).

WHEREAS, Lot O is currently zoned for 14 units, 33 persons, and 22,400 square feet of residential and industrial square footage (the square footage does not include garage space). The new zoning on Lot O, if approved as requested, would allow for 20 units, 47 persons, and 27,752 square feet of residential and industrial square footage;

WHEREAS, Lot P is currently zoned for 37 units, 75 persons, and 43,012 square feet of residential and neighborhood commercial square footage. The lot currently has 32 existing residential units and 3 existing neighborhood commercial units. The new zoning on Lot P, if approved, would allow for 45 units, 85 persons, and 45,786 square feet of residential and neighborhood commercial;

WHEREAS, the L.U.C. Population Density is determined by unit size. A dwelling unit with less than 900 square feet is allocated two persons of density. According to the Applicant, 19 units constructed on Lot P have less square footage than allowed. These homeowners would like to maximize their potential square footage, and Applicant requests that the County grant an additional total 1,000 square feet so these homeowners may increase their unit to the maximum size allowed by the P.U.D. approval;

WHEREAS, based upon San Miguel County Land Use Code ("L.U.C.") § 5-5, Road Standards, each residence contributes 6 trips per day to the traffic count. The requested increase of 6 residential units on Lot O would contribute 36 average daily trips and the total industrial could contribute approximately 60 trips/day, depending on use;

WHEREAS, such development requires two-step County review in accordance with L.U.C. §§ 3-601, 5-1503 and 5-1803;

WHEREAS, L.U.C. § 5-1503 establishes the review standards for substantial plat amendments;

WHEREAS, at its regular May 10, 2000 meeting the Planning Commission recommended approval (3-2, Botenhagen and Saffler dissenting) of the application as submitted with the following conditions:

1. Providing verification by the Applicant of adequate water and sewer by the Town of Telluride and Telecom;
2. Providing documentation of existing water use for the Lawson Hill P.U.D.;
3. Providing parking as stated and required by the L.U.C.;
4. That the Applicant must satisfy the Top of the Hill property owners lawsuit; and
5. To grant all units on Lot P that do not have 899 square feet the additional square footage and one 1,150 square feet unit would be granted 350 square feet.

The Planning Commission recommendation was based upon compliance with L.U.C. § 5-1803 II., III., and VI. The Planning Commission also stated the Applicant should be able to mitigate the impacts on roadways and parking, but did not specify a recommendation on how this is to be accomplished;

WHEREAS, in an April 12, 2000 letter, Town of Telluride Public Works Director William Frownfelter states that Lot O is within the water/sewer service area described in the "Pre-Annexation, Utility Connection and Hydropower Lease Agreement for the Lawson Hill Project. The town has indicated that any proposed density for Lot O in excess of that previously contemplated by the Lawson Hill developer may require further negotiation with the Town and the developer and/or Town Council approval;

WHEREAS, in a May 8, 2000 memorandum, the Town of Telluride further states that any increases in uses or densities will result in less water being available for other parcels in the Service Area. The Town requests that the lot or lots in the Service Area that will receive less water as a consequence of increasing density of Lot O be specifically identified at this time, and that anticipated reductions on these lots be recorded or otherwise memorialized so there is no confusion in the future regarding densities, especially if the lots are sold to third parties;

WHEREAS, the Town also requested the County consider increased density only in the context of an overall plan for development in the vicinity, and that any shifts in development take into consideration current water limitations. The Town suggested any increase in density at the site should include an examination of traffic impacts on the state highway that could adversely affect the entire region;

WHEREAS, in a letter of May 31, 2000, the Town of Telluride advised that a review of calculations of existing and proposed water use in the Lawson Hill P.U.D. indicates that an increase in dwelling units on Lot O will not negatively impact the Town's overall allocation of water to the P.U.D. based upon a daycare facility only to be allowed on Lot S-1;

WHEREAS, in an April 12, 2000 letter, Telecom Project Manager Chris Blackwell states that Telecom, as a developer of Lawson Hill, has the ability and the intent to provide adequate water and sewer to both Lot O and Lot P to accommodate the affordable housing projects;

WHEREAS, in a May 5, 2000 letter, the Lawson Hill Property Owners Advisory Committee expresses concerns about additional traffic hazards with the increase in density on Lot O that is located at a hairpin turn. There is also concern about the proposed number of parking spaces allocated to the industrial square footage;

WHEREAS, the Colorado Department of Transportation has indicated in a letter that a state access permit will not be required for this project at this time. However, CDOT raised concerns about traffic volumes already impacting the intersections serving this project and substandard County road connections which raise traffic and safety concerns. This letter states: "The Department can no longer agree with the approval of more development whose traffic is directed to substandard access points prior to construction of any required improvements to bring the County road connection to Colorado Department of Transportation specifications and standards;"

WHEREAS, the Telluride Fire Protection District has reviewed and approved the submitted plans for the Substantial Plat and P.U.D. Amendment;

WHEREAS, the County Engineer, Norm Aufderheide, P.E., Buckhorn Geotech, has completed several site visits to this project, made recommendations which have been incorporated in the submitted plats and plans and specifications, and has indicated that the revised submitted plans, except for the Road Standard Variance request for Lots O and P, appear in conformance with the L.U.C. pursuant to his memorandums dated October 10, 2000;

WHEREAS, Norm Aufderheide, P.E. has reviewed and approved the cost estimates for the various improvements as certified by Eldon Hurst, P.E., which estimates total the sum of \$401,445.40;

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing on May 24, 2000 and May 31, 2000;

WHEREAS, on September 27, 2000, Eric Flora, on behalf of the Applicant, proposed to modify the Lot O application by deleting 400 square feet of industrial space in order to accommodate a relocation of parking spaces from the east end of Lot O to elsewhere within the development;

WHEREAS, the Applicant has determined, with assistance from a title insurance company representative, that Lot P, Lawson Hill, P.U.D. should not be separated into separate lots (P-3, P-4 and P-R) as originally proposed and instead, that certain condominium community known as Sunshine Valley Condominiums and that certain planned community known as Two Rivers should and may exist and share Lot P in accordance with the Colorado Common Ownership Act so long as a maintenance agreement is entered into between the Sunshine Valley Condominium Association, Inc. and the Two Rivers Owners Association, Inc. with respect to the shared common expenses of such communities;

WHEREAS, the Applicant has revised the plat map for Lot P, Lawson Hill P.U.D. to reflect the relationship and situation of Sunshine Valley and Two Rivers on Lot P, Lawson Hill P.U.D., and the County is not making any representation whatsoever as to the same;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of San Miguel County, Colorado, hereby approves (2-1 with Zivian dissenting) a Substantial Plat and P.U.D. Amendment to increase residential density, increase industrial square feet and convert neighborhood

commercial square footage to residential housing on Lots O & P of the Lawson Hill P.U.D. as follows:

1. Lot O shall receive two additional 1,040 square feet units and four additional 602 square feet units, thereby increasing the total population by 14 people;
2. Lot O shall receive an additional 464 square feet of industrial square feet;
3. Lot O shall increase by a total overall square footage of 5,352 square feet ($2 \times 1,240 + 4 \times 602 + 864$);
4. Lot P shall receive an additional four 890 square feet residential units and four 1,040 square feet residential units, thereby increasing the total population by 20 people;
5. Such Residential square footage and units on Lot P is achieved by converting the remaining unbuilt neighborhood commercial square footage (5,946 square feet) to residential AH PUD Zoning, thereby increasing the square footage on Lot P by 1,774 square feet; and
6. Lot P shall receive an additional 1,000 square feet to allow the existing residential units to have 899 square feet per unit as allowed under the L.U.C;
7. One existing 1150 square feet unit (Lot TR-31, Lot P) shall receive an additional 350 square feet (1,500 square feet total); and
8. The total overall square feet increase on Lot P shall be 3,124 square feet ($1,774 + 1,000 + 350$);

BE IT FURTHER RESOLVED that the Applicant's Colorado registered professional engineer shall provide a complete set of plans and specifications for the proposed site drainage, retaining walls, parking lots, parking spaces, berms, roads, and all other public improvements for Lot O and Lot P, including a soils and/or geological study for the proposed parking lot site on Lot O, and certify the estimated costs of such improvements for Lot O and for Lot P.

BE IT FURTHER RESOLVED that the application satisfies the applicable requirements of the Colorado P.U.D. Act of 1972: The modification is consistent with the efficient development and preservation of the entire Lawson Hill P.U.D. and does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from Lots O and P, or the public interest, and is not granted solely to confer a benefit upon any person, since an increase in residential density will be applied to address the identified existing affordable housing shortfall in the Telluride Region.

BE IT FURTHER RESOLVED that the application satisfies the applicable L.U.C. standards in Sections 5-1503 and 5-1803 and specifically, as set forth in page 4 of the Planning Staff Report, Sections 5-1503 B. and 5-1803 A., B. and C.

BE IT FURTHER RESOLVED this approval is expressly conditional upon and subject to the Board of Commissioners granting the requested variances from the L.U.C. road standards, and the Applicant providing:

1. Satisfactory evidence that 6 of the 12 parking spaces located on Lot O and partially on Lot M that are proposed to be allocated to serve the proposed development on Lot O, are physically and legally available for that purpose, including written consents from any property owners who have a legal interest in those parking spaces;
2. Legally binding assurances that residential units to be developed on Lots O and P will remain affordable, with all units owner-occupied, including, but not limited to the imposition of appropriate price caps on the sale/resale of the units. Applicant shall not sell any units until such time as the assurance has been duly executed, acknowledged and delivered to the satisfaction of the Board; and

3. Fully executed and secured Improvements Agreements for the Lot O development, the Lot P developments (which includes the Two Rivers Planned Community) and the Elk Meadows development, all in the Lawson Hill P.U.D.

BE IT FURTHER RESOLVED that the Applicant shall submit appropriate condominium plats and maps for Lot O and Lot P, accurately describing all unit ownership interests and common elements as required by a title insurance company, who shall be responsible for reviewing and approving all title matters with respect to the plat maps and amendments.

BE IT FURTHER RESOLVED that the Applicant shall acquire written consent from all property owners on Lot O and Lot P for any improvements to be located within areas considered to be common elements.

BE IT FURTHER RESOLVED that no certificates of occupancy shall be granted by San Miguel County regarding Lot O or Lot P until all infrastructure improvements have been constructed in accordance with the provisions of the Land Use Code and the improvements agreement requirements.

BE IT FURTHER RESOLVED that the Applicant document the status of legal ownership for all parking spaces depicted on the final plat for Lot O and for Lot P.

BE IT FURTHER RESOLVED that the Applicant provide written approval from Telecam Partnership II to allow the proposed drainage plan for Lot O to discharge stormwater onto their property.

BE IT FURTHER RESOLVED that the Applicant shall fully fund the obligations set forth in the three Improvements Agreements contemplated above upon recordation of this resolution and the implementing final plat documents as a condition of approval.

BE IT FINALLY RESOLVED that all provisions herein and all representations and assurances of the Applicant made either verbally, in writing, at public meetings and hearings, on a final plat or in the application are conditions of approval, which shall survive recordation of any plat map and run with the land.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, on December 20, 2000.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

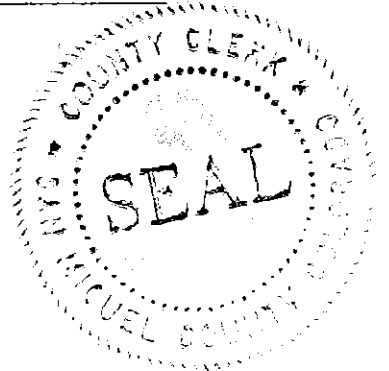
By: _____

Anna M. Ziviani, Chair

ATTEST:

By: _____

Marie A. Thomas
Chief Deputy Clerk



Schedule 2

Consent to Application

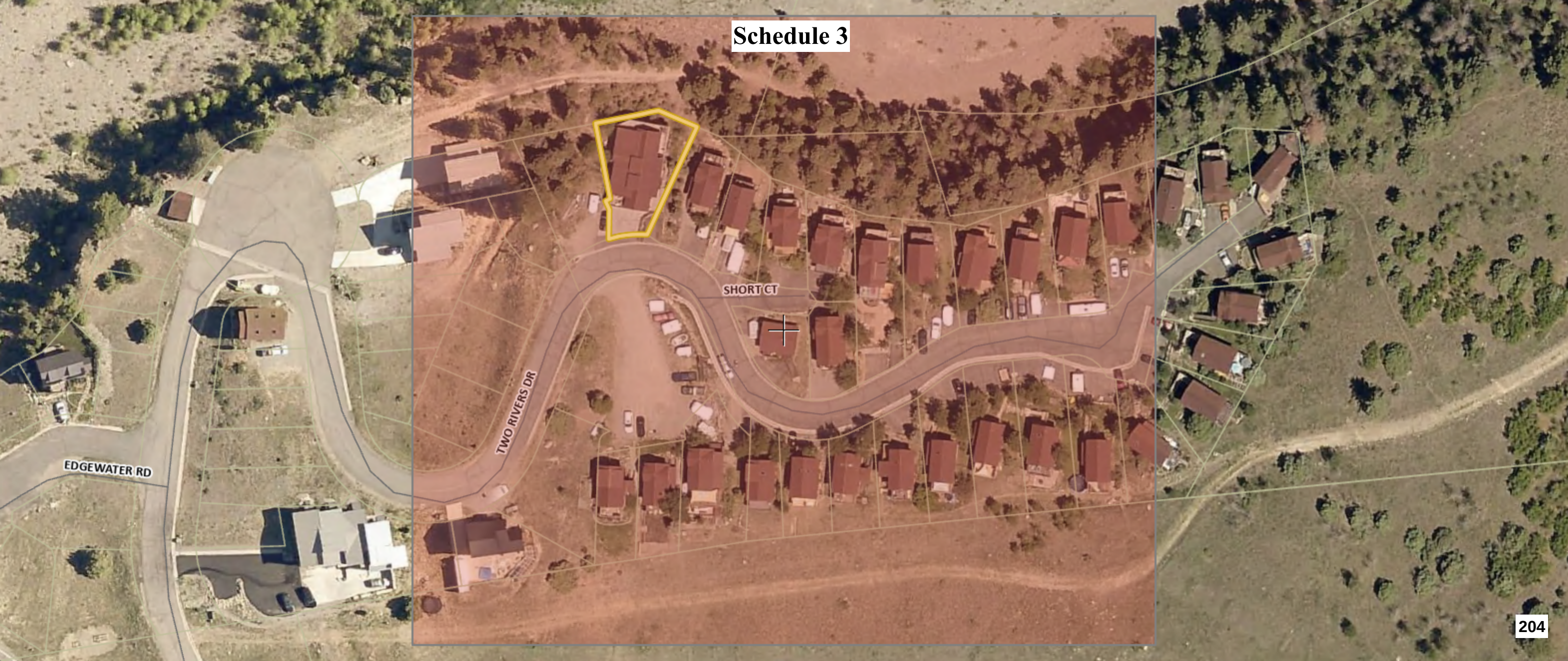
I, the undersigned owner, hereby approve of and consent to the applications to San Miguel County submitted by the Smith Law Firm, P.C. for a Substantial PUD Amendment of Units 2 and 4, Morningstar Condominiums (the “**Application**”). I authorize Nathaniel R. Smith of the Smith Law Firm, P.C. to submit the Application and assist in any way in moving the Applications forward towards approval.

Peter Pitts

Peter Pitts by Tiare Marie Pitts Flora His Attorney in Fact

Tiare Marie Pitts Flora as attorney in fact for Peter Pitts

Schedule 3



WARRANTY DEED

THIS DEED, Made this 18TH day of SEPTEMBER, 1997, between LOT P, LLC, A COLORADO LIMITED LIABILITY COMPANY of the County of SAN MIGUEL and State of COLORADO, grantor, and TIARE PITTS whose legal address is P.O. BOX 2918, TELLURIDE, CO 81435 of the County of SAN MIGUEL and State of COLORADO, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of SIXTY THOUSAND AND 00/100 **(\$60,000.00)** DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of SAN MIGUEL and State of Colorado described as follows:

THAT ATTACHED HERETO AS EXHIBIT WD-PIT-1, AND BY THIS REFERENCE, INCORPORATED HEREIN.

as known by street and number as: UNIT SV-3, SUNSHINE VALLEY CONDOS

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except

THOSE ATTACHED HERETO AS EXHIBIT WD-PIT-2, AND BY THIS REFERENCE, INCORPORATED HEREIN.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

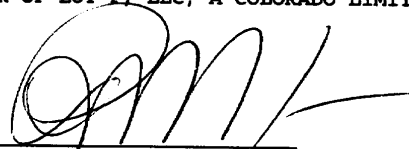
LOT P, LLC, A COLORADO LIMITED LIABILITY COMPANY


ERIC FLORA, MANAGER

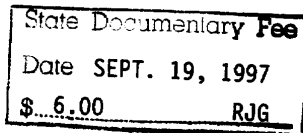
STATE OF *Colorado*
COUNTY OF *San Miguel* s.s.

The foregoing instrument was acknowledged before me this 18TH day of SEPTEMBER, 1997 by ERIC FLORA AS MANAGER OF LOT P, LLC, A COLORADO LIMITED LIABILITY COMPANY.

Witness my hand and official seal
My Commission expires: *October 2000*


Notary Public

ROBIN M. TUCKER
NOTARY PUBLIC
STATE OF COLORADO



Unit SV-3 (subject to exercise of the Individual Owned Development Right for Unit SV-3 and subject to an amendment to the Condominium Map and Declaration to be recorded to create Unit SV-3), SUNSHINE VALLEY CONDOMINIUMS, a Condominium Community, and the Individual Owned Development Right for Unit SV-3, SUNSHINE VALLEY CONDOMINIUMS, a Condominium Community, according to the map filed in the office of the Clerk and Recorder in Plat Book 1 at Page 2292, and according to the Declaration for SUNSHINE VALLEY CONDOMINIUMS, recorded in Book 585 at Page 437, as amended or supplemented and SUBJECT TO the terms, conditions, provisions and obligations contained therein,

County of San Miguel,
State of Colorado.

- . Taxes for the year 1997 and subsequent years, a lien not yet due and payable.
 - . Right of the proprietor of a vein or lode to extract and remove this ore therefrom should the same be found to penetrate or intersect the premises granted; as reserved in United States Patent for the Keystone Placer, M.S. 244, recorded in Book 21 at page 449; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
 - . Declaration of easements, recorded April 16, 1992 in Book 490 at page 1016; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
 - . Resolution #1995-19 of the Board of County Commissioners of San Miguel County, Colorado, approving the Final Plat of Lawson Hill Filing 9, recorded July 14, 1995 in Book 548 at page 347; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
 - . Subdivision Improvements Agreement for Ilium Valley, Lawson Hill Planned Unit Development, recorded July 14, 1995 in Book 548 at page 359; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
 - . Easements, restrictions, reservations, rights of way and all other matters as disclosed on the plat of Lawson Hill, Phase 9, recorded in Plat Book 1 at page 1891, the plat of Lawson Hill, Phase 10, recorded in Plat Book 1 at page 1960, the plat of Telecam/Ilium Park, a Planned Community, recorded in Plat Book 1 at page 2058, the plat of Ilium Residential, a Planned Community, recorded in Plat Book 1 at page 2097, the plat of Telecam/Ilium Subdivision Exemption, recorded in Plat Book 1 at page 2105, and the Plat of Two Rivers, a planned community, recorded in Plat Book 1 at page 2120, and the First Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2209, and the Second Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2214, and the Subdivision Exemption for a Lot Line Adjustment between Lot P, Lawson Hill P.U.D., Phase 9 and Lot 426, Lawson Hill P.U.D., Phase 10, recorded in Plat Book 1 at page 2238, and the Third Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2240, and the Fourth Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2261, and the Technical Amendment recorded in Book 584 at page 756, and the Fifth Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2271, and the Sixth Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2290, and the Plat of Sunshine Valley Condominiums, a Condominium Community, recorded in Plat Book 1 at page 2292.
 - . Reservations, conditions, powers of attorney, easements, options, covenants, agreements and limitations on title, and all other provisions contained in, or incorporated by reference into the Declaration of Telecam/Ilium Park, as recorded in Book 563 at page 382, as amended or supplemented.
 - . Special Warranty Deeds (Two Rivers Owners Association, Inc.) recorded September 26, 1996 in Book 568 at page 252, and August 1, 1997 in Book 584 at page 944; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
 - . Reservations, conditions, powers of attorney, easements, options, covenants, agreements and limitations on title, and all other provisions contained in, or incorporated by reference into the Condominium Declaration for Sunshine Valley Condominiums, as recorded in Book 585 at page 437, as amended or supplemented.
0. Subject Property: Development Rights in Proposed Unit SV-3, Sunshine Valley Condominiums:

The ownership of the Property is hereby limited exclusively to Employees and their spouses maintaining primary and sole Residence in San Miguel County, Colorado, and to certain other persons and entities as permitted in Section 5-1305 of the San Miguel County Land Use Code, and the use and occupancy of the Property is hereby limited exclusively to such Employees who earn their incomes primarily within the Telluride R-1 School District and their spouses and children. Ownership, use and occupancy of the property is subject to such definitions, exceptions and qualifications specified in Section 5-1305 of the San Miguel County Land Use Code, including but not limited to the following:

In the event Affordable Housing is sold, transferred and/or conveyed without compliance with Section 5-1305 of the San Miguel County Land Use Code, such sale, transfer and/or conveyance shall be wholly null and void and shall confer no title whatsoever upon the purported transferee. Each and every conveyance of Affordable Housing, for all purposes, shall be deemed to include and

incorporate by this reference all terms of that certain Section 5-1305, including but not limited to those provisions governing the sale, transfer or conveyance of property.

The foregoing restriction on ownership, use and occupancy constitutes a covenant that runs 50 years from the date of recordation with the title to the Property as a burden thereon for the benefit of the Board of County Commissioners of San Miguel County, Colorado, or its designee and shall be binding on the owner, and on the heirs, personal representatives, assigns, lessees and licensees and any transferee of the owner. The duration of this restriction and covenant shall extend for an initial period of fifty (50) years, and at the option of the Board of County Commissioners of San Miguel County, or its designee, may be extended for an additional period of fifty (50) years after public hearing and comment on the proposed extension. This restriction and covenant shall be administered by the Board of County Commissioners of San Miguel County, Colorado, or its designee, and shall be enforceable by any appropriate legal or equitable action, including but not limited to specific performance, injunction, abatement or eviction of non-complying Owners, users or occupants, or such other remedies and penalties as may be specified in Sections 1-16 and 5-1305 of the San Miguel County Land Use Code, or under law.

Notwithstanding the foregoing, this Deed Restriction shall automatically terminate upon the failure to exercise the Option to Purchase the Property granted in any Option to Purchase Affordable Housing by and between the San Miguel Housing Authority and the holder of a first mortgage and subsequent issuance of a public trustees deed to the holder of a promissory note or governmental agency guaranteeing, insuring or acquiring the note (exception San Miguel County, the Housing Authority or any successor, a Project Developer as defined in the Land Use Code or any non-profit Affordable Housing Corporation) secured by a first deed of trust encumbering the Property. The date of termination shall be the date of recording the Public Trustee's Deed conveying the Property.

In addition, San Miguel County expressly reserves the right to terminate this Deed Restriction as to the Property upon recording a Termination Agreement in the office of the Clerk and Recorder of San Miguel County executed by all the then owners of the Property and the Board of County Commissioners.

NOTE: IN THE EVENT OF A FORECLOSURE, THIS DEED RESTRICTION IS NO LONGER IN EFFECT.

11. Construction Agreement pursuant to San Miguel County Land Use Code Section 5-1305 B.VI.f., recorded August 15, 1996 in Book 566 at page 232; SUBJECT TO the terms, conditions, provisions and obligations contained therein.

WARRANTY DEED

THIS DEED, Made this 18TH day of SEPTEMBER, 1997, between LOT P, LLC, A COLORADO LIMITED LIABILITY COMPANY of the County of SAN MIGUEL and State of COLORADO, grantor, and PETER PITTS whose legal address is P.O. BOX 564, TELLURIDE, CO 81435 of the County of SAN MIGUEL and State of COLORADO, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of ONE HUNDRED SEVENTY THOUSAND NINE HUNDRED AND 00/100 **(\$170,900.00)** DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of SAN MIGUEL and State of Colorado described as follows:

THAT ATTACHED HERETO AS EXHIBIT WD-LOTP-1, AND BY THIS REFERENCE, INCORPORATED HEREIN.

as known by street and number as: UNITS SV-4&-5, SUNSHINE VALLEY CONDO

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

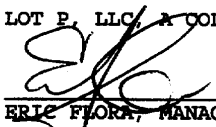
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except

THOSE ATTACHED HERETO AS EXHIBIT WD-LOTP-2, AND BY THIS REFERENCE, INCORPORATED HEREIN.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

LOT P, LLC, A COLORADO LIMITED LIABILITY COMPANY


ERIC FLORA, MANAGER

STATE OF Colorado)
COUNTY OF San Miguel) S.S.

The foregoing instrument was acknowledged before me this 18TH day of SEPTEMBER, 1997 by ERIC FLORA AS MANAGE OF LOT P, LLC, A COLORADO LIMITED LIABILITY COMPANY.

Witness my hand and official seal.
My Commission expires: *October 2000*


Notary Public

ROBIN M. TUCKER
NOTARY PUBLIC
STATE OF COLORADO

State Documentary Fee	
Date	SEPT. 19, 1997
\$	17.09 RJG

Units SV-4 and SV-5 (subject to exercise of the Individual Owned Development Right for Units SV-4 and SV-5 and subject to an amendment to the Condominium Map and Declaration to be recorded to create Units SV-4 and SV-5), SUNSHINE VALLEY CONDOMINIUMS, a Condominium Community, and the Individual Owned Development Right for Units SV-4 and SV-5, SUNSHINE VALLEY CONDOMINIUMS, a Condominium Community, according to the map filed in the office of the Clerk and Recorder in Plat Book 1 at Page 2292, and according to the Declaration for SUNSHINE VALLEY CONDOMINIUMS, recorded in Book 585 at Page 437, as amended or supplemented and SUBJECT TO the terms, conditions, provisions and obligations contained therein, County of San Miguel, State of Colorado.

1. Taxes for the year 1997 and subsequent years, a lien not yet due and payable.
2. Right of the proprietor of a vein or lode to extract and remove this ore therefrom should the same be found to penetrate or intersect the premises granted; as reserved in United States Patent for the Keystone Placer, M.S. 244, recorded in Book 21 at page 449; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
3. Declaration of easements, recorded April 16, 1992 in Book 490 at page 1016; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
4. Resolution #1995-19 of the Board of County Commissioners of San Miguel County, Colorado, approving the Final Plat of Lawson Hill Filing 9, recorded July 14, 1995 in Book 548 at page 347; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
5. Subdivision Improvements Agreement for Ilium Valley, Lawson Hill Planned Unit Development, recorded July 14, 1995 in Book 548 at page 359; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
6. Easements, restrictions, reservations, rights of way and all other matters as disclosed on the plat of Lawson Hill, Phase 9, recorded in Plat Book 1 at page 1891, the plat of Lawson Hill, Phase 10, recorded in Plat Book 1 at page 1960, the plat of Telecam/Ilium Park, a Planned Community, recorded in Plat Book 1 at page 2058, the plat of Ilium Residential, a Planned Community, recorded in Plat Book 1 at page 2097, the plat of Telecam/Ilium Subdivision Exemption, recorded in Plat Book 1 at page 2105, and the Plat of Two Rivers, a planned community, recorded in Plat Book 1 at page 2120, and the First Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2209, and the Second Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2214, and the Subdivision Exemption for a Lot Line Adjustment between Lot P, Lawson Hill P.U.D., Phase 9 and Lot 426, Lawson Hill P.U.D., Phase 10, recorded in Plat Book 1 at page 2238, and the Third Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2240, and the Fourth Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2261, and the Technical Amendment recorded in Book 584 at page 756, and the Fifth Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2271, and the Sixth Amendment to the Planned Community Map for Two Rivers, a planned community, recorded in Plat Book 1 at page 2290, and the Plat of Sunshine Valley Condominiums, a Condominium Community, recorded in Plat Book 1 at page 2292.
7. Reservations, conditions, powers of attorney, easements, options, covenants, agreements and limitations on title, and all other provisions contained in, or incorporated by reference into the Declaration of Telecam/Ilium Park, as recorded in Book 563 at page 382, as amended or supplemented.
8. Special Warranty Deeds (Two Rivers Owners Association, Inc.) recorded September 26, 1996 in Book 568 at page 252, and August 1, 1997 in Book 584 at page 944; SUBJECT TO the terms, conditions, provisions and obligations contained therein.
9. Reservations, conditions, powers of attorney, easements, options, covenants, agreements and limitations on title, and all other provisions contained in, or incorporated by reference into the Condominium Declaration for Sunshine Valley Condominiums, as recorded in Book 585 at page 437, as amended or supplemented.
10. Subject Property: Development Rights in Proposed Unit SV-5, Sunshine Valley Condos:

The ownership of the Property is hereby limited exclusively to Employees and their spouses maintaining primary and sole Residence in San Miguel County, Colorado, and to certain other persons and entities as permitted in Section 5-1305 of the San Miguel County Land Use Code, and the use and occupancy of the Property is hereby limited exclusively to such Employees who earn their incomes primarily within the Telluride R-1 School District and their spouses and children. Ownership, use and occupancy of the property is subject to such definitions, exceptions and qualifications specified in Section 5-1305 of the San Miguel County Land Use Code, including but not limited to the following:

In the event Affordable Housing is sold, transferred and/or conveyed without compliance with Section 5-1305 of the San Miguel County Land Use Code, such sale, transfer and/or conveyance shall be wholly null and void and shall confer no title whatsoever upon the purported transferee. Each and every conveyance

of Affordable Housing, for all purposes, shall be deemed to include and incorporate by this reference all terms of that certain Section 5-1305, including but not limited to those provisions governing the sale, transfer or conveyance of property.

The foregoing restriction on ownership, use and occupancy constitutes a covenant that runs 50 years from the date of recordation with the title to the Property as a burden thereon for the benefit of the Board of County Commissioners of San Miguel County, Colorado, or its designee and shall be binding on the owner, and on the heirs, personal representatives, assigns, lessees and licensees and any transferee of the owner. The duration of this restriction and covenant shall extend for an initial period of fifty (50) years, and at the option of the Board of County Commissioners of San Miguel County, or its designee, may be extended for an additional period of fifty (50) years after public hearing and comment on the proposed extension. This restriction and covenant shall be administered by the Board of County Commissioners of San Miguel County, Colorado, or its designee, and shall be enforceable by any appropriate legal or equitable action, including but not limited to specific performance, injunction, abatement or eviction of non-complying Owners, users or occupants, or such other remedies and penalties as may be specified in Sections 1-16 and 5-1305 of the San Miguel County Land Use Code, or under law.

Notwithstanding the foregoing, this Deed Restriction shall automatically terminate upon the failure to exercise the Option to Purchase the Property granted in any Option to Purchase Affordable Housing by and between the San Miguel Housing Authority and the holder of a first mortgage and subsequent issuance of a public trustees deed to the holder of a promissory note or governmental agency guaranteeing, insuring or acquiring the note (exception San Miguel County, the Housing Authority or any successor, a Project Developer as defined in the Land Use Code or any non-profit Affordable Housing Corporation) secured by a first deed of trust encumbering the Property. The date of termination shall be the date of recording the Public Trustee's Deed conveying the Property.

In addition, San Miguel County expressly reserves the right to terminate this Deed Restriction as to the Property upon recording a Termination Agreement in the office of the Clerk and Recorder of San Miguel County executed by all the then owners of the Property and the Board of County Commissioners.

NOTE: IN THE EVENT OF A FORECLOSURE, THIS DEED RESTRICTION IS NO LONGER IN EFFECT.

11. Construction Agreement pursuant to San Miguel County Land Use Code Section 5-1305 B.VI.f., recorded August 15, 1996 in Book 566 at page 232; SUBJECT TO the terms, conditions, provisions and obligations contained therein.

WARRANTY DEED

THIS DEED, Made this 9th day of May, 2000,
between Tiare Pitts

of the County of San Miguel and State of Colorado
grantor, and Peter Pitts

State Documentary Fee
Date MAY 10, 2000
\$ 16.60 RJG

whose legal address is P.O. Box 564, Telluride, CO 81435

of the County of San Miguel and State of Colorado, grantee:

WITNESSETH, That the grantor, for and in consideration of the sum of ONE HUNDRED SIXTY SIX THOUSAND
AND NO/100-----

-----DOLLARS, (\$166,000.00).

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents
does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with
improvements, if any, situate, lying and being in the County of San Miguel, and State of Colorado,
described as follows:

See Exhibit "A" attached hereto and incorporated herein.

also known by street and number as 898 Two Rivers Drive #3, Telluride, CO 81435

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and
the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest,
claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the
hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his
heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and
agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well
seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in
fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form
as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments,
encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due or
payable, easements, restrictions, reservations, covenants and rights-of-way of record, if any,

See Exhibit 'B' attached hereto and made a part hereof.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession
of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.
The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.
IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Tiare Pitts

ANDREW MOLLOY
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 12/12/2000
124 E. Pacific
Telluride, CO 81435

STATE OF COLORADO)
COUNTY OF SAN MIGUEL) ss.

The foregoing instrument was acknowledged before me this 9th day of May, 2000 by
Tiare Pitts

My Commission expires:

Witness my hand and official seal

Notary Public

896 Two Rivers Drive #3

EXHIBIT 'A'**LEGAL DESCRIPTION OF DEED DATED
May 9, 2000**

Unit SV-3, Sunshine Valley Condominiums, according to the Declaration recorded August 15, 1997 in Book 585 at page 437, the First Amendment thereto recorded September 17, 1997 in Book 586 at page 1016, the Second Amendment thereto recorded April 21, 1998 at reception No. 318319, the Third Amendment thereto recorded July 27, 1998 at reception No. 320185 and the Fourth Amendment thereto recorded May 17, 1999 at reception No. 326459, and according to the Map thereof recorded August 15, 1997 in Plat Book 1 at page 2273, the First Supplement thereto recorded September 17, 1997 in Plat Book 1 at page 2292, the Second Supplement thereto recorded April 21, 1998 in Plat Book 1 at page 2361, the Third Supplement thereto recorded July 27, 1998 in Plat Book 1 at page 2406 and the Fourth Supplement thereto recorded May 17, 1999 in Plat Book 1 at page 2567,

County of San Miguel, State of Colorado

EXHIBIT 'B'
to Warranty Deed dated May 09, 2000

All taxes and assessments, now or heretofore assessed, due or payable.

Declaration recorded August 15, 1997 in Book 585 at page 437, the First Amendment thereto recorded September 17, 1997 in Book 586 at page 1016, the Second Amendment thereto recorded April 21, 1998 at reception No. 318319, the Third Amendment thereto recorded July 27, 1998 at reception No. 320185 and the Fourth Amendment thereto recorded May 17, 1999 at reception No. 326459.

Deed of Trust from Tiare Pitts, to the Public Trustee of San Miguel County, for the benefit of The Bank of Telluride, securing an original principal indebtedness of \$379,895.50, and any other amounts and/or obligations dated July 23, 1998, recorded July 27, 1998 at reception No. 320188.

All existing roads, highways, ditches, utilities, reservoirs, canals, pipelines, power, telephone, or water lines, railroads, aircraft overflight paths and rights of way and easements therefore.

All restrictions, covenants, declarations, conditions, leases, agreements and mineral reservations of record, and any and all modifications thereof if any.

(File #J031101A00)

Schedule 5



PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

March 31, 2022

Nate Smith via email: nate@telluridefirm.com

Re: Pre-application Conference Summary: Substantial Plat and PUD Amendment SV4, SV5, and SV6, Lot P, Lawson Hill PUD, Ilium

Dear Nate:

The purpose of this correspondence is to serve as a summary of a Pre-application Conference, in accordance with Section 4-207 of the San Miguel County Land Use Code, for a proposed Substantial Plat and PUD Amendment for SV4, SV5, and SV6, Lot P, Lawson Hill PUD, Ilium to convert 2,091 square feet of neighborhood commercial use to residential use. This requires an increase of 6 persons of density and two (2) residential units.

Issues related to water and sewer usage, parking, and traffic impacts need to be addressed by this application. A written confirmation that water and sewer services will be provided by the Ilium Park Homeowners Association is required. A new Substantial Plat Amendment will be required with this application. The Plat must show that parking and setback requirements can be met. The newly created units will need to be deed-restricted under Land Use Code Section 5-1304 and any purchasers would need to qualify under the County R-1 Deed Restriction for ownership. The current owner may need to file a Developer's Agreement with the San Miguel Regional Housing Authority prior to the recordation of the approval Resolution.

The Allowed Use for the units, assigned residential unit(s), zoned population, maximum Floor Area, parking and area & bulk requirements for each lot/tract are identified within the Lawson Hill Development Plan Matrix (Matrix). A new Matrix page showing the proposed changes will need to be submitted with the application.

Substantial Plat and PUD Amendment applications require Two-step Planning Commission and Board of Commissioner review pursuant to Land Use Code Sections 3-601 A. & B., 4-5, 5-1503 and 5-1803.

Submission Requirements

*See Attached **Submission Requirements***

Review Standards

*See Attached **Review Standards***

P.O. Box 548 • 333 W Colorado Ave, 3rd Flr • Telluride, Colorado 81435 • (970) 728-3083
email: kayes@sanmiguelcountyco.gov website: www.sanmiguelcountyco.gov

Scheduling of Application Consideration

Please submit one paper copy and a complete set of electronic files (e.g. thumb drive or e-mail) of the complete application that conforms to all applicable Land Use Code requirements. Individual electronic files cannot exceed 25MB. The Planning Department can then schedule the application for consideration by the County Planning Commission. A complete application must be submitted at least one month prior to the requested meeting date. The Planning Commission meets each month on the 2nd Thursday.

The Planning Department will refer the application to the County Attorney, County Manager, County Building Official, County Surveyor, San Miguel Regional Housing Authority, Ilium Park Owners Association, and Sunshine Valley Condo Association. Other referrals will be determined upon receipt of the application.

Payment of \$1,000 to San Miguel County must accompany the application for it to be considered complete (in accordance with Board of County Commissioners Resolution 2020-035). The applicant is responsible for reimbursement of any County Designated Engineer review fees, which includes the initial review and any revisions.

Prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant shall **notify by First Class mail** every property owner and condominium unit owner within one-half (1/2) mile of any portion of the boundary of the subject property and owners of each parcel of real property adjacent to or through the designated Access Road extending from the nearest public road as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of any land use application is scheduled, the applicant **shall post notice** (*letter and sign to be obtained from the Planning Department*) of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

This pre-application letter is valid for one year from date of letter. Please contact the Planning Department if you have questions.

Sincerely,



John Huebner, Senior Planner

SUBMISSION REQUIREMENTS**SECTION 4-2: MINIMUM SUBMISSION CONTENTS FOR ALL LAND USE APPLICATIONS****4-201 General**

All applications for land use approvals shall include, at a minimum, the information and materials specified in this section of the Code. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

4-202 Required Background Information

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.

4-203 Parcel Description

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

4-204 Disclosure and Proof of Ownership

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and Recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

4-205 Legal Access

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

4-206 Standards Report

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

4-207 Pre-Application Conference Summary Sheet

A copy of the pre-application conference summary sheet provided to the applicant at the pre-

application conference.

4-208 Site Plan

A site utilization map shall be submitted. Where applicable, a preliminary or final plat shall also be submitted. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

4-209 Copies of Application

During the pre-application conference the staff shall specify the number of copies of the application to be submitted, including the number of copies of 24" by 36" maps or plats, if applicable. The Planning Office may authorize the submission of application materials, including maps and plats, in electronic format in lieu of paper copies.

4-210 Revegetation Plan

A plan for revegetation of all surfaces disturbed in conjunction with Development that employs predominantly native species, includes replacement of topsoil and specifies a maintenance schedule and techniques.

4-211 Weed Control Plan

A plan for control of noxious weeds, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development. Disturbed surfaces over one (1) cumulative acre in size will require bonding for revegetation and weed control.

4-212 Employee Housing Mitigation Plan

A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development in the R-1 School District, if applicable.

Review Standards for a Substantial Plat & PUD Amendment**5-1501 General**

This section of the Code establishes standards for insubstantial and substantial amendments to a final plat and PUD.

5-1503 Substantial Amendment

Any amendment that is not insubstantial according to the criteria in Section 5-1502 shall be approved pursuant to the procedures in Section 3-601, and the submission contents and standards of Section 4-5 for final plat review and the standards in this section (refer to section 3-702 C. for procedures and Section 4-5 for submission contents). The final plat shall state the purpose of the Amendment and whether the Amendment amends or supersedes in whole or in part the previously approved final plat.

- 5-1503 A. The proposed amendments must be consistent with the approved sketch plan subdivision approval, however in the absence of a valid sketch plan approval the amendment shall be compared to the preliminary plat;
- 5-1503 B. The proposed amendment must be necessary to achieve the intent and purposes of the Planned Unit Development (PUD); and
- 5-1503 C. The proposed amendment must be consistent with the standards of Section 5-1803.

5-1803 Rezoning

Rezoning may be initiated by the County or by persons who are residents of, or own property in, San Miguel County subject to compliance with the standards in this Section. Refer to Sections 3-6 and 4-6 for procedures and submission contents.

- 5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:
 - I. Meets any applicable Sections of the Land Use Code;
 - II. Is consistent with the San Miguel County Comprehensive Development Plan;
 - III. Is compatible with surrounding Zone Districts and land uses, considering existing land, neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible;
 - IV. Would not result in unsupportable demands on public facilities, and would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
 - V. Would not result in significant adverse impacts on the natural environment;

VI. Would not be in conflict with the public interest; and

VII. Would help achieve the Land Use Policies, as set forth in Article 2 of this Land Use Code.

5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

CORRECTED CONDOMINIUM MAP FOR MORNINGSTAR CONDOMINIUM ASSOCIATION,

located on Lot SV-150, Lawson Hill P.U.D.,
within Section 31, T.43N., R.9W., N.M.P.M., County of San Miguel, State of Colorado.

479151
Page 1 of 3
SAN MIGUEL COUNTY, CO
STEPHANIE VAN DAMME, CLERK-RECORDER
11-16-2022 12:48 PM Recording Fee \$33.00

CERTIFICATE OF OWNERSHIP:

1. Morningstar Condominiums, a condominium community (the "Community") exists in accordance with the following described documents (the "Governing Documents"):

a. Declaration of Covenants, Conditions, Restrictions And Easements For Morningstar Condominiums (the "Declaration") recorded in the Office of San Miguel County Clerk and Recorder simultaneously with this CORRECTED CONDOMINIUM MAP FOR MORNINGSTAR CONDOMINIUM ASSOCIATION (the "Condominium Map"); and

b. the Articles of Incorporation dated March 10, 2020 and the Bylaws, including any and all amendments for Morningstar Condominium Association (the "Association").

2. The Community consists of certain Common Elements and units as depicted and described in the Governing Documents (the "Units"), which Units are each separately owned by certain "Owners" and which Common Elements are managed and administered by the Association for and on behalf of the Owners.

OWNER CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS THE FOLLOWING:

1. Peter Pitts (the "Declarant") is the current fee simple owner of the following described real property ("Property"):

SV150 (UNIT 1 (SV3), UNIT 2 (SV4), UNIT 3 (SV5) & UNIT 4 (SV6)), TWO RIVERS PLANNED COMMUNITY, ACCORDING TO THE SUBDIVISION EXEMPTION PLAT RECORDED JUNE 15, 2022 UNDER RECEPTION NO. 477035 AND THE FIRST AMENDED AND RESTATED CONDOMINIUM MAP, THE TWO RIVERS COMMUNITY, A PLANNED COMMUNITY, RECORDED JUNE 15, 2022 UNDER RECEPTION NO. 477038, AND AS DEFINED AND DESCRIBED IN THE DECLARATION OF THE SUNSHINE VALLEY CONDOMINIUMS RECORDED AUGUST 15, 1997 IN BOOK 585 AT PAGE 437, AS AMENDED AND THE FIRST AMENDED AND RESTATED DECLARATION OF TWO RIVERS, RECORDED JUNE 15, 2022 UNDER RECEPTION NO. 477037,

COUNTY OF SAN MIGUEL, STATE OF COLORADO.

2. The Property, together with the rights, duties and obligations under those certain easements and other matters of record which benefit and burden the Property and further together with all the improvements, consisting of buildings and other structures on the Property ("Improvements") are collectively referred to on this Condominium Map as "Property". The Property is as depicted and described on this Condominium Map.

3. The Declarant as the fee simple title owner of the Property, does hereby submit the Property and all improvements constructed thereon to separate and common, condominium ownership and use in accordance with (i) the Declaration, (ii) the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101 et. seq. for the condominium common interest ownership community on the Property.

5. The Community initially consists of certain Units, General Common Elements and Limited Common Elements, inclusive of certain reserved Declarant Rights, which may be depicted on this Condominium Map and as may be further defined or described in the Declaration.

6. The Declarant has reserved certain declarant rights, special declarant rights and development rights ("Reserved Declarant Rights"), as the same are described on the Declaration, that may be exercised by Declarant, its successors and assigns, for the period and in the manner described in the Declaration.

IN WITNESS WHEREOF, the Declarant executes this Condominium Map as of the Effective Date and has executed the Declaration to define the character, duration, rights, duties, obligations and limitations of condominium common interest ownership.

DECLARANT:

By: Peter Pitts by Tiare Marie Pitts Flora, His Attorney in Fact 11/16/2022
Peter Pitts Date
by Tiare Marie Pitts Flora, His Attorney in Fact, Declarant

ACKNOWLEDGMENT:

STATE OF COLORADO

COUNTY OF SAN MIGUEL

The foregoing was subscribed and sworn to me before this 16th day of November, 2022, by Tiare Marie Pitts Flora as Attorney in Fact for Peter Pitts.

My commission expires: 9/17/25
Witness my hand and official seal.

ROBIN M. WATKINSON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19984010389
My Commission Expires: September 17, 2025

Notary Public

SECURITY INTEREST HOLDER'S CONSENT:

The undersigned CLAIRE DODGE, as a beneficiary of a deed of trust which constitutes a lien upon the owner's property, recorded at Reception Number 452557, in the San Miguel County Clerk and Recorder's real property records, hereby consents to the Condominium Map of the real property as depicted on this Plat.

Claire Dodge November 14, 2022
CLAIRE DODGE Date

SURVEYOR'S CERTIFICATE:

I, Jeffrey C. Haskell of Foley Associates, Inc., being a Colorado Licensed Surveyor, do hereby certify that this CORRECTED CONDOMINIUM MAP FOR MORNINGSTAR CONDOMINIUM ASSOCIATION was made by me and under my direct responsibility, supervision and checking, in compliance with the applicable provisions of Title 38, Article 51, C.R.S., and that both are true and accurate to the best of my knowledge and belief.



P.L.S. No. 37970

Date

NOTES:

1. Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.
2. Easement research from Land Title Guarantee Company, Order Number TLR86008039, Policy No. PIB86008039.22366071, dated September 06, 2022 at 5:00 P.M.

3. BASIS OF BEARINGS: The bearing from Corner 3 to Corner 4 of the San Miguel Placer MS 2068 (BLM brass cap on iron post for both monuments) assumed as S 80°06'44" E to be in conformance with project bearings established by KKBNA, Inc. The bearing of this line was determined by BLM Dependent Resurvey in 1980 to be S 81°31'42" E.

4. The following abbreviations are defined for this Map:

G.C.E. General Common Element
L.C.E. Limited Common Element
SQ. FT. Square Feet

5. The Property described on this Condominium Map is also included within (i) Two Rivers Community, a planned community, which is operated, managed, and administered by the Two Rivers Owners Association, Inc., a Colorado nonprofit corporation, and (ii) Ilium Park, a planned community (formerly known as Telecom/Ilium Park), which is operated, managed, and administered by The Ilium Park Owners Association, Inc., a Colorado nonprofit corporation.

6. UNIT AREAS:

Unit 1	1,047 SQ. FT.
Unit 2	659 SQ. FT.
Unit 3	826 SQ. FT.
Unit 4	847 SQ. FT.

7. NOTICE. According to Colorado law, you must commence any legal action based upon defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

TITLE INSURANCE COMPANY CERTIFICATE:

Land Title Guarantee Company does hereby certify that we have examined the title to all lands herein shown on this map and that the title to this land is in the names of those persons shown in the Owner's Certificate which is on the face hereof and is free of all liens and taxes except as follows: ad valorem taxes and Deed of Trust recorded at Reception No. 452557.

VP 11/16/22
Title Insurance Company Representative

TREASURER'S CERTIFICATE:

I, the undersigned, Treasurer of the County of San Miguel, do hereby certify that according to the records of the San Miguel County Treasurer there are no liens against the subdivision or any part thereof for unpaid state, county, municipal or local taxes or special assessments due and payable, in accordance with Land Use Code Section 3-101.

Dated, this 14 day of November, 2022.

Shirley Pender
San Miguel County Treasurer



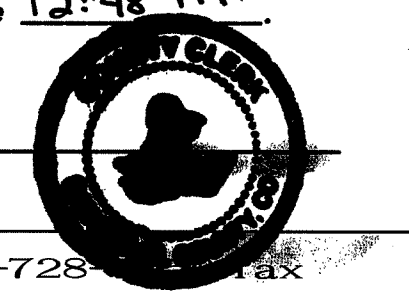
RECORDER'S CERTIFICATE:

This Condominium Map was filed for record in the office of the San Miguel County Clerk and Recorder on this

16th day of November, 2022

at Reception No. 479151

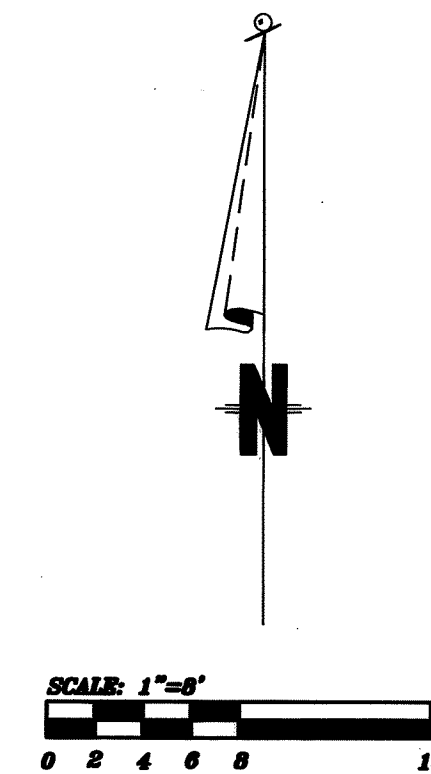
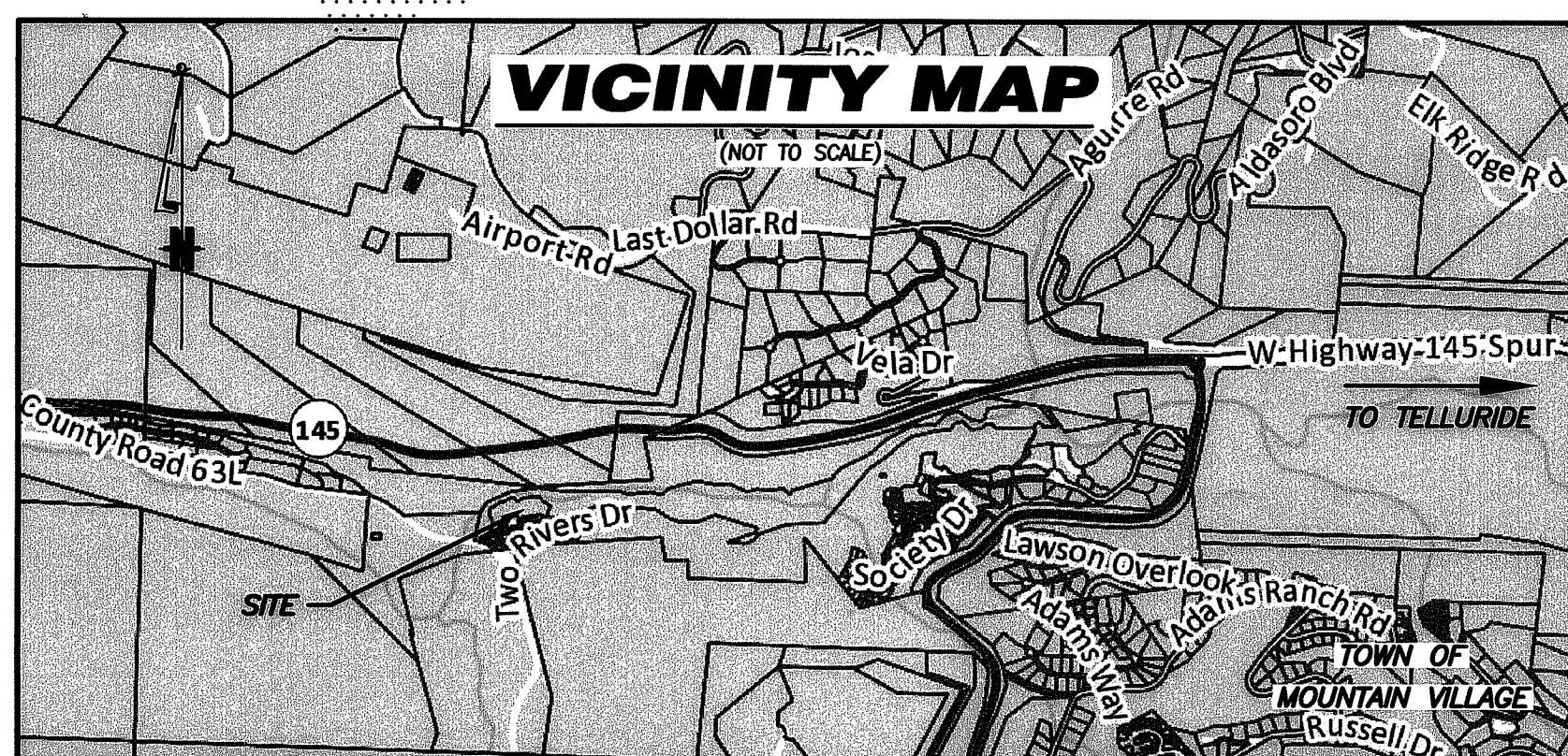
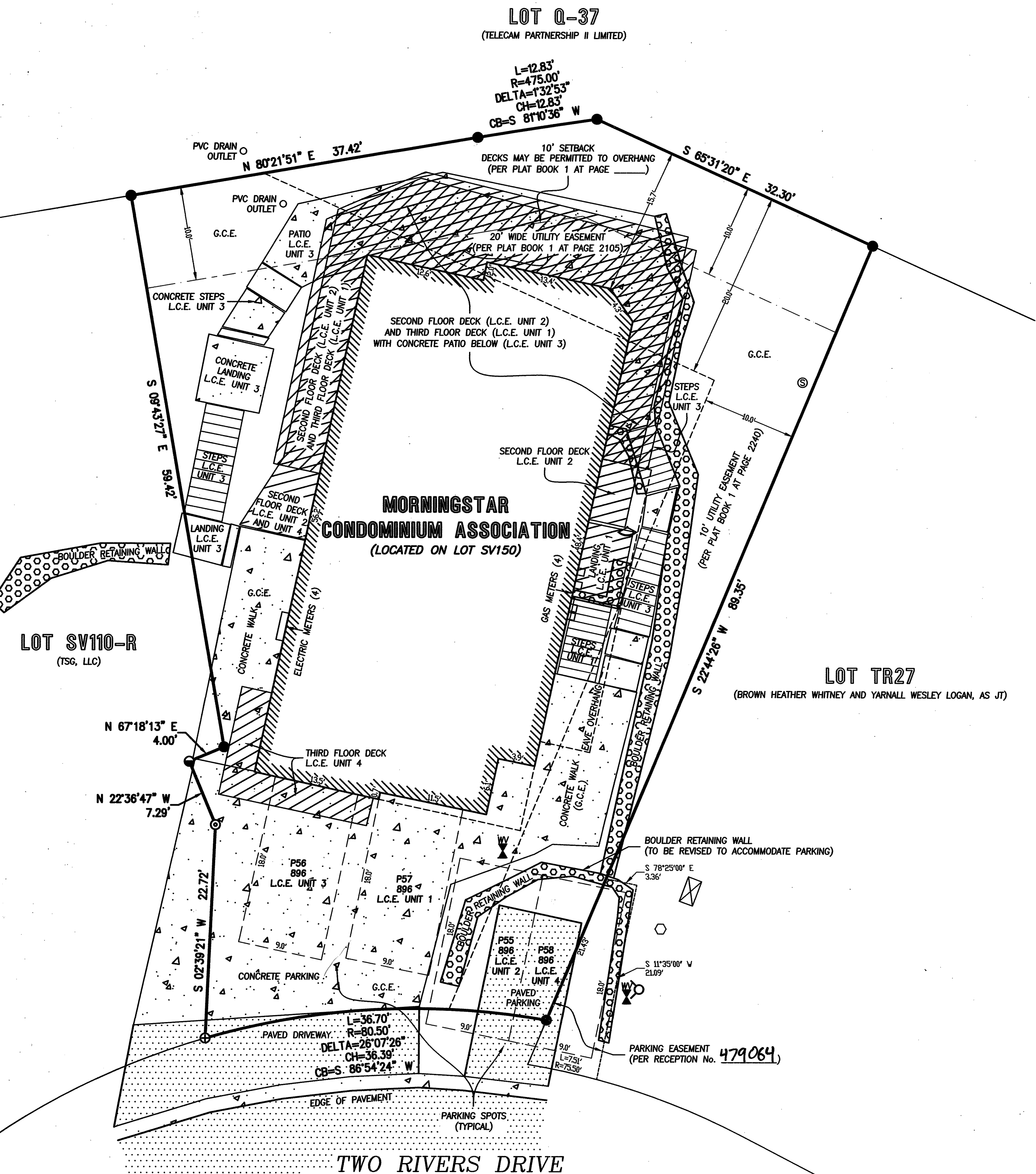
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Stephanie Van Damme
San Miguel County Clerk



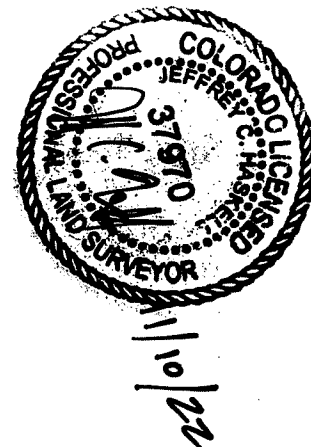
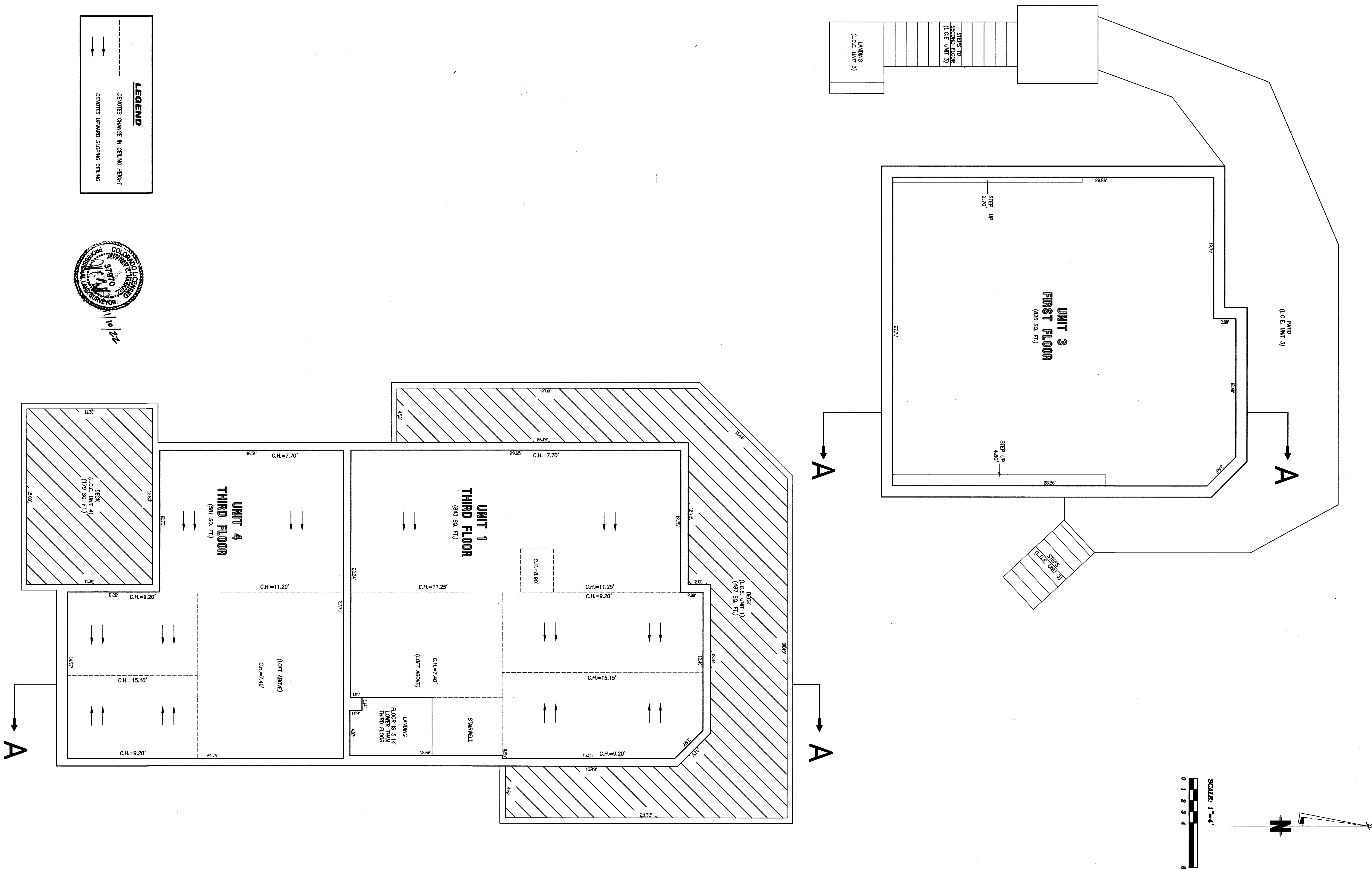
Project Mgr:	JH	Rev.	description	date	by
Technician:	MC	1	Labeled western parking space as L.C.E.	11/09/22	mc
Checked by:					
Start date:	12 / 2021				

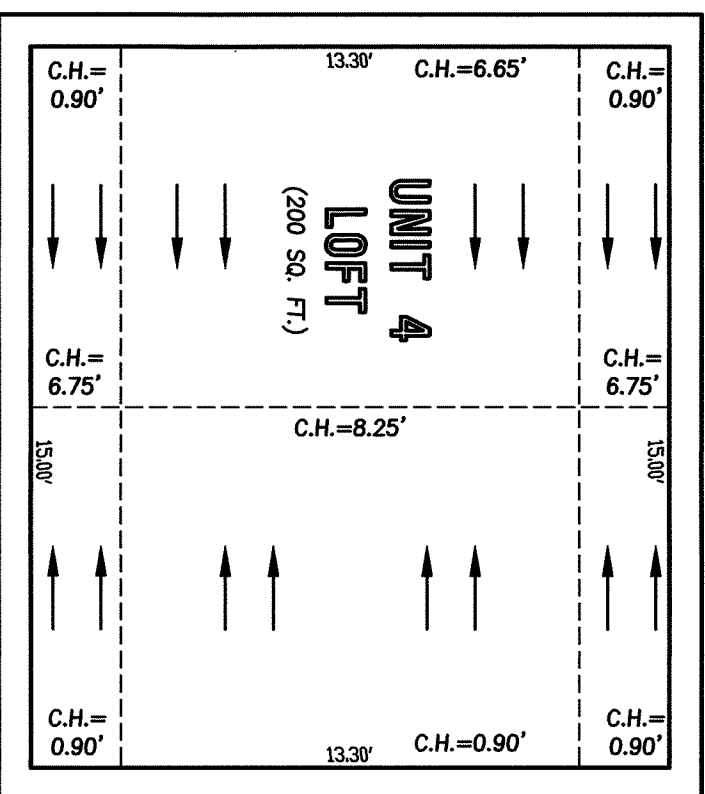
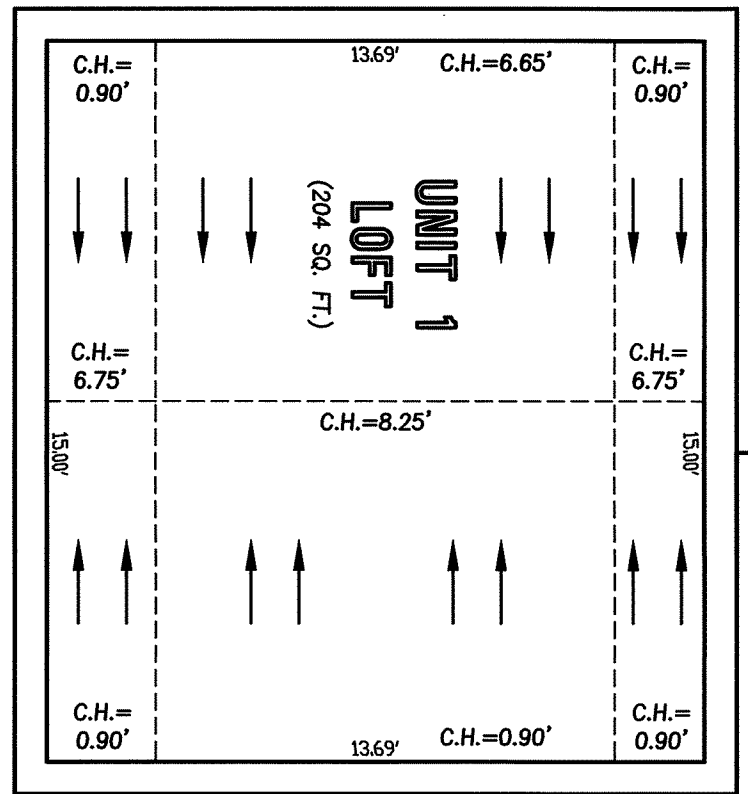
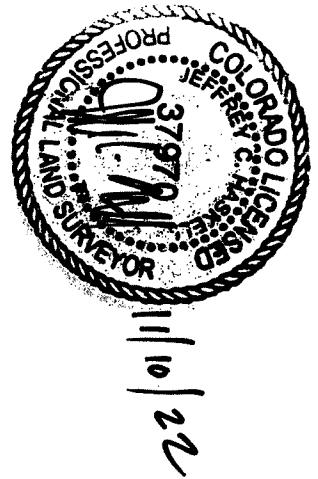
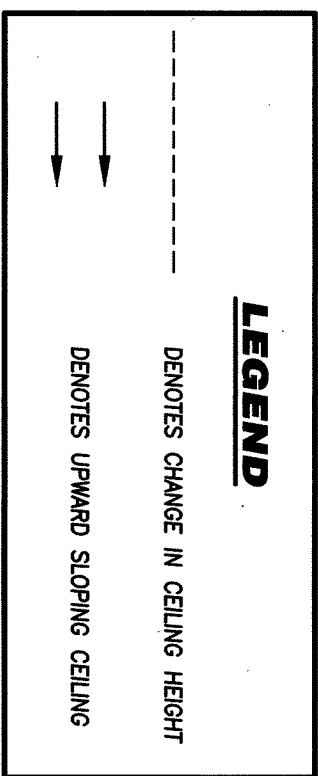
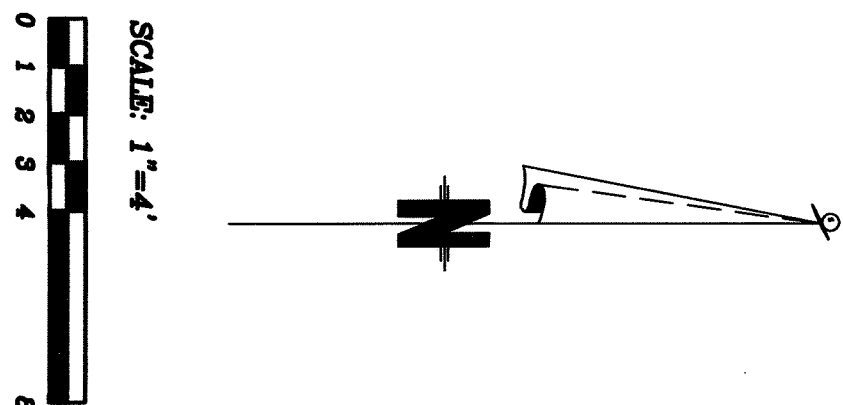
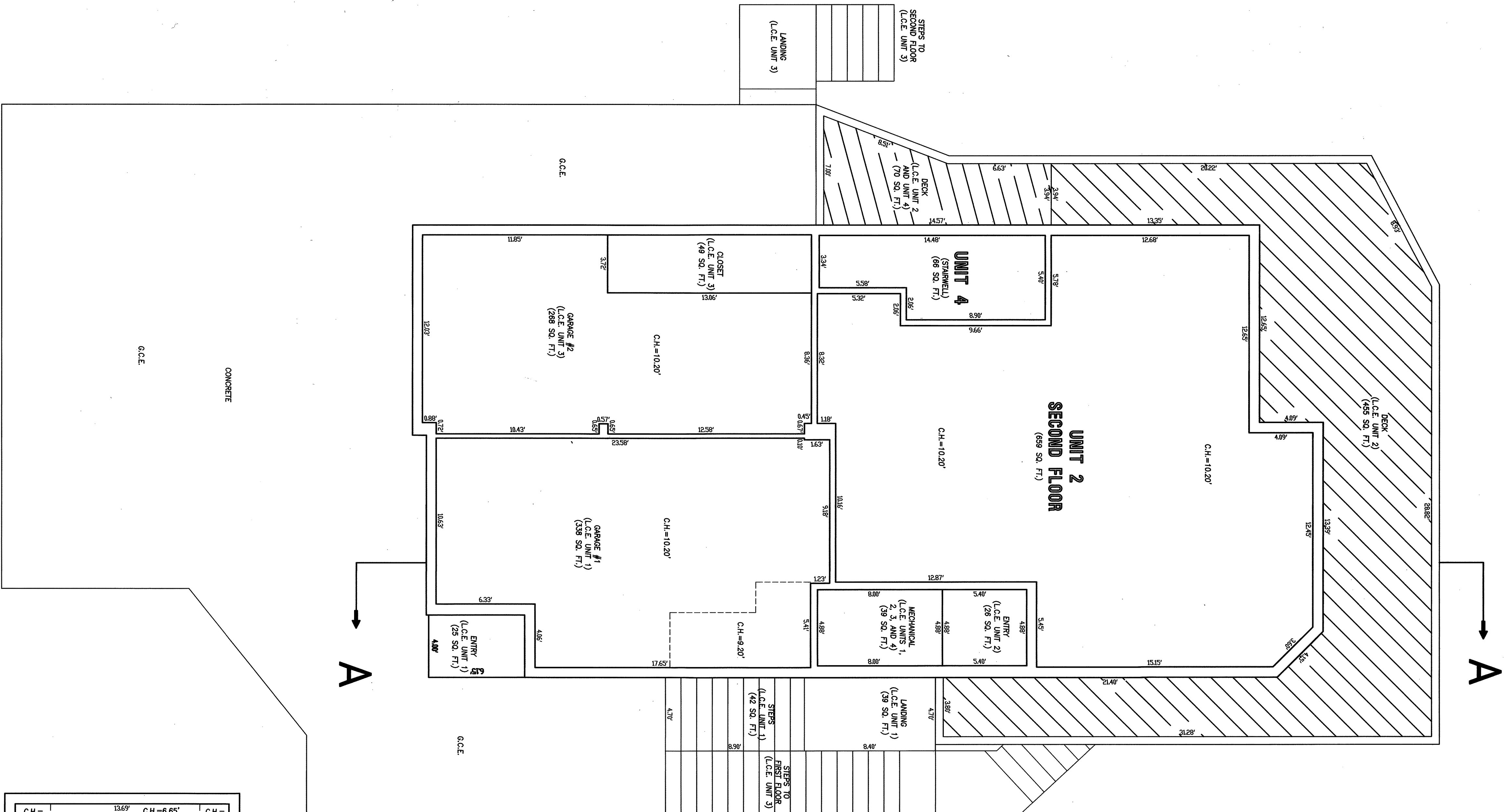
FOLEY ASSOCIATES, INC.
ENGINEERING - PLANNING - SURVEYING

Drawing path: dwg\96083 Condo Amend 12-21 (Morningstar).dwg Sheet 1 of 3 Project #: 96083



LEGEND	
●	FOUND 1-1/2" ALUMINUM CAP ON 5/8" REBAR, L.S. 24954
⊕	FOUND "PK" NAIL IN ASPHALT
●	SET 1-1/2" ALUMINUM CAP ON 5/8" REBAR, L.S. 37970
⊙	SET 3/4" BRASS TAG, L.S. 37970
W	WATER VALVE
○	TELEPHONE PEDESTAL
⊠	ELECTRIC TRANSFORMER
⦿	FIRE HYDRANT
⊙	SEWER MANHOLE
◇	SATELLITE DISH
P10 920	PARKING SPACE NUMBER
—	STREET ADDRESS ASSIGNED UNIT





Project Mgr:	JH	Scale:	AS SHOWN	DATE:	12/22
Technician:	MC				
Checked by:					
Start date:	12 / 2021				
FOLEY ASSOCIATES, INC. ENGINEERING PLANNING SURVEYING					
970-728-6153 970-728-6050 Fax			Drawing path: dwg\98083 Condo Amend 12-21 (Morningstar).dwg		
P.O. BOX 1385			Sheet 3 of 3		
125 W. PACIFIC, SUITE B-1			Project #: 98083		
TELLURIDE, COLORADO 81435					

APPLICANT'S CERTIFICATION OF COMPLIANCE WITH THE PUBLIC NOTICING REQUIREMENTS OF THE SAN MIGUEL COUNTY LAND USE CODE SECTION 3-9

Anneliese K Riebel, Applicant, or the duly designated agent(s) of Applicant, has applied to San Miguel County for approval of a land use application. Applicant recognizes that the provisions of the San Miguel County Land Use Code (LUC) Section 3-9 require public notice by First Class mail and posting of the property not less than twenty (20) days before the date scheduled for a public meeting or hearing.

Applicant or Applicant's agent(s) have examined the current tax records of San Miguel County as they appeared either in the records of the San Miguel County Assessor or under the San Miguel County Geographic Information Systems* (GIS) mapping program no more than sixty (60) days prior to the date of the public meeting or hearing. Applicant or Applicant's agent(s) hereby certifies that: (Applicant must check all.)

- ☒ Following an examination of the records in the San Miguel County Assessor or under the San Miguel County GIS* mapping program, the Applicant has provided public notice, in compliance with LUC § 3-903C not less than twenty (20) days before the date scheduled for a public meeting or hearing, by First Class mail to every property owner and condominium unit owner within 500 feet of the perimeter of the subject property. **I hereby certify that I have attached a copy of this public notice letter and mailing list to this certification.**

AND

- ☒ Not less than twenty (20) days before the date scheduled for a public meeting or hearing, I hereby certify that, in compliance with LUC § 3-903B, public notice has also been provided by posting a sign in a conspicuous place on the property that is the subject of the land use application.

I understand that San Miguel County requires completion and delivery of this Certification of Compliance to the San Miguel County Planning Department at least ten (10) days prior to the initial public meeting or hearing on a land use application. I further understand that failure to submit the required Certification of Compliance to the County Planning Department at least ten (10) days prior to the initial public meeting on a land use application will result in the public meeting or hearing being rescheduled to a later date.

Anneliese K Riebel
Name

Nate Smith
(Insert Applicant's name if executed by agent)

Lot SV-150, Units 2 and 4, Morningstar Condominiums
Physical location of Property and/or legal description

Illiun
Mailing Address (if different from above)

Date: 2/13/2023

Signature: Anneliese K Riebel [text/luc/certification.property.owner]

* GIS data may not accurately or completely reflect owners in multi-unit, multi-floor buildings in San Miguel County. In such instance, the applicant must examine the Assessor's information in addition to the GIS data in order to provide the required public notice.

February 3, 2023

NOTICE TO PROPERTY OWNERS,

The San Miguel County Planning Commission has been asked to consider an application submitted by Nate Smith (Applicant) on behalf of Peter Pitts, (Property Owner), proposing a Substantial PUD Amendment, to convert 2,091 square feet of neighborhood commercial square feet to residential, and to add six (6) persons of population density and two (2) residential units, to Units 2 and 4, Lot SV-150, Morningstar Condominiums, aka 896 Two Rivers Drive, Ilium, in the Affordable Housing PUD (AH) zone district. Substantial PUD Amendment applications require Two-step Planning Commission and Board of County Commissioners review pursuant to Land Use Code Sections 3-601 A. and B., 4-5, 5-1503 and 5-1803.

A public meeting on the above application will be held by the San Miguel County Planning Commission at 9:15 a.m. (or thereafter) Thursday, March 9, 2023 in Telluride and on-line. To provide comment or ask questions regarding the proposal, please join the meeting: <https://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Written comments of more than one page may not receive complete consideration if not received by February 28, 2023. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov. Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this pending land use application may be viewed at <https://www.sanmiguelcountyco.gov/490/Other-Resources>

The official designated posting place for all meeting notices is online at <https://www.sanmiguelcountyco.gov/liveagenda>.

The meeting on this proposal is not limited to those receiving copies of this notice. If you know of any neighbor or potentially affected property owner who, for any reason, has not received a copy of this notice, it would be appreciated if you would inform them of this public hearing.

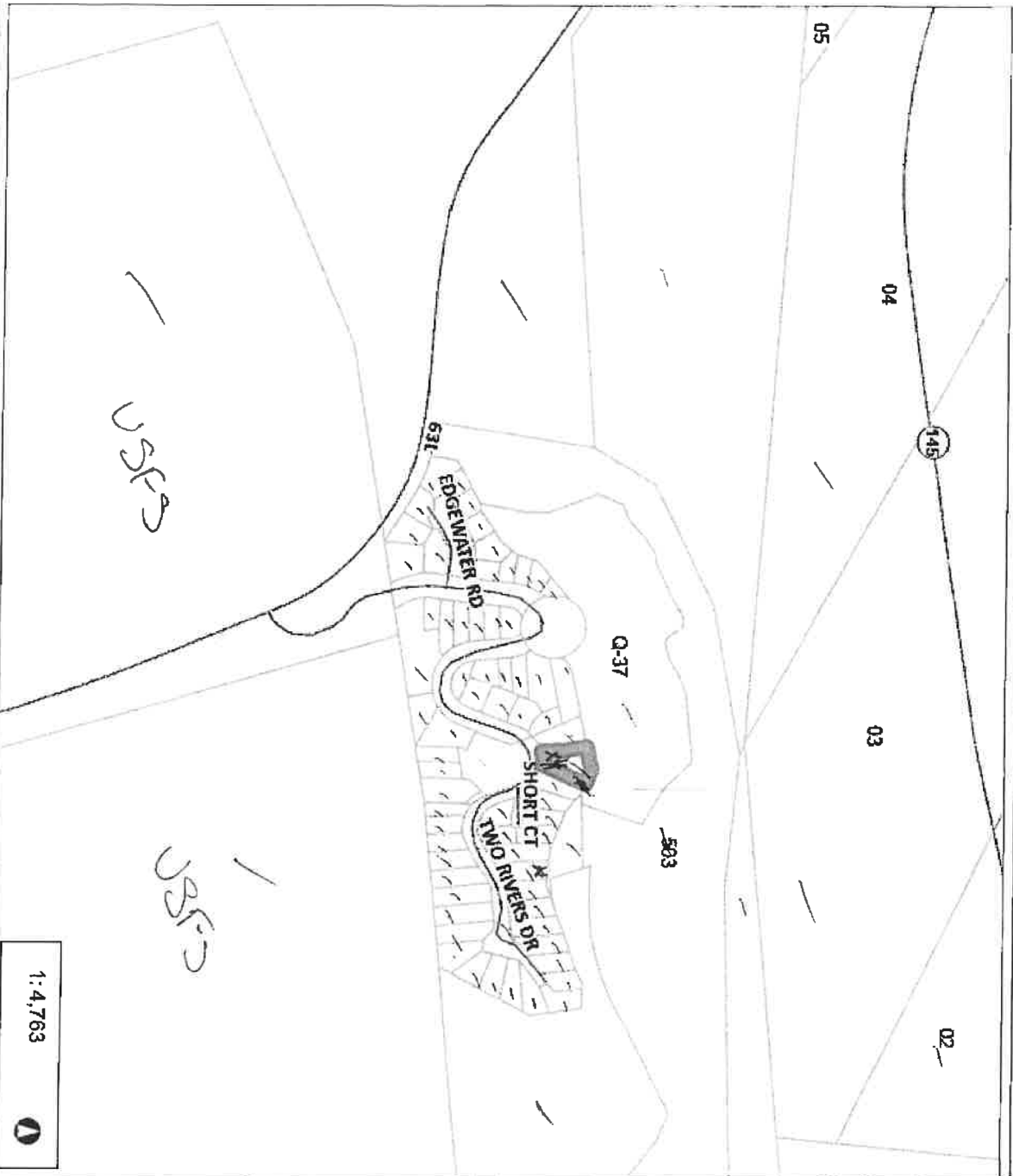
Respectfully,

DocuSigned by:

79A180FEB7AC441
Nate Smith, Smith Law Firm, P.C.



San Miguel County, Colorado
Map Viewer



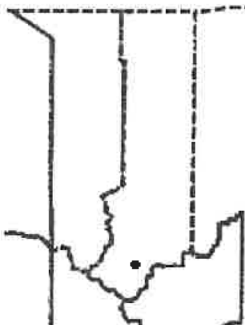
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

www.sanmiguelcountyco.gov



Legend

- Road
- Regional Road
- County Boundary
- Town Boundary
- Tax Parcels cache

Notes

Map Generated
2/8/23 10:48 AM

First Name	Last Name	Address	City	State	Zipcode	Lot Number	Subdivision
Adam and Donna	Pace	910 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-2	Two Rivers
Alexander	Trust	PO BOX 374	NORWOOD	CO	81423	Unknown	
Amy	Schilling	PO BOX 1501	TELLURIDE	CO	81435	TR-20	Two Rivers
Andrew and Rae	Shaffner	PO BOX 664	TELLURIDE	CO	81435	TR-16	Two Rivers
Andy Bagnall and Kara	Benz	751 TWO RIVERS DRIVE	TELLURIDE	CO	81435	Q-22	Lawson Hill
Benjamin	Dostal	921 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-11	Two Rivers
Benjamin Gardner and Shaylynn	Serleth	909 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-17	Two Rivers
Christopher Fish and Mackenzy	Brewer	915 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-14	Two Rivers
Dallas Sainsbury and Thomas	Cochrane	PO BOX 4123	TELLURIDE	CO	81435	Unit 1	Morningstar Condo
David	Allen	899 TWO RIVERS DRIVE	TELLURIDE	CO	81435	SV-160	Whoville
Edward and Anna	Wilson	104 SHORT COURT	TELLURIDE	CO	81435	TR-30	Two Rivers
Elena Withers and Stuart	Sundell-Norlin	922 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-8	Two Rivers
Frank	Smethurst	919 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-12	Two Rivers
Gloria	Chavira	912 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-3	Two Rivers
Heather Whitney and Wesley	Yarnall	898 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-27	Two Rivers
Heidi	Attenberger	905 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-19	Two Rivers
Illum Park Owners Association	C/O Shugars & Company	PO BOX 2517	TELLURIDE	CO	81435	Q-7	Lawson Hill
Illum Park Owners Association	C/O Shugars & Company	PO BOX 2517	TELLURIDE	CO	81435	Unknown	Lawson Hill
Illum Park Owners Association	C/O Shugars & Company	PO BOX 2517	TELLURIDE	CO	81435	Unknown	Lawson Hill
Jody and Jarod	Metcalf	913 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-15	Two Rivers
Johannes Beere and Kristen	McKinsey	904 TWO RIVERS DRIVE	TELLURIDE	CO	81435	SV-141	Two Rivers
John and Laura	Duncan	906 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-31	Two Rivers
Joshua and Heather	Blakeman	900 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-28	Two Rivers
Lawson Hill Open Space Land Owners	Company LLC	PO BOX 3927	TELLURIDE	CO	81435	Unknown	Lawson Hill
Matthew	Kroll	PO BOX 3339	TELLURIDE	CO	81435	SV-140	Two Rivers
Melissa	Friedman	PO BOX 3753	TELLURIDE	CO	81435	PTR-13	Two Rivers
Michael	Balser	PO BOX 2529	TELLURIDE	CO	81435	TR-7	Two Rivers
Molly and Casey	Norton	907 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-18	Two Rivers
Patrick Shehan and Natalie	Price	PO BOX 4008	TELLURIDE	CO	81435	Unit 3	Morningstar Condo
Peter	Pitts	PO BOX 564	TELLURIDE	CO	81435	Units 2 and 4	Morningstar Condo

First Name	Last Name	Address	City	State	Zipcode	Lot Number	Subdivision
Robert and Diana	Szigei	PO BOX 3618	TELLURIDE	CO	81435	TR-4	Two Rivers
Ryan	Smith	150 EDGEWATER DRIVE	TELLURIDE	CO	81435	Q-11	Lawson Hill
Ryan and Zoe	Dohnal	895 TWO RIVERS ROAD	TELLURIDE	CO	81435	TR-23A	Two Rivers
Sally	Davis	PO BOX 789	TELLURIDE	CO	81435	TR-21	Two Rivers
San Miguel	County	PO BOX 1170	TELLURIDE	CO	81435	503	Illum Valley
Scott and Meghan	Pittenger	893 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-25	Two Rivers
Scott Harris and Melissa	Sumpter	918 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-6	Two Rivers
Telecam Partnership	Il	PO BOX 3231	TELLURIDE	CO	81435	Q-37	Lawson Hill
Telluride	Regional Airport	1500 LAST DOLLAR ROAD STE 1	TELLURIDE	CO	81435	03	Redtail Estates
Telluride	Regional Airport	1500 LAST DOLLAR ROAD STE 1	TELLURIDE	CO	81435	04	Redtail Estates
Telluride	Regional Airport	1500 LAST DOLLAR ROAD STE 1	TELLURIDE	CO	81435	02	Redtail Estates
Telluride School District	R-1	725 WEST COLORADO AVENUE	TELLURIDE	CO	81435	Q-26	Lawson Hill
Telluride School District	C/O Kurt Sugars	721 WEST COLORADO AVENUE	TELLURIDE	CO	81435	Q-24R	Lawson Hill
Thomas and Kathryn	Newell	923 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-10	Two Rivers
Tim	Territo	102 SHORT COURT	TELLURIDE	CO	81435	TR-29	Two Rivers
Tim and Heidi	Conner	925 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-9	Two Rivers
TSG	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	SV-120	Two Rivers
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-16R	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-17R	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-19R	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-20R	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-21R	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-4R	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-5R	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Outlot 6R	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-8R1	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-9R1	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-10R1	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q12-R	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-13R	Lawson Hill

First Name	Last Name	Address	City	State	Zipcode	Lot Number	Subdivision
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Q-14R	Lawson Hill
TSG Ski and Golf	LLC	565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435	Outlot 14R	Lawson Hill
Two Rivers Owners	Association C/O Tham INC	PO BOX 1890	TELLURIDE	CO	81435	SV-130	Two Rivers
Two Rivers Owners	Association C/O Tham INC	PO BOX 1890	TELLURIDE	CO	81435	Q-36	Lawson Hill
United States	Forest Service	2250 SOUTH MAIN STREET	DELTA	CO	81416	Unknown	
Walter	Stewart	916 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-5	Two Rivers
William	Riley	PO BOX 3551	TELLURIDE	CO	81435	SV-160	Whoville
	Unknown	908 TWO RIVERS DRIVE	TELLURIDE	CO	81435	TR-1	Two Rivers



Please publish the following Legal **PUBLIC MEETING NOTICE** in the:

NORWOOD POST and TELLURIDE DAILY PLANET on WEDNESDAY, FEBRUARY 22, 2023

Please bill: San Miguel County Planning Department
P.O. Box 548
Telluride, CO 81435

PUBLIC MEETING NOTICE

The San Miguel County Planning Commission has been asked to consider an application submitted by Nate Smith (Applicant) on behalf of Peter Pitts, (Property Owner), proposing a Substantial PUD Amendment, to convert 2,091 square feet of neighborhood commercial square feet to residential, and to add six (6) persons of population density and two (2) residential units, to Units 2 and 4, Lot SV-150, Morningstar Condominiums, aka 896 Two Rivers Drive, Ilium, in the Affordable Housing PUD (AH) zone district. Substantial PUD Amendment applications require Two-step Planning Commission and Board of County Commissioners review pursuant to Land Use Code Sections 3-601 A. and B., 4-5, 5-1503 and 5-1803.

A public meeting on the above application will be held by the San Miguel County Planning Commission at 9:15 a.m. (or thereafter) Thursday, March 9, 2023 in Telluride and on-line. To provide comment or ask questions regarding the proposal, please join the meeting: <https://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Written comments of more than one page may not receive complete consideration if not received by February 28, 2023. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountyco.gov

Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this pending land use application may be viewed at <https://www.sanmiguelcountyco.gov/490/Other-Resources>

The official designated posting place for all meeting notices is online at <https://www.sanmiguelcountyco.gov/liveagenda>.

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Norwood Classifieds

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Help Wanted

TELLURIDE DAILY PLANET

The award-winning
Daily Planet newspaper
is seeking a
General Assignment Reporter.

The person who gets the job will have strong writing skills, an impressive work ethic and the ability to juggle multiple daily tasks, including but not limited to pulling wire stories, organizing content, copy editing, and covering everything from public meetings and politics to sports games, regional energy issues and the lively festivals that unfold in this fascinating and beautiful mountain town.

Knowledge of AP style is a must. Photo skills, experience in print journalism and a journalism degree are strongly preferred.

The position is full-time and primarily a work-from-home arrangement. The employee should live in Telluride, or the surrounding region, and be able to be in Telluride regularly for reporting. The candidate should also have a personal computer to work from.

Benefits include a ski pass, paid time off and health insurance supplemented by the company.

The Planet publishes Sundays, Wednesdays, Thursdays and Fridays. Telluride Local Media also publishes several successful glossy magazines throughout the year.

Please send cover letter, resume, two references and three clips to DailyPlanetEditorial@gmail.com.



San Miguel County is Hiring!

All positions are full-time,
year-round and include a
comprehensive benefits package!

Assistant County Attorney

Case Worker I

Light Equipment Operator

Heavy Equipment Operator

East End Maintenance Technician

Behavioral Health Clinician

Correctional Officer/
Emergency Dispatcher

To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit:
www.sanmiguelcountyco.gov/jobs

San Miguel County is an
Equal Opportunity Employer (EOE).



Uncompahgre Medical Center is seeking a Medical Assistant

40 hours a week
Pay DOE and Certifications -
Hourly \$15.00 - \$35.00

Benefits:
Health, Vision Insurance, Life & Accident Insurance; Employee Assistance Program, Retirement Plan, 176 hours of PTO, Wellness Benefit

Send resume and cover letter to
aoneal@umclinic.org



San Miguel County is Hiring!

All positions are full-time,
year-round and include a
comprehensive benefits package!

Planning Technician

Associate Planner

Senior Planner

To view the complete job descriptions, compensation, benefits and to officially apply for any of the County's open career opportunities, please visit:
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Uncompahgre Medical Center Comptroller

40 hours a week
Pay DOE & Certifications -
Salary \$60,000.00 to \$70,000

Benefits:
Health & Vision, Life, Accident Insurance; Employee Assistance Program, Retirement Plan, 176 hours of PTO, Wellness Benefit

Send resume and cover letter to
aoneal@umclinic.org

ALPINE WELLNESS

HIRING

FT Sales Associates
FT Retail Manager

Email Resume/Questions
admin@alpinewellness.co

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Positions Starting
March & April

Legal Notices

San Miguel County Fairgrounds is seeking contractors/estimates for small improvement projects to include: Kitchen, office & bathroom flooring refurbishment; bathroom vanity replacement; window stabilization; and metal roofing screw maintenance. For more information, contact DeeAnna Burbridge at 970-327-4321 or smcfairgrounds@sanmiguelcountyco.gov.

PLEASE TAKE NOTICE that the Norwood Planning and Zoning Commission will hold a public hearing on **TUESDAY, FEBRUARY 28, 2023** beginning at 7 p.m. and will consider the request for approval of Replat application combining two (2) lots located at 1545 Naturita Street and a General Waiver Request. If acted upon, the Planning and Zoning Commission will forward their recommendation to the Norwood Board of Trustees. This meeting will be held in-person and virtually. Information on how to attend this meeting can be found at www.norwoodtown.com or you can call Town Hall at 970-327-4288.

PLEASE TAKE NOTICE that the Norwood Board of Trustees will hold a public hearing on **WEDNESDAY, MARCH 8, 2023**, beginning at 7 p.m. will consider the request for approval of Replat application combining two (2) lots located at 1545 Naturita Street and a General Waiver Request. This meeting will be held in-person and virtually. Information on how to attend this meeting can be found at www.norwoodtown.com or you can call Town Hall at 970-327-4288.

PUBLIC MEETING NOTICE

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INVITATION TO BID

San Miguel County will receive sealed bids at the Road & Bridge Office, in the Glockson Building, 1120 Summit St, PO Box 426, Norwood, CO 81423 until 9:00 a.m. on Wednesday, March 1, 2023, at which time all bids will be publicly opened and read aloud for the 2023 crushed gravel requirements of San Miguel County. Road & Bridge is making available a secure email link that will not be opened until the official bid opening. Please review and ensure your bid is complete as we will not be reviewing or opening this account until the deadline posted. We ask that bids be submitted using this link. We will still accept sealed bids mailed or delivered to our office. We will set up a conference call for those who would like to listen in on the live opening and reading of the received bids. Anyone interested in listening to the bid opening please contact us by email by Friday, February 24, 2023 and we will send you a link. Thank you all for your patience and please feel free to call with any questions or concerns regarding the process. The secure email address for bidding is (roadandbridgessealedbid@sanmiguelcountyco.gov)

No bid shall be withdrawn after the opening of bids without the consent of the Board of County Commissioners for a period of 30 days after the scheduled time of opening bids. Bid Packages may be obtained by calling (970) 327-4835, emailing phylliss@sanmiguelcountyco.gov or visit San Miguel County's Website (www.sanmiguelcountyco.gov)

All bids must be submitted on the form provided and signed by the bidder, or his duly authorized agent and all bids **must include proof of (MSHA) registration and training according to CFR Part 46 of the Mine Safety Health Administration regulations and proof that an Air Pollution Permit has been obtained from the Colorado Department of Public Health & Environment.**

The Board of County Commissioners reserves the right to reject any or all bids, and waive any, or all, irregularities.

Ryan Righetti
Ryan Righetti, Director

Classifieds ads are small but POWERFUL

The Norwood Post has the largest reach of any media in the region and is the only newspaper dedicated to news and information about the Norwood area.

Legal Notices

NOTICE TO CREDITORS
Estate of Hilaree Nelson, a/k/a Hilaree Janet Nelson,
a/k/a Hilaree J. Nelson, a/k/a Hilaree O'Neill,
a/k/a Hilaree Janet O'Neill, a/k/a Hilaree J. O'Neill

All persons having claims against the above named estate are required to present them to the personal representative or to District Court of San Miguel County, Colorado on or before June 9, 2023, or the claims may be forever barred.

James W. Morrison
Personal Representative
P.O. Box 3862
Telluride, CO 81435

Legal Notice No. 020823
First Publication: February 8, 2023
Last Publication: February 22, 2023
Publisher: Telluride Daily Planet

REQUEST FOR PROPOSALS
FOR
HANGAR DESIGN, BID, and CONSTRUCTION MANAGEMENT

Email proposals will be accepted until Tuesday March 7 th , 2023 at 12:00 PM, MT, by the Telluride Regional Airport Authority, 1500 Last Dollar Road, Suite 1, Telluride, CO 81435, to provide the Airport with Hangar Design, Bid Services, and Construction Management in accordance with conditions stated in the Request for Proposal (RFP) package.

RFP documents may be obtained on the Airport website at www.tellurideairports.com or by emailing Kenneth Maenpa, Airport Manager at kenny@tellurideairport.com. Proposals shall be submitted via email Subject: "Hangar Design, Bid and Construction Management."

SITE VISIT: The Airport Manager is available to meet with interested Proposers by appointment until February 28, 4:00 PM MT.

Publication Date: February 22, 2023
&
February 24, 2023

PUBLIC MEETING NOTICE

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Written comments of more than one page may not receive complete consideration if not received by February 28, 2023. Send written comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or to planning@sanmiguelcountycogov

Please call the Planning Department at 970-728-3083 for more information on the application. A copy of this pending land use application may be viewed at <https://www.sanmiguelcountycogov/490/Other-Resources>

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San Miguel County Fairgrounds is seeking contractors/estimates for small improvement projects to include: Kitchen, office & bathroom flooring refurbishment; bathroom vanity replacement; window stabilization; and metal roofing screw maintenance. For more information, contact DeeAnna Burbridge at 970-327-4321 or smcfairgrounds@sanmiguelcountycogov.

NOTICE OF VESTING
OF SITE-SPECIFIC DEVELOPMENT PLAN

THIS IS TO GIVE NOTICE pursuant to Section 24-68-103(1), C.R.S., and Telluride Municipal Code Title 18, Article 5, Division 2, Section 5-208.H, that a site-specific development plan and vested property right has been approved for the following project:

PROJECT TITLE: L19SR

SUMMARY: Consideration of a Minor Scale application for new construction in the Hillside Developing II Zone District which is located outside the THLD, but within the HPOD, and will contain 950 s.f. or more of floor area, but not more than 2,500 s.f. of floor area, per LUC 7- 203.B.1.b.1

LEGAL DESCRIPTION: Lot 19, The Overlook at Telluride Subdivision / PUD, East Telluride Addition

ADDRESS: 764 Primrose

ZONE DISTRICT: Hillside Developing II
OWNERS: Windhorse Properties, LLC, A Colorado Limited Liability Company

APPLICANT: Adam De Alva, De Alva Architects
Approved on February 17, 2023

Such approval is subject to all rights of referendum and judicial review. Additional information concerning the approval is available from the Telluride Planning Department, Telluride, Colorado, 970-728- 2161 during regular business hours.

Published in the Telluride Daily Planet February 22, 2023 and at www.telluride-co.gov.

NOTICE OF VESTING
OF SITE-SPECIFIC DEVELOPMENT PLAN

THIS IS TO GIVE NOTICE pursuant to Section 24-68-103(1), C.R.S., and Telluride Municipal Code Title 18, Article 5, Division 2, Section 5-208.H, that a site-specific development plan and vested property right has been approved for the following project:

PROJECT TITLE: Browne Residence

SUMMARY: Consideration of a Final Large-Scale application for new construction in the Hillside Developing II Zone District which is located outside the THLD, but within the HPOD, and will contain more than 2,500 s.f. of floor area, per LUC 7-203.B.1.a.1. (Formerly LUC 7-203.A.1).

LEGAL DESCRIPTION: Lot 2, North and East Telluride Investment Company, LLP Subdivision and PUD and Replat Located on Lots 3 through 12, Block C, Lots 1 through 12, Block D, Lots 1

ADDRESS: 448 Tomboy Rd.

ZONE DISTRICT: Hillside Developing II

OWNERS: Kea Property LLC

APPLICANT: Danny Houlihan, Fountainhead Studio

Approved on February 15, 2023

Such approval is subject to all rights of referendum and judicial review. Additional information concerning the approval is available from the Telluride Planning Department, Telluride, Colorado, 970-728-2161 during regular business hours.

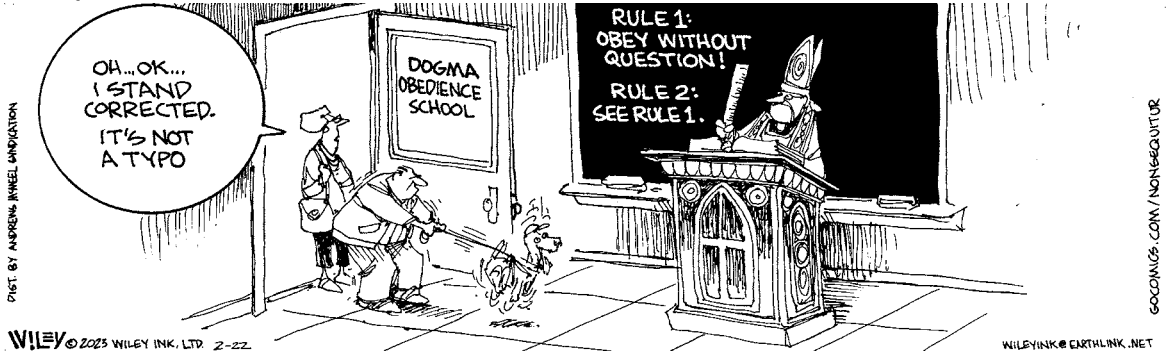
Published in the Telluride Daily Planet February 22, 2023 and at www.telluride-co.gov.

PLACE
A LEGAL

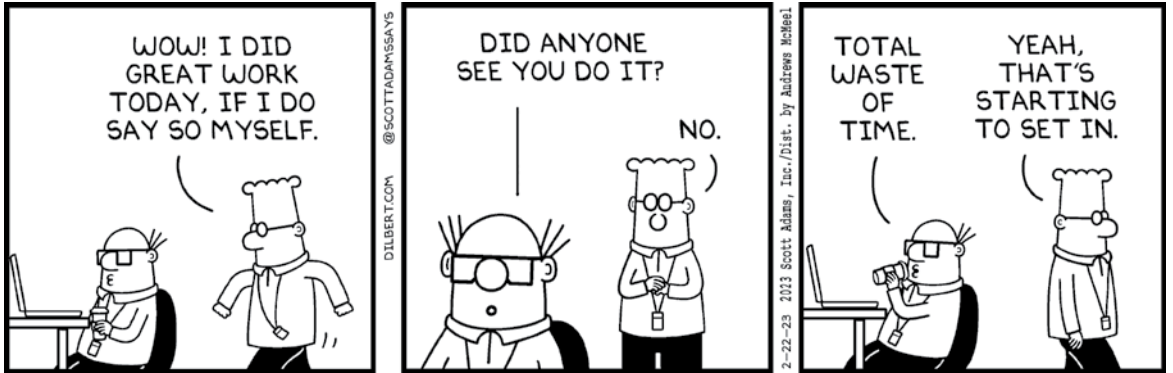
Call Telluride Local Media
TODAY!

Dial 728-9788
to find out more!

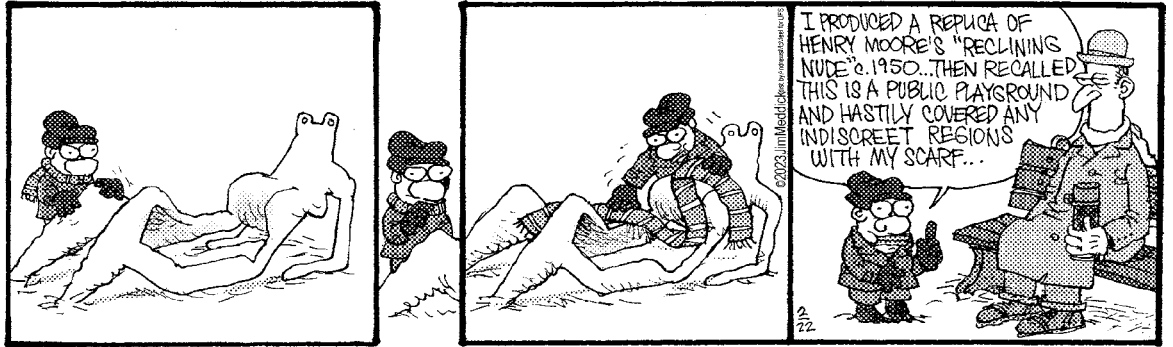
NON-SEQUITUR: WILEY MILLER



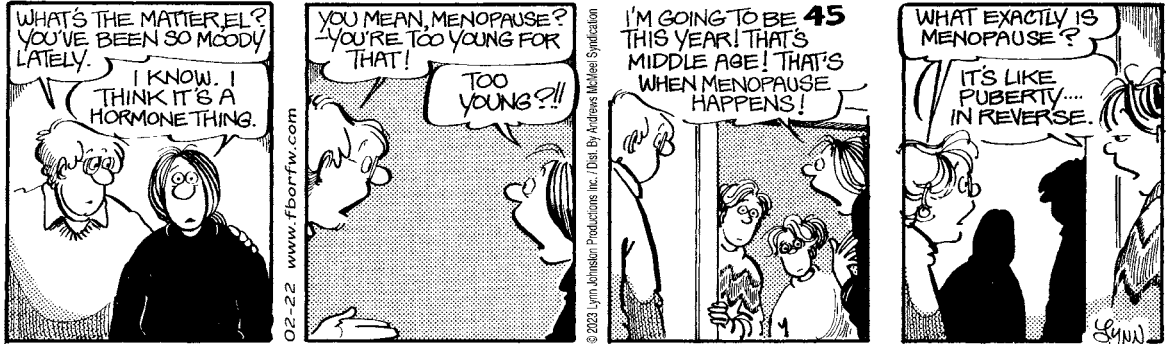
DILBERT: SCOTT ADAMS



MONTY: JIM MEDDICK



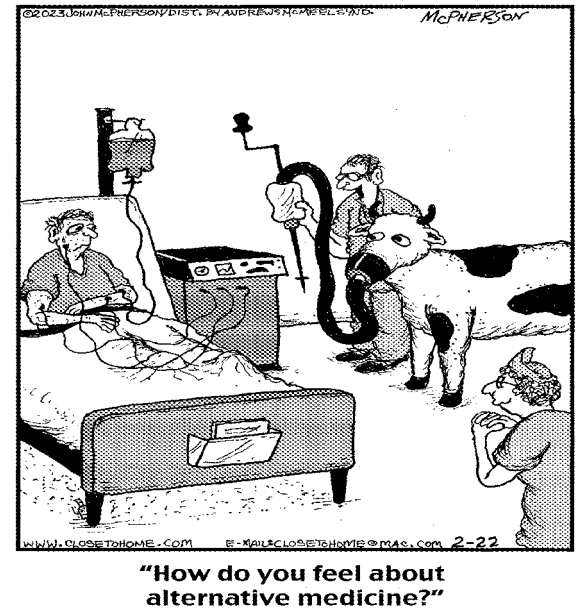
FOR BETTER OR FOR WORSE: LYNN JOHNSTON



BIZARRO: DAN PIRARO



CLOSE TO HOME: JOHN MCPHERSON



8			2	6		5		1
		5	7		4			
4				5		7		
	2							4
			4	8	1			
9							8	
		2		9				8
			8		5	2		
5		4		3	2			9

UNIVERSAL SUDOKU

Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.

Difficulty rating: 3

Previous puzzle solution:

3	2	5	8	1	6	7	4	9
8	6	4	9	3	7	1	2	5
9	1	7	4	5	2	3	6	8
2	4	9	1	8	3	6	5	7
7	5	6	2	4	9	8	1	3
1	8	3	7	6	5	2	9	4
5	7	1	3	2	4	9	8	6
6	9	8	5	7	1	4	3	2
4	3	2	6	9	8	5	7	1

Worship
Section



got hope?

see www.thealpinechapel.com
for service times



John Huebner <johnh@sanmiguelcountyco.gov>

Re: Pitts - Updated Application

1 message

Nate Smith <Nate@telluridefirm.com>

Thu, Feb 2, 2023 at 4:35 PM

To: John Huebner <johnh@sanmiguelcountyco.gov>

Cc: Tiare Flora <tiareflora@yahoo.com>, Teddy Errico <teddy@teddyerrico.com>

Thank you, John. I will review this in detail tomorrow. Also, IPOA unanimously approved today sending the county the "will serve" notice! Yay!

Best,

Nate Smith, Attorney

Smith Law Firm, P.C.

Office: (970) 369-9070

Confidentiality Notice - This electronic message transmission contains information that may be confidential or protected by the attorney-client privilege and/or the work product doctrine. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately.

From: John Huebner <johnh@sanmiguelcountyco.gov>**Date:** Thursday, February 2, 2023 at 4:11 PM**To:** Nate Smith <Nate@telluridefirm.com>**Subject:** Re: Pitts - Updated Application

Nate,

I attached the application complete letter for the Pitts SPA application. I will be sending the mailing list by a separate email as our mapping site is down today. Best regards,

John Huebner

Senior Planner

San Miguel County Planning Department

Office: (970)728-3083

www.sanmiguelcountyco.gov



For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan

On Thu, Dec 29, 2022 at 4:48 PM Nate Smith <Nate@telluridefirm.com> wrote:

John,

I dropped off on your desk an updated Pitts application. See attached. Can Kaye or you give me a call when you are back in the office?

Thanks,

Nate Smith, Attorney



P. O. Box 1616

Telluride, CO 81435

Office: 970-369-9070

www.telluridefirm.com

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John Huebner <johnh@sanmiguelcountyco.gov>

Agency Referral: Nate Smith, Lot SV-150, Units 2 and 4, Morningstar Condos-Substantial PUD Amendment

1 message

John Huebner <johnh@sanmiguelcountyco.gov>

Thu, Feb 2, 2023 at 4:31 PM

To: Mike Bordogna <mikeb@sanmiguelcountyco.gov>, Amy Markwell <amym@sanmiguelcountyco.gov>, Ryan Righetti <ryanr@sanmiguelcountyco.gov>, Matt Gonzales <mattg@sanmiguelcountyco.gov>, David Foley <surveyfoley@gmail.com>, Courtney <courtney@smrha.org>, Ryan Kusuno <ryan@telecampartners.com>, David Allen <dgallen2@gmail.com>, Nate Smith <nate@telluridefirm.com>

All,

Please find the attached application submitted by Nate Smith, Attorney on behalf of Peter Pits for Substantial PUD Amendment for change of use from Neighborhood Commercial to residences. The planning letter certifying the application complete is attached for your reference. Thank you for reviewing this application and providing your feedback.

The Planning Department requests that you please provide your review comments by February 24, 2023 to John Huebner, Senior Planner, johnh@sanmiguelcountyco.gov

John Huebner
Senior Planner
San Miguel County Planning Department
Office: (970)728-3083
www.sanmiguelcountyco.gov



San Miguel County
East End | Master Plan

For information about the San Miguel County East End Master Plan Update, go to www.sanmiguelcountyco.gov/eastendmasterplan



SV.Lot SV-150.Units 2,4.spa.2023.referral.pdf
7636K



PLANNING DEPARTMENT

KAYE SIMONSON, PLANNING DIRECTOR

MEMORANDUM

TO: Mike Bordogna, County Manager
Amy Markwell, County Attorney
Ryan Righetti, County Road and Bridge Director
Matt Gonzales, County Building Official
David J. Foley, County Surveyor
Courtney McEleney, San Miguel Regional Housing Authority Mgr
Ryan Kusuno, Ilium Park Owners Association
Nate Smith, Sunshine Valley Condominium Association

FROM: John Huebner, Senior Planner

RE: Substantial PUD Amendment
Units 2 and 4, Lot SV-150, Morningstar Condominiums, Ilium

APPLICANT: Nate Smith, Attorney

DATE: February 3, 2023

The above-referenced application is attached for your review and comment. The Planning Commission meeting date is Thursday, March 9, 2023. Please provide your review comments by February 24, 2023 to John Huebner, Senior Planner, johnh@sanmiguelcountyco.gov in the County Planning Department. Please contact the Planning Department if you have any questions.

Your review comments are very important to us and help the Planning Commission and/or Board of County Commissioners understand the application and make informed decisions with appropriate conditions. All comments received in response to this request for review will be forwarded to the applicant and included in meeting packets for the decision makers. If you wish to discuss the project with staff prior to submitting final comments, please indicate in your email(s) that your comments and questions are preliminary.



Pitts Two Rivers

1 message

Ryan Kusuno <ryan@telecampartners.com>

Fri, Jan 6, 2023 at 5:40 PM

To: John Huebner <johnh@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>

Hi Kaye and John,

I have been speaking with Nate Smith regarding the Pitts' property in Two Rivers. I believe he has made an application for a Substantial PUD Amendment for the residential density of this property. We, the IPOA Board, have told him that cannot add density to this unit, and at this time the board does not support a Substantial PUD amendment. I would like to discuss this with you, because there seems to be some confusion. Please let me know when you would have time for a meeting.

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Best Regards,

Ryan Kusuno, President
Ilium Park Owners Association
(970) 728-4445

SAN MIGUEL COUNTY

HOUSING AUTHORITY

KRIS HOLMSTROM

HILARY COOPER

LANCE WARING

January 10, 2023

Ryan Kusuno
Ilium Park Owners Association
Electronic delivery at: ryan@telecampartners.com

Re: Substantial PUD Amendment Application Morningstar condos, Units 2 and 4

Dear Ryan:

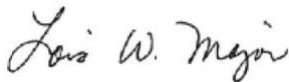
I hope that this letter finds you well. As special counsel to the San Miguel County Housing Authority (SMCHA), I have been interested in the Substantial PUD Amendment Application (Application) submitted on behalf of Peter Pitts. I am interested because the Application is the formal step that aligns the legal documentation with the status quo on the ground. It clarifies the uncertainties that have muddled the waters in the Two Rivers neighborhood.

The SMCHA has treated Units 2 and 4 as residential units for as long as we have records. Due to the fact that Mr. Pitts was the developer and owner, the Units were allowed to be rented to Qualified Occupants. If the Application succeeds, the Units can be sold to individuals under the current deed restriction and covenant and become owner occupied. Owner-occupied and residential status is preferable to both the SMCHA and the neighborhood.

The Units are located in a neighborhood that is primarily residential, unlike other areas of Ilium that are predominately industrial and commercial. The conversion from commercial to residential in in name only to correct the Matrix. The change will have no impact to the IPOA, the neighbors, or the use of the Units. It will, however, clear the path to get the Units in the hands of local employees and streamline the tracking and paperwork for the SMCHA administrator. Similarly, a neighboring property in Ilium, Unit SV-140. received county approval in 2004 to convert from an existing Neighborhood Commercial use to a Residential use (BOCC Resolution 2004-22, Doc. ID 369440.

As you know, the Telluride region suffers from inadequate housing for local employees. Maintaining these Units in the residential pool is a priority for SMCHA. I ask you to support the Application and help move it forward. Please feel free to call me at 970-728-1171 to discuss any questions about this correspondence.

Regards,



By: Lois W. Major, Special Counsel
to the San Miguel County Housing Authority

cc: John Huebner, SMC Senior Planner
Courtney McEleney, Manager SMRHA



John Huebner <johnh@sanmiguelcountyco.gov>

Re: Morningstar Units-Substantial PUD application

1 message

Ryan Kusuno <ryan@telecampartners.com>

Thu, Jan 12, 2023 at 11:23 PM

To: Lois Whitesel Major <loismajor5@gmail.com>

Cc: John Huebner <johnh@sanmiguelcountyco.gov>, Courtney McEleney <courtney@smrha.org>

Hi Lois,

I have received your letter, and I will forward it to the IPOA Board. Thank you for your thoughts regarding Mr. Pitt's property and this application.

As I have explained to Mr. Smith, and Mr. Huebner, the IPOA board has received an engineering report that says we have the ability to serve our water and sewer obligations up to maximum build-out, but we do not have extra capacity. Also, due to this water/sewer limitation, we have previously had to turn down multiple applications with this exact same request for adding density to the matrix without it being transferred from another property, even as recently as this last fall. Due to these factors, it would create a liable situation for our Board if we were to grant this request, which we cannot do. Or, we would have to open the same option for the previously denied applications, which would add even more units to the system, and we cannot do so for utility service purposes.

We have previously supported, and approved, moving density from one property to another via Insubstantial PUD Amendment, which I told Mr. Smith we would support. I definitely agree with you that our region suffers from inadequate housing for local employees. As your letter states, these units are already being used by qualified locals, and have been for many years. Granting the request will not be adding housing. Not approving the requested matrix change does not prohibit the owner from selling the unit as-is and continuing with the same use. We are also considering that Mr. Pitts was the developer of this property, and has created and been aware of this situation and the property's density and uses since this property's origination.

I am not trying to be argumentative. I do support housing very much and am trying to get more housing for the region as we speak. But, we need to follow the correct processes to get there. I hope this gives our Board's perspective and shares our concerns about protecting our infrastructure obligations and following precedent set through multiple previous applications. We feel the liability and issues that would create do not out-weigh the alternative. We truly hope the applicant can find and acquire other density to transfer to this property, so we could support the application, and some of the uncertainties clarified in the Two Rivers area.

I will let you know if any other board members have questions or comments. Please feel free to reach out to me at any time.

Best Regards,

Ryan Kusuno, President
Ilium Park Owners Association
(970) 728-4445

On Tue, Jan 10, 2023 at 12:16 PM Lois Whitesel Major <loismajor5@gmail.com> wrote:

Ryan: Please see my letter in support of converting the Morningstar Units from commercial to residential, attached. Please share it with your IPOA.

Regards, Lois

Lois W. Major

Special Counsel to the San Miguel County Housing Authority
P.O. Box 791
[333 West Colorado Avenue, 3rd Floor](#)
[Telluride, CO 81435](#)
Tel.: 970-728-1171
FAX: 970-728-3718

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Best Regards,

Ryan Kusuno, Manager
Telecam Partnership II, Ltd.
(970) 728-4445