



BOARD OF COMMISSIONERS
HILARY COOPER KRIS HOLSTROM LANCE WARING

REGULAR MEETING AGENDA

Wednesday, January 20, 2021

Join a Meeting, Zoom.us, Meeting Id # 534.180.495, Password 014764, audio 1-301-715-8592 or 1-253-215-8782

1. **9:30 am CALL TO ORDER. Join a Meeting, Zoom.us, Meeting Id # 534.180.495, Password 014764, audio 1-301-715-8592 or 1-253-215-8782**
2. **REVIEW OF AGENDA/CALENDAR REVIEW**
3. **CONSENT AGENDA**
 - a. Approval to appoint Dustin Weitzel to the San Miguel Basin Fair Board.
 - b. Approval of six Advanced Life Support Ambulance Permits and Ambulance Service Licenses for Telluride Fire Protection District.
 - c. Approval of the re-appointment of Susie St Onge to the Open Space Commission.
 - d. Approval of the re-appointment of Regan Snyder to the San Miguel Basin Fair Board.
 - e. Ratification of Commissioner's signature on two letters to the COGCC staff for their dedication and hard work with the protections from the impacts of oil and gas development.
 - f. Approval of Chair's signature on a Dolores River Restoration Partnership Memorandum of Understanding.
 - g. Approval of a request by the Assessor to approve Petition 2020-26 for Abatement or Refund of Taxes for tax year 2017-2018, P7 Holdings LLC A CO LLC, Lot P8 Idarado Sub, Schedule #R1030050026, over \$10,000
 - h. Approval of Commissioner's signature on the annual 2020 Highway User Tax Fund (HUTF).
 - i. Ratification of Chair's signature on a Veterans Service Officers Monthly Report, December 2020.
 - j. Approval of the December 2020 payroll and vendor payments.
 - k. Other, as needed.
4. **ADMINISTRATIVE MATTERS**
 - a. 9:35 am PUBLIC HEARING: Approval of the Supplemental budget for the

year 2020./MOTION

10 mins Ramona Rummel, County Finance Director and Mike
Bordogna, County Manager

- b. 9:45 am Approval of the Chair's signature and consideration by the Board for Resolution 2021-3, Resolution of the Board of County Commissioners, San Miguel County, Colorado, Regulating Activities on County Roads and County Rights of Way and Adopting Road & Bridge Permits Standards and Bonding/Fee Schedules/MOTION

5 mins Ryan Righetti, County Road and Bridge Superintendent

- c. 9:50 am 2nd Reading - Approval of the Chair's Signature on Ordinance 2021-01, Regulating the Parking of Vehicles on County Roads, Property and Road Right of Ways as amended Dec. 16, 2020./MOTION

5 mins Amy Markwell, County Attorney

- d. Other, as needed.

5. **10:00 am PLANNING MATTERS**

- a. 10:00 am Public Hearing: Consideration of a application for a Subdivision Exemption for Fully Developed Residential Property for Two Rivers and Sunshine Valley./MOTION

25 mins John Huebner, Senior Planner

- b. Consideration of a Ridgeline Agreement and Restrictive Covenant for Lot 14, West Meadows./MOTION

15 mins Kaye Simonson, Planning Director

- c. Other, as needed.

6. **10:45 am ADMINISTRATIVE MATTERS, Continued**

- a. Consideration of a resolution naming Daiva Chesonis to the Honorary Post of Poet Laureate of San Miguel County./MOTION

15 mins Art Goodtimes

- b. 11:00 am Consideration of a Resolution opposing the recreational and commercial trapping of bobcats and lynx./MOTION

20 mins Soleil S. Gaylord, Amy Cannon, Christine Capaldo, Wendy
Keefover

- c. 11:20 am Consideration of providing written support to the Impact Development fund (down payment assistance) for qualified San Miguel County residents./MOTION

10 mins Mike Bordogna, County Manager

- d. Consideration of the Commissioner's signature on a letter to President Elect Joe Biden to restore the Bears Ears National Monument in Utah to its original size.

5 mins Kris Holstrom, Commissioner

- e. 11:30 am Discussion on Growing Water Smart workshop and pilot program.

30 mins Commissioners and Stakeholders of the County

f. Other, as needed.

7. **Lunch 12:15 pm - 12:45 pm**

- a. 12:45 pm Recognition of Eric Berg for 40 years of service to the County.
5 mins Sheriff Masters and Eric Berg

8. **12:50 pm PUBLIC HEALTH AND ENVIRONMENT**

(Board of Commissioners sitting as the San Miguel County Board of Public Health and Environment.)

- a. 12:50 pm Discussion and update with the San Miguel County Stakeholders concerning the COVID 19 outbreak.
75 mins Grace Franklin, Public Health Director
- b. Other, as needed.

9. **2:05 pm COUNTY HOUSING MATTERS**

(Board of Commissioners sitting as the San Miguel County Housing Authority.)

- a. Consideration to authorize and direct staff to send a written notice of violation of the LUC to Don and Sarah Boggs, owner of Unit 508 Society Drive, LH 25./MOTION
10 mins Corenna Howard, Executive Director of SMRHA
- b. Other, as needed.

10. **2:15 pm SOCIAL SERVICES MATTERS**

(Board of Commissioners sitting as the San Miguel County Board of Social Services.)

- a. Approval of Chair's signature on Social Services Department Balance Sheet November 2020, Earned Revenue and Expenditures November 2020, Expenditures through Electronic Benefit Transfers December 2020, Check Register for the Month of December 2020, MOE Report NOV-21 and 2020 Caseload Report/MOTION
10 mins Carol Friedrich, County Social Services Director
- b. Request for approval and authorization of Chair's signature on a Purchase of Service Agreement with Montrose County for Child Support Services./MOTION
Carol Friedrich, County Social Services Director
- c. Request for approval and authorization of Chair's signature on a Colorado Department of Human Services Certification of Compliance County Merit System Year 2021./MOTION
Carol Friedrich, County Social Services Director
- d. Other, as needed.

11. **2:30 pm MANAGER MATTERS**

- a. Discussion on partnering with the Northwest Colorado Council of Governments and the Colorado Association of Ski Towns on a "Mountain Migration" research project.

Mike Bordogna, County Manager

- b. Potential Executive Session: Discussion and questions of the Attorney on a potential CVRF grant program, citation (4)(b).

Mike Bordogna, County Manager

- c. Updates and Other, as needed.

12. 2:45 pm COMMISSIONER UPDATES

- a. 3:00 pm Consideration and interview 3 applicants for the At-large position for the 5-Star committee.

30 mins Kris Holstrom, Commissioner

13. ATTORNEY MATTERS

(Any of these items may involve an Executive Session C.R.S 24-6-402)

- a. Executive Session: Discussion on the Matterhorn Mill Conveyance, citation (4)(b).

Amy Markwell, County Attorney

- b. Update on Litigation

- c. Other, as needed

14. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

15. 4:00 pm ADJOURNMENT

NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager reports may include administrative items not listed. 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. For further information, contact the County Administration office at 970-728-3174. If special accommodations are necessary per ADA, contact 970-728-3174 prior to the meeting.

The official, designated posting place for all BOCC 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 - 3.a.

TITLE:

Approval to appoint Dustin Weitzel to the San Miguel Basin Fair Board.

Presented by:

Time needed:

PREPARED BY:

Janet Kask, County Parks and Open Space Director

RECOMMENDED ACTION/MOTION:

The San Miguel Basin Fair Board is in total support of appointing Dustin.

INTRODUCTION/BACKGROUND:

Due to the type of job Dustin does (San Miguel County Road and Bridge) he does not have the ability to join the meeting.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

Request for Appointment

Upload Date

1/14/2021



Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Online Form Submittal: County Boards and Commissions Request for Appointment

1 message

noreply@civicplus.com <noreply@civicplus.com>

Mon, Jan 11, 2021 at 6:54 PM

Reply-To: dus.weitzel@gmail.com

To: bocc@sanmiguelcountyco.gov

County Boards and Commissions Request for Appointment

Step 1

San Miguel County Boards & Commissions Request for Appointment

Name of Board or Commission: San Miguel Basin Fair Board

Reappointment? No

(Section Break)

First Name Dustin

Last Name Weitzel

Email

Address1

City Norwood

State CO

Zip 81423

Step 2

San Miguel County Boards & Commissions Request for Appointment

Professional Background/Personal Interests

- Lifetime of livestock and agriculture
- Bachelor's degrees from Colorado State University in Animal Science and Agricultural Business
- Assistant Cattle Manager 5 Rivers Cattle Feeder
- Ranch Foreman at Owl Creek Ranch
- Currently an Equipment Operator for San Miguel County

Reasons for interest in serving on this board

I want to bring fresh ideas to the San Miguel Basin Fair Board to help create an exciting and enjoyable Fair for the kids and families involved as well as the community members that come to enjoy the Fair as spectators.

Email not displaying correctly? [View it in your browser.](#)



AGENDA ITEM - 3.b.

TITLE:

Approval of six Advanced Life Support Ambulance Permits and Ambulance Service Licenses for Telluride Fire Protection District.

Presented by:

Time needed:

PREPARED BY:

Brad Blackwell EMS Division Captain

RECOMMENDED ACTION/MOTION:

To approve as presented.

INTRODUCTION/BACKGROUND:

Eric Sheriff

tome, Jennifer

Hi Carmen,

I completed the Telluride(x6) and Norwood(x2) Ambulance Inspections. All are good for ALS licensing...same as last year. The new, third Norwood Ambulance is not yet ready for BOCC scheduling.

Eric Berg

FISCAL IMPACT:

Contract Number:	Date Executed	End Date
YYYY-###		
Description:		

ATTACHMENTS:

Description

Ambulance License Applications - Telluride Fire District

BOCC Ambulance Inspections

**SAN MIGUEL COUNTY, COLORADO
AMBULANCE LICENSE APPLICATION**

APPLICANT NAME: Telluride Fire Protection District

ADDRESS: 131 W. Columbia / PO Box 1645

CITY: Telluride

STATE: CO

ZIP: 81435

AMBULANCE MAKE/YEAR: Ford F-450 / 2006

BODY MANUFACTURER: Braun 2006

VIN#: 1FDXF47P56EA03460

License# 537MJW

PRIMARY LOCATION OF AMBULANCE: Telluride Fire House

STREET ADDRESS: 131 W. Columbia

CITY: Telluride

STATE: CO

ZIP: 81435

DATE APPLICATION SUBMITTED: 12 - 17 - 20

DATE CURRENT LICENSE EXPIRES: 12 - 31 - 20

APPLICANT SIGNATURE:

Brian Bhakumal

TITLE: ~~Chief Paramedic~~

EMS DIVISION CAPTAIN

NOTE: EACH AMBULANCE REQUIRES A SEPARATE APPLICATION FORM

2115

San Miguel County Board of Commissioners

Certificate of Motor Vehicle Condition

The undersigned, professing to be a motor vehicle mechanic, has of this date, 12-1-2020 evaluated the mechanical condition of the identified ambulance and determined that this vehicle is in safe operating condition. Said evaluation does NOT warrantee future status of the ambulance after signing of this document, due to unforeseen conditions.

Vehicle Identification Number (VIN) 1FDXE47P5G EA 3460
 Vehicle Owner Telluride Fire protection District

EVALUATION CHECKLIST

ITEMS	ACCEPTABLE	NOT ACCEPTABLE	COMMENTS
Wheels & Tires	✓		
Steering	✓		
Alignment	✓		
Suspension	✓		
Brakes	✓		
Emergency Brake	✓		
Lights	✓		
Electrical System	✓		
Glass	✓		
Exhaust System	✓		
Fuel System	✓		
Body & Sheet Metal	✓		

Inspector: Charles Pierce

Agency Telluride Fire protection district

Address 411 mountain village BLV Telluride CO 81435

Phone 970 560 1014

**SAN MIGUEL COUNTY, COLORADO
AMBULANCE LICENSE APPLICATION**

APPLICANT NAME: Telluride Fire Protection District

ADDRESS: 131 W. Columbia / PO Box 1645

CITY: Telluride

STATE: CO

ZIP: 81435

AMBULANCE MAKE/YEAR: Ford F-450 / 2007

BODY MANUFACTURER: Braun 2007

VIN#: 1FDXF47R58EC01007

License# 612RBH

PRIMARY LOCATION OF AMBULANCE: PLACERVILLE FIRE HOUSE

STREET ADDRESS: 24400 HWY 145

CITY: PLACERVILLE

STATE: CO

ZIP: 81430

DATE APPLICATION SUBMITTED: 12 - 17 - 20

DATE CURRENT LICENSE EXPIRES: 12 - 31 - 20

APPLICANT SIGNATURE: Bruce Shuteel

TITLE: ~~Chief Paramedic~~ EMS DIVISION CAPTAIN

NOTE: EACH AMBULANCE REQUIRES A SEPARATE APPLICATION FORM

2125

**San Miguel County Board of Commissioners
Certificate of Motor Vehicle Condition**

The undersigned, professing to be a motor vehicle mechanic, has of this date, 11-23-2020 evaluated the mechanical condition of the identified ambulance and determined that this vehicle is in safe operating condition. Said evaluation does NOT warrantee future status of the ambulance after signing of this document, due to unforeseen conditions.

Vehicle Identification Number (VIN) 1FDXF47R58ECO1007
Vehicle Owner Telluride Fire protection district

EVALUATION CHECKLIST

ITEMS	ACCEPTABLE	NOT ACCEPTABLE	COMMENTS
Wheels & Tires	✓		
Steering	✓		
Alignment	✓		
Suspension	✓		
Brakes	✓		
Emergency Brake	✓		
Lights	✓		
Electrical System	✓		
Glass	✓		
Exhaust System	✓		
Fuel System	✓		
Body & Sheet Metal	✓		

Inspector: Charles Pierce

Agency Telluride Fire protection district

Address 411 Mountain Village BLV Telluride CO 81435

Phone 970 560 1014

**SAN MIGUEL COUNTY, COLORADO
AMBULANCE LICENSE APPLICATION**

APPLICANT NAME: Telluride Fire Protection District

ADDRESS: 131 W. Columbia / PO Box 1645

CITY: Telluride

STATE: CO

ZIP: 81435

AMBULANCE MAKE/YEAR: Ford F450 / 2014

BODY MANUFACTURER: Braun 2014

VIN#: 1FDUF4HT9EEB20343

License# 913GIQ

PRIMARY LOCATION OF AMBULANCE: Telluride Fire House

STREET ADDRESS: 131 W. Columbia

CITY: Telluride

STATE: CO

ZIP: 81435

DATE APPLICATION SUBMITTED: 12-17-20

DATE CURRENT LICENSE EXPIRES: 12-31-20

APPLICANT SIGNATURE:



TITLE: ~~Chief Paramedic~~ EMS DIVISION CAPTAIN

NOTE: EACH AMBULANCE REQUIRES A SEPARATE APPLICATION FORM

2135

San Miguel County Board of Commissioners

Certificate of Motor Vehicle Condition

The undersigned, professing to be a motor vehicle mechanic, has of this date, 12-2-2020 evaluated the mechanical condition of the identified ambulance and determined that this vehicle is in safe operating condition. Said evaluation does NOT warrantee future status of the ambulance after signing of this document, due to unforeseen conditions.

Vehicle Identification Number (VIN) 1FDLF4HT9EEB20343
 Vehicle Owner Telluride Fire district

EVALUATION CHECKLIST

ITEMS	ACCEPTABLE	NOT ACCEPTABLE	COMMENTS
Wheels & Tires	✓		
Steering	✓		
Alignment	✓		
Suspension	✓		
Brakes	✓		
Emergency Brake	✓		
Lights	✓		
Electrical System	✓		
Glass	✓		
Exhaust System	✓		
Fuel System	✓		
Body & Sheet Metal	✓		

Inspector: Charles Pierce

Agency Telluride Fire Protection district

Address 411 mountain village blv Telluride CO 81435

Phone 970 560 1014

**SAN MIGUEL COUNTY, COLORADO
AMBULANCE LICENSE APPLICATION**

APPLICANT NAME: Telluride Fire Protection District

ADDRESS: 131 W. Columbia / PO Box 1645

CITY: Telluride

STATE: CO

ZIP: 81435

AMBULANCE MAKE/YEAR: Ford F-450 / 2006

BODY MANUFACTURER: Braun 2006

VIN#: 1FDXF47P56EA03461

License# 536MJW

PRIMARY LOCATION OF AMBULANCE: Mountain Village Fire House

STREET ADDRESS: 411 MOUNTAIN VILLAGE BLVD.

CITY: MOUNTAIN VILLAGE

STATE: CO

ZIP: 81435

DATE APPLICATION SUBMITTED: 12-17-20

DATE CURRENT LICENSE EXPIRES: 12-31-20

APPLICANT SIGNATURE:



TITLE: ~~Chief Paramedic~~

EMS DIVISION CAPTAIN

NOTE: EACH AMBULANCE REQUIRES A SEPARATE APPLICATION FORM

2145

A 2145

San Miguel County Board of Commissioners

Certificate of Motor Vehicle Condition

The undersigned, professing to be a motor vehicle mechanic, has of this date, 11-3-2020 evaluated the mechanical condition of the identified ambulance and determined that this vehicle is in safe operating condition. Said evaluation does NOT warrantee future status of the ambulance after signing of this document, due to unforeseen conditions.

Vehicle Identification Number (VIN) 1FDXF47P76EA03461
 Vehicle Owner Telluride Fire protection district

EVALUATION CHECKLIST

ITEMS	ACCEPTABLE	NOT ACCEPTABLE	COMMENTS
Wheels & Tires	X		
Steering	X		
Alignment	X		
Suspension	X		
Brakes	X		
Emergency Brake	X		
Lights	X		
Electrical System	X		
Glass	X		
Exhaust System	X		
Fuel System	X		
Body & Sheet Metal	X		

Inspector: Charles Pierce

Agency Telluride Fire protection district

Address 411 mountain village Blvd Station #2

Phone 970 560 1014

**SAN MIGUEL COUNTY, COLORADO
AMBULANCE LICENSE APPLICATION**

APPLICANT NAME: Telluride Fire Protection District

ADDRESS: 131 W. Columbia / PO Box 1645

CITY: Telluride

STATE: CO

ZIP: 81435

AMBULANCE MAKE/YEAR: Ford F450/2017

BODY MANUFACTURER:

VIN#: 1FDUF4HT7HDA02253

License# JOW-419

PRIMARY LOCATION OF AMBULANCE: Telluride Fire House

STREET ADDRESS: 131 W. Columbia

CITY: Telluride

STATE: CO

ZIP: 81435

DATE APPLICATION SUBMITTED: 12-17-20

DATE CURRENT LICENSE EXPIRES: 12-31-20

APPLICANT SIGNATURE:



TITLE: ~~Chief Paramedic~~

EMS DIVISION CAPTAIN

NOTE: EACH AMBULANCE REQUIRES A SEPARATE APPLICATION FORM

A2118

**San Miguel County Board of Commissioners
Certificate of Motor Vehicle Condition**

The undersigned, professing to be a motor vehicle mechanic, has of this date, 11-2-2020 evaluated the mechanical condition of the identified ambulance and determined that this vehicle is in safe operating condition. Said evaluation does NOT warrantee future status of the ambulance after signing of this document, due to unforeseen conditions.

Vehicle Identification Number (VIN) 1EDLE4HT7HDA02253

Vehicle Owner Telluride Fire Protection District

EVALUATION CHECKLIST

ITEMS	ACCEPTABLE	NOT ACCEPTABLE	COMMENTS
Wheels & Tires	X		
Steering	X		
Alignment	X		
Suspension	X		
Brakes	X		
Emergency Brake	X		
Lights	X		
Electrical System	X		
Glass	X		
Exhaust System	X		
Fuel System	X		
Body & Sheet Metal	X		

Inspector: Charles Pierce

Agency Telluride Fire Protection District

Address 411 mountain village blvd Station #2

Phone 970 560 1014

**SAN MIGUEL COUNTY, COLORADO
AMBULANCE LICENSE APPLICATION**

APPLICANT NAME: Telluride Fire Protection District

ADDRESS: 131 W. Columbia / PO Box 1645

CITY: Telluride

STATE: CO

ZIP: 81435

AMBULANCE MAKE/YEAR: Ford F450

BODY MANUFACTURER: 2019

VIN#: 1FDUF4HTXKDA19801

License# CIC-979

PRIMARY LOCATION OF AMBULANCE:

STREET ADDRESS:

CITY:

STATE: CO

ZIP: 81435

DATE APPLICATION SUBMITTED: 12-17-20

DATE CURRENT LICENSE EXPIRES: 12-31-20

APPLICANT SIGNATURE:

B. J. Shuler

TITLE: ~~Chief Paramedic~~

EMS DIVISION CAPTAIN

NOTE: EACH AMBULANCE REQUIRES A SEPARATE APPLICATION FORM

2119

**San Miguel County Board of Commissioners
Certificate of Motor Vehicle Condition**

The undersigned, professing to be a motor vehicle mechanic, has of this date, 12-2-2020 evaluated the mechanical condition of the identified ambulance and determined that this vehicle is in safe operating condition. Said evaluation does NOT warrantee future status of the ambulance after signing of this document, due to unforeseen conditions.

Vehicle Identification Number (VIN) 1FDUFLHTXKDA19801
Vehicle Owner Telluride Fire

EVALUATION CHECKLIST

ITEMS	ACCEPTABLE	NOT ACCEPTABLE	COMMENTS
Wheels & Tires	✓		
Steering	✓		
Alignment	✓		
Suspension	✓		
Brakes	✓		
Emergency Brake	✓		
Lights	✓		
Electrical System	✓		
Glass	✓		
Exhaust System	✓		
Fuel System	✓		
Body & Sheet Metal	✓		

Inspector: Charles Pierce

Agency Telluride Fire Protection District

Address 411 montan village BLV Telluride CO 81435

Phone 970 560 1014

15 January 2021

San Miguel County BOCC
305 W. Colorado Ave
Telluride, Co 81435

Dear BOCC,

In December 2020 I completed the inspection of the six Telluride Fire Protection District ambulances stationed in Telluride, Placerville, Ophir Loop and Mountain Village. All are in full compliance with C.R.S. 25-3.5-301 Section 12 "Minimum Equipment To Be Carried On An Ambulance." No discrepancies were found.

A detailed inventory of controlled substances was conducted and checked against the use log for accuracy.

The mechanics inspection forms are to be sent to you independently by TFPD.

I recommend the following permit issuance:

ALS:

- A. 2006 Ford F-450, Colorado plate 537-MJW.
- B. 2019 Ford F-450, Colorado plate CIC-979
- C. 2006 Ford F-450, Colorado plate 536-MJW.
- D. 2007 Ford F-450, Colorado plate 612-RBH.
- E. 2014 Ford F-450, Colorado plate 913-GIQ.
- F. 2017 Ford F-450, Colorado plate JOW-419.

Regional medical protocols are in each vehicle.

Sincerely,

Eric Berg
Paramedic
San Miguel County Ambulance Inspector



AGENDA ITEM - 3.c.

TITLE:

Approval of the re-appointment of Susie St Onge to the Open Space Commission.

Presented by:

Time needed:

PREPARED BY:

Janet Kask, County Parks and Open Space Director

RECOMMENDED ACTION/MOTION:

This is a re-appointment to the Open Space Commission.

INTRODUCTION/BACKGROUND:

This position has been advertised.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

Request for Appointment

Upload Date

1/15/2021



Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Online Form Submittal: County Boards and Commissions Request for Appointment

1 message

noreply@civicplus.com <noreply@civicplus.com>

Reply-To: Sstonge1@hotmail.com

To: bocc@sanmiguelcountyco.gov

Thu, Jan 7, 2021 at 9:53 AM

County Boards and Commissions Request for Appointment

Step 1

San Miguel County Boards & Commissions Request for Appointment

Name of Board or Commission: Open Space Commission

Reappointment? Yes

(Section Break)

First Name Susie

Last Name St.Onge

Email Sstonge1@hotmail.com

Address1

City Telluride

State CO

Zip 81435

Step 2

San Miguel County Boards & Commissions Request for Appointment

Professional Background/Personal Interests MA Education
TSD Teacher 1972-2008
TSD Mindfulness teacher 2010-2019
ChairTown of Sawpit P & Z
Chair SMC Open Space Commission
Member Town of Telluride Open Space Commission
Regional Coach and Teacher of

Interest in well-being of our regional, national and global natural environment.

Skiing, hiking, riding bikes and horses

Family health and well-being

Reasons for interest in serving on this board I have been on this commission for several years and we have several ongoing projects that need continuity.
I am the Cross-over commission member for the SMC to Town of Telluride Open Space Commission and have created cooperative communication between the two commissions.
I am the Chair of the San Miguel Open Space Commission.

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AGENDA ITEM - 3.d.

TITLE:

Approval of the re-appointment of Regan Snyder to the San Miguel Basin Fair Board.

Presented by:

Time needed:

PREPARED BY:

Janet Kask, County Parks and Open Space Director

RECOMMENDED ACTION/MOTION:

Recommended re-appointment

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

Request for Appointment

Upload Date

1/14/2021



Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Online Form Submittal: County Boards and Commissions Request for Appointment

1 message

noreply@civicplus.com <noreply@civicplus.com>

Reply-To: reganlisnyder@gmail.com

To: bocc@sanmiguelcountyco.gov

Thu, Jan 7, 2021 at 3:53 PM

County Boards and Commissions Request for Appointment**Step 1**

San Miguel County Boards & Commissions Request for Appointment

Name of Board or Commission:	San Miguel Basin Fair Board
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Reappointment?	Yes
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(Section Break)

First Name	Regan
------------	-------

Last Name	Snyder
-----------	--------

Email	
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Address2	Field not completed.
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City	Norwood
------	---------

State	CO
-------	----

Zip	81423
-----	-------

Step 2

San Miguel County Boards & Commissions Request for Appointment

Professional Background/Personal Interests	Transmission Interconnection Administrator 18 years experience in energy industry (transmission & generation) Strong agricultural background Own and manage a registered seedstock herd of cattle with my husband.
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Reasons for interest in serving on this board	I have a strong desire to serve and give back to the community. The San Miguel Basin Fair is one of the areas most long-lived and cherished traditions. I'm excited to continue to part of the force that helps make it happen each year. I enjoy working in a team setting towards common goal and continuously improving the event.
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AGENDA ITEM - 3.e.

TITLE:

Ratification of Commissioner's signature on two letters to the COGCC staff for their dedication and hard work with the protections from the impacts of oil and gas development.

Presented by:

Time needed:

PREPARED BY:

Hilary Cooper, Commissioner

RECOMMENDED ACTION/MOTION:

To approve as presented.

INTRODUCTION/BACKGROUND:

Two letters were sent showing our appreciation of the COGCC staff and their efforts on protections from the impacts of oil and gas development.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description	Upload Date
Letter of Appreciation	1/7/2021
Letter of Appreciation to staff	1/7/2021



BOARD OF COMMISSIONERS

HILARY COOPER KRIS HOLSTROM LANCE WARING

January 4, 2021

Jeff Robbins, Chairman of COGCC

jeff.robbins@state.co.us

Dear Chairman Robbins and COGCC Commissioners,

From across the State in southwest Colorado we closely monitored hours and days of robust stakeholder participation, party positions and comments, and thousands of pages of documentation during the COGCC rulemaking process. We would like to express our deep appreciation to all of you for your dedicated and deliberate consideration as you ultimately approved the most comprehensive series of rules to protect Colorado's public health and environment while allowing responsible oil and gas development to continue.

Thanks to your work, Coloradoans now enjoy some of the most robust protections in the nation. In San Miguel County, we specifically appreciate the consistent application of air quality rules protecting rural and urban airsheds, the strong set back standards and wildlife protections. Your actions will protect our landscapes today and help to make them more resilient for future generations.

We greatly appreciate the dedication and expertise each of you brought to the process. In San Miguel County we value public health, our environment and our local economies dependent on agriculture and recreation. The new rules will help us protect all of these values while allowing responsible oil and gas development to continue. Thank you.

Sincerely,
San Miguel County
Board of Commissioners

Hilary Cooper, Chair

Lance Waring, Vice Chair

Kris Holstrom, Commissioner



BOARD OF COMMISSIONERS

HILARY COOPER KRIS HOLSTROM LANCE WARING

January 4, 2021

Julie Murphy, COGCC Staff Director
julie.murphy@state.co.us

Dear Director Murphy,

We would like to thank you and the COGCC staff for your dedication and hard work over the past several months. Due to your extraordinary efforts, all Coloradans now enjoy robust protections from the impacts of oil and gas development.

You and your staff successfully managed a complex rulemaking process balancing a wide range of interests, in the midst of a global pandemic and delivered fair and equitable results which will enact much needed public health and environmental protections while allowing the economic benefits of oil and gas development to continue. Colorado is now a national leader in addressing the impacts of oil and gas production, while allowing responsible development.

San Miguel County was an active participant in the process as we worked alongside our colleagues from neighboring west slope counties to ensure adequate representation during the rulemaking process. We appreciate the COGCC's equitable application of air quality protections across all of Colorado as well as strong setback standards and wildlife protections.

In San Miguel County, the new COGCC rules will further our efforts to protect our environment, our natural resources, our local economies and our natural heritage. Your leadership through this process will help leave a more resilient landscape for future generations.

San Miguel County applauds your dedication to this massive effort and expresses our deep appreciation.

Sincerely,
San Miguel County
Board of Commissioners

Hilary Cooper, Chair

Lance Waring, Vice Chair

Kris Holstrom, Commissioner



AGENDA ITEM - 3.f.

TITLE:

Approval of Chair's signature on a Dolores River Restoration Partnership Memorandum of Understanding.

Presented by:

Time needed:

PREPARED BY:

RECOMMENDED ACTION/MOTION:

To approve as presented.

INTRODUCTION/BACKGROUND:

----- Forwarded message -----

From: **Janet Kask** <janetk@sanmiguelcountyco.gov>
Date: Mon, Dec 28, 2020 at 2:56 PM
Subject: DRRP MOU 2020 Final Version - signatures requested
To: Amy Markwell <amym@sanmiguelcountyco.gov>

Hi Amy,
Please read below and see the attached from Julie Kolb.
This is the DRRP MOU, which is renewed every 5 years.
This requires BOCC approval and signature.
The previous 2015 version is also attached for reference.

I compared both versions and other than the changes
(additions/deletions) of various partnerships, I'd say the
remaining revisions and edits are minor.

2020 Agreement -
Partnerships Added -
Upper Colorado River District, RiversEdge West, Bird Conservancy
of the Rockies, Four Corners Water Center at Fort Lewis College

2015 Agreement -
Partnerships Removed -
The Nature Conservancy, Tamarisk Coalition, Walton Family Foundation,
Rocky Mountain Bird Observatory, CDOT

Please let me know if this is ok to forward to Carmen to place on
an upcoming BOCC agenda for approval and signature. Thanks.
Janet

Att.

----- Forwarded message -----

From: **Rica Fulton** <rfulton@riversedgewest.org>
Date: Wed, Dec 16, 2020 at 10:21 AM
Subject: DRRP MOU 2020 Final Version - signatures requested
To:
Cc: Emily Kasyon <ekasyon@conservationlegacy.org>

Hello Everyone,

AGENDA ITEM - 3.f.

Attached is the final MOU with comments and updates incorporated.

If you or whoever is the signatory for your organization or entity is can insert a signature (electronic is fine) and date into the appropriate row in the final pages of the attached document master version.

Please let me know if you have any questions or concerns. Thank you all!

Best,
Rica

--
Rica Fulton
Restoration Coordinator
o(970) 256-7400
c(970) 799-3316
www.riversedgewest.org
Donate today and help us reach our \$10,000 fundraising goal!

--
Julie Kolb
San Miguel County Vegetation Management
Juliek@sanmiguelcountyco.gov

--
Janet Kask, Director
Parks & Open Space, San Miguel County
P.O. Box 1170, Telluride, CO 81435
Phone: (970)369-5469, Fax: (970)728-3718
janetk@sanmiguelcountyco.gov



--
Janet Kask, Director
Parks & Open Space, San Miguel County
P.O. Box 1170, Telluride, CO 81435
Phone: (970)369-5469, Fax: (970)728-3718
janetk@sanmiguelcountyco.gov



2 Attachments

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	
YYYY-###			Board of C
Description:			

ATTACHMENTS:

Description

Dolores River Restoration Partnership

Dolores River Restoration Partnership
MEMORANDUM OF UNDERSTANDING

Between

Bureau of Land Management (Tres Rios, Uncompahgre, Grand Junction & Moab Field Offices;
Southwest Colorado District, Upper Colorado River District, and Canyon Country Utah
Districts);

State of Colorado Counties of Dolores, Montrose, San Miguel, & Mesa;
State of Utah County of Grand; RiversEdge West; Bird Conservancy of the Rockies;
Conservation Legacy's Southwest Conservation Corps; Four Corners Water Center at Fort Lewis
College, Four Corners School of Outdoor Education Canyon Country Youth Corps; Western
Colorado Conservation Corps; U.S. Fish and Wildlife Service Partners for Fish and Wildlife
Program; Bureau of Reclamation; Department of Energy; Colorado Parks and Wildlife; Utah
Division of Wildlife Resources; University of Utah Rio Mesa Center; Gateway Canyons Resort;
Colorado Department of Agriculture Palisade Insectary; Dolores River Boating Advocates;
Paradox Valley Charter School

Article 1. Background and Purpose

The Dolores River is a major river in southwestern Colorado and eastern Utah, and an important scenic, recreational, and natural value for the region. The riparian habitat along the river has been degraded by several factors, including invasion of tamarisk and other non-native, invasive plants as well as loss of native vegetation in the riparian corridor. The invasive species and depleted riparian corridor are causing harmful impacts to wildlife habitat, water resources, livestock forage, and recreational use along the Dolores River and its tributaries within Dolores, San Miguel, Montrose, and Mesa counties in Colorado, and Grand County in Utah. Since 2009, the Dolores River Restoration Partnership (DRRP), a public-private collaborative, has been working to address these impacts under guidance of the Dolores River Riparian Action Plan as well as two iterations of Memorandums of Understanding between 2010-2015, and 2015-2020. Local communities, state and federal agencies, non-profit and private companies, and private landowners desire to build on the first eleven years of collaboration to protect the shared investment in restoring the riparian corridor of the Dolores River, as outlined in the DRRP Transition Plan for Monitoring and Maintenance (M&M) and annual Implementation Plans developed within each of the four Bureau of Land Management Field Offices. All parties recognize that the challenge of controlling invasive species and restoration of the Dolores River will be more successful with a coordinated effort utilizing the skills and expertise available through this collaborative effort.

Article 2. Authority

The BLM may enter into this MOU under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1737, Sec 307; The National Environmental Policy Act of 1969, (42 USS 1737) and the Wyden Amendment (16 U.S.C. § 1011(a)).

The U.S. Fish and Wildlife Service (FWS) may enter into this MOU under the authority contained in the Partners for Fish and Wildlife Act (Public Law 109-294), the Fish and Wildlife

Coordination Act (16 U.S.C. 661 et seq.) and the Fish and Wildlife Act of 1956) (16 U.S.C. 742a-j), as amended.

The U.S. Department of Energy may enter into this MOU under DOE Order 436.1, Departmental Sustainability.

Non-profit organizations, private companies, and public agencies may enter into this MOU based on authority granted by their boards of directors, supervisors, and/or other applicable policies, laws, regulations, or authorities.

(Each governmental signatory to provide the laws, regulations or authorities supporting their participation in the MOU.)

Article 3. Statement of Mutual Benefits

It is the intent of the Parties to work together to implement the DRRP Transition Plan for M&M as a means to improve and create self-sustaining healthy riparian habitat along the Dolores River and its major tributaries. The Transition Plan for M&M is a living document that guides the following actions:

1. Control non-native invasive tamarisk and other invasive plant species that directly impact riparian areas
2. Re-vegetate impacted areas with appropriate native and desirable vegetation
3. Implement and refine long-term monitoring and maintenance strategies to protect shared investments in restoration
4. Structure educational and communications efforts to garner resources, share lessons learned within the DRRP and with other interested watershed partnerships, and foster regional awareness about restoration efforts
5. Identify and help secure long-term funding
6. Sustain effective governance and capacity needed to support these restoration efforts
7. Actively manage floodplain vegetation to improve connectivity during runoff events and to improve and maintain habitat for special status fish species.

The Parties agree to collaborate to provide information and expertise, develop acceptable strategies to meet the objectives, and share knowledge of best practices for this region.

Article 4. Term of Agreement

This MOU shall take effect on the date of the final signature and shall be in full force and effect for a period of five (5) years from the last date signed. This MOU may be modified in writing by mutual agreement of all Parties.

Article 5. Principal Contacts

The Principal Contacts for each Party are maintained by the DRRP Core Team. This list will be annually updated and/or revised as necessary to keep the contact list current. Principal Contacts will be the primary contact for implementation of this MOU.

Article 6. Roles and Responsibilities

The DRRP is made up of representatives of this agreement. The Parties agree to provide assistance of technical experts, information, and/or input to help in the implementation of the comprehensive DRRP Transition Plan for M&M. The Parties agree to meet intermittently to review project accomplishments and share information that will assist the DRRP in meeting its goals. Nothing in this MOU shall obligate the signatory or their agency, community, or organization to obligate or transfer funds.

There are many public and private partners that play important roles and responsibilities for restoring the Dolores River riparian corridor by supporting grant proposals, providing technical assistance, sharing human and technical resources, and generally helping advance Partnership goals.

The following is a list of those organizations and a summary of their respective roles in the DRRP:

- Colorado counties of Dolores, San Miguel, Montrose, and Mesa, and Utah county of Grand pledge their support of grant applications, and where possible lend support through their County Noxious Weed Programs.
- The Colorado Department of Agriculture Palisade Insectary will continue to provide information from long-term studies of the tamarisk beetle along the Dolores River as well as information about other biocontrol agents to inform the DRRP's restoration practices.
- Colorado Parks and Wildlife (CPW) will assist in providing input on restoration activities in areas of critical riparian habitat, and for general matters pertaining to fauna occupying riparian habitats. CPW may also be consulted if specific fishery information is needed as a component of a field or research/monitoring project.
- Utah Division of Wildlife Resources will assist in providing input on restoration activities in areas of critical riparian habitat.
- University of Utah Rio Mesa Center (Center) will continue working with DRRP to restore the Center's riparian lands and share emerging knowledge from the Center's studies to inform the DRRP's restoration practices.
- BLM will have primary responsibility for restoration on public lands that the agency is responsible for; administering GIS progress reporting for public lands; and continuing to seek agency funding for implementation as well as monitoring and maintenance work.
- The FWS will assist in the restoration of the Dolores River by providing technical assistance and seeking funding for restoration efforts on privately owned property. This assistance will be provided through the FWS Partners for Fish and Wildlife Colorado and Utah Programs.
- Bureau of Reclamation will continue working with DRRP to restore its riparian lands in the town of Bedrock, CO.
- U.S. Department of Energy (DOE) will continue working with DRRP to restore DOE riparian lands near Slickrock, CO under the uranium leasing program.
- Conservation Legacy's Southwest Conservation Corps will fundraise, coordinate initial treatment and strike-team maintenance workforces across corps programs, coordinate volunteer events, and provide opportunities for youth and young adults to engage in restoration work with the DRRP.
- RiversEdge West will coordinate partnership activities, implementation and maintenance planning, fundraising, science and monitoring, enhancing public understanding and

appreciation for riparian restoration, and sharing lessons learned with other watershed partnerships and practitioners.

- Bird Conservancy of the Rockies will assist the DRRP in seeking financial leverage facilitating enrollment of eligible private land in restoration activities and Farm Bill programs, outreach to private land owners and local organizations, and to assist with monitoring program effectiveness in critical riparian habitats to ensure that wildlife populations are not compromised by restoration activities.
- Western Colorado Conservation Corps and the Four Corners School of Outdoor Education Canyon Country Youth Corps will assist with fundraising and provide on-the-ground training and restoration opportunities for youth and young adults during the monitoring and maintenance phase.
- The Dolores River Boating Advocates will work with DRRP to enhance river-side campsites and riparian habitat.
- Gateway Canyons Resort (Resort) will continue working with DRRP to restore Resort riparian lands in and around Gateway, CO and to maintain the Resort interpretive trail.
- The Paradox Valley Charter School will continue to work with the DRRP to coordinate outdoor educational opportunities.
- The Four Corners Water Center at Fort Lewis College will work with the DRRP core team to develop and implement a geomorphology monitoring protocol along the Dolores River, coordinate on relevant research or information-sharing prospects, and identify opportunities for students to get involved in restoration activities.

Article 7. Decision Making, Allocation of Resources

Decisions of where and how to use funds, whether from private or public sources, will be made on a consensus basis within the constraints of the funding agency or granting foundation.

Allocation of resources will be based on the best available science and other forms of germane knowledge, best applicable technology or human resource, and within established guidelines.

The DRRP will meet at least on an annual basis to review the implementation of the DRRP Transition Plan for M&M or annual DRRP BLM Field Office Implementation Plans, discuss challenges and successes, and make major decisions (e.g. amending the Transition Plan).

Article 8. Working Groups

The following working groups have been established to help meet DRRP goals. Per the DRRP management goal, which encourages increasing effectiveness through incorporation of lessons learned, the configuration of these sub-committees may evolve during the M&M period.

- The Implementation Working Group conducts collective planning and problem-solving as well as provides technical assistance to practitioners working on-the-ground to implement restoration projects on public and private lands along the Dolores River. Meeting annually to share lessons learned from the field, the subcommittee develops site-specific plans to guide future implementation and maintenance work and periodically recruits external expertise (e.g. through presentations, site visits, & workshops) to enhance collective knowledge.

- The Science and Monitoring Working Group collects, assesses, and disseminates monitoring data to inform future restoration work, determine progress towards shared goals, and evaluate the effectiveness of restoration methods.
- The Funding Working Group strategically pursues funding options to enhance and leverage resources for supporting partnership activities. Fundraising will include applying for grants, renewing the Bureau of Land Management (BLM) Assistance Agreement, and working with the Core Team to develop long-term funding sources comprised of multiple funding inputs.
- The Outreach and Education Working Group raises awareness and fosters buy-in, stewardship, and support for DRRP efforts by developing and carrying out volunteer projects, educational materials, and targeted communications.

The Core Team is the entrusted body between the larger partnership and working groups. The Core Team fosters cross-group coordination, takes direction from and provides guidance to the partnership, and develops agendas for partnership meetings. The Core Team will guide how long-term funding sources are developed and be responsible for the management of those sources.

Article 9. Termination

Any of the Parties, in writing, may terminate their participation in this instrument in whole, or in part, at any time before the date of expiration with 30 days' written notice.

Article 10. Required Clauses

Civil Rights. During the performance of this MOU, the Parties will not discriminate against any person because of race, color, religion, sex, or national origin. The Parties will take affirmative action to ensure that applicants are employed without regard to their race, color, sexual orientation, national origin, disabilities, religion, age or sex.

Non-fund Obligation Document. Nothing in this MOU shall obligate any Party to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services or property among the various Parties will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by each appropriate authority. This MOU does not provide such authority. Negotiation, execution and administration of each such agreement must comply with all applicable statutes and regulations.

No Proprietary or Confidential Information. The Parties do not anticipate exchanging any proprietary or confidential information pursuant to this MOU. In the event that the Parties determine it would be beneficial to exchange proprietary or confidential information, the Parties shall negotiate and execute an appropriate nondisclosure agreement governing such exchange.

No Party. No legal partnership or agency is established by this MOU. None of the Parties are authorized or empowered to act as an agent, employee or representative of the other Party, nor

transact business or incur obligations in the name of the other Party or for the account of the other Party. No Party shall be bound by any acts, representations, or conduct of any other Party.

Liability. Each Party will be responsible for its own acts and results thereof and shall not be responsible for the acts of the other Parties and the results thereof. Each Party therefore agrees that it will assume all risk and liability to itself, its agents or employees, for any injury to persons or property resulting in any manner from the conduct of its own operations, and the operations of its agents or employees, and for any loss, cost, damage, or expense resulting at any time from failure to exercise proper precautions, of or by itself or its own agents or its own employees pursuant to this MOU.

Promotions. The Parties will not publicize or otherwise circulate promotional materials which state or imply endorsement of a product service, or position of this MOU by any of the Parties.

Publications of Results of Studies. No Party will unilaterally publish a joint publication without consulting the other Parties. This restriction does not apply to popular publication of previously published technical matter. Publications pursuant to this MOU may be produced independently or in collaboration with others; however, in all cases proper credit will be given to the efforts of those parties contributing to the publication. In the event no agreement is reached concerning the manner of publication or interpretation of results, any one Party may publish data after due notice and submission of the proposed manuscripts to the others. In such instances, the Party publishing the data will give due credit to the cooperation but assume full responsibility for any statements on which there is a difference of opinion.

Establishment of Responsibility. This instrument is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by one Party to this MOU against any of the other Parties.

Article 11. Signatures

Authorized Representations – By signature below, the Parties certify that the individuals listed in Attachment 2 as representatives of the Parties, are authorized to act in their respective areas for matters related to this MOU.

In witness hereof, the Parties hereto have executed this MOU on the dates set forth below. (For each signatory agency, please provide for your agency the name and title of each signatory Party so this list can be finalized.)

Organization	Representative	Signature	Date
RiversEdge West			
Bureau of Land Management Tres Rios Field Office			
Bureau of Land Management Uncompahgre Field Office			
Bureau of Land Management Grand Junction Field Office			
Bureau of Land Management Moab Field Office			

Bureau of Land Management Colorado Southwest District			
Bureau of Land Management Colorado Upper Colorado River District			
Bureau of Land Management Utah Canyon Country District			
Bureau of Reclamation			
Department of Energy			
Colorado County of Dolores			
Colorado County of San Miguel			

Colorado County of Montrose			
Colorado County of Mesa			
Utah County of Grand			
Colorado Parks and Wildlife			
Colorado Department of Agriculture Palisade Insectary			
Utah Division of Wildlife Resources			
Rocky Mountain Bird Observatory			

Four Corners School of Outdoor Education Canyon Country Youth Corps			
Conservation Legacy's Southwest Conservation Corps			
Western Colorado Conservation Corps			
US Fish and Wildlife Service – Partners for Fish and Wildlife, Region 6			
Four Corners Water Center at Fort Lewis College			
University of Utah Rio Mesa Center			
Gateway Canyons Resort			
Dolores River Boating Advocates			

December 23, 2020

Paradox Valley Charter School			



AGENDA ITEM - 3.g.

TITLE:

Approval of a request by the Assessor to approve Petition 2020-26 for Abatement or Refund of Taxes for tax year 2017-2018, P7 Holdings LLC A CO LLC, Lot P8 Idarado Sub, Schedule #R1030050026, over \$10,000

Presented by:

Time needed:

PREPARED BY:

Peggy Kanter, County Assessor

RECOMMENDED ACTION/MOTION:

Recommendation by the Assessor is to approve the abatement.

INTRODUCTION/BACKGROUND:

Due to the value of the abatement it must be approved by the Board of County Commissioners.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

Signed Abatement P7 LLC TY2017-2018

Upload Date

1/8/2021

RECEIVED
2020-26
JAN 09 2020

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: San Miguel

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 12 20 2019
Month Day Year

Petitioner's Name P7 HOLDINGS LLC A CO LLC c/o Duff & Phelps

Petitioner's Mailing Address: 1200 17th St. Ste. 990

Denver
City or Town

CO
State

80202
Zip Code

SCHEDULE OR PARCEL NUMBER(S)
R1030050026

PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
Lot P8 Ibarado Sub

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2017 and 2018 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

The subject property is under common ownership, contiguous and used in conjunction with the owner's residence.

Petitioner's estimate of value: \$ 1,890,000 (2017) and \$ 1,890,000 (2018)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Petitioner's Signature _____

Daytime Phone Number () _____

Email: _____

By Brad Baugh
Agent's Signature

Daytime Phone Number (303) 749-9007

Printed Name: Brad Baugh

Email: brad.baugh@duffandphelps.com

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114, 5(1), C.R.S.

Section II:

Assessor's Recommendation
(For Assessor's Use Only)

	Tax Year <u>2017</u>			Tax Year <u>2018</u>		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	<u>1,890,000</u>	<u>548,100</u>	<u>\$17,263.57</u>	<u>1,890,000</u>	<u>548,100</u>	<u>\$19,831.90</u>
Corrected		<u>136,080</u>	<u>\$4,286.11</u>		<u>136,080</u>	<u>\$4,923.78</u>
Abate/Refund		<u>412,020</u>	<u>\$12,977.40</u>		<u>412,020</u>	<u>\$14,908.12</u>

☒ Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year: 2017 Protest? ☒ No ☐ Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: 2018 Protest? ☒ No ☐ Yes (If a protest was filed, please attach a copy of the NOD.)

☐ Assessor recommends denial for the following reason(s):

Peggy Kante
Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner

(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature_____
Date_____
Assessor's or Deputy Assessor's Signature_____
Date**Section IV: Decision of the County Commissioners**

(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (*being present--not present*) and

Name

Petitioner _____ (*being present--not present*), and WHEREAS, the said

Name

County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (*agrees--does not agree*) with the recommendation of the Assessor, and that the petition be (*approved--approved in part--denied*) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
------	----------------	--------------------

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

this _____ day of _____, _____
Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator

(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

☐ Approved ☐ Approved in part \$ _____ ☐ Denied for the following reason(s):

Secretary's Signature_____
Property Tax Administrator's Signature_____
Date

Appointment of Agency for Property Tax Matters

Duff & Phelps, LLC is authorized to represent petitioner owned vacant property contiguous to petitioner's residential dwelling. Any and all previous authorizations are hereby revoked. Duff & Phelps, LLC is authorized to act on petitioner's behalf in obtaining and providing information, negotiating, settling and assessing for all real property matters related to the property owned, possessed, or controlled by the undersigned at the below referenced parcel. Duff & Phelps is delegated full authority to handle real property matters relative to assessments and to represent petitioner, with the assistance of legal counsel, if necessary, in the appeal process. This authority is extended to the parcel number(s) listed below and may be amended as necessary.

This appointment of agency remains in effect for tax year(s) **2016 - 2020** or until revoked in writing by petitioner or Duff & Phelps, LLC.

All correspondence should be directed to the following:

NAME: Bruce Cartwright

Duff & Phelps LLC

ADDRESS: 1200 17th Street, Suite 990

Denver, Colorado 80202

303-749-9003

COUNTY: SAN MIGUEL

VACANT LAND PARCEL # R1030050026

PETITIONER'S SIGNED NAME: Thruston Morton

PETITIONER'S PRINTED NAME: THRUSTON MORTON

TITLE (in Relationship to Owner Entities) MANAGER

DATE EFFECTIVE: Oct 25, 2019

Notarize



AGENDA ITEM - 3.h.

TITLE:

Approval of Commissioner's signature on the annual 2020 Highway User Tax Fund (HUTF).

Presented by:

Time needed:

PREPARED BY:

Ryan Righetti, County Road and Bridge

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Road and Bridge
Description:			

ATTACHMENTS:

Description

HUTF Signature Sheet

Upload Date

1/14/2021



Colorado Department of Transportation San Miguel Co Signature Sheet

FIPS Code : 113

1/12/2021

184.170 miles of arterial streets

458.465 miles of local streets

642.635 total miles of H.U.T. eligible streets

44.710 miles of non H.U.T. eligible streets - Maintained by others

59.410 miles of non H.U.T. eligible streets - Not maintained

This mileage is the certified total as of December 31, 2020

I declare under penalty of perjury in the second degree, and any other applicable state or federal laws, that the statements made on this document are true and complete to the best of my knowledge.

The Colorado Department of Transportation can contact the following person with questions regarding this report:

Ryan Righetti (970) 327-4835
Name Phone

Submit this signed copy with your annual mileage change report to the Colorado Department of Transportation.

Commissioner Date

Commissioner Date

Commissioner Date

Commissioner Date

Commissioner Date

We are required to inform you that a penalty of perjury statement is required pursuant to section 18-8-503 C.R.S. 2005, concerning the removal of requirements that certain forms be notarized.



AGENDA ITEM - 3.i.

TITLE:

Ratification of Chair's signature on a Veterans Service Officers Monthly Report, December 2020.

Presented by:

Time needed:

PREPARED BY:

Jim Botenhagen, VSO Officer

RECOMMENDED ACTION/MOTION:

To approve as presented.

INTRODUCTION/BACKGROUND:

Jim Botenhagen has finished his training as a Department of Veterans Affairs (VA) accredited representative of CO Division of Veterans Affairs for the preparation, presentation, and prosecution of claims for veterans' benefits. Way to go Jim.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

December 2020 Veterans Report

Upload Date

1/12/2021



Colorado Department of Military and Veterans Affairs
County Veterans Service Officers Monthly Report and Certification of Pay

County of SAN MIGUEL Month of DEC. 2020

1/5/21
Submitted
to Jessica

Telephone Calls	<u>14</u>
Appointments	
Outreach	
Total Served	<u>2</u>

Surveys Submitted	
-------------------	--

WIG #1 Governor's Challenge initiative adopted: (# of times shared)

 Lethal Means Safety Video Gate Keeper Training Caring Contacts

WIG #2 How many trainings (virtual or in person) have you participated in this month? 5

Certification by County Veterans Service Officer

I hereby certify that the above monthly report is true and accurate to the best of my knowledge and belief. I have been employed as a county veteran service officer at a rate of:

☒ 35 hours per week or fewer

 36 hours per week or more

For the month of DEC., 2020 from SAN MIGUEL county.

[Signature]
Signature of County Veterans Service Officer

JAN. 1, 2021
Date

Certification by County Commissioner or Designee

In accordance with CRS 28-5-707, I hereby certify the accuracy of the Report CVA-26 revised 2-15-2019:

[Signature] County Commissioner or Designee of
SAN MIGUEL County
January 5, 2021 Date

This certification, submitted monthly, properly signed and executed is considered as application for the monetary benefits to the County General Fund in accordance with 28-5-804 (2002) Colorado Revised State Statute.

Submit this form no later than the 15th day the following month to:

Colorado Division of Veterans Affairs West
482 28 Road
Grand Junction, CO 81501
Jessica.quackenbush@state.co.us

Telephone - T, Email - E	Month of DEC. '20
Contact	Services Provided
	Assistance with filling out forms and paperwork
	Benefits Representation - Filing VA Claims and appeals, Pension and Aid
	Burial Benefits, funeral benefits, Headstones and Markers
	Colorado State and Veterans Nursing Homes/Nursing home care
	Community Outreach and Advocacy Type: _____
	Medals Request, Replacement of - military records, medals, awards
T- 12.11.20	Disability Compensation FORMS 21-526EZ, 21-22 REDACTED
	Education and Training
	Employment Assistance, Vocational rehabilitation
	Home Loans
	Incarcerated Veterans and Homeless Veterans Initiatives
	Life Insurance
	Memorial benefits
	Operation Recognition
	Survivor benefits
T 12.11.20	Other: REDACTED - EMER. ASSISTANCE FUND

Signature of County Veterans Service Officer

JAN. 1, 2021
DATE

WEB-MTGS WITH CO-DIV. OF VETERANS AFFAIRS
 12.2 DEFENCE ENROLLMENT - ELIGIBILITY RESPONSE SYSTEM
 12.9 SPRING REGIONAL TRAINING UPDATE
 12.16 VA ENROLLMENT & TEMP. 100% DISABILITY
 12.23 VA ENROLLMENT & VIRTUAL HOLIDAY PARTY
 12.30 2020 WRAP-UP ; Q & A SESSION

CERTIFICATE OF RECOGNITION



This certificate is awarded to

Jim Botenhagen

For completing the Annual Colorado Veteran
Service Officer Training Conference 2020.

Joaquin Iglesias,
Director,
Division Veterans Affairs West

12/11/2020
Date

Brian Oney,
State Veterans Service Officer

12/11/2020
Date



AGENDA ITEM - 3.j.

TITLE:

Approval of the December 2020 payroll and vendor payments.

Presented by:

Time needed:

PREPARED BY:

Ramona Rummel, Finance and HR Director

RECOMMENDED ACTION/MOTION:

To approve as presented.

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

December 2020 Payments

Upload Date

1/15/2021



FINANCE OFFICE

RAMONA RUMMEL, FINANCE/HR DIRECTOR

January 15, 2021

To: Board of County Commissioners
Mike Bordogna, County Manager

Below please find a summary of payments issued during the month of December 2020. This presentation of claims is required per CRS 30-25-110.

Staff is recommending the approval of these payments via consent agenda on January 20, 2021.

Any questions, please let me know. Thank you.

Per 30-25-110 C.R. S. Claims presented to the board - when-how paid.

December 2020 Payments		
	PAYROLL	VENDOR PAYMENTS
101 - General Fund	\$887,476.92	\$973,871.92
102 - Road & Bridge Fund	\$133,820.44	\$413,898.46
103 - Social Services Fund	\$45,779.76	\$7,992.21
104 - Sales Tax Capital Fund	\$0.00	\$548,865.37
106 - Transit Fund	\$0.00	\$6,942.07
107 - Retirement Fund	\$54,029.78	\$0.00
108- Parks and Open Space Fund	\$37,136.54	\$34,887.84
109 - Conservation Trust Fund	\$0.00	\$0.00
110 - Lodging Tax Fund	\$0.00	\$24,287.48
111 - Vegetation Management Fund	\$0.00	\$20,653.95
112 - Early Childhood Education Fund	\$0.00	\$124,933.42
113 – Mental Health Fund	\$0.00	\$0.00
115 - Public Health & Environment Fund	\$33,851.50	\$15,988.23
116 - Energy Fund	\$0.00	\$0.00
117 – COVID19 Fund	\$0.00	\$3,000,000.00
224 - Housing Authority	\$0.00	\$0.00
226 - Solid Waste Disposal District	\$0.00	\$20,440.07
TOTALS	\$1,192,094.94	\$5,192,761.02



AGENDA ITEM - 4.a.

TITLE:

9:35 am PUBLIC HEARING: Approval of the Supplemental budget for the year 2020./MOTION

Presented by: Ramona Rummel, County Finance Director and Mike Bordogna, County Manager

Time needed: 10 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

Approval of the supplemental budget as presented.

Approval of the resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for San Miguel County, Colorado

INTRODUCTION/BACKGROUND:

Backup to follow.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

Packet for Public Hearing

Upload Date

1/19/2021



FINANCE OFFICE

Ramona Rummel, Finance/HR Director

TO: Board of County Commissioners
Mike Bordogna, County Manager

DATE: January 18, 2021

RE: 2020 Supplemental Budget

Below please find 2020 supplemental budget requests for your review and approval via attached resolution.

Social Services Fund - \$300,000 supplemental budget being requested to cover the unexpected increases in the administration, food assistance, LEAP, and child care programs. The majority of this increase is due to the COVID19 pandemic which resulted in a demand for increased service levels and food assistance.

Transit Fund - \$216,000 supplemental budget being requested to cover the 4th quarter RETA payment to SMART.

Lodging Tax Fund - \$130,000 supplemental budget being requested for the pass- thru amounts to local marketing companies.

Energy Fund - \$8,015 supplemental budget being requested to cover the cost of a fund transfer to the capital fund for the design of an electrical system for the solar array project.

COVID19 Fund - \$3,095,000 supplemental budget being requested to cover the administration and award payments of the small business grant

Should you have any questions, please let me know. Thank you.

**A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY
TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED
FOR SAN MIGUEL COUNTY, COLORADO**

RESOLUTION 2021 –

WHEREAS, certain operating expenditures for 2020 for San Miguel County have exceeded those anticipated at the time of adoption of the 2020 budget, and

WHEREAS, there have been revenues received or otherwise made available in 2020 which were not anticipated or were not assured at the time of adoption of the 2020 budget, and

WHEREAS, a public hearing was held on January 20, 2021, before the San Miguel County Board of Commissioners, San Miguel County, Colorado to accept public comment, and

WHEREAS, the need exists to appropriate additional expenditures for use by various county funds and spending agencies, as follows:

Social Services Fund	\$ 300,000
Transit Fund	\$ 216,000
Lodging Tax Fund	\$ 130,000
Energy Fund	\$ 8,015
COVID19 Fund	\$3,095,000

AND, WHEREAS, Funds available to be appropriated for the above purposes include:

Social Services Fund	\$ 300,000
Federal and State Backfill Funding	
Transit Fund	
RETA Funding	\$ 216,000
Lodging Tax Fund	
Lodging Tax Revenue	\$ 130,000
Energy Fund	
Operating Reserve	\$ 8,015
COVID19 Fund	
CARES Funding via DOLA	\$3,095,000

AND, WHEREAS, appropriate public notice of this action has been made as required by section 29-1-106 and 109, C.R.S.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of San Miguel County, Colorado, for the purposes detailed above:

THAT, the 2020 appropriation for the San Miguel County Social Services Fund is hereby increased from \$1,358,950 to \$1,658,950;

AND THAT, the 2020 appropriation for the San Miguel County Transit Fund is hereby increased from \$155,000 to \$371,000;

AND THAT, the 2020 appropriation for the San Miguel County Lodging Tax Fund is hereby increased from \$725,000 to \$850,000;

AND, THAT, the 2020 appropriation for the San Miguel County Energy Fund is hereby increased from \$0 to \$8,015;

AND, THAT, the 2020 appropriation for the San Miguel County COVID19 Fund is hereby increased from \$0 to \$3,095,000;

AND, THAT the supplemental appropriations detailed above increase the total appropriations for San Miguel County for 2020 from \$32,405,222 to \$36,149,237.

ADOPTED this 20th day of January, 2021.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

By: _____
Lance Waring, Chair

ATTEST:

Carmen Warfield, Chief Deputy Clerk

Legal Notices

San Miguel County is accepting applications from citizens interested in serving on the San Miguel County Citizen's Weed Advisory Board. The CWAB acts as an advisory board to the Board of County Commissioners to offer input on all aspects of noxious weed management in San Miguel County. There are currently five vacancies that need to be filled and the length of term is 3 years. Qualified persons should submit a letter of interest noting reasons for wanting to serve on the CWAB and any pertinent qualifications to Janet Kask, Director, Parks & Open Space, San Miguel County, P.O. Box 1170, 333 West Colorado Avenue, 3rd Floor, Telluride, CO 81435 or by email to janetk@sanmiguelcountyco.gov.

NOTICE – Invitation to Bid
San Miguel County is requesting proposals for janitorial/cleaning services at the Fairgrounds & Regional Park in Norwood. RFP Bid Packets are available at www.sanmiguelcountyco.gov, or at the Fairgrounds Coordinators Office, 1165 Summit Street, Norwood. Contact DeeAnna Burbridge: 970-327-4321 or deeannab@sanmiguelcountyco.gov. Deadline for proposals: **3:00 PM on Wednesday, January 27, 2021, San Miguel County Fairgrounds, 1165 Summit Street, Norwood, or emailed to smc-fairgrounds@sanmiguelcountyco.gov with Subject Title: 2021 Fairgrounds Cleaning Services Bid.**

The County of San Miguel recruits residents who wish to participate as volunteers on the County Boards, Commissions and Committees. All interested residents are encouraged to apply at any time and applications will be kept on file for one year. For more information, online www.sanmiguelcountyco.gov/245/Boards-Commissions or call 970-728-3844. Current Openings: Open Space Commission – 3 years; Historical Commission – 3 years and Fairboard -2 years

NOTICE OF PURCHASE OF MINERAL RIGHTS AT TAX LIEN SALE AND OF APPLICATION FOR ISSUANCE OF TREASURER'S DEED
To Every Person in Actual Possession or Occupancy of the hereinafter Described Land, Lot or Premises, and to the Person in Whose Name the same was Taxed or Specially Assessed, and to all Persons having Interest of Title of Record in or to the said Premises and To Whom It May Concern, and more especially to:
BOYD OLIVER
PO BOX 511
NORWOOD, CO 81423-0511
You and each of you are hereby notified that on the 25th day of November 2013, the then County Treasurer of San Miguel County, in the State of Colorado, sold at public tax lien sale to TERRI LAMERS the following described mineral rights situate in the County of San Miguel, State of Colorado, to-wit:
UNDIVIDED ONE HALF INTEREST IN OIL GAS MINERALS ON S2SE4 SEC 19 T43 R12, 80 A, N2NE4 SEC 30 T43 R12, 80 A, TOTAL ACRES 160, TOTAL ASSESSED ACRES 80.
AND
UNDIVIDED HALF INTEREST IN OIL GAS MINERALS ON SW4 W2SE4 SEC17 T43 R12, 240 A, N2NW4 SEC 20 T43 R12, 80 A, TOTAL ACRES 320 TOTAL ASSESSED ACRES 160.
and said County Treasurer issued a certificate of purchase therefore to TERRI LAMERS.
That said tax lien sale was made to satisfy the delinquent mineral rights (and special assessment) taxes assessed against said mineral rights for the year 2012;
That said mineral rights was taxed or specially assessed in the name(s) of BOYD OLIVER for said year 2012;
That said TERRI LAMERS on the 21st day of December 2020, the present holder of said certificate (who) has made request upon the Treasurer of said County for a deed to said mineral rights;
That a Treasurer's Deed will be issued for said mineral rights to TERRI LAMERS on the 14th day of April 2021, unless the same has been redeemed;
Said mineral rights may be redeemed from said sale at any time prior to the actual execution of said Treasurer's Deed.
This Notice of Purchase has also been published in THE TELLURIDE DAILY PLANET AND THE NORWOOD POST on January 6, 2021, January 13, 2021 and January 20, 2021.
Witness my hand this 28th day of December 2020
Janice M. Stout, Treasurer of San Miguel County, Colorado

SAN MIGUEL COUNTY

Notice of Proposed 2020 Supplemental Budget Requests

NOTICE is hereby given that the proposed 2020 supplemental budget requests for San Miguel County will be presented to the San Miguel County Board of Commissioners for their consideration at a public hearing to be held on Wednesday, January 20, 2021; 9:35 AM during the regularly scheduled BOCC meeting, via Zoom.

Copies of such proposed supplemental budget requests are available for public inspection in the following locations:

Office of the County Commissioners
333 W Colorado Avenue
Telluride CO 81435

Finance Office
1120 Summit Street
Norwood CO 81423

San Miguel County website
www.sanmiguelcountyco.gov

Any interested elector of San Miguel County may inspect the proposed 2020 supplemental budget requests and file or register any objection thereto at any time prior to the final adoption of the proposed requests on January 20, 2021.



ROAD & BRIDGE DEPARTMENT
RYAN RIGHETTI, ROAD SUPERINTENDENT

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 Friday, January 29, 2021, at which time all bids will be publicly opened and read aloud for the 2021 crushed gravel requirements of San Miguel County. In an effort to comply with the recent restrictions regarding the Coronavirus epidemic, travel between communities is not recommended and distancing between individuals is strongly encouraged. For this reason, 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. The number to call in is 1-862-799-9015. 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, Director

Recreation amid virus takes environmental toll

RECREATION, from page 3

and elsewhere, vandalism has been reported, trash has piled up and new channels for destructive erosion have multiplied.

Dog poop has always been a problem.

“Now human waste has become a big problem,” says Kelly Prendergast, chair of Indian Peaks Wilderness Alliance, working to protect the mosaic popularly reached from Boulder County.

Volunteers were astonished by what they saw in 2020, she says.

“It was like Fourth of July every day.”

Disturbing details emerged from all corners of the state. Wood was pilfered from historic mining structures around the Ice Lakes area in the San Juan Mountains, rangers there reported. They counted double or triple the number of usual hikers on the trail, hundreds scouring sensitive alpine tundra.

Perhaps 2020 was an anomaly, some think. Amid the pandemic, with bars and restaurants and theaters and other city diversions unavailable, and with many Coloradans out of work, the mountains became the ultimate recourse. That much is clear.

But perhaps 2020 was a sign of what's to come.

“I think people who have found that they love outdoor recreation are going to keep coming back,” says Reid Armstrong, public affairs specialist for Arapaho and Roosevelt national forests. “I don't think the numbers are going to decline that much now.”

Which begs the question: Could crowd control strategies tried in the summer of COVID-19 be here to stay?

At the Hessie trailhead, for example, the ranger district partnered with sheriff's deputies.

“They were turning people around by the hundreds on busy weekends after parking was full,” Armstrong says.

North of there, at Brainard Lake, a timed entry system was tried. Arapaho National Forest's most famous destination, Mount Evans Scenic Byway, remained closed, as public health guidelines made opening tricky, Armstrong says.

“We're beginning to have conversations on what to do next year.”

Such conversations are ongoing well beyond that summit.

Reservations continue to be enforced at the Manitou Incline, the iconic trail in Manitou Springs that local leaders closed in March under an emergency order. Similarly, in an announced effort to prevent the coronavirus spread, Rocky Mountain National Park enacted a booking system over the summer that some onlookers see as the future for other overrun national parks in the West.

Another reservation system was born this summer at another Colorado natural treasure: the Maroon Bells. Beyond that scenic area, in the Maroon-Snowmass Wilderness, reservations and permits could soon be required, says Fitzwilliams, who oversaw reservations rolled out in 2019 for Hanging Lake near Glenwood Springs.

And he expects more talks regarding more “management scenarios” at other sites under siege, mentioning spots near Vail and Summit County in particular. Above Breckenridge, at the base of Quandary Peak, 14,000-foot summit fever once again led to overflow on the adjacent highway, the lines of cars on either side of the road and jammed parking lot causing hazards for emergency vehicles.

“If things keep growing the way they are, it's inevitable that some of these areas are going to have to have some management scenarios, either permits or reservations or some sort of those types of tools,” Fitzwilliams says.

“It's just the way it is. The old days aren't here anymore.”

In the old days, there were more staff and resources, Fitzwilliams says. Since he started at White River National Forest 11 years ago, the budget he oversees has plunged 45 percent, he says. The busiest national forest serves as a microcosm for broader cuts to the U.S. Forest Service over recent years.

“We're hitting a point where we can't keep going down while the use (of lands) and output keeps going up,” Fitzwilliams says.

The state's Department of Natural Resources has recognized the issue. At the direction of Gov. Jared Polis, the department has been tasked with formalizing federal, state and local partnerships dedicated to recreation and conservation.

Regional partnerships, Tim Mauck, the department's deputy executive, calls them. The idea is to combine money and manpower and identify priorities, he says.

“The recreation economy is one of those economies that we see as a renewable and sustainable resource, but there's a level of stewardship that goes along with that,” he says. “We gotta be proactive in terms of maintaining that balance, to keep what's special about Colorado truly special.”

In central and northern Colorado, the collaboration has been “super important,” Armstrong says. It fosters “a landscape approach,” she says.

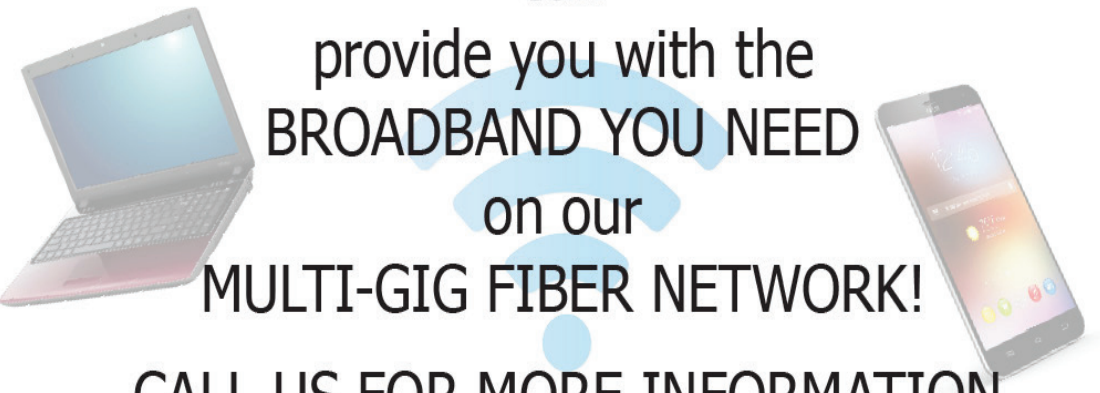
“The squeeze-the-balloon analogy,” she says. “If we try to do some restriction over here, everyone's going to move to another spot, and that's going to be another issue.”

Despite the many issues of 2020, Armstrong sees a silver lining.

“Hopefully it will translate into people starting to love a place,” she says. “This is their land. Helping to care for it like your own backyard — that's the place we want everybody to be.”



can
provide you with the
BROADBAND YOU NEED
on our
MULTI-GIG FIBER NETWORK!
CALL US FOR MORE INFORMATION
970-864-7335



HOROSCOPE
By SALLY BROMPTON
www.sallybrompton.com

BIRTHDAY FRIDAY:
Can you truly be master of your fate? Yes you can, but if you really want to make it happen you need to have a razor-sharp vision of what you want your life to be like. That's your task for the coming year – get rid of fuzzy thinking!

BIRTHDAY SATURDAY:
The most important thing on your birthday is to understand that it's your life and only you have the right to decide which direction it takes. Listen to advice by all means, but listen first and last to your inner voice. It knows what your soul mission is.

ARIES (March 21 - April 20):
Put the little things that have been worrying you so much out of your mind and focus on the big picture instead. The simple fact is you have precious little to fear, so hold your head high, get the smile back on your face and start living again.

TAURUS (April 21 - May 21):
It's good that you are so assertive but while Saturn is moving through the area of your chart that governs your social and professional standing you would be wise not to demand too much of other people. If you do, your rivals will delight in denying you.

GEMINI (May 22 - June 21):
Everything you are meant to achieve will be achieved in the right way and at the right time, so don't push too hard because it will get you nowhere. Try looking for ways to enjoy your social life more. Get out there and have some fun.

CANCER (June 22 - July 23):
Time spent checking the small print is rarely time wasted and today it could save you some serious money. If you discover an error of some kind you must point it out to people in positions of power. If you don't open your mouth it won't get changed.

LEO (July 24 - Aug. 23):
Saturn in your opposite sign means you will have to deal with a partnership issue of some kind. Like it or not you'll have no choice but to give ground and accept that a supporting role is the best you can hope for, at least for a while.

VIRGO (Aug. 24 - Sept. 23):
You'll need to knuckle down to a task you don't much enjoy, but that's just the way it is, so show willing and make a good job of it. Don't think that by messing it up the powers that be won't ask you again in the future – because they will!

LIBRA (Sept. 24 - Oct. 23):
Make sure you use your talents in positive ways today. If you don't you could find that things start going wrong for you, which is merely the universe's way of pointing out that causes always have consequences. Don't be indifferent – be a force for good.

SCORPIO (Oct. 24 - Nov. 22):
The harder you try to persuade others to see things your way the more they will strive to see them a different way. Can you take a hint? Even if you think the evidence is all on your side this is not the right time to preach or persuade.

SAGITTARIUS (Nov. 23 - Dec. 21):
Don't waste time trying to explain to friends and relatives what you are up to because they won't understand. Just do what feels right to you and live with the consequences. You don't have to explain yourself to anyone – just be who you are.

CAPRICORN (Dec. 22 - Jan. 20):
You have been through so many changes lately that you may be praying for a bit of peace and quiet – and you may get lucky today. The planets suggest there will be a bit of a lull before the next storm breaks. Get some rest while you can.

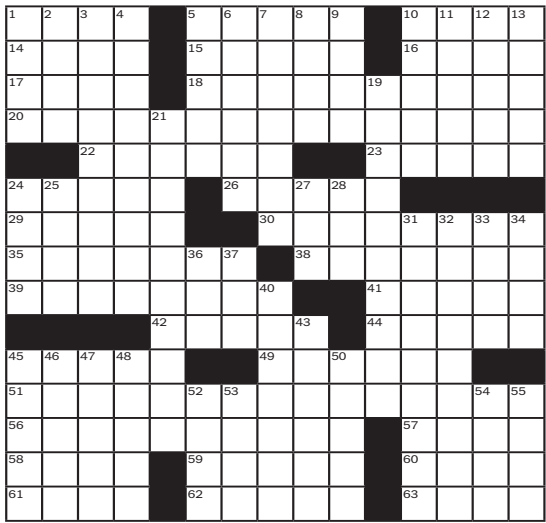
AQUARIUS (Jan. 21 - Feb. 19):
If there is something you left incomplete, something that should have been finished a long time ago, expect to be hounded until you get your act together and get it done. Saturn in your sign warns there are no more hiding places. Get cracking now!

PISCES (Feb. 20 - Mar. 20):
Over the next few days it will surely dawn on you that so many of the things you have been worrying about were no more than wild imaginings. Don't get angry about it – you were not the only one to be misled – but don't get fooled again.

Sign up for THE WEEK IN REVIEW @ TellurideNews.com
... and follow us on social media!

NEW YORK TIMES CROSSWORD

- ACROSS
1 Still on the line, say
5 Sights
10 Big name in razors
14 One of two or three in a typical orchestra
15 Can you believe it?
16 Stuff in a muffin
17 Informal cheer
18 Something about which you might say "It's good!"
20 "Be smart about this, now ..."
22 It requires some assembly
23 Spiced up
24 Growth ____
- 26 Actress Rosie of "Do the Right Thing"
29 Shrubland sight
30 Completely off course
35 A home?
38 Without stopping
39 Some early arrivals
41 "Let's go!," in Durango
42 Like some masks
44 Ham it up
45 "Same here"
49 Take part
51 Like some perfume ads
56 Crack jokes, perhaps?
57 Where Jackie Robinson played college ball
- 58 Northwest county of Pennsylvania
59 Fetal positions?
60 Deck wood
61 One might be pressing
62 Ponders
63 Point on a vane in Spain



PUZZLE BY ARI RICHTER

- DOWN
1 Pulitzer-winning writer Maureen
2 Peek-____
3 Phenomenon discovered by Apollo astronauts
4 Terrarium inhabitant, maybe
5 Take turns, say
6 On deck
7 Feral
8 "Feel the ____" (onetime political slogan)
9 Command that one shouldn't follow
10 Home
11 Goes for it
12 Rushed
13 On edge
19 Fixtures used for pies
21 Penguin's home
24 Store
25 ____ drop (British sweet treat)
27 Big seller of outdoor equipment
28 Suffix with northwest
31 Shortly
32 Cool summer treats
33 Set of awards won by John Legend and Rita Moreno, for short
34 Measurement that might be made in milligrams
36 Zip
- 37 "To God," in hymns
40 Name on an orange Monopoly property
43 French printmaker ____ Daumier
45 Resort near White River National Forest
46 What two X's make
- 47 ____ Ziff, antagonist on "The Simpsons"
48 Like unsuccessful chess players
50 Actor Elba
52 Pal
53 Native of Rwanda
54 Unchanged, as on an earnings report
55 Like bot accounts on social media

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

ANSWER TO PREVIOUS PUZZLE
Table with 10 rows and 15 columns containing crossword answers like GAPS, SAYAH, PTA, OKOK, SOMALI, ION, etc.

Legal Notices
NOTICE OF FINAL PAYMENT AND SETTLEMENT
Town of Telluride, Colorado
Date: January 15, 2021
Project: Telluride Town Park Pavilion Expansion Project
Contractor: Hensen Construction & Development Corporation
Request for Qualifications
The Town of Telluride, Colorado is soliciting proposals from individuals interested in the joint position of Combined Marijuana Licensing Authority Hearing Officer for a two-year term beginning March 09, 2021.

ORDINANCE NO. 1526 SERIES OF 2021
The Town Council Of The Town Of Telluride, Colorado Passed Ordinance #1526 An Ordinance Of The Town Council Of The Town Of Telluride, Colorado Amending The 2020 Municipal Budget By Making Supplemental Appropriations From Fund Balance And Revenue Received In Excess Of Those Estimated In 2020 Budget At The Regular Meeting On January 12, 2021.
ORDINANCE NO. 1525 SERIES OF 2021
The Town Council Of The Town Of Telluride, Colorado Passed Ordinance #1525 An Ordinance Of The Town Council Of The Town Of Telluride, Colorado Establishing Water & Wastewater Rates And Charges For 2021 At The Regular Meeting On January 12, 2021.

SAN MIGUEL COUNTY COLORADO
ROAD & BRIDGE DEPARTMENT
RYAN RIGHETTI, ROAD SUPERINTENDENT
INVITATION TO BID
San Miguel County will receive sealed bids at the Road & Bridge Office, in the Glickson Building, 1120 Summit St, PO Box 426, Norwood, CO 81423 until 9:00 a.m. on Friday, January 29, 2021, at which time all bids will be publicly opened and read aloud for the 2021 crushed gravel requirements of San Miguel County.

SAN MIGUEL COUNTY
Notice of Proposed 2020 Supplemental Budget Requests
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Finance Office
1120 Summit Street
Norwood CO 81423
San Miguel County website
www.sanmiguelcountycogov
Any interested elector of San Miguel County may inspect the proposed 2020 supplemental budget requests and file or register any objection thereto at any time prior to the final adoption of the proposed requests on January 20, 2021.

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AGENDA ITEM - 4.b.

TITLE:

9:45 am Approval of the Chair's signature and consideration by the Board for Resolution 2021-3, Resolution of the Board of County Commissioners, San Miguel County, Colorado, Regulating Activities on County Roads and County Rights of Way and Adopting Road & Bridge Permits Standards and Bonding/Fee Schedules/MOTION

Presented by: Ryan Righetti, County Road and Bridge Superintendent

Time needed: 5 mins

PREPARED BY:

Ryan Righetti, County Road and Bridge

RECOMMENDED ACTION/MOTION:

Approval of Chair's signature on the adoption of Resolution 2021-3 replacing and rescinding Resolutions 1996-023 and 1996-024 to reflect updated regulation of activities as well as bonding and fees.

INTRODUCTION/BACKGROUND:

The Resolutions have not been finalized. This agenda item may be pushed to 12/30/2020.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description	Upload Date
Memo	12/11/2020
Past Resolution	12/11/2020
Past Resolution Schedule A	12/11/2020



ROAD & BRIDGE DEPARTMENT

RYAN RIGHETTI, ROAD SUPERINTENDENT

To: Board of County Commissioners; Mike Bordogna; Ramona Rummel; Amy Markwell
From: Ryan Righetti
Re: Amending BOCC Resolutions Regulating Activities within County Road Right-of-Way,
Establishing Fees and Bonding for Disturbances to the County Road System
Date: December 08, 2020

As part of the 2021 County Budget process, Departments have been requested to review and update their application and permit fees. Administrative and operational costs have increased over the time since the last review and update was performed to the permit system Road and Bridge uses to authorize work and encroachments within the County Road Right-of-Way. The last update was performed in 1996.

In accordance with Colorado Statutes concerning the regulation of activities within the County Road Rights-of-Way sections 42-5-501 through 42-5-512, 43-2-111, in addition but not limited to 43-5-301 through 43-5-307, as amended. Road and Bridge recommends amending BOCC Resolutions 1996-23 and 1996-24 to reflect updated regulation of activities as well as bonding and fees.

Road and Bridge has attached updated recommendations for the Board to adopt as new resolutions. Resolutions 2020-__ and 2021-__ replacing Resolutions 1996-23 and 1996-24.

Resolution Concerning the Regulation of Activities within County Road Rights-Of-Way and Amending Resolutions 1979-4 and 1978-69.

WHEREAS, pursuant to sections 42-4-510 and 42-4-511, C.R.S., as amended, San Miguel County is authorized to regulate the size and weight of vehicles traveling upon the County road system, and to require that vehicles which exceed size and weight restrictions obtain permits prior to using County roads; and

WHEREAS, pursuant to section 42-4-510(3), C.R.S., as amended, is authorized to issue or withhold permits for vehicles which exceed the size and weight limitations established by statute, and if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which vehicles may be operated on the County roads indicated, or otherwise to limit or prescribe conditions of operation of such vehicles when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the County roads from undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any highway or highway structure; and

WHEREAS, Section 42-4-512, C.R.S., as amended, provides that no person shall drive, operate, or move upon or over any highway or highway structure any vehicle, object, or contrivance in such a manner so as to cause damage to said highway or highway structure, and such person shall be liable for any such damage caused regardless of the weight or size of the vehicle and whether or not the person has obtained a permit authorizing the activity causing the damage. Every person violating the provisions of section 42-4-512, C.R.S., shall be liable for all damage which said highway or highway structure may sustain as a result of such usage or activity. Whenever the driver of such vehicle, object, or contrivance is not the owner of same but is operating, driving, or moving such vehicle, object, or contrivance with the express or implied consent of the owner, then the owner or driver shall be jointly and severally liable for any such damage; and

WHEREAS, pursuant to section 43-2-111, C.R.S., as amended, the Board of County Commissioners is responsible for the construction and maintenance of the County road system. The County road supervisor is legally vested with the power to prevent damage to County roads from ditch overflows, insufficient or unsafe conduits, flumes, or ditches crossing such roads, the removal or disposition of any material injurious to such roads, unsafe railway or tramway crossings, or any other cause which may arise and which comes under the jurisdiction of the board of county commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, AS FOLLOWS:

A. Any person or persons, agents or employees of these persons must, prior to any excavation, or disturbance of any facet of a county road, right-of-way or appurtenance thereto which is included on the County road system within the boundaries of the County of San Miguel, comply with certain restrictions as listed below:

1. All activities subject to the this Resolution can be commenced only upon written approval of the Board of County Commissioners and/or that of the County Road Superintendent or his designated representative. Should the Superintendent fail or refuse to issue any permit applied for pursuant to this Resolution, the applicant for same may appeal such failure or refusal to the San Miguel County Board of Commissioners. Any such appeal shall be made in writing to the Board of County Commissioners, with a copy to the County Road Superintendent, and filed with the Board within ten days of the failure or refusal to grant a permit. Within ten days of the receipt of an appeal, the Board of County Commissioners shall schedule the matter to be heard at a noticed public meeting of the Board, to be held within thirty days of receiving the appeal. No less than five working days prior to the date at which the Board of County Commissioner is scheduled to consider an appeal the party filing the appeal shall be given written notice of the time, date, and place at which the appeal will be considered, and at which, evidence may be received from applicant, County Road Superintendent, and interested members of public.
2. Each and every activity other than normal public use of the county roads, right-of-ways and appurtenances will be considered as within the purview of this resolution. Activities not considered normal public use include, but are not limited to: (1) utility excavation, relocation, repair or placement of facilities, (2) private maintenance of county roads, (3) filming of commercials when road conditions are altered, (4) the operation of any vehicles, combination of vehicles, or equipment, upon a County road which exceed the size and/or weight restrictions set forth in sections 42-4-501 through 42-4-512, C.R.S., as amended, or the operation of any hauling estimated to be in excess of 3,000,000 pounds within a twelve month period beginning with the date of permit approval over a specified county road haul route.
3. Each and every activity shall be considered a separate incident, and each will require bonding or the posting of other acceptable security according to the nature and scope of activity and to the satisfaction of the Board of County Commissioners and/or the County Road Superintendent. (See attached Schedule A - Bonding and Fees) The amount of bonding or other security must be adequate to cover all reasonably foreseeable damages as determined by the County Road Superintendent in accordance with the provisions of this Resolution.

Note: The following activities may also require a County Development and/or Special Use Permit:

- a. utility extension over 1000 feet
 - b. any disturbance within 100 feet of wetlands
 - c. hauling between 60,000 pounds and 3,000,000 pounds of materials subject to Land Use Code requirements in a twelve month period.
4. In the event of damages being repaired by other than county personnel, all aspects of the work performed must be guaranteed as to the quality of workmanship and materials employed for at least one year from the date of completion of repairs. Completed repairs must be inspected and approved by the County Road Superintendent or his designated representative.
5. Each applicant, or their designee, involved in any of the above referenced activities must take all necessary precautions to protect the public from any danger attributable to said activities and must hold the County, its agents or employees harmless and free forever of all liabilities concerning the same.
6. In the event that the requirements herein are not satisfied at all times, by decision of the Board of County Commissioners and/or County Road Superintendent, the bond posted shall be forfeited, payable to the County, and those who failed to perform must pay any and all additional expenses incurred, including all legal fees, construction costs, and additional damages necessary and pertinent to the case.
7. All repairs must be made to return the road, right-of-ways, and appurtenances to a condition equal to or exceeding their pre-construction condition.
8. Special Conditions may be attached to the approved permit with said conditions becoming an integral part of the permit requiring full compliance at all times. Special Conditions may include, but are not limited to; hours and days of operation, dust control, designation of routes, speed limits, backfill requirements, traffic control requirements, revegetation, and any other condition deemed necessary by the County Road Superintendent or his designated representative including a requirement to provide a *certificate of insurance* from the contractor's carrier naming San Miguel County as an additional insured in the following minimum amounts:
 - a. Standard Workman's Compensation and Employer's Liability, including occupational disease, covering all employees engaged in the performance of work at the site, in the amount required by State Statutes.

b. Comprehensive General Public Liability and Property Damage Insurance:

Bodily Injury \$150,000.00 per person
Property Damage . . \$600,000.00 each occurrence

c. Comprehensive Auto Liability and Property Damage Insurance:

Bodily Injury \$150,000.00 per person
Property Damage . . \$600,000.00 per person

No hauling or any other activity will be allowed when road conditions, weather conditions or visibility make traveling hazardous to the operator or the traveling public.

9. Those performing work, upon notice by County Road Superintendent, or their designee, of failure to meet the standards and special conditions of this permit will immediately cease and desist from further action except protecting the public and public and private property from danger, until such notice is properly rescinded by County authority. Failure to fully comply with all conditions of the permit shall result in revocation of the permit and immediate stoppage of the work..
10. All emergency repair work done by County personnel within and upon a damaged area will be paid for by those having caused the damage at the County's current rental rate schedule and without recourse on the County, its agents or employees.
11. The applicant will be responsible for documentation, including photos or video taping of before and after construction activity. Otherwise, the applicant agrees to complete repairs or reclamation to the satisfaction of Road Department personnel based on their before and after visual inspection of the site.
12. In the event this permit is issued for the purpose of hauling material, the County makes no guarantee that the approved haul route will be adequate and the applicant assumes responsibility for all necessary improvements as well as continued maintenance under the supervision of County authority for the duration of hauling.
13. The provisions of sections 42-4-501 through 4-24-512, C.R.S., as amended pertaining to the regulation of the size and weight of vehicles traveling upon public roads and highways, and establishing permitting fees and requirements for such vehicles, are incorporated herein by reference and shall apply to all vehicles, or combination of vehicles, traveling upon, or otherwise using, the public roads within the San Miguel County road system.

14. This Resolution is adopted for the purpose of protecting and preserving the public health, safety, and welfare. Should a court of competent jurisdiction find and declare that any specific provision or provisions of this Resolution are illegal, unconstitutional, or otherwise legally unenforceable, that specific provision or provisions shall be deemed to be severable from the remaining provisions of this Resolution, which shall remain in full force and effect. The provisions of San Miguel County Resolutions 1978-69 and 1979-4 are hereby repealed as of the effective date of this Resolution. This Resolution shall be legally effective immediately upon passage.
15. Issuance of a Special Construction Permit does not relieve the permittee from obligation to comply with all applicable state statutes including, but not limited to 42-4-510, 42-4-511, 42-4-512, and 43-2-111 C. R. S. as amended. In addition, all permittees shall be subject to the provisions of 43-5-301 through 43-5-307 C.R.S. as amended.

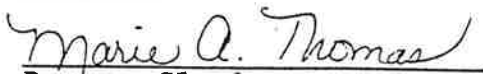
Passed this 28th day of May, 1996.

BOARD OF COUNTY COMMISSIONERS



Jim Craft, Chair

ATTEST:



Deputy Clerk

SCHEDULE A

A Resolution by the Board of County Commissioners establishing fees and bonding requirements for disturbances to the County road system and rights-of way.

RESOLUTION 1996-24 BONDING AND FEE SCHEDULE

The fee and bonding requirements are a separate Resolution and attached to Resolution 1996-23 as Schedule A, and may be amended or revised as deemed necessary by the Board of County Commissioners, at any time, without prior notice. The following fees and regulations shall apply to disturbances to the County road system by other than County personnel.

PERMIT FEES

- | | | |
|-----|--|-----------|
| 1. | Minor utility cut within roadway (100' or less) | \$ 50.00 |
| 2. | Utility cut within roadway (100-1000') | \$ 100.00 |
| 3. | Utility cut (over 1000') | \$ 200.00 |
| 4. | Installation of overhead utilities | \$ 50.00 |
| 5. | Overweight permits for vehicles or loads exceeding legal weight limits up to 200,000 pounds: | |
| | A. Annual Permit | \$ 400.00 |
| | B. Single Trip - \$15.00 + \$ 5.00 per axle | |
| 6. | Overlength, overwidth and overheight permits on loads which do not exceed legal weight limits | |
| | A. Annual Permit | \$ 250.00 |
| | B. Single Trip | \$ 15.00 |
| 7. | Special permits for structural, oversize or overweight moves requiring extraordinary action, or moves involving weight in excess of 200,000 pounds, for single trip permit | \$ 125.00 |
| 8. | Private maintenance of County Roads (requires annual renewal) | \$ 200.00 |
| 9. | All other activity or potential disturbances to County Roads or right-of-ways (<u>includes Driveway Permits</u>) | \$ 50.00 |
| 10. | For hauls estimated to exceed 3,000,000 pounds in a twelve month period over a specified county road haul route | \$ 250.00 |

REVEGETATION FEES

1. A fee calculated at the rate of \$.02 per linear foot of disturbance will be assessed permittees to insure that monitoring, mapping, observation and weed control are adequate after the soil disturbance takes place. Such fee shall apply only to disturbances that exceed 200' in length. The minimum fee shall be \$25 per disturbance for up to 1250'.
2. Any roadside disturbances shall be revegetated upon completion of the work in accordance with recommendations from the Natural Resources Conservation Services or the San Miguel Basin Weed Advisory Board Manager.

Bonds

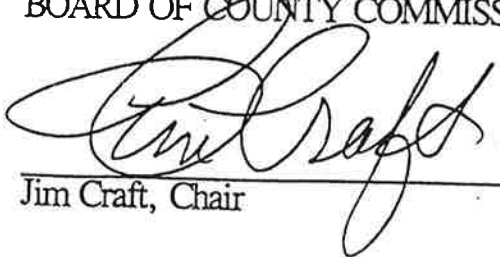
The following bonding schedule is intended to be a guide, and the Board of County Commissioners or Road Superintendent may increase, decrease or eliminate the bond requirement after considering the scope of the project, location, time of year, contractor's previous performance or other pertinent circumstances.

The type of bond will be specified when the permit is issued.

1. Minor utility cut = \$1000 or less, to be determined by Road Department personnel after a pre-construction inspection and consideration of the on-site conditions.
2. Utilities installation over 1000' = \$1 per foot
3. Installation of overhead utilities = \$250 per pole
4. Private maintenance of County Roads - Minimum \$1000 and \$1000 per mile.
5. Overweight or oversize vehicles - bond to be determined after considering route, road surface type, distance and number of trips proposed.
6. All other activity or potential disturbance to County Roads - to be determined at the time of application.
7. Minimum bond for hauling in excess of 3,000,000 pounds in a twelve month period = \$2000. Bond amount above the minimum will be determined after considering; number of loads, total weight, road conditions, length of county road haul route and seasonal factors.

Passed this 28th day of May, 1996.

BOARD OF COUNTY COMMISSIONERS



Jim Craft, Chair

ATTEST:



Deputy Clerk

SCHEDULE A

A Resolution by the Board of County Commissioners establishing fees and bonding requirements for disturbances to the County road system and rights-of ways.

RESOLUTION 1996-24 BONDING AND FEE SCHEDULE

The fee and bonding requirements are a separate Resolution and attached to Resolution 1996-23 as Schedule A, and may be amended or revised as deemed necessary by the Board of County Commissioners, at any time, without prior notice. The following fees and regulations shall apply to disturbances to the County road system by other than County personnel.

PERMIT FEES

1. Minor utility cut within roadway (100 feet or less) \$ 50.00
2. Utility cut within roadway (100 to 1000 feet) \$ 100.00
3. Utility cut (over 1000 feet) \$ 200.00
4. Installation of overhead utilities \$ 50.00
5. Overweight permits for vehicles or loads exceeding legal weight
limits up to 200,000 pounds:
 - A. Annual Permit \$ 400.00
 - B. Single Trip - \$15.00 + \$5.00 per axle
6. Overlength, overwidth and overheight permits on loads which
do not exceed legal weight limits
 - A. Annual Permit \$ 250.00
 - B. Single Trip \$ 15.00
7. Special permits for structural, oversize or overweight moves
requiring extraordinary action ,or moves involving weight in
excess of 200,000 pounds, for single trip permit \$ 125.00
8. Private maintenance of County Roads (requires annual renewal) \$ 200.00
9. All other activity or potential disturbances to County Roads or
right-of-ways (includes Driveway Permits) \$ 50.00
10. For hauls estimated to exceed 3,000,000 pounds in a twelve
month period over a specified county road haul route \$ 250.00

REVEGETATION FEES

1. A fee calculated at the rate of \$.02 per linear foot of disturbance will be assessed permittees to insure that monitoring, mapping, observation and weed control are adequate after the soil disturbance takes place. Such fee shall apply only to disturbances that exceed 200 feet in length. The minimum fee shall be \$25 per disturbance for up to 1250 feet.
2. Any roadside disturbance shall be revegetated upon completion of the work in accordance with recommendations from the Natural Resources Conservation Services or the San Miguel Basin Weed Advisory Board Manager.

Bonds

The following bonding schedule is intended to be a guide, and the Board of County Commissioners or Road Superintendent may increase, decrease or eliminate the bond requirement after considering the scope of the project, location, time of year, contractor's previous performance or other pertinent circumstances.

The type of bond will be specified when the permit is issued.

1. Minor utility cut = \$1000 or less, to be determined by Road Department personnel after a pre-construction inspection and consideration of the on-site conditions.
2. Utilities installation over 1000' = \$1 per foot
3. Installation of overhead utilities = \$250 per pole
4. Private maintenance of County Roads - Minimum \$1000 and \$1000 per mile.
5. Overweight or oversize vehicles - bond to be determined after considering route, road surface type, distance and number of trips proposed.
6. All other activity or potential disturbance to County Roads - to be determined at the time of application.
7. Minimum bond for hauling in excess of 3,000,000 pounds in a twelve month period = \$2000. Bond amount above the minimum will be determined after considering; number of loads, total weight, road conditions, length of county road haul route and seasonal factors.

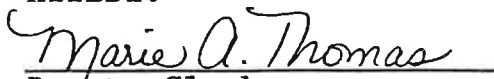
Passed this 28th day of May, 1996.

BOARD OF COUNTY COMMISSIONERS



Jim Craft, Chair

ATTEST:



Deputy Clerk

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, SAN MIGUEL
COUNTY, COLORADO, REGULATING ACTIVITIES ON COUNTY ROADS AND
COUNTY RIGHTS-OF-WAY, ADOPTING ROAD AND BRIDGE PERMIT
STANDARDS AND ESTABLISHING FEES AND BONDING REQUIREMENTS**

Resolution # 2021- 03

WHEREAS, pursuant to C.R.S. § 42-4-510 and 42-4-511, as amended, San Miguel County (“County”) is authorized to regulate the size and weight of vehicles traveling upon the County road system, and to require that vehicles which exceed size and weight restrictions obtain permits prior to using County roads; and

WHEREAS, pursuant to C.R.S. § 42-4-510(3), as amended, the County is authorized to issue or withhold permits for vehicles which exceed the size and weight limitations established by statute, and if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which vehicles may be operated on the County roads indicated, or otherwise to limit or prescribe conditions of operation of such vehicles when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the County roads from undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any highway or highway structure; and

WHEREAS, C.R.S. § 42-4-512, as amended, provides that no person shall drive, operate, or move upon or over any highway or highway structure any vehicle, object, or contrivance in such a manner so as to cause damage to said highway or highway structure, and such person shall be liable for any such damage caused regardless of the weight or size of the vehicle and whether or not the person has obtained a permit authorizing the activity causing the damage. Every person violating the provisions of C.R.S. § 42-4-512 shall be liable for all damage which said highway or highway structure may sustain as a result of such usage or activity. Whenever the driver of such vehicle, object, or contrivance is not the owner of same but is operating, driving, or moving such vehicle, object, or contrivance with the express or implied consent of the owner, then the owner or driver shall be jointly and severally liable for any such damage; and

WHEREAS, pursuant to C.R.S. § 43-2-111, as amended, the Board of County Commissioners (“BOCC”) is responsible for the construction and maintenance of the County road system. The County road supervisor (“County Road and Bridge Director” or “Director”) is legally vested with the power to prevent damage to County roads from ditch overflows, insufficient or unsafe conduits, flumes, or ditches crossing such roads, the removal or disposition of any material injurious to such roads, unsafe railway or tramway crossings, or any other cause which may arise and which comes under the jurisdiction of the BOCC; and

WHEREAS, the fees and bonding requirements for disturbances to the County road system and rights-of-way are set forth herein as Schedule A and may be amended or revised at any time as deemed necessary by the BOCC; and

WHEREAS, the minimum insurance amounts that may be required and are set forth herein as Schedule B and may be amended or revised at any time as deemed necessary by the BOCC; and

WHEREAS, this Resolution concerning the Regulation of Activities within County Road Rights-of-Way and adopting road and bridge permit standards and bonding/fee schedules effectively rescinds and replaces prior Resolutions 1978-69, 1979-4, 1996-23, and 1996-24 in their entirety.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, AS FOLLOWS:

- A. Any person, or persons, agents or employees of these persons must, prior to any excavation, or disturbance of any facet of a County road, right-of-way or appurtenance thereto which is included on the County road system within the boundaries of the San Miguel County, Colorado, comply with certain restrictions as listed below.
 1. All activities subject to this Resolution can be commenced only upon written approval of the San Miguel County Board of County Commissioners and/or that of the County Road and Bridge Director or his designated representative. Should the Director fail or refuse to issue any permit applied for pursuant to this Resolution, the applicant for same may appeal such failure or refusal to the BOCC. Any such appeal shall be made in writing to the BOCC, with a copy to the Director, and filed with the BOCC within ten days of the failure or refusal to grant a permit. Within ten days of the receipt of an appeal, the BOCCs shall schedule the matter to be heard at a noticed public meeting of the Board, to be held within thirty days of receiving the appeal. No less than five working days prior to the date at which the BOCC is scheduled to consider an appeal the party filing the appeal shall be given written notice of the time, date, and place at which the appeal will be considered, and at which, evidence may be received from applicant, Director, and interested members of public.
 2. Each and every activity other than normal public use of County roads, right-of-ways and appurtenances will be considered as within the purview of this resolution. Activities not considered normal public use include, but are not limited to: (1) utility excavation, relocation, repair or placement of facilities, (2) private maintenance of County roads, (3) filming of commercials when road conditions are altered, or any activity where the flow of traffic or road conditions are altered, (4) the operation of any vehicles, or equipment, upon a County road which exceed the size and/or weight restrictions set forth in C.R.S. §§ 42-4-501 through 42-4-512, as amended, or the operation of any hauling estimated to be in excess of 3,000,000 pounds within a twelve month period beginning with the date of the permit approval over a specified County road haul route.

3. Each and every activity shall be considered a separate incident, and each will require bonding or the posting of other acceptable security according to the nature and scope of activity and to the satisfaction of the Board of County Commissioners and/or the Road and Bridge Director. (See attached Schedule A – Bonding and Fees) The amount of bonding or other security must be adequate to cover all reasonably foreseeable damages as determined by the Director in accordance with the provisions of this Resolution.

Note: The following activities may also require a County Development and/or Special Use Permit:

- Utility extension over 1,000 feet
 - Any disturbance within 100 feet of wetlands
 - Hauling between 60,000 pounds and 3,000,000 pounds of materials subject to Land Use Code requirements in a twelve month period.
4. In the event of damages being repaired by other than County personnel, all aspects of the work performed must be guaranteed as to the quality of workmanship and materials employed for at least one year from the date of completion of repairs. Completed repairs must be inspected and approved by the Director or his designated representative.
 5. Each applicant, or their designee, involved in any of the above referenced activities must take all necessary precautions to protect the public from any danger attributable to said activities and must hold the County, its agents or employees harmless and free forever of all liabilities concerning the same.
 6. In the event that the requirements herein are not satisfied at all times, by decision of the BOCC and/or Director the bond posted shall be forfeited, payable to the County, and those who failed to perform must pay any and all additional expenses incurred, including all legal fees, construction costs, and additional damages necessary and pertinent to the case.
 7. All repairs must be made to return the road, right-of-ways, and appurtenances to a condition equal to or exceeding their pre-construction condition.
 8. Special Conditions may be attached to the approved permit with said conditions becoming an integral party of the permit requiring full compliance at all times. Special Conditions may include, but are not limited to; hours and days of operation, dust control, designation of routes, speed limits, backfill requirements, traffic control requirements, revegetation, and any other condition deemed necessary by the Director or his designated representative including a requirement to provide a certificate of insurance from the contractor's carrier naming "San Miguel County, Colorado" as an additional insured in the minimum amounts as set forth in Schedule B.
 9. No hauling or any other activity will be allowed when road conditions, weather conditions or visibility make traveling hazardous to the operator or the traveling public.

10. Those performing work, upon notice by the Director, or their designee, of failure to meet the standards and special conditions of this permit will immediately cease and desist from further action except protecting the public and private property from danger, until such notice is properly rescinded by County authority. Failure to fully comply with all conditions of the permit shall result in revocation of the permit and immediate stoppage of the work.
11. All emergency repair work done by County personnel within and upon a damaged area will be paid for by those having caused the damage at the County's current rental rate schedule and without recourse on the County, its agents or employees.
12. The applicant will be responsible for documentation, including photos or videotaping before and after construction activity. Otherwise, the applicant agrees to complete repairs or reclamation to the satisfaction of County Road and Bridge Department personnel based on their before and after visual inspection of the site.
13. In the event this permit is issued for the purpose of hauling material, the County makes no guarantee that the approved haul route will be adequate and the applicant assumes responsibility for all necessary improvements as well as continued maintenance under the supervision of County authority for the duration of the hauling.
14. The provisions of C.R.S. §§42-4-501 through 42-4-512, as amended, pertaining to the regulation of the size and weight of vehicles traveling upon public roads and highways, and establishing permitting fees and requirements for such vehicles, are incorporated herein by reference and shall apply to all vehicles, or combination of vehicles, traveling upon, or otherwise, using, the public roads within the County road system.
15. This Resolution is adopted for the purpose of protecting and preserving the public health, safety, and welfare. Should a court of competent jurisdiction find and declare that any specific provision or provisions of this Resolution are illegal, unconstitutional, or otherwise legally unenforceable, that specific provision or provisions shall be deemed to be severable from the remaining provisions of this Resolution, which shall remain in full force and effect. The provisions of San Miguel County Resolutions 1978-69, 1979-4, 1996-23, 1996-24 are hereby repealed as of the effective date of this Resolution. This Resolution shall be legally effective immediately upon passage.
16. Issuance of a Special Construction Permit does not relieve the permittee from obligation to comply with all applicable federal or town, rules or regulations, or state statutes including, but not limited to C.R.S. §§ 42-4-510, 42-4-511, 42-4-512, and 43-2-111 as amended. In addition all permittees shall be subject to the provisions of C.R.S. §§ 43-5-301 through 43-5-307 as amended.

DONE AND APPROVED IN SAN MIGUEL COUNTY, COLORADO, this 20th day of January 2021.

**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

By: _____
Lance Waring, Chair

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

ATTEST:

By: _____
Carmen Warfield, Chief Deputy Clerk

SCHEDULE A
BONDING AND FEE SCHEDULE

PERMIT FEES

1. Minor utility cuts within roadway, Road Boring / Pavement \$ 75.00
Additional cuts on same permit \$ 20.00
2. Utility cuts for distribution lines
 - Trench Width Per Foot
 - Up to 6" \$ 0.10
 - 6" thru 23" \$ 0.15
 - 23" thru 35" \$ 0.35
 - 35" and up \$ 0.50
3. Installation of overhead utilities \$ 75.00
4. Overweight permits for vehicles or loads exceeding CDOT single load legal weight limits up to 200,000 pounds
 - A. Annual Permit \$ 400.00
 - B. Single Trip - \$15.00 + \$5.00 per axle
 - C. Special permits for structural, oversize or overweight moves requiring
Extraordinary action, or moves involving weight in excess of 200,000 pounds for
single trip permit \$ 125.00
5. Over length, over width and over height permits on loads which do not exceed legal weight limits
 - A. Annual Permit \$ 250.00
 - B. Single Trip \$ 15.00
6. For hauls estimated to exceed 3,000,000 pounds in a twelve month period over a specified County Road haul route \$ 250.00
7. Private maintenance of County Roads (requires annual renewal) \$ 200.00
8. All other activity or potential disturbances to County Roads or ROWs
(Includes Driveway Permits) \$ 75.00

REVEGETATION FEES

1. A fee calculated at the rate of \$.02 per sq. ft. of disturbance will be assessed permittees to insure that monitoring, mapping, observation and weed control are adequate after the soil disturbance takes place. Such fee shall apply only to disturbances that exceed 1,250 sq. ft. in length. The minimum fee shall be \$25 per disturbance.

2. Any roadside disturbances shall be revegetated upon completion of the work in accordance with recommendations from the San Miguel County Vegetation Management and Weed Control Department.

BONDS

The following bonding schedule is intended to be a guide, and the Board of County Commissioners or Road Superintendent may increase, decrease or eliminate the bond requirement after considering the scope of the project, location, time of year, contractor's previous performance or other pertinent circumstances.

The type of bond will be specified when the permit is issued.

1. Aboveground work in the ROW = \$2,000 or less, if required, to be determined by Road & Bridge Department personnel after a pre-construction inspection and consideration of the on-site conditions.
2. Distribution and Service utilities installation = \$2,000 minimum, to be determined by Road & Bridge Department personnel after a pre-construction inspection and consideration of the on-site conditions.
3. Installation of overhead utilities = \$250 per pole.
4. Private maintenance of County Roads = Minimum \$2,000 and \$1,000 per mile.
5. Overweight or oversize vehicles – bond to be determined after considering route, road surface type, distance and number of trips proposed.
6. All other activity or potential disturbance to County Roads – to be determined at the time of application.
7. Minimum bond for hauling in excess of 3,000,000 pounds in a twelve month period - \$2,000. Bond amount above the minimum will be determined after considering: number of loads, total weight, road conditions, and length of County Road haul route and seasonal factors.

SCHEDULE B
INSURANCE MINIMUMS

1. Standard Workman's Compensation and Employer's Liability, including occupational disease, covering all employees engaged in the performance of work at the site, in the amount required by State Statutes.

2. Comprehensive General Public Liability and Property Damage Insurance:

These rates are set by CGIA ("Colorado Governmental Immunity Act") and are subject to change.

Bodily Injury	\$387,000 per person
Property Damage	\$1,093,000 each occurrence

3. Comprehensive Auto Liability and Property Damage Insurance:

Bodily Injury	\$300,000 per person
Property Damage	\$600,000 each occurrence



AGENDA ITEM - 4.c.

TITLE:

9:50 am 2nd Reading - Approval of the Chair's Signature on Ordinance 2021-01, Regulating the Parking of Vehicles on County Roads, Property and Road Right of Ways as amended Dec. 16, 2020./MOTION

Presented by: Amy Markwell, County Attorney

Time needed: 5 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

Ordinance #2021-01 of the Board of County Commissioners on San Miguel County, Colorado Regulating the Parking of Vehicles on County Roads, Property and Road Right of Ways was introduced, read and adopted as amended on the first reading and published in the Norwood Post and the Telluride Times January 6, 2021 Adopted, approved and ordered as adopted on January 20, 2021 at Telluride, Colorado.

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

Parking Ordinance #2021-1

Upload Date

12/23/2020

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO
REGULATING THE PARKING OF VEHICLES ON
COUNTY ROADS, PROPERTY AND ROAD RIGHT OF WAYS**

ORDINANCE NO. 2021-01

WHEREAS, pursuant to C.R.S. §30-15-401(1)(h), the Board of County Commissioners of San Miguel County, Colorado, (“Board”) is authorized to adopt ordinances to control and regulate the movement and parking of motor vehicles on public property; and

WHEREAS, pursuant to C.R.S. §42-4-111(1)(a) and (c), the Board is authorized to regulate or prohibit the stopping, standing or parking of vehicles and to regulate traffic by means of Official Traffic Control Devices; and

WHEREAS, pursuant to C.R.S. §30-11-107(1)(a), the Board has the power to make such orders concerning property belonging to the County as it may deem expedient, and to perform such duties respecting County roads as may be required by law; and

WHEREAS, C.R.S. §42-4-1204(1), sets forth the areas that are appropriate for parking and stopping of vehicles; and

WHEREAS, C.R.S. §42-4-1803, the San Miguel County Sheriff, Undersheriff, Deputy Sheriff, or agency employee has authority to remove by towing any motor vehicle abandoned on public property or an unattended motor vehicle obstructing traffic or county road maintenance; and

WHEREAS, it is the desire of the Board to set forth an orderly procedure to regulate parking of vehicles on county roads, property and road right-of-ways within the boundary of the Telluride R-1 School District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, as follows:

I. PARKING

A. DEFINITIONS

1. County Property: Any real property having its title, ownership, use, or possession held by San Miguel County to include parks, parking lots and developed or undeveloped land.
2. County Roadway: For purposes of this Ordinance, the “County Roadway” is defined as follows:
 - a. The road surface and County maintained drainage features of maintained County roads.

- b. Any platted right-of-way.
 - c. Any public right-of-way as defined in C.R.S. §43-2-201.
 - d. All areas within a cul-de-sac.
 - e. Designated snow plow turnarounds and all maintenance areas.
 - f. All designated emergency pull-outs and school bus turn-arounds.
3. Disabled Vehicle: A validly licensed and registered vehicle, trailer or camper that will not move under its own power due to mechanical failure, snow or other circumstances.
 4. Motor Vehicles: Any self-propelled vehicle that is designed primarily for travel on public highways and that is generally and commonly used to transport persons and property over the public streets and highways.
 5. Non-Commercial or Recreational Vehicle: A truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or a motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.
 6. Object: An “Object” includes by way of example and not limitation, construction materials/equipment, discarded articles and scrap materials.
 7. Park or Parking: The standing of a Vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers (C.R.S. §42-102(67)).
 8. Road & Bridge Permit: A County permit that may be obtained from the County Road and Bridge Department. Said Permit shall be issued on a case-by-case basis and will be restricted to a specific Vehicle or location.
 9. Trailer: Any wheeled Vehicle, without motive power, which is designed to be drawn by a Motor Vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, horses, or other property over highways and County roadways.
 10. Vehicle: A device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks, including but not limited to Motor Vehicles, Recreational Vehicles, and Trailers.

B. RESTRICTING PARKING IN DESIGNATED AREAS

1. The gross general areas defined for this policy are the same boundary lines for the Telluride R1 School District. The County may post signs pursuant to this Ordinance in areas determined to be adversely impacted by illegal or excessive Parking to:
 - a. limit the duration of Parking;
 - b. limit Parking on certain days and/or during designated hours;
 - c. provide notice that Vehicles Parked illegally in such areas are subject to impoundment; and/or
 - d. impose any other restrictions reasonably necessary to mitigate the Parking problem and associated harm.
2. The proper signage posted shall designate certain no parking areas including, but not limited to, the following areas: Bridal Veil, Trout Lake, Placerville, Ilium, Ophir, Ski Ranches and the San Miguel County Intercept Lot in Lawson Hill.

C. PARKING POLICY

1. Vehicles or other Objects shall not be parked, stored or abandoned in whole or in part on a County Roadway or on County Property where there is not designated parking unless one of the following conditions exist:
 - a. The Sheriff's Office has been notified that efforts are actively underway to have a Disabled Vehicle or Object removed.
 - b. During an infrequent event, including by way of example and not limitation, a family gathering, community meeting or garage sale, overflow Vehicles may be parked in whole or in part on a County Roadway or County Property only when:
 - i. said parking does not impede on a minimum of twelve (12) feet of traveled road surface if the road is designated to accommodate one lane of traffic;
 - ii. the Parked Vehicle allows both lanes to remain passable on a two-lane road;
 - iii. the Parked Vehicle does not create potential traffic or public safety hazard; or
 - iv. said parking is not overnight.
2. If there is no established public maintenance for snow removal (e.g. County or metro district) for an individual to access his/her property, the owner of an operable, validly licensed and registered vehicle may obtain a County Road & Bridge Permit

to park in whole or in part on a County Right-of-Way. This Permit will be issued only when:

- a. said Parking does not impede on a minimum of twelve (12) feet of traveled road surface if the road is designated to accommodate one lane of traffic;
 - b. the parked vehicle allows both lanes to remain passable on a two-lane road;
 - c. does not create potential traffic or public safety hazard; or
 - d. the area is cleared and maintained by the party as defined in the designated Road & Bridge Permit.
3. This Ordinance shall not apply to emergency vehicles responding to an emergency or in compliance with the directions of a law enforcement officer or official temporary traffic control device.

D. TRAFFIC HAZARD / SNOW REMOVAL

Notwithstanding the parking policy set forth in Section B herein, in the event a Vehicle creates an obstruction to traffic, is abandoned, impedes snow removal or scheduled road repair, or if it impedes emergency vehicles, the vehicle shall be removed immediately under the direction of the Sheriff, pursuant to C.R.S. §42-4-1803.

II. NOTICE OF VIOLATION

A. RED TAG ISSUANCE

Either an employee of the San Miguel County Road and Bridge Department or a Deputy Sheriff shall place a red tag on a Vehicle Parked on a County Roadway or on County Property to give the owner notice of the violation(s) of this Ordinance unless the Vehicle is to be removed immediately in accordance with Section I.D herein. The red tag shall require the owner to remove the vehicle within 24 hours. After expiration of 24 hours, red-tagged vehicles shall be deemed “abandoned motor vehicles” as defined in C.R.S. §42-4-1802(1)(b), unless the owner has conspicuously affixed to the vehicle a notice indicating the intention to return or has notified the Sheriff’s Office of intention to remove the vehicle within 24 hours.

B. TIME LIMITS

The time limit for compliance with a red tag shall be no more than 24 hours unless an arrangement has been approved with Section II.A. herein.

C. COURTESY CALL

The person placing the red tag may request the Sheriff’s Dispatcher to telephone, if possible, the vehicle owner as a courtesy to request the owner’s cooperation.

D. FOLLOW-UP

The person placing the red tag shall follow-up or arrange for a follow-up at the time of red tag expiration. If the tagged Vehicle remains in violation at the expiration of the red tag, it shall be towed in accordance with the Sheriff's Office's established procedures.

III. VEHICLE REMOVAL

A. SHERIFF ACTION

Should a tow be required, the tow shall be carried out under the direction of the Sheriff's Office in accordance with C.R.S. § 42-4-1803.

B. REPEAT VIOLATIONS

If a Vehicle has been previously red-tagged, the Vehicle may be towed immediately upon any additional violations of this Ordinance.

C. TOW FEES

Costs of towing and storage of Vehicles in violation of this Ordinance shall be the responsibility of the Vehicle owner. The County has no control over, and does not regulate, the rates charged by any tow company. No Vehicle shall be released from impoundment until the charges for impoundment and storage shall have been paid by the Vehicle owner.

D. ABANDONMENT OF IMPOUNDED VEHICLES

Any impounded Vehicle not claimed within seventy-two (72) hours of the time of impoundment shall be treated as abandoned. The provisions of C.R.S. §42-4-1805, regarding abandoned Vehicles, shall apply to such Vehicles.

IV. PENALTIES FOR VIOLATIONS

- A.** Notwithstanding other provisions contained herein, any person who violates any provision of this Ordinance shall be guilty of a class 2 petty offense pursuant to C.R.S. §30-15-402. For each separate offense, the penalty for any person found to violate this ordinance shall be punished by fines of:

First Violation:	Two hundred fifty dollars	(\$250.00)
Second Violation:	Five hundred dollars	(\$500.00)
Subsequent Violations:	Five hundred dollars	(\$500.00)

- B.** The penalty assessment procedure provided for in C.R.S. §16-2-201 shall be followed for any violation of this Ordinance. Any person who violates any provision of this Ordinance shall be given a penalty assessment notice by the apprehending peace officer or by the designated County enforcement personnel. The penalty assessment notice shall be a summons and complaint which contains: (i) the identity of the alleged offender by name and address, (ii) specifies the offense with which the person is charged; (iii) states the fine which may be paid directly to the San Miguel County Treasurer at their office in

Telluride, CO, and (iv) states the requirement that the alleged offender either pay the fine to the San Miguel County Treasurer in person or by mail, at the address specified in the penalty assessment notice within fourteen days of such penalty assessment notice, or else be required to appear to answer the charge before the San Miguel County Court, at the County Courthouse in Telluride, CO, at the date and time specified in the penalty assessment notice. Any person who chooses to acknowledge that they are guilty of the charge specified in the penalty assessment notice may, within fourteen days of the date of issuance of the penalty assessment notice, pay a fine to the San Miguel County Treasurer either in person at the San Miguel County Courthouse in Telluride, CO or by mail to the County Treasurer's address as specified on the penalty assessment notice. Any such payment of the fine specified in the penalty assessment notice shall be accompanied by a copy of the penalty assessment notice signed by the person acknowledging their guilt. Timely payment of the optional fine specified in the penalty assessment notice shall relieve the person receiving such notice of any further obligation to appear in the San Miguel County Court, at the date and time specified in such notice, to answer the offense charged in the notice.

- C. All fines, penalties or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction pursuant to C.R.S. §30-15-402, shall be paid to the County Treasurer of San Miguel County, CO, within thirty days of the Court's receipt of any such fines, penalties, and/or forfeitures.
- D. Pursuant to C.R.S. §30-15-410, the San Miguel County Court shall have jurisdiction in prosecutions of violations of this Ordinance. The simplified county court procedures set forth in Part 1 of Article 2 of Title 16, C.R.S., and the penalty assessment procedures set forth in Part 2 of said Article shall be applicable to the prosecutions of alleged violations of this Ordinance. Any summons and complaint brought before the San Miguel County Court for the alleged violation of this Ordinance, shall be filed in the name of San Miguel County, by and on behalf of the people of the state of Colorado, and any process issued by the San Miguel County Court in such proceedings shall be likewise so denominated.
- E. All suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this Ordinance shall be barred if not commenced within one year after the commission of the alleged Ordinance offense pursuant to C.R.S. §30-15-409.
- F. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state or local law, order or regulation.
- G. The penalty assessment procedure provided in this Ordinance is authorized to be followed by any arresting law enforcement officer for any such violation.

V. EFFECTIVE DATE

The Board hereby finds, determines and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety and welfare of the citizens of San

Miguel County, Colorado. This ordinance shall take effect immediately upon adoption on second and final reading.

INTRODUCED, READ, AND ADOPTED AS AMENDED ON FIRST READING AND ORDERED PUBLISHED at Telluride, Colorado, on December 16, 2020.

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO**

By: _____
Hilary Cooper, Chair

ATTEST:

By: _____
Carmen Warfield, Chief Deputy Clerk

VOTE:

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

ADOPTED, APPROVED, AND ORDERED AS ADOPTED ON _____, 2021 at
Telluride, Colorado.

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO**

By: _____
Lance Waring, Chair

ATTEST:

By: _____
Carmen Warfield, Chief Deputy Clerk

VOTE:

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

CERTIFICATE

I hereby certify that the foregoing ordinance entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO
REGULATING THE PARKING OF VEHICLES ON
COUNTY ROADS, PROPERTY AND ROAD RIGHT OF WAYS**

Ordinance #2021 - 1

was introduced, read and adopted on first reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on December 16, 2020, and the same was published in full in the Norwood Post on _____ and thereafter was adopted on second and final reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on _____, and Notice of the Adoption of the foregoing ordinance following such second and final reading was published in the Norwood Post on _____.

Carmen Warfield, Chief Deputy Clerk



AGENDA ITEM - 5.a.

TITLE:

10:00 am Public Hearing: Consideration of a application for a Subdivision Exemption for Fully Developed Residential Property for Two Rivers and Sunshine Valley./MOTION

Presented by: John Huebner, Senior Planner

Time needed: 25 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

Recommendation:

Planning staff recommends approval of the Two Rivers and Sunshine Valley Subdivision Exemption Plat, with the findings and conditions contained in the following sample motion:

Sample Motion:

I move to approve the Two Rivers and Sunshine Valley Subdivision Exemption Plat as presented, to adopt the corresponding resolution, and to authorize the Chair's signature on the final plat, matrix and resolution, based on the finding that the project as proposed in the application is consistent with and complies with the review standards in Land Use Code Section 5-1208 Fully Developed Residential Property and Section 4-5 Final Plat Subdivision Reviews, and the County Master Plan, with the following conditions:

1. Address the 34 review comments from the County Surveyor listed in his letter dated November 24, 2020.
2. Acknowledge the three (3) review comments regarding the applicants' membership in the Ilium Park Owners Association (IPOA) listed in the IPOA letter dated December 23, 2020.
3. 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 Motion.

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description	Upload Date
Public Hearing Document	1/14/2021
Additions	1/19/2021

Public Hearing Record

Board of County Commissioners

Application: Two Rivers Owners Association Inc / Sunshine Valley Owners Condominium Association Inc

Subdivision Exemption for Fully Developed Residential Property for Two Rivers and Sunshine Valley

Date: January 20, 2021

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 Board of County Commissioners from John Huebner, Senior Planner dated January 20, 2021.
4. Draft Resolution of the Board Of County Commissioners, San Miguel County, Colorado, Resolution 2021-0 __, Conditionally Approving a Subdivision Exemption Plat for Fully Developed Residential Property: Two Rivers Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30, TR31, AND Sunshine Valley Units SV1, SV2, SV3, SV4, SV5, SV6, SV140 AND SV141, Lot P, Lawson Hill PUD, Affordable Housing PUD Zone District.
5. Application submitted by Nate Smith, Attorney, Two River Owners Association (TROA), Inc., Sunshine Valley Condominium Association, Inc., and individual unit owners of Two Rivers Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30, TR31, and Sunshine Valley Units SV1, SV2, SV3, SV4, SV5, SV6, SV140 and SV141, Lawson Hill PUD, received October 23, 2020, and Supplements received December 7, 2020 and January 12, 2021.
6. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated December 29, 2020.
7. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on December 30, 2020.
8. Email from Nate Smith, Attorney for Applicant to John Huebner, Senior Planner dated November 30, 2020.

AGENCY COMMENTS

9. Letter received from David J Foley, County Surveyor, to John Huebner, Senior Planner dated November 25, 2020.

10. Email received from Jim Boeckel, Fire Marshal/ Battalion Chief Telluride Fire Protection District to John Huebner, Senior Planner dated December 8, 2020.
11. Email(s) received from Amy Markwell, County Attorney, to John Huebner, Senior Planner dated December 15, 2020.
12. Letter received from Ryan Kusuno, President, Ilium Park Owners Association to John Huebner, Senior Planner, dated December 23, 2020.

MEMORANDUM

TO: San Miguel County Board of County Commissioners
FROM: San Miguel County Planning Department Staff
RE: Subdivision Exemption for Fully Developed Residential Property for Two Rivers and Sunshine Valley
DATE: January 20, 2021

"Z:\Applications\2020_Two Rivers_SV_Lawson Hill_Sub Exempt Plat\1 Staff Memo(s) and Resolution(s)\BOCC Project Report - Subdivision Exemption FDR 1.20.21"

Proposal

Subdivision Exemption for Fully Developed Residential Property: Nate Smith, Attorney, on behalf of the Two River Owners Association (TROA), Inc. and Sunshine Valley Condominium Association, Inc., and individual unit owners (the "Applicant"), Two Rivers Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30, TR31, and Sunshine Valley Units SV1, SV2, SV3, SV4, SV5, SV6, SV140 and SV141, Lawson Hill PUD, in Affordable Housing PUD Zone District, to create 32 separate lots.

Background

Two Rivers and Sunshine Valley condominium communities (the "Communities") located on Lot P, Lawson Hill P.U.D., in Ilium Valley, were originally approved by the County and first platted in 1996, and have been replatted a number of times over the years. The developer kept the original Lot P, Lawson Hill P.U.D. intact and when certain residential improvements were built on Lot P individual condominium units were created, under the Colorado Common Interest Ownership Act (CCIOA) rather than separate single-family residences, duplexes or condominium buildings. These condominium units, means that the owners do not own the land under their residences / improvements (the "Ownership Issue"). All land under such improvements are limited common elements owned by the Communities consistent with the language of the General Declarations. In turn, the Applicants' declarations of covenants then grant each unit owner exclusive rights to use the land under their improvements.

The Land Use Matrix in the PUD Development Plan refers jointly to the individual units within Two Rivers and Sunshine Valley contained on Lot P, Lawson Hill PUD.

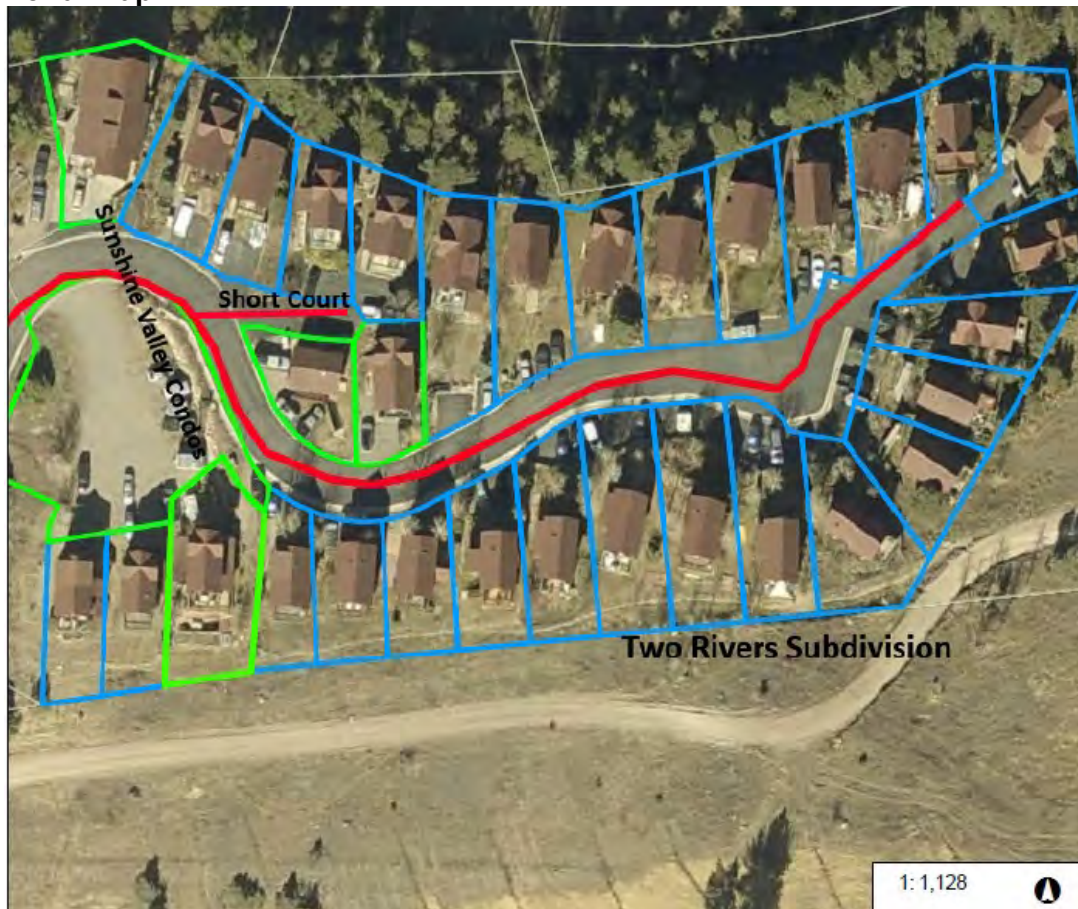
This Application seeks to resolve permanently the Ownership Issue by seeking to subdivide the existing Lot P into individual lots per each existing dwelling unit (or multi-unit dwelling). It does not seek approval of any additional structures or extra lots that would not be appurtenant to already existing residences.

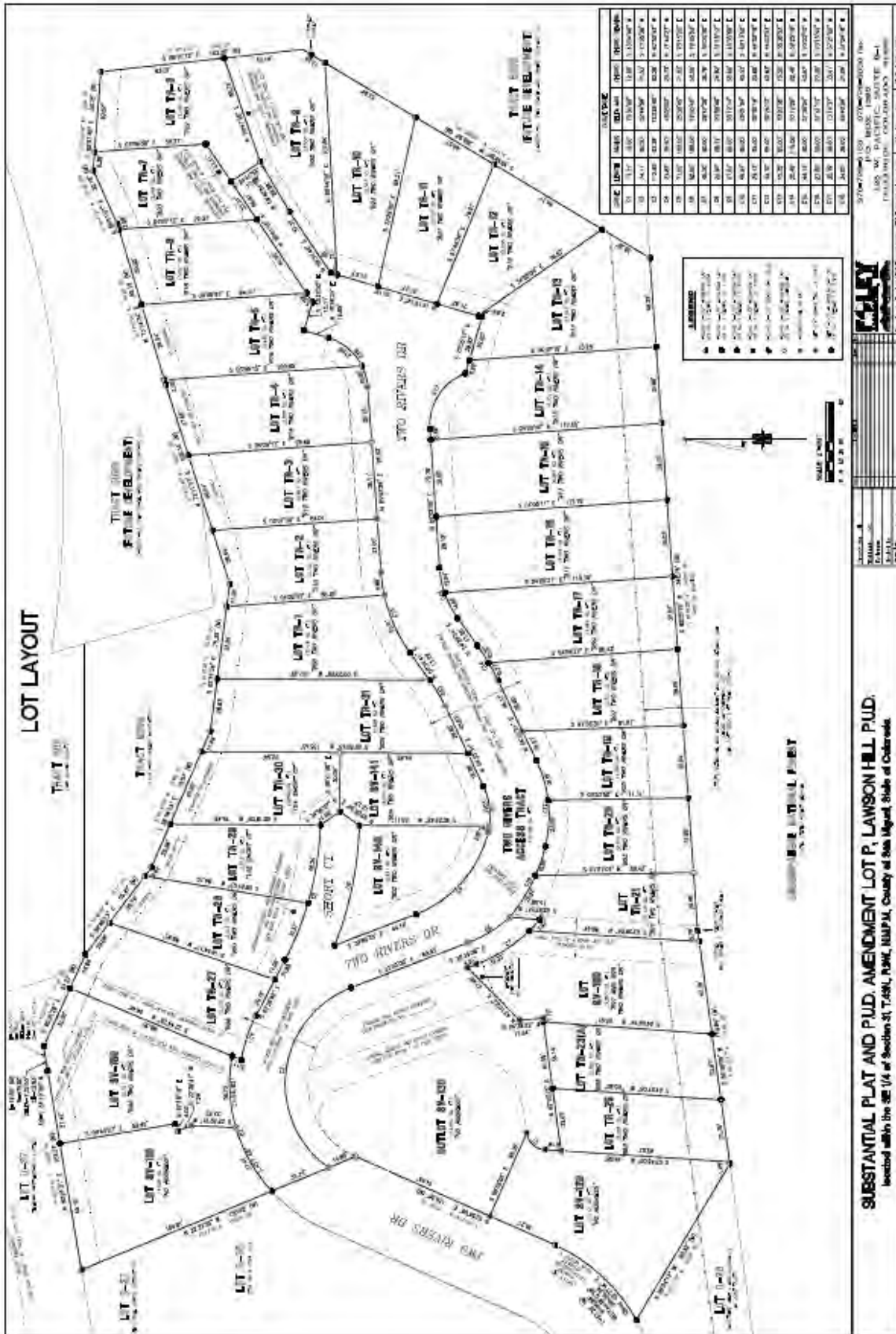
The current owners of these condominium units will obtain a fee title property interest in their underlying ground/subdivided lot together with the residential improvements located within each of the proposed subdivision lots.

Vicinity Map



Aerial Map





SUBSTANTIAL PLAT AND P.L.D. AMENDMENT LOT P, LAWSON HILL P.L.D.
 located within the SE 1/4 of Section 31, T.40N, R.94E, N40P4L, County of San Miguel, State of Colorado.

The proposed Subdivision Exemption Plat contains 32 residential lots, with a total of 36 units. Lots SV-110 and SV-120, Telluride Ski & Golf Company, owner, and Outlot SV-130, Two Rivers Owners Association, owner, are not included in the application.

The owner consent agreements are contained in a separate document. The Applicant, Planning Director, and County Attorney (previous and current) agreed to a process where the Applicant would provide notice to the current unit owners' lenders that the owners were requesting a waiver to the "Security Interest Holders Consent" requirement for this plat, and allowing such lien holders a specific time period to object to this waiver request. The applicant has received no objections from lenders to the waiver request. Normally, a replat requires lenders' signatures on the plat. This is to ensure clear chain of title for the entire property, and in case of foreclosure, puts title in control of a single entity. (A lender will only foreclose on the property for which they have a lien.) However, lenders typically require refinancing upon replat; that would be prohibitive for most of the property owners, especially those who purchased recently.

There are a number of easements throughout the plat area for access, drainage, utilities, parking, and snow storage. The County Surveyor has reviewed the proposed plat. All infrastructure (roads, water, sewer, utilities) have been installed. Each lot is served by two assigned parking spaces. A number of the platted parking spaces extend from the individual lot into the easement or ROW for Two Rivers Drive and Short Court, as illustrated on the plat as a Limited Common Element (LCE). Also, a number of easements have been created and depicted for parking spaces located off the lot owner's property, and for providing access to a lot owner's property. Additionally, Outlot SV-130 will be used for guest and overflow parking, and snow storage as it has been for many years. However, no spaces are officially designated because the community first would like to determine where to place a playground and other outdoor community fixtures within SV-130.

Several setback encroachments and in some cases property line encroachments are present. These encroachments do not appear on the plat. A complete improvement survey was not required because it would have been cost-prohibitive. However, all known improvement surveys and similar documents were compiled and examined as part of the application. As the encroachments appear inadvertent, the TROA and San Miguel County agree not to seek their removal. Specifically, Plat Note 22 states, "Accordingly the TR Association and San Miguel County acknowledge the Existing Encroachments and agree to not seek the removal or abatement of such Existing Encroachments on any Lot (the "Abatement Action") unless new, additional encroachments are installed on the Property after the recordation of this Plat..." In lieu of the delineation of as-built conditions, Planning was provided a photo array of each improvement, which provides baseline improvement documentation at this point in time and will be kept on file for reference. Nothing would prevent holders of easements from seeking removal of improvements as a civil matter.

The Land Use Matrix in the PUD Development Plan has been updated to match the units identified in the Subdivision Exemption Plat. The maximum residential floor area of all of these units will remain at 35,487 s.f. with a zoned population of 77. The setback and

height limits are unchanged, and two parking spaces will continue to be provided for each dwelling.

Public Noticing

As required by C.R.S. § 30-28-106(1), a Notice of Public Hearing was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, December 30, 2020. Public Notice and the required posting was also completed by Nate Smith on December 29, 2020.

Referral Agencies

The application was referred to the County Attorney, County Building Official, County Manager, County Surveyor, Telluride Fire Protection District, San Miguel Regional Housing Authority (SMRHA), The Ilium Park Owners Association (IPOA), and Telluride Ski and Golf (TSG) for review and comment.

Jim Boeckel, Telluride Fire Marshal, Telluride Fire Protection District, had no objections to the Subdivision Exemption.

Ryan Kusuno, President, Ilium Park Owners Association (IPOA), had no objections to the application, and lists three (3) conditional items to be addressed in a December 23, 2020 letter. The items concern Two Rivers and Sunshine Valley owners IPOA membership, IPOA governing documents, and IPOA's Common Elements.

David Foley, County Surveyor, lists 34 survey issues to be addressed in a November 24, 2010 letter.

Public Comments

As of the writing of this report, no written public comments have been received.

Review Standards

An application for a Subdivision Exemption for a Fully Developed Residential Property is considered using the review standards of Section 5-1208 Fully Developed Residential Property and Section 4-5 Final Plat Subdivision Reviews, as follows:

5-1208 Fully Developed Residential Property

The Board of Commissioners may grant a subdivision exemption for the purpose of subdividing property already developed for residential uses to or in excess of the maximum density allowed under current zoning. Such exemptions may be granted regardless of whether development occurred under existing zoning or prior zoning, provided that the lots and uses are now nonconforming, and provided that the development was achieved legally, in conformance with zoning at the time of development and not for the purpose of avoiding subdivision or other land use regulations. The maximum number of lots that may be created by such exemption may not be greater than the total number of existing detached structures containing housing units on the property.

The application (plat and matrix) creates only the number of lots for each existing detached residential structure located in Two Rivers and Sunshine Valley. There are

currently 32 detached structures, which includes one duplex, one multi-family and 30 single-family dwellings. No added lots or new improvements are proposed.

The applicant shall prepare a final plat in compliance with the requirements in Section 4-5.

SECTION 4-5: FINAL PLAT SUBDIVISION REVIEWS

4-501 General

A land development application for final plat subdivision review shall include the minimum submission contents for all land development applications listed in Section 4-2 in addition to the other submission contents specified in this part of the Code. Refer to Section 3-7 for the procedures for a final plat subdivision review and Section 3-12 for the procedures for Improvements Agreements.

4-502 Requirements for Final Plats

4-502 K. Land Survey Plat

A complete land survey and monumentation of the final plat boundary is required. Final plats, at a minimum, shall include all information necessary to comply with the requirements of C.R.S. 38-51-106. Pursuant to C.R.S. 38-51-106 (II) (k), conflicting boundary evidence shall be shown and dimensioned on the final plat. San Miguel County may require reasonable resolution of any boundary conflicts that affect interests within the area of the final plat.

The Plat is prepared by a licensed Colorado Professional Surveyor in accordance with San Miguel County's requirements for Final Subdivision Plats.

4-503 Certificates and Acknowledgements

The certificates and acknowledgements listed in this section shall be required on the final plat, if applicable, and shall be placed on the first page of the final plat, and shall be worded substantially as follows:

The proposed final Plat contains all required certificates and acknowledgements.

4-503 J. Vested Property Right

Each final plat may contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right (see Section 3-14).

4-503 K. Notes of Clarification

There shall be a set of notes placed on the final plat to help clarify the changes to real property:

1. The following lots, tracts and rights-of-way have been created by this plat:
(list or NONE)
2. The following lots, tracts and rights-of-way have been deleted by this plat:
(list or NONE)
3. The following lots, tracts and rights-of-way have been modified by this plat:
(list or NONE)

The proposed final Plat depicts the property boundaries for the 32 new proposed lots within the lot currently known as Lot P, Lawson Hill P.U.D. The proposed plat is consistent with the approved final Lawson Hill PUD. Conditions affecting the subject parcels have not changed. Rather, the proposed lots will now include the respective existing improvements on each parcel. The Two Rivers HOA and Sunshine Valley HOA are parties to and in support of this application.

Recommendation

Planning staff recommends approval of the Two Rivers and Sunshine Valley Subdivision Exemption Plat, with the findings and conditions contained in the following sample motion:

Sample Motion:

I move to approve the Two Rivers and Sunshine Valley Subdivision Exemption Plat as presented, to adopt the corresponding resolution, and to authorize the Chair's signature on the final plat, matrix and resolution, based on the finding that the project as proposed in the application is consistent with and complies with the review standards in Land Use Code Section 5-1208 Fully Developed Residential Property and Section 4-5 Final Plat Subdivision Reviews, and the County Master Plan, with the following conditions:

1. Address the 34 review comments from the County Surveyor listed in his letter dated November 24, 2020.
2. Acknowledge the three (3) review comments regarding the applicants' membership in the Ilium Park Owners Association (IPOA) listed in the IPOA letter dated December 23, 2020.
3. 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 Motion.

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
CONDITIONALLY APPROVING A SUBDIVISION EXEMPTION PLAT FOR FULLY
DEVELOPED RESIDENTIAL PROPERTY: TWO RIVERS UNITS TR1, TR2, TR3,
TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17,
TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30, TR31, AND
SUNSHINE VALLEY LOTS SV1, SV2, SV3, SV4, SV5, SV6, SV140 AND SV141,
LOT P, LAWSON HILL PUD (PUD), AFFORDABLE HOUSING PUD ZONE DISTRICT**

Resolution 2021-002

WHEREAS, Two River Owners Association, Inc., Sunshine Valley Condominium Association, Inc., and individual unit owners, hereafter “Applicant” of Two Rivers Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30, TR31, and Sunshine Valley Units SV1, SV2, SV3, SV4, SV5, SV6, SV140 and SV141, Lot P, Lawson Hill PUD (PUD), hereafter “Property,” in the Affordable Housing PUD Zone District, more particularly described as shown on Exhibit A, Legal Description; and

WHEREAS, Nate Smith, Attorney, on behalf of the Applicant has submitted an Application (Application) for Subdivision Exemption for Fully Developed Residential Property for the Property, in accordance with San Miguel County Land Use Code Sections 5-1208 (Fully Developed Residential Property) and Section 4-5 (Final Plat Subdivision Reviews); and

WHEREAS, Applicant is seeking a Subdivision Exemption Plat to subdivide a portion of Lot P, Lawson Hill PUD, and to create 32 individual lots for each existing detached single-family (or multi-family) dwelling unit as shown on Exhibit B, Subdivision Exemption Plat; and to amend the PUD Land Use Matrix; and

WHEREAS, the Application was referred to the County Attorney, County Building Official, County Manager, County Surveyor, Telluride Fire Protection District, San Miguel Regional Housing Authority (SMRHA), Ilium Park Owners Association (IPOA), and Telluride Ski and Golf (TSG) for review and comment; and

WHEREAS, on or about December 29, 2020, the Applicant sent Notice of the application and the BOCC Public Hearing to be held on Wednesday, January 20, 2021 to all property owners within 500 feet of the subject parcel, and signs were posted on the property noticing the proposed use and the BOCC meeting to be held on January 20, 2021; and

WHEREAS, a Public Hearing Notice for the proposed Subdivision Exemption Plat and the Board of County Commissioners meeting to be held on January 20, 2021 was published in the Norwood Post and the Telluride Daily Planet on December 30, 2020; and

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

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing in Telluride on Wednesday, January 20, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves the TROA, SVCA and owners' Subdivision Exemption Plat, based on the finding that the project as proposed in the application is consistent with and complies with the review standards in Land Use Code Section 5-1208 Fully Developed Residential Property, Section 4-5 Final Plat Subdivision Reviews, and the County Master Plan, with the following conditions:

1. Address the 34 review comments from the County Surveyor listed in his letter dated November 24, 2020.
2. Acknowledge the three (3) review comments regarding the applicants' membership in the Ilium Park Owners Association (IPOA) listed in the IPOA letter dated December 23, 2020.
3. 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 Motion.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on January 20, 2021.

**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

By: _____
Lance Waring, Chair

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

ATTEST:

By: _____
Carmen Warfield, Chief Deputy Clerk

EXHIBIT A – Legal Description
EXHIBIT B – Proposed Subdivision Exemption Plat
EXHIBIT C – Public Hearing Record list

"Z:\Applications\2020_Two Rivers_SV_Lawson Hill_Sub Exempt Plat\1 Staff Memo(s) and Resolution(s)\BOCC Resolution 2021-0__ TR SV Subdivision Exemption Plat 1.20.21.docx"

EXHIBIT A
LEGAL DESCRIPTION

UNITS TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30 AND TR31, FIRST AMENDMENT TO THE PLANNED COMMUNITY FOR TWO RIVERS, A PLANNED COMMUNITY, ACCORDING TO THE PLAT RECORDED MARCH 10, 1997 IN PLAT BOOK 1 AT PAGE 2209, AND AS AMENDED BY THE SECOND AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED APRIL 3, 1997 IN PLAT BOOK 1 AT PAGE 2214. AND AS AMENDED BY THE THIRD AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED MAY 16, 1997 IN PLAT BOOK 1 AT PAGE 2240, AND AS AMENDED BY THE FOURTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED JULY 29, 1997 IN PLAT BOOK 1 AT PAGE 2261 AND THE TECHNICAL AMENDMENT THERETO RECORDED JULY 30, 1997 IN BOOK 584 AT PAGE 756, AND AS AMENDED BY THE FIFTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED AUGUST 15, 1997 IN PLAT BOOK 1 AT PAGE 2271, AND AS AMENDED BY THE SIXTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED SEPTEMBER 17, 1997 IN PLAT BOOK 1 AT PAGE 2290, AND AS AMENDED BY THE SEVENTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED APRIL 21, 1998 IN PLAT BOOK 1 AT PAGE 2360, AND AS AMENDED BY THE EIGHTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED MAY 17, 1999 IN PLAT BOOK 1 AT PAGE 2566, AND AS DEFINED AND DESCRIBED IN THE DECLARATION OF TWO RIVERS RECORDED SEPTEMBER 24, 1996 IN BOOK 568 AT PAGE 76, AS AMENDED BY FIRST AMENDMENT RECORDED MARCH 10, 1997 IN BOOK 577 AT PAGE 719, AS AMENDED BY THE SECOND AMENDMENT RECORDED APRIL 3, 1997 IN BOOK 579 AT PAGE 103, AS AMENDED BY THE THIRD AMENDMENT RECORDED AUGUST 1, 1997 IN BOOK 584 AT PAGE 947, AS AMENDED BY THE FOURTH AMENDMENT RECORDED AUGUST 15, 1997 IN BOOK 585 AT PAGE 431, AS AMENDED BY THE FIFTH AMENDMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE 1009, AS AMENDED BY THE SIXTH AMENDMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. 318317, AND AS AMENDED BY THE SEVENTH AMENDMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. 326457, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

UNIT SV1, SV2, SV3, SV4, SV5, SV6, SV110, SV120, SC130, SV140 AND SV141, SUNSHINE VALLEY CONDOMINIUMS, ACCORDING TO THE CONDOMINIUM MAP RECORDED AUGUST 15, 1997 IN PLAT BOOK 1 AT PAGE 2273, AS AMENDED BY THE FIRST SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED SEPTEMBER 17, 1997 IN PLAT BOOK 1 AT PAGE 2292, AND AS AMENDED BY THE SECOND SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED APRIL 21, 1998 IN PLAT BOOK 1 AT PAGE 2361, AND AS AMENDED BY THE THIRD SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED JULY 27, 1998 IN PLAT BOOK 1 AT PAGE 2406, AND AS AMENDED BY THE FOURTH

SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED MAY 17, 1999 IN PLAT BOOK 1 AT PAGE 2567, AND AS AMENDED BY THE AMENDMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED DECEMBER 21, 2000 IN PLAT BOOK 1 AT PAGE 2844, AND AS AMENDED BY THE FIFTH SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED MARCH 15, 2002 IN PLAT BOOK 1 AT PAGE 2992, AND AS AMENDED BY THE SUBSTANTIAL PLAT/P.U.D. AMENDMENT FOR UNIT SV-141, SUNSHINE VALLEY CONDOMINIUMS RECORDED JANUARY 15, 2003 IN PLAT BOOK 1 AT PAGE 3095, AND AS AMENDED BY THE INSUBSTANTIAL PLAT AMENDMENT, UNIT SV140 RECORDED OCTOBER 14, 2004 IN PLAT BOOK 1 AT PAGE 3362, AND AS AMENDED BY THE SIXTH SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED AUGUST 30, 2007 IN PLAT BOOK 1 AT PAGE 3863, 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 BY THE FIRST AMENDMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE 1016, AS AMENDED BY THE SECOND AMENDMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. 318319, AS AMENDED BY THE THIRD AMENDMENT RECORDED JULY 27, 1998 UNDER RECEPTION NO. 320185, AS AMENDED BY THE FOURTH AMENDMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. 326459, AS AMENDED BY THE AMENDMENT RECORDED DECEMBER 21, 2000 UNDER RECEPTION NO. 338720, AS AMENDED BY THE FIFTH AMENDMENT RECORDED MARCH 15, 2002 UNDER RECEPTION NO. 347720, AS AMENDED BY THE FIFTH AMENDMENT RECORDED MARCH 16, 2004 UNDER RECEPTION NO. 364729, AS AMENDED BY THE SIXTH AMENDMENT RECORDED OCTOBER 4, 2004 UNDER RECEPTION NO. 369510, AS AMENDED BY THE SUPPLEMENT RECORDED AUGUST 30, 2007 UNDER RECEPTION NO. 396058, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

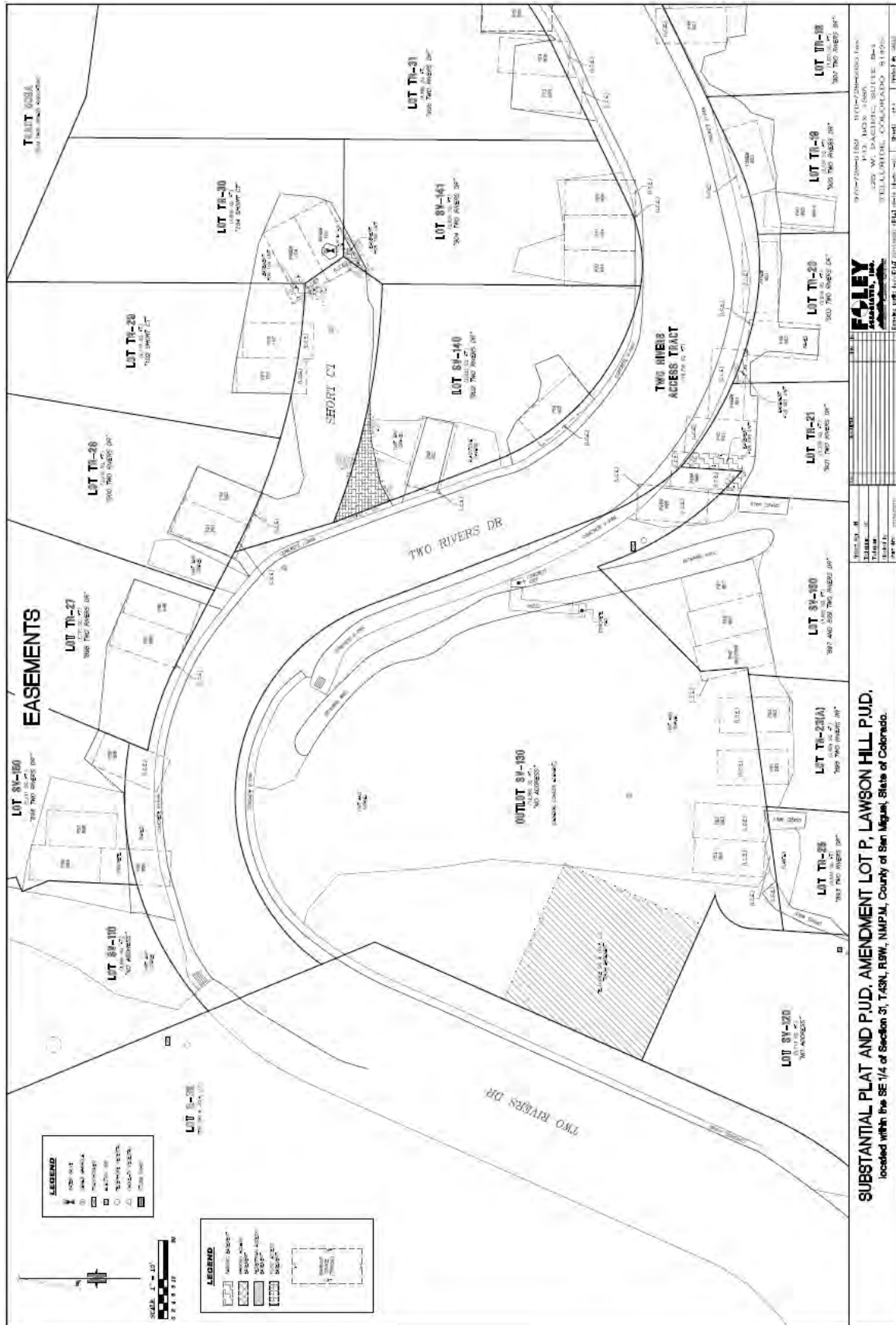


EXHIBIT B

Public Hearing Record

Board of County Commissioners

Application: Two Rivers Owners Association Inc / Sunshine Valley Owners Condominium Association Inc

Subdivision Exemption for Fully Developed Residential Property for Two Rivers and Sunshine Valley

Date: January 20, 2021

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 Board of County Commissioners from John Huebner, Senior Planner dated January 20, 2021.
4. Draft Resolution of the Board Of County Commissioners, San Miguel County, Colorado, Resolution 2021-0__, Conditionally Approving a Subdivision Exemption Plat for Fully Developed Residential Property: Two Rivers Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30, TR31, AND Sunshine Valley Units SV1, SV2, SV3, SV4, SV5, SV6, SV140 AND SV141, Lot P, Lawson Hill PUD, Affordable Housing PUD Zone District.
5. Application submitted by Nate Smith, Attorney, Two River Owners Association (TROA), Inc., Sunshine Valley Condominium Association, Inc., and individual unit owners of Two Rivers Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30, TR31, and Sunshine Valley Units SV1, SV2, SV3, SV4, SV5, SV6, SV140 and SV141, Lawson Hill PUD, received October 23, 2020, and Supplements received December 7, 2020 and January 12, 2021.
6. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated December 29, 2020.
7. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on December 30, 2020.
8. Email from Nate Smith, Attorney for Applicant to John Huebner, Senior Planner dated November 30, 2020.

AGENCY COMMENTS

9. Letter received from David J Foley, County Surveyor, to John Huebner, Senior Planner dated November 25, 2020.
10. Email received from Jim Boeckel, Fire Marshal/ Battalion Chief Telluride Fire Protection District to John Huebner, Senior Planner dated December 8, 2020.
11. Email(s) received from Amy Markwell, County Attorney, to John Huebner, Senior Planner dated December 15, 2020.
12. Letter received from Ryan Kusuno, President, Ilium Park Owners Association to John Huebner, Senior Planner, dated December 23, 2020.



NATE@TELLURIDEFIRM.COM

970-369-9070

P.O. BOX 1616, TELLURIDE, CO 81435

TELLURIDEFIRM.COM

SUBDIVISION EXEMPTION APPLICATION

*(Two River Owners Association, Inc. & the Sunshine Valley Condominium Association, Inc.)
(amended 12/7/2020)*

December 7, 2020

Via hand delivery & email at planning@sanmiguelcounty.org

Kaye Simonson
Planning Director
San Miguel County
P.O. Box 548
Telluride, CO 81435

RE: Application for a subdivision exemption for Fully Developed Residential Properties (the “**Application**”), pursuant to § 5-1208 of the San Miguel County (the “**County**”) Land Use Code (the “**LUC**”)

Dear Kaye:

Please accept this Application submitted by this firm on behalf Two River Owners Association, Inc. (“**TR HOA**”), the Sunshine Valley Condominium Association, Inc. (“**SV HOA**”) and each respective owner within those communities (jointly, the “**Applicants**”). Based on our previous meetings and correspondence, the following is relevant to the Application:

I. Background

The Two Rivers and Sunshine Valley communities (jointly, the “**Communities**”) were developed with unorthodox property boundary designations. Unlike other single-family residential communities, the developer of the Communities did not subdivide individual lots for each structure. The developer kept intact the original Lot P, Lawson Hill P.U.D. then designated certain improvements on Lot P to be individual condominium units.

This single-family condominium arrangement means that the owners within the Communities do not own the land under their residences or improvements (the “**Ownership Issue**”). All land under such improvements are limited common elements owned by the Applicants. In turn, the Applicants’ declarations of covenants then grant each owner exclusive rights to *use* the land under their improvements.

While the Ownership Issue is subtly described in the Applicants’ declaration of covenants, the plat for each Association makes no overt mention of the Ownership Issue. Each property boundary is

depicted as a “unit” on the plat, but neither the plat nor the plat notes label or describes the Ownership Issue. Accordingly, until recently, no owners within the Communities were aware that they did not own the land under their respective residences or improvements. This Application seeks to resolve permanently the Ownership Issue by seeking to subdivide the existing Lot P into one individual lot per each single-family dwelling (or multi-unit dwelling). It does not seek approval of any additional structures or extra lots that would not be appurtenant to already existing residences. After holding several meetings with County staff, the Applicants believe that staff also would like to see the Ownership Issue resolved.

II. The Application

a. Required Background Information — LUC § 4-202

Property owner information:

1. Two River Owners Association, Inc.
c/o Scott Stewart, President
P.O. Box 1890
Telluride, CO 81435
(970) 759-3559
2. Sunshine Valley Condominium Association, Inc.
c/o David Allen, President
P.O. Box 1616
Telluride, CO 81435
(970) 708-7071

Authorizations for this Application by the Applicants, including all individual owners within the Communities, are attached hereto as **Schedule 1.**

b. Parcel Descriptions — LUC § 4-203

The physical addresses of the units within the Communities are 893 to 925 Two Rivers Dr., Telluride, CO 81435 and 102 and 104 Short Court, Telluride, CO 81435 (collectively, the “Units”).

The legal descriptions of the Units are set forth in **Schedule 2.**

The vicinity map of the Communities 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 Property Information Binder attached hereto as **Schedule 4.**

d. Legal Access — LUC § 4-205

Legal access to the Communities is confirmed by the road and easements set forth in Schedule 5.

e. **Standards Report** — LUC § 4-206

This Application complies with all applicable substantive review standards, as follows:

Fully Developed Residential Properties — § 5-1208

All units/structures within the Communities are currently located within Lot P, Lawson Hill P.U.D. This Application seeks to remedy the Ownership Issue by subdividing each existing unit (or multi-family dwelling) into individual lots. Such a subdivision would ensure that each deeded property within the Communities includes the real estate appurtenant to that structure. Each multi-family structure in the Communities would similarly be subdivided into an individual lot to be owned by separate sub-owners' association. The formation of these sub-associations is already underway.

This Application seeks to create such new lots within the Communities pursuant to the subdivision exemption for Fully Developed Residential Properties, pursuant to § 5-1208 of the LUC. Section 5-1208 states the following:

The Board of Commissioners may grant a subdivision exemption for the purpose of subdividing property already developed for residential uses to or in excess of the maximum density allowed under current zoning. Such exemptions may be granted regardless of whether development occurred under existing zoning or prior zoning, provided that the lots and uses are now nonconforming, and provided that the development was achieved legally, in conformance with zoning at the time of development and not for the purpose of avoiding subdivision or other land use regulations. The maximum number of lots that may be created by such exemption may not be greater than the total number of existing detached structures containing housing units on the property.

The conditions within the Communities and the subdivision sought by this Application are in compliance with LUC § 5-1208.

i. *Existing Residential Uses*

To resolve the Ownership Issue, the Applicants wish to subdivide Lot P into individual lots for each existing condominium unit (or multi-unit) structure located within the Communities. This Application does not seek to develop any additional single-family or multi-family dwellings. The Applicants do not seek any additional density or allowed square footage for the properties. In other words, the Application does not request approvals for any physical changes to the Communities or individual properties/units.

ii. *Developed Legally, But Now Nonconforming*

The Board County of Commissioners (the “BOCC”) generally approved of the Communities in the 1990s as part of the original Lawson Hill P.U.D. The original developer of the Communities

then received several separate approvals for plats and re-plats of the Communities (collectively, the “**Ilium Approvals**”). It then constructed the residential units all on Lot P in several phases.

LUC § 5-305, which governs affordable housing P.U.D.s located within the County, contemplates that the use in an affordable housing community should be “compatible with and similar to the predominant land use in the immediately adjacent neighborhood.” LUC § 5-305.G.IV. The predominant land use in the adjacent neighbors is single-family residential.

Many properties located near the Communities, including other properties along Two Rivers Drive, are individually subdivided single-family lots. More specifically, the Ownership Issue has caused the Communities to not be easily compatible with the neighboring single-family Q lots that compose most of the western portion of Two Rivers Drive. The Ownership Issue is also not compatible with the single-family homes located in the western portion of the Lawson Hill community, located just east of the Communities. The Ownership Issue could result in the depreciation of home values (or lack of appreciation in home values) because most, if not all, of the single-family dwellings in the area include ownership of land. Owners within the Communities might find that their properties are less desirable because many nearby properties can be purchased with the inclusion of land ownership. This lack of compatibility will become even more prevalent as Telluride Ski & Golf develops the remainder of the Q lots along the Two Rivers Drive.

The lack of compatibility caused by the Ownership Issue would be also become an issue if owners along Two Rivers Drive sought to consolidate into one the several homeowners associations located along Two Rivers Drive. Owners of Q Lot, for example, might not want to join a homeowners association with properties within the Communities because of the confusing Ownership Issue. This concern has already proven to be reality in at least one instance.

Lastly, while the BOCC properly issued the Ilium Approvals based on the arrangements preferred by the original developer, the Ownership Issue has continued to conflict with informal policies originally established by the County Planning Department and former County Attorney, Steve Zwick. Thus, County staff have expressed their preference that the Communities become more compatible by subdividing the existing residential units within the Communities.

Nothing in this Application seeks to conflict with existing LUC provisions or avoid such regulations. To the contrary, this Application seeks to ensure that the Communities more closely comply with County Affordable Housing P.U.D. zoning requirements.

- iii. *The number of new lots requested is consistent with the number of existing detached structures currently located in the Communities.*

The Application seeks to create only enough lots to account for each existing detached residential structure located within the Communities. There are currently 32 detached structures in the Communities, which include two multi-family dwellings and 30 single-family dwellings. Proposed Substantial Plat and P.U.D. Amendment, attached as **Schedule 6**, depicts the property boundaries for the 32 new proposed lots¹ within the lot currently known as Lot P, Lawson Hill P.U.D. (the “**Plat**”).

¹ The County’s Pre-Application Conference Summary Sheet makes reference to a total of 28 new lots within the Communities, but we believe this calculation did not include the units within the SV HOA.

Please note that this application does not include Lots Outlot SV130, SV110(R), and SV120(R) because those properties were previously subdivided by Telluride Ski and Golf. This Application seeks to make the rest of the properties within the Associations consistent with those lots subdivided by Telluride Ski and Golf. A proposed Land Use Matrix to be inserted into the Plat is attached hereto as **Schedule 7**. No extra lots would be created by the Plat and no new physical improvements are contemplated.

f. Pre-Application Conference Summary Sheet — LUC § 4-207

Please find the Pre-application Conference Summary attached hereto as **Schedule 8**. This Application and its schedules are compliant with all requirements set forth in the summary.

g. Site Plan - LUC § 4-208

The Plat, attached as **Schedule 6**, shall serve as the site plan. Additional hard copies of the Plat have been submitted to County staff.

III. Conclusion

This Application complies with all procedural and substantive requirements associated with a subdivision exemption for fully developed residential properties, as set forth in LUC § 5-1208. For these reasons, the Applicants requests approval of the Application.

Sincerely,

SMITH LAW FIRM, P.C.

By: 
Nathaniel R. Smith, President

cc: Amy Markwell, Esq, San Miguel County Attorney
John Huebner, Associate Planner, San Miguel County
Scott Stewart, President, Two Rivers Owners Association, Inc.
David Allen, President, Sunshine Valley Condominium Association, Inc.
Stefanie Solomon, General Counsel, Telluride Ski and Golf

Schedule 1

Consent to Application

Two River Owners Association, Inc

On behalf of the Two River Owners Association, Inc., I hereby approve of and consent to the applications submitted by the Smith Law Firm, P.C. for a subdivision exemption to San Miguel County (jointly, the “**Applications**”). I authorize Nate Smith of the Smith Law Firm, P.C. to submit the Applications and assist in any way in moving the Applications forward towards approval.

Two River Owners Association, Inc.,
a Colorado nonprofit corporation

By: Scott Stewart
Scott Stewart, President

Schedule 1

Consent to Application

Sunshine Valley Condominium Association, Inc.

On behalf of the Sunshine Valley Condominium Association, Inc., I hereby approve of and consent to the applications submitted by the Smith Law Firm, P.C. for a subdivision exemption to San Miguel County (jointly, the “**Applications**”). I authorize Nate Smith of the Smith Law Firm, P.C. to submit the Applications and assist in any way in moving the Applications forward towards approval.

Sunshine Valley Condominium Association, Inc.,
a Colorado nonprofit corporation

By: David Allen
David Allen, President

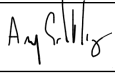
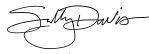
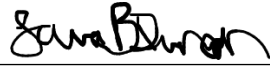
Schedule 1

Consent to Application Individual Owners

I, the undersigned owner, hereby approve of and consent to the applications submitted by the Smith Law Firm, P.C. for a subdivision exemption to San Miguel County (jointly, the “**Applications**”), which seeks to turn all condominium units within the Two River and Sunshine Valley communities into separately deeded lots. I authorize Nate Smith of the Smith Law Firm, P.C. to submit the Applications and assist in any way in moving the Applications forward towards approval.

Property	Lot Owner	Signature
TR-1	Todd T. Rector	<i>Todd Rector</i>
TR-2	Adam W. Pace and Donna M. Pace	<i>Adam Pace</i>
TR-3	Gloria Chavira	<i>Gloria Chavira</i>
TR-4	Robert Szigeti and Diana Szigeti	<i>Bob & Di</i>
TR-5	Walter Scott Stewart	<i>Scott Stewart</i>
TR-6	Melissa Mae Sumpter and Scott Arnold Harris	<i>[Signature]</i>
TR-7	Michael Balser and Ann Kochara	<i>Michael Balser</i>
TR-8	Elena R. Withers and Stuart L. Sundell-Norlin	<i>Elena Withers</i>
TR-9	Tim W. Connor and Heidi M. Connor	<i>Heidi Connor</i>
TR-10	Thomas K. Newell Iv And Kathryn Newell	<i>Thomas</i>
TR-11	Benjamin Dostal	<i>Benjamin Dostal</i>
TR-12	Frank Smethurst	<i>frank smethurst</i>
TR-13	Melissa L. Friedman	<i>[Signature]</i>
TR-14	Christopher Fish and Mackenzy Brewer	<i>McGowan</i>
TR-15	Jody D. Metcalf and Jarod L. Metcalf	<i>Jody Metcalf</i>
TR-16	Andrew Shaffner and Rae Centanni Shaffner	<i>[Signature]</i>
TR-17	Benjamin Gardner	<i>Ben Gardner</i>
TR-18	Molly Tomlonovic Norton And Casey Norton	<i>Molly & Casey Norton</i>
TR-19	Heidi Attenberger	<i>Heidi Attenberger</i>

Schedule 1

TR-20	Amy T. Schilling	
TR-21	Sally Davis	
TR-23(a)	Ryan Dohnal and Zoe Dohnal	
TR-25	Scott C. Pittenger and Meghan R. Pittenger	
TR-27	Heather Whitney Brown and Wesley Logan Yarnall	<i>Heather Brown + Wesley Yarnall</i>
TR-28	Joshua Blakeman and Heather Blakeman	<i>Joshua Blakeman</i>
TR-29	Tim Territo	<i>Tim Territo</i>
TR-30	Edward Wilson and Anna Wilson	<i>Edward Wilson & Anna Wilson</i>
TR-31	John Duncan and Laura Duncan	
Outlot SV-130	Lot removed from application	
SV-140	Devin Overton	 PRESIDENT
SV-141	Johannes L. Beere and Kristen J. Mcclinsey	
SV-1	David Garrison Allen	<i>David Allen</i>
SV- 2	William C. Riley	<i>W C Riley</i>
SV-3, 4, 5, 6	Peter Pitts	<i>Tiare Flora</i> Tiare Pitts Flora as attorney in fact for Peter Pitts

Schedule 2
Parcel Descriptions

1. TR HOA Units:

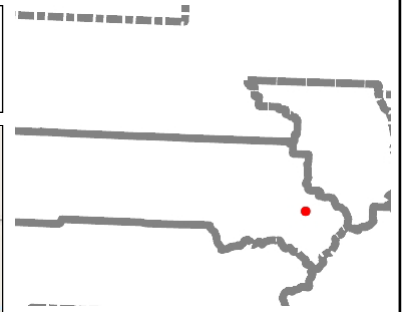
UNITS TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30 AND TR31, FIRST AMENDMENT TO THE PLANNED COMMUNITY FOR TWO RIVERS, A PLANNED COMMUNITY, ACCORDING TO THE PLAT RECORDED MARCH 10, 1997 IN PLAT BOOK 1 AT PAGE 2209, AND AS AMENDED BY THE SECOND AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED APRIL 3, 1997 IN PLAT BOOK 1 AT PAGE 2214. AND AS AMENDED BY THE THIRD AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED MAY 16, 1997 IN PLAT BOOK 1 AT PAGE 2240, AND AS AMENDED BY THE FOURTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED JULY 29, 1997 IN PLAT BOOK 1 AT PAGE 2261 AND THE TECHNICAL AMENDMENT THERETO RECORDED JULY 30, 1997 IN BOOK 584 AT PAGE 756, AND AS AMENDED BY THE FIFTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED AUGUST 15, 1997 IN PLAT BOOK 1 AT PAGE 2271, AND AS AMENDED BY THE SIXTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED SEPTEMBER 17, 1997 IN PLAT BOOK 1 AT PAGE 2290, AND AS AMENDED BY THE SEVENTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED APRIL 21, 1998 IN PLAT BOOK 1 AT PAGE 2360, AND AS AMENDED BY THE EIGHTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED MAY 17, 1999 IN PLAT BOOK 1 AT PAGE 2566, AND AS DEFINED AND DESCRIBED IN THE DECLARATION OF TWO RIVERS RECORDED SEPTEMBER 24, 1996 IN BOOK 568 AT PAGE 76, AS AMENDED BY FIRST AMENDMENT RECORDED MARCH 10, 1997 IN BOOK 577 AT PAGE 719, AS AMENDED BY THE SECOND AMENDMENT RECORDED APRIL 3, 1997 IN BOOK 579 AT PAGE 103, AS AMENDED BY THE THIRD AMENDMENT RECORDED AUGUST 1, 1997 IN BOOK 584 AT PAGE 947, AS AMENDED BY THE FOURTH AMENDMENT RECORDED AUGUST 15, 1997 IN BOOK 585 AT PAGE 431, AS AMENDED BY THE FIFTH AMENDMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE 1009, AS AMENDED BY THE SIXTH AMENDMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. 318317, AND AS AMENDED BY THE SEVENTH AMENDMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. 326457, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

2. SV HOA Units:

UNIT SV1, SV2, SV3, SV4, SV5, SV6, SV140 AND SV141, SUNSHINE VALLEY CONDOMINIUMS, ACCORDING TO THE CONDOMINIUM MAP RECORDED AUGUST 15, 1997 IN PLAT BOOK 1 AT PAGE 2273, AS AMENDED BY THE FIRST SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED SEPTEMBER 17, 1997 IN PLAT BOOK 1 AT PAGE 2292, AND AS AMENDED BY THE SECOND SUPPLEMENT TO THE CONDOMINIUM MAP FOR

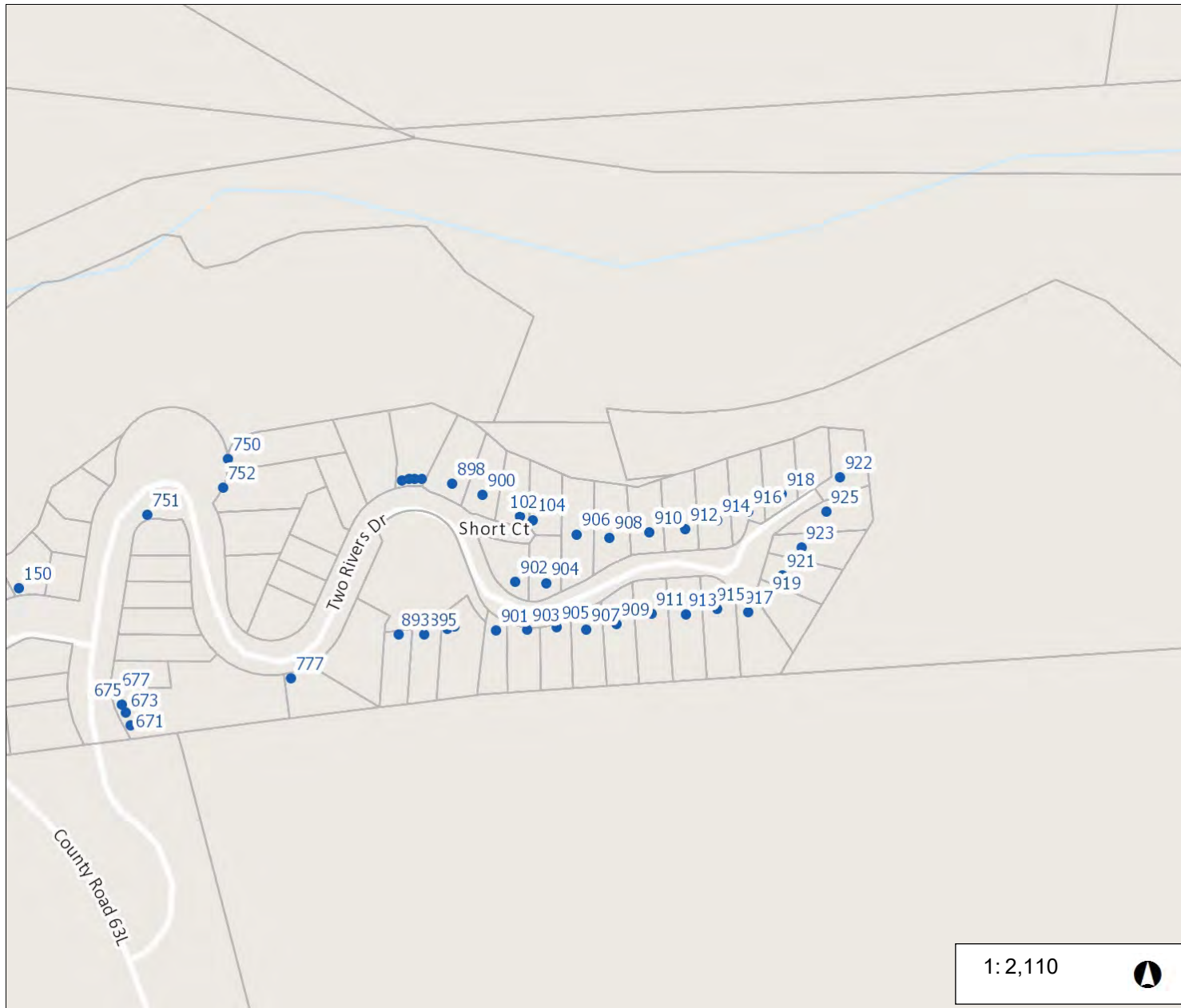
SUNSHINE VALLEY CONDOMINIUMS RECORDED APRIL 21, 1998 IN PLAT BOOK 1 AT PAGE 2361, AND AS AMENDED BY THE THIRD SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED JULY 27, 1998 IN PLAT BOOK 1 AT PAGE 2406, AND AS AMENDED BY THE FOURTH SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED MAY 17, 1999 IN PLAT BOOK 1 AT PAGE 2567, AND AS AMENDED BY THE AMENDMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED DECEMBER 21, 2000 IN PLAT BOOK 1 AT PAGE 2844, AND AS AMENDED BY THE FIFTH SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED MARCH 15, 2002 IN PLAT BOOK 1 AT PAGE 2992, AND AS AMENDED BY THE SUBSTANTIAL PLAT/P.U.D. AMENDMENT FOR UNIT SV-141, SUNSHINE VALLEY CONDOMINIUMS RECORDED JANUARY 15, 2003 IN PLAT BOOK 1 AT PAGE 3095, AND AS AMENDED BY THE INSUBSTANTIAL PLAT AMENDMENT, UNIT SV140 RECORDED OCTOBER 14, 2004 IN PLAT BOOK 1 AT PAGE 3362, AND AS AMENDED BY THE SIXTH SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED AUGUST 30, 2007 IN PLAT BOOK 1 AT PAGE 3863, 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 BY THE FIRST AMENDMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE 1016, AS AMENDED BY THE SECOND AMENDMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. 318319, AS AMENDED BY THE THIRD AMENDMENT RECORDED JULY 27, 1998 UNDER RECEPTION NO. 320185, AS AMENDED BY THE FOURTH AMENDMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. 326459, AS AMENDED BY THE AMENDMENT RECORDED DECEMBER 21, 2000 UNDER RECEPTION NO. 338720, AS AMENDED BY THE FIFTH AMENDMENT RECORDED MARCH 15, 2002 UNDER RECEPTION NO. 347720, AS AMENDED BY THE FIFTH AMENDMENT RECORDED MARCH 16, 2004 UNDER RECEPTION NO. 364729, AS AMENDED BY THE SIXTH AMENDMENT RECORDED OCTOBER 4, 2004 UNDER RECEPTION NO. 369510, AS AMENDED BY THE SUPPLEMENT RECORDED AUGUST 30, 2007 UNDER RECEPTION NO. 396058, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Schedule 3 Vicinity Map

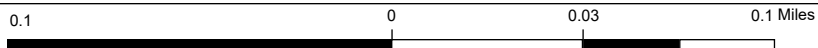


Legend

- Addresses
- Parcel Boundaries
- Roads
- ▣ County Boundaries



1:2,110



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

Map Generated
1/25/19 3:47 PM

Notes

Schedule 4

Old Republic National Title Insurance Company

PROPERTY INFORMATION BINDER

Order Number: TLR86008039

Policy No.: PIB86008039.2495538

Liability: \$50,000.00

Fee: \$500.00

Subject to the exclusions from coverage, the limits of liability and other provisions of the Conditions and Stipulations hereto annexed and made a part of this Binder,

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY a Corporation, herein called the Company,

GUARANTEES

SMITH LAW FIRM,
P.C.

Herein called the Assured, against loss, not exceeding the liability amount stated above, which the assured shall sustain by reason of any incorrectness in the assurance which the Company hereby gives that, according to the public records as of

August 12, 2020 at 5:00 P.M.

1. Title to said estate or interest at the date hereof is vested in:

TODD T. RECTOR, AS TO UNIT TR1; AND ADAM W. PACE AND DONNA M. PACE, AS TO UNIT TR2; AND GLORIA CHAVIRA, AS TO UNIT TR3; AND ROBERT SZIGETI AND DIANA SZIGETI, AS TO UNIT TR4; AND WALTER SCOTT STEWART, AS TO UNIT TR5; AND MELISSA M. SUMPTER, ALSO KNOWN AS MELISSA HARRIS, ALSO KNOWN AS MELISSA MAE SUMPTER HARRIS, ALSO KNOWN AS MELISSA MAE SUMPTER AND SCOTT ARNOLD HARRIS, AS TO UNIT TR6; AND MICHAEL BALSER AND ANN KOCHARA, AS TO UNIT TR7; AND ELENA R. WITHERS AND STUART L. SUNDELL-NORLIN, AS TO UNIT TR8; AND TIM W. CONNOR AND HEIDI M. CONNOR, AS TO UNIT TR9; AND THOMAS K. NEWELL IV AND KATHRYN NEWELL, AS TO UNIT TR10; AND BENJAMIN DOSTAL, AS TO UNIT TR11; AND FRANK SMETHURST, AS TO UNIT TR12; AND MELISSA L. FRIEDMAN, AS TO UNIT TR13; AND CHRISTOPHER FISH AND MACKENZY BREWER, AS TO UNIT TR14; AND JODY D. METCALF AND JAROD L. METCALF, AS TO UNIT TR15; AND ANDREW SHAFFNER AND RAE CENTANNI SHAFFNER, AS TO UNIT TR16; AND BENJAMIN GARDNER, AS TO UNIT TR17; AND MOLLY TOMLONOVIC NORTON AND CASEY NORTON, AS TO UNIT TR18; AND HEIDI ATTENBERGER, AS TO UNIT TR19; AND AMY T. SCHILLING, AS TO UNIT TR20; AND SALLY DAVIS, AS TO UNIT TR21; AND RYAN DOHNAL AND ZOE DOHNAL, AS TO UNIT TR23A; AND SCOTT C. PITTENGER AND MEGHAN R. PITTENGER, AS TO UNIT TR25; AND HEATHER WHITNEY BROWN AND WESLEY LOGAN YARNALL, AS TO UNIT TR27; AND JOSHUA BLAKEMAN AND HEATHER BLAKEMAN, AS TO UNIT TR28; AND TIM TERRITO, AS TO UNIT TR29; AND EDWARD WILSON AND ANNA WILSON, AS TO UNIT TR30; AND JOHN DUNCAN AND LAURA DUNCAN, AS TO UNIT TR31; AND DAVID GARRISON ALLEN, AS TO UNIT SV1; AND WILLIAM C. RILEY, AS TO UNIT SV2; AND PETER PITTS. AS TO UNIT SV3. SV4. SV5 AND SV6: /

); AND DEVIN
OVERTON, AS TO UNIT SV140; AND JOHANNES L. BEERE AND KRISTEN J. MCCLINSEY, AS TO UNIT SV141

Old Republic National Title Insurance Company

PROPERTY INFORMATION BINDER

Order Number: TLR86008039

Policy No.: PIB86008039.2495538

2. The estate or interest in the land hereinafter described or referred to covered by this Binder :

A Fee Simple

3. The Land referred to in this Binder is described as follows:

UNITS TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30 AND TR31, FIRST AMENDMENT TO THE PLANNED COMMUNITY FOR TWO RIVERS, A PLANNED COMMUNITY, ACCORDING TO THE PLAT RECORDED MARCH 10, 1997 IN PLAT BOOK 1 AT PAGE [2209](#), AND AS AMENDED BY THE SECOND AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED APRIL 3, 1997 IN PLAT BOOK 1 AT PAGE [2214](#), AND AS AMENDED BY THE THIRD AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED MAY 16, 1997 IN PLAT BOOK 1 AT PAGE [2240](#), AND AS AMENDED BY THE FOURTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED JULY 29, 1997 IN PLAT BOOK 1 AT PAGE [2261](#) AND THE TECHNICAL AMENDMENT THERETO RECORDED JULY 30, 1997 IN BOOK 584 AT PAGE [756](#), AND AS AMENDED BY THE FIFTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED AUGUST 15, 1997 IN PLAT BOOK 1 AT PAGE [2271](#), AND AS AMENDED BY THE SIXTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED SEPTEMBER 17, 1997 IN PLAT BOOK 1 AT PAGE [2290](#), AND AS AMENDED BY THE SEVENTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED APRIL 21, 1998 IN PLAT BOOK 1 AT PAGE [2360](#), AND AS AMENDED BY THE EIGHTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED MAY 17, 1999 IN PLAT BOOK 1 AT PAGE [2566](#), AND AS DEFINED AND DESCRIBED IN THE DECLARATION OF TWO RIVERS RECORDED SEPTEMBER 24, 1996 IN BOOK 568 AT PAGE [76](#), AS AMENDED BY FIRST AMENDMENT RECORDED MARCH 10, 1997 IN BOOK 577 AT PAGE [719](#), AS AMENDED BY THE SECOND AMENDMENT RECORDED APRIL 3, 1997 IN BOOK 579 AT PAGE [103](#), AS AMENDED BY THE THIRD AMENDMENT RECORDED AUGUST 1, 1997 IN BOOK 584 AT PAGE [947](#), AS AMENDED BY THE FOURTH AMENDMENT RECORDED AUGUST 15, 1997 IN BOOK 585 AT PAGE [431](#), AS AMENDED BY THE FIFTH AMENDMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE [1009](#), AS AMENDED BY THE SIXTH AMENDMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. [318317](#), AND AS AMENDED BY THE SEVENTH AMENDMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. [326457](#), COUNTY OF SAN MIGUEL, STATE OF COLORADO.

UNIT SV1, SV2, SV3, SV4, SV5, SV6, SV7, SV8, SV9, SV10, SV11, SV12, SV13, SV14, SV15, SV16, SV17, SV18, SV19, SV20, SV21, SV22, SV23, SV24, SV25, SV26, SV27, SV28, SV29, SV30, SV31, SV32, SV33, SV34, SV35, SV36, SV37, SV38, SV39, SV40, SV41, SV42, SV43, SV44, SV45, SV46, SV47, SV48, SV49, SV50, SV51, SV52, SV53, SV54, SV55, SV56, SV57, SV58, SV59, SV60, SV61, SV62, SV63, SV64, SV65, SV66, SV67, SV68, SV69, SV70, SV71, SV72, SV73, SV74, SV75, SV76, SV77, SV78, SV79, SV80, SV81, SV82, SV83, SV84, SV85, SV86, SV87, SV88, SV89, SV90, SV91, SV92, SV93, SV94, SV95, SV96, SV97, SV98, SV99, SV100, SV101, SV102, SV103, SV104, SV105, SV106, SV107, SV108, SV109, SV110, SV111, SV112, SV113, SV114, SV115, SV116, SV117, SV118, SV119, SV120, SV121, SV122, SV123, SV124, SV125, SV126, SV127, SV128, SV129, SV130, SV131, SV132, SV133, SV134, SV135, SV136, SV137, SV138, SV139, SV140 AND SV141, SUNSHINE VALLEY CONDOMINIUMS, ACCORDING TO THE CONDOMINIUM MAP RECORDED AUGUST 15, 1997 IN PLAT BOOK 1 AT PAGE [2273](#), AS AMENDED BY THE FIRST SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED SEPTEMBER 17, 1997 IN PLAT BOOK 1 AT PAGE [2292](#), AND AS AMENDED BY THE SECOND SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED APRIL 21, 1998 IN PLAT BOOK 1 AT PAGE [2361](#), AND AS AMENDED BY THE THIRD SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED JULY 27, 1998 IN PLAT BOOK 1 AT PAGE [2406](#), AND AS AMENDED BY THE FOURTH SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED MAY 17, 1999 IN PLAT BOOK 1 AT PAGE [2567](#), AND AS AMENDED BY THE AMENDMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED DECEMBER 21, 2000 IN PLAT BOOK 1 AT PAGE [2844](#), AND AS AMENDED BY THE FIFTH SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED MARCH 15, 2002 IN PLAT BOOK 1 AT PAGE [2992](#), AND AS AMENDED BY THE SUBSTANTIAL PLAT/P.U.D. AMENDMENT FOR UNIT SV-141, SUNSHINE VALLEY CONDOMINIUMS RECORDED JANUARY 15, 2003 IN PLAT BOOK 1 AT PAGE [3095](#), AND AS AMENDED BY THE INSUBSTANTIAL PLAT AMENDMENT, UNIT SV140 RECORDED OCTOBER 14, 2004 IN PLAT BOOK 1 AT PAGE [3362](#), AND AS AMENDED BY THE SIXTH SUPPLEMENT TO THE CONDOMINIUM MAP FOR SUNSHINE

Old Republic National Title Insurance Company

PROPERTY INFORMATION BINDER

Order Number: TLR86008039

Policy No.: PIB86008039.2495538

VALLEY CONDOMINIUMS RECORDED AUGUST 30, 2007 IN PLAT BOOK 1 AT PAGE [3863](#), AND AS AMENDED BY THE SUBSTANTIAL PLAT AND P.U.D. AMENDMENT RECORDED FEBRUARY 3, 2020 UNDER RECEPTION NO. [462121](#), 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 BY THE FIRST AMENDMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE [1016](#), AS AMENDED BY THE SECOND AMENDMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. [318319](#), AS AMENDED BY THE THIRD AMENDMENT RECORDED JULY 27, 1998 UNDER RECEPTION NO. [320185](#), AS AMENDED BY THE FOURTH AMENDMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. [326459](#), AS AMENDED BY THE AMENDMENT RECORDED DECEMBER 21, 2000 UNDER RECEPTION NO. [338720](#), AS AMENDED BY THE FIFTH AMENDMENT RECORDED MARCH 15, 2002 UNDER RECEPTION NO. [347720](#), AS AMENDED BY THE FIFTH AMENDMENT RECORDED MARCH 16, 2004 UNDER RECEPTION NO. [364729](#), AS AMENDED BY THE SIXTH AMENDMENT RECORDED OCTOBER 4, 2004 UNDER RECEPTION NO. [369510](#), AS AMENDED BY THE SUPPLEMENT RECORDED AUGUST 30, 2007 UNDER RECEPTION NO. [396058](#), COUNTY OF SAN MIGUEL, STATE OF COLORADO.

4. The following documents affect the land:

1. CONDITIONS AND STIPULATIONS IN PATENTS FROM THE UNITED STATES RECORDED OCTOBER 30, 1889 IN BOOK 52 AT PAGE [127](#) AND OCTOBER 30, 1889 IN BOOK 52 AT PAGE [128](#) AS FOLLOWS:
FIRST, THAT THE GRANT HEREBY MADE IS RESTRICTED IN ITS EXTERIOR LIMITS TO THE BOUNDARIES OF THE SAID MINING PREMISES, AND TO ANY VEINS OR LODES OF QUARTZ OR OTHER ROCK IN PLACE BEARING GOLD, SILVER, CINNABAR, LEAD, TIN, COPPER OR OTHER VALUABLE DEPOSITS, WHICH MAY HAVE BEEN DISCOVERED WITHIN SAID LIMITS SUBSEQUENT TO AND WHICH WERE NOT KNOWN TO EXIST ON JULY 7, 1887.
SECOND, THAT SHOULD ANY VEIN OR LODE OF QUARTZ OR OTHER ROCK IN PLACE BEARING GOLD, SILVER, CINNABAR, LEAD, TIN, COPPER OR OTHER VALUABLE DEPOSITS, BE CLAIMED OR KNOWN TO EXIST WITHIN THE ABOVE DESCRIBED PREMISES AT SAID LAST NAMED DATE, THE SAME IS EXPRESSLY EXCEPTED AND EXCLUDED FROM THESE PRESENTS.
THIRD, THAT THE PREMISES HEREBY CONVEYED MAY BE ENTERED BY THE PROPRIETOR OF ANY VEIN OR LODE OF QUARTZ OR OTHER ROCK IN PLACE BEARING GOLD, SILVER, CINNABAR, LEAD, TIN, COPPER OR OTHER VALUABLE DEPOSITS FOR THE PURPOSE OF EXTRACTING AND REMOVING THE ORE FROM SUCH VEIN OR LODE SHOULD THE SAME OR ANY PART THEREOF BE FOUND TO PENETRATE, INTERSECT, PASS THROUGH OR DIP INTO THE MINING GROUND OR PREMISES GRANTED.
FOURTH, THAT IN THE ABSENCE OF NECESSARY LEGISLATION BY CONGRESS, THE LEGISLATURE OF COLORADO MAY PROVIDE RULES FOR WORKING THE MINING CLAIM OR PREMISES HEREBY GRANTED, INVOLVING EASEMENTS, DRAINAGE AND OTHER NECESSARY MEANS TO THE COMPLETE DEVELOPMENT THEREOF.
2. PERPETUAL EASEMENTS AND RIGHT OF WAY GRANTED TO WESTERN COLORADO POWER COMPANY, BY INSTRUMENT RECORDED AUGUST 14, 1974, IN BOOK 349 AT PAGE [1006](#), AND AT PAGE [1007](#); FEBRUARY 3, 1988 IN BOOK 441 AT PAGE [962](#); AND ASSIGNED TO SAN MIGUEL POWER ASSOCIATION, INC, BY INSTRUMENT RECORDED FEBRUARY 3, 1988 IN BOOK 441 AT PAGE [953](#).
3. RIGHT OF WAY AND EASEMENT GRANTED TO ROCKY MOUNTAIN NATURAL GAS COMPANY, FOR A PIPELINE, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED AUGUST 19, 1986, IN BOOK 429 AT PAGE [328](#).
4. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN THE LAWSON HILL PLANNED UNIT DEVELOPMENT, RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, SAN MIGUEL COUNTY, COLORADO, GRANTING PRELIMINARY APPROVAL THEREOF, RESOLUTION

Old Republic National Title Insurance Company

PROPERTY INFORMATION BINDER

Order Number: TLR86008039

Policy No.: PIB86008039.2495538

#1991-22, RECORDED MAY 03, 1991 IN BOOK 477 AT PAGE [367](#); AND FIRST AMENDMENT RECORDED APRIL 16, 1992 IN BOOK 490 AT PAGE [1026](#).

5. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENTS WITH THE TOWN OF TELLURIDE RECORDED JUNE 07, 1991 IN BOOK 478 AT PAGE [607](#) AND [642](#).
6. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DECLARATION OF EASEMENTS RECORDED APRIL 16, 1992 IN BOOK 490 AT PAGE [1016](#).
7. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS, PROVISIONS AND NOTES ON THE FOLLOWING PLATS:
 - #1 - LAWSON HILL, PHASE 9 RECORDED JULY 14, 1995 PLAT BOOK 1 AT PAGE [1891](#);
 - #2 - LAWSON HILL, PHASE 10 RECORDED DECEMBER 19, 1995 PLAT BOOK 1 AT PAGE [1960](#);
 - #3 - TELECAM/ILIUM PARK, A PLANNED COMMUNITY RECORDED JUNE 19, 1996 IN PLAT BOOK 1 AT PAGE [2058](#);
 - #4 - ILIUM RESIDENTIAL, A PLANNED COMMUNITY RECORDED AUGUST 15, 1996 IN PLAT BOOK 1 AT PAGE [2097](#);
 - #5 - TELECAM/ILIUM SUBDIVISION EXEMPTION RECORDED SEPTEMBER 11, 1996 IN PLAT BOOK 1 AT PAGE [2105](#);
 - #6 - TWO RIVER, A PLANNED COMMUNITY RECORDED SEPTEMBER 24, 1996 IN PLAT BOOK 1 AT PAGE [2120](#);
 - #7 - FIRST AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED MARCH 10, 1997 IN PLAT BOOK 1 AT PAGE [2209](#);
 - #8 - SECOND AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED APRIL 3, 1997 IN PLAT BOOK 1 AT PAGE [2214](#);
 - #9 - SUBDIVISION LOT LINE ADJUSTMENT BETWEEN LOT P, LAWSON HILL, PUD, PHASE 9 AND LOT 426, LAWSON HILL, PUD, PHASE 10 RECORDED MAY 15, 1997 IN PLAT BOOK 1 AT PAGE [2238](#);
 - #10 - THIRD AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED MAY 16, 1997 IN PLAT BOOK 1 AT PAGE [2240](#);
 - #11 - FOURTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED JULY 29, 1997 IN PLAT BOOK 1 AT PAGE [2261](#) AND AS AMENDED IN INSTRUMENT RECORDED JULY 30, 1997 IN BOOK 584 AT PAGE [756](#);
 - #12 - FIFTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED AUGUST 15, 1997 IN PLAT BOOK 1 AT PAGE [2271](#);
 - #13 - SUNSHINE VALLEY CONDOMINIUMS RECORDED APRIL 15, 1997 IN PLAT BOOK 1 AT PAGE [2273](#);
 - #14 - SIXTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED SEPTEMBER 17, 1997 IN PLAT BOOK 1 AT PAGE [2290](#);
 - #15 - FIRST SUPPLEMENT SUNSHINE VALLEY CONDOMINIUMS RECORDED SEPTEMBER 17, 1997 IN PLAT BOOK 1 AT PAGE [2292](#);
 - #16 - SEVENTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED APRIL 21, 1998 IN PLAT BOOK 1 AT PAGE [2360](#);
 - #17 - SECOND SUPPLEMENT SUNSHINE VALLEY CONDOMINIUMS RECORDED APRIL 21, 1998 IN PLAT BOOK 1 AT PAGE [2361](#);
 - #18 - THIRD SUPPLEMENT SUNSHINE VALLEY CONDOMINIUMS RECORDED JULY 27, 1998 IN PLAT BOOK 1 AT PAGE [2406](#);
 - #19 - SUBSTANTIAL PLAT ABD P.U.D. AMENDMENT TO THE LAWSON HILL P.U.D. RECORDED MARCH 16, 1999 IN PLAT BOOK 1 AT PAGE [2511](#);
 - #20 - EIGHTH AMENDMENT TO THE PLANNED COMMUNITY MAP FOR TWO RIVERS RECORDED MAY 17, 1999 IN PLAT BOOK 1 AT PAGE [2566](#);
 - #21 - FOURTH SUPPLEMENT SUNSHINE VALLEY CONDOMINIUMS RECORDED MAY 17, 1999 IN PLAT BOOK 1 AT PAGE [2567](#);

Old Republic National Title Insurance Company

PROPERTY INFORMATION BINDER

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#22 - SUBSTANTIAL PLAT AND P.U.D. AMENDMENT TO THE LAWSON HILL P.U.D. RECORDED MAY 10, 1999 IN PLAT BOOK 1 AT PAGE [2548](#);

#23 - ROAD STANDARD EXEMPTION AND SUBSTANTIAL PLAT AND P.U.D. AMENDMENT FOR LOT P, LAWSON HILL P.U.D. RECORDED DECEMBER 21, 2000 IN PLAT BOOK 1 AT PAGE [2842](#);

#24 - AMENDMENT TO THE CONDOMINIUM MAP FOR SUNSHINE VALLEY CONDOMINIUMS RECORDED DECEMBER 21, 2000 IN PLAT BOOK 1 AT PAGE [2844](#);

#25 - FIFTH SUPPLEMENT SUNSHINE VALLEY CONDOMINIUMS RECORDED MARCH 15, 2002 IN PLAT BOOK 1 AT PAGE [2992](#);

#26 - SUBSTANTIAL PLAT/PUD AMENDMENT FOR UNIT SV-141, SUNSHINE VALLEY CONDOMINIUMS RECORDED JANUARY 15, 2003 IN PLAT BOOK 1 AT PAGE [3095](#) AND RESOLUTION RECORDED JANUARY 15, 2003 UNDER RECEPTION NO. [354409](#);

#27 - INSUBSTANTIAL PLAT AMENDMENT UNIT SV 140 RECORDED OCTOBER 14, 2004 IN PLAT BOOK 1 AT PAGE [3362](#);

#28 - SIXTH SUPPLEMENT SUNSHINE VALLEY CONDOMINIUMS RECORDED AUGUST 30, 2007 IN PLAT BOOK 1 AT PAGE [3863](#); AND

#29 - SUBSTANTIAL PLAT AND P.U.D. AMENDMENT RECORDED FEBRUARY 3, 2020 UNDER RECEPTION NO. [462121](#).

8. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN EASEMENT FOR POWER LINE AND RELATED FACILITIES RECORDED MARCH 20, 1995 IN BOOK 543 AT PAGE [476](#).
9. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION #1995-19 OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, APPROVING THE FINAL PLAT OF LAWSON HILL FILING 9 RECORDED JULY 14, 1995 IN BOOK 548 AT PAGE [347](#).
10. SUBDIVIDER'S AGREEMENT AS CONTAINED IN INSTRUMENT RECORDED JULY 14, 1995 IN BOOK 548 AT PAGE [359](#) AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 20, 1999 UNDER RECEPTION NO. [331332](#) AND AS AMENDED IN INSTRUMENT RECORDED SEPTEMBER 27, 2000 UNDER RECEPTION NO. [336991](#).
11. COVENANTS, CONDITIONS AND RESTRICTIONS, FOR TELECAM/ILIUM PARK, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED JUNE 19, 1996, IN BOOK 563 AT PAGE [382](#), AND AMENDED IN INSTRUMENT RECORDED APRIL 16, 1999 UNDER RECEPTION NO. [325685](#), AND AMENDED IN INSTRUMENT RECORDED DECEMBER 6, 2006 UNDER RECEPTION NO. [388919](#), AND ASSIGNMENT OF DECLARANT RIGHTS RECORDED SEPTEMBER 26, 2013 UNDER RECEPTION NO. [429912](#), AND AMENDED IN INSTRUMENT RECORDED OCTOBER 14, 2013 UNDER RECEPTION NO. [430287](#).

ILIUM PARK OWNERS ASSOCIATION NOTICE OF DISPOSITION OF REAL ESTATE TRANSFER ASSESSMENT RECORDED OCTOBER 2, 2013 UNDER RECEPTION NO. [429986](#) AND AS AMENDED IN INSTRUMENT RECORDED FEBRUARY 3, 2014 UNDER RECEPTION NO. [431625](#) AND SETTLEMENT AGREEMENT AND MUTUAL RELEASE RECORDED OCTOBER 14, 2013 UNDER RECEPTION NO. [430286](#).
12. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF CONSTRUCTION AGREEMENT PURSUANT TO SAN MIGUEL COUNTY LAND USE CODE SECTION #5-1305 RECORDED AUGUST 15, 1996 IN BOOK 566 AT PAGE [232](#) AND AS AMENDED IN INSTRUMENT RECORDED AUGUST 25, 1997 IN BOOK 585 AT PAGE [920](#).
13. COVENANTS, CONDITIONS AND RESTRICTIONS, FOR TWO RIVERS, WHICH DO NOT CONTAIN A

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FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW AS CONTAINED IN INSTRUMENT RECORDED SEPTEMBER 24, 1996, IN BOOK 568 AT PAGE [76](#) AND AS AMENDED IN INSTRUMENT RECORDED MARCH 10, 1997, IN BOOK 577 AT PAGE [719](#) AND AS AMENDED IN INSTRUMENT RECORDED APRIL 03, 1997, IN BOOK 579 AT PAGE [103](#) AND AS AMENDED IN INSTRUMENT RECORDED AUGUST 1, 1997 IN BOOK 584 AT PAGE [947](#) AND AS AMENDED IN INSTRUMENT RECORDED AUGUST 15, 1997 IN BOOK 585 AT PAGE [431](#) AND AS AMENDED IN INSTRUMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE [1009](#) AND AS AMENDED IN INSTRUMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. [318317](#) AND AS AMENDED IN INSTRUMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. [326457](#).

(TWO RIVERS)

14. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF SPECIAL WARRANTY DEEDS RECORDED SEPTEMBER 26, 1996 IN BOOK 568 AT PAGE [252](#) AND RECORDED AUGUST 1, 1997 IN BOOK 584 AT PAGE [944](#).
15. COVENANTS, CONDITIONS AND RESTRICTIONS, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DECLARATION OF THE SUNSHINE VALLEY CONDOMINIUMS RECORDED AUGUST 15, 1997 IN BOOK 585 AT PAGE [437](#) AND AS AMENDED IN INSTRUMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE [1016](#) AND AS AMENDED IN INSTRUMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. [318319](#) AND AS AMENDED IN INSTRUMENT RECORDED JULY 27, 1998 UNDER RECEPTION NO. [320185](#) AND AS AMENDED IN INSTRUMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. [326459](#) AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 21, 2000 UNDER RECEPTION NO. [338720](#) AND AS AMENDED IN INSTRUMENT RECORDED MARCH 15, 2002 UNDER RECEPTION NO. [347720](#) AND AS AMENDED IN INSTRUMENT RECORDED MARCH 16, 2004 UNDER RECEPTION NO. [364729](#) AND AS AMENDED IN INSTRUMENT RECORDED OCTOBER 4, 2004 UNDER RECEPTION NO. [369510](#) AND AS AMENDED IN INSTRUMENT RECORDED AUGUST 30, 2007 UNDER RECEPTION NO. [396058](#).
(SUNSHINE VALLEY)
16. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN LAWSON HILL PUD, ILIUM VALLEY LAND USE MATRIX RECORDED DECEMBER 17, 1999 UNDER RECEPTION NO. [331303](#), LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX RECORDED NOVEMBER 20, 2002 UNDER RECEPTION NO. [353234](#), AND LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX RECORDED NOVEMBER 8, 2005 UNDER RECEPTION NO. [379371](#), AND AS AMENDED IN INSTRUMENT RECORDED JUNE 11, 2015 UNDER RECEPTION NO. [437926](#).
17. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN GRANT OF EASEMENT RECORDED DECEMBER 21, 2000 UNDER RECEPTION NOS. [338721](#), [338722](#) AND [338723](#).
18. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION #2000-25 GRANTING A ROAD STANDARD EXEMPTION FOR LOTS O & P, LAWSON HILL P.U.D. RECORDED DECEMBER 21, 2000 UNDER RECEPTION NO. [338724](#).
19. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN PROPERTY IMPROVEMENTS AGREEMENTS RECORDED DECEMBER 21, 2000 UNDER RECEPTION NOS. [338725](#)

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AND [338726](#).

20. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN LETTER FROM TWO RIVERS HOA BOARD OF DIRECTORS RECORDED SEPTEMBER 17, 2001 UNDER RECEPTION NO. [343871](#).
21. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN INSUBSTANTIAL PUD AMENDMENT TO LOT P, LAWSON HILL PUD RECORDED JANUARY 30, 2003 UNDER RECEPTION NO. [354791](#) AND RE-RECORDED APRIL 1, 2003 UNDER RECEPTION NO. [356219](#).
22. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION 2019-012 CONDITIONALLY APPROVING A SUBSTANTIAL PLAT AND PUD AMENDMENT RECORDED AUGUST 01, 2019 UNDER RECEPTION NO. [459396](#) AND RERECORDED AUGUST 20, 2019 UNDER RECEPTION NO. [459599](#).
23. (THIS ITEM WAS INTENTIONALLY DELETED)
(THIS ITEM WAS INTENTIONALLY DELETED)
24. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED DECEMBER 13, 2000 UNDER RECEPTION NO. [338560](#).
(UNIT TR1)
25. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED DECEMBER 21, 2000 UNDER RECEPTION NO. [338690](#).
(UNIT TR1)
26. DEED OF TRUST DATED AUGUST 31, 2017 FROM ADAM W. PACE AND DONNA M. PACE TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR ALPINE BANK TO SECURE THE SUM OF \$272,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED SEPTEMBER 15, 2017, UNDER RECEPTION NO. [450360](#).
(UNIT TR2)
27. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED SEPTEMBER 25, 2017 UNDER RECEPTION NO. [450495](#).
(UNIT TR2)
28. (THIS ITEM WAS INTENTIONALLY DELETED)
29. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN EXCEPTION AGREEMENT AND AFFORDABLE HOUSING COVENANT, EQUITABLE SERVITUDE AND REAL COVENANTS RECORDED AUGUST 30, 2018 UNDER RECEPTION NO. [454587](#).
(UNIT TR3)
30. DEED OF TRUST DATED SEPTEMBER 05, 2018 FROM GLORIA CHAVIRA TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR ALPINE BANK TO SECURE THE SUM OF \$276,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED SEPTEMBER 06, 2018, UNDER RECEPTION NO. [454690](#).
(UNIT TR3)
31. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND

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RESTATED DEED RESTRICTION AND COVENANT, LOT P, UNIT TR3, TWO RIVERS SUBDIVISION
RECORDED SEPTEMBER 27, 2018 UNDER RECEPTION NO. [455071](#).

(UNIT TR3)

32. DEED OF TRUST DATED NOVEMBER 15, 2017 FROM ROBERT SZIGETI AND DIANA SZIGETI TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR NBH BANK TO SECURE THE SUM OF \$383,150.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED NOVEMBER 16, 2017, UNDER RECEPTION NO. [451237](#).
(UNIT TR4)
33. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED DECEMBER 20, 2017 UNDER RECEPTION NO. [451685](#).
(UNIT TR4)
34. THE EFFECT OF THE QUIT CLAIM DEED RECORDED MAY 27, 1997 IN BOOK 581 AT PAGE [786](#).
(UNITS TR5 AND TR6)
35. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACKNOWLEDGEMENT OF DEED RESTRICTION AND AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED AUGUST 29, 2007 UNDER RECEPTION NO. [396040](#).
(UNIT TR5)
36. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED AUGUST 29, 2007 UNDER RECEPTION NO. [396041](#).
(UNIT TR5)
37. DEED OF TRUST DATED AUGUST 29, 2007 FROM WALTER SCOTT STEWART TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR AFFILIATED FINANCIAL GROUP, INC., A COLORADO CORPORATION TO SECURE THE SUM OF \$33,150.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED AUGUST 29, 2007, UNDER RECEPTION NO. [396044](#).

SUBORDINATION AGREEMENT IN CONNECTION WITH SAID DEED OF TRUST WAS RECORDED APRIL 30, 2013, UNDER RECEPTION NO. [427903](#).
(UNIT TR5)
38. DEED OF TRUST DATED APRIL 05, 2013 FROM WALTER SCOTT STEWART TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR FIRST NATIONAL BANK OF LAYTON TO SECURE THE SUM OF \$246,950.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED APRIL 30, 2013, UNDER RECEPTION NO. [427902](#).
(UNIT TR5)
39. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED NOVEMBER 08, 2002 UNDER RECEPTION NOS. [352934](#), [352935](#) AND [352936](#).
(UNIT TR6)
40. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED NOVEMBER 08, 2002 UNDER RECEPTION NO. [352937](#).
(UNIT TR6)

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41. DEED OF TRUST DATED MARCH 12, 2008 FROM MELISSA M. SUMPTER TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR COUNTRYWIDE BANK, FSB TO SECURE THE SUM OF \$230,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED MARCH 17, 2008, UNDER RECEPTION NO. [400470](#).

OPTION TO PURCHASE AFFORDABLE HOUSING AGREEMENT IN CONNECTION WITH SAID DEED OF TRUST WAS RECORDED APRIL 03, 2008, UNDER RECEPTION NO. [400766](#) AND RERECORDED MAY 13, 2008 UNDER RECEPTION NO. [401535](#).
(UNIT TR6)

42. ANY LOSS OR DAMAGE RESULTING FROM NONCOMPLIANCE WITH THE TELECAM/ILIUM PARK HOMEOWNERS ASSOCIATION, INC. REAL ESTATE TRANSFER ASSESSMENT FOR QUITCLAIM DEED RECORDED MARCH 27, 2017 UNDER RECEPTION NO. [447773](#) AND QUITCLAIM DEED RECORDED APRIL 3, 2017 UNDER RECEPTION NO. [447925](#).

(UNIT TR6)

43. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED NOVEMBER 18, 1996 IN BOOK 571 AT PAGES [56](#) AND [58](#).

(UNIT TR7)

44. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED NOVEMBER 18, 1996 IN BOOK 571 AT PAGE [63](#).

(UNIT TR7)

45. DEED OF TRUST DATED DECEMBER 01, 2005 FROM MICHAEL BALSER TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF JPMORGAN CHASE BANK, N.A. TO SECURE THE SUM OF \$36,500.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED DECEMBER 06, 2005, UNDER RECEPTION NO. [380056](#).

SUBORDINATION AGREEMENT IN CONNECTION WITH SAID DEED OF TRUST WAS RECORDED NOVEMBER 13, 2015, UNDER RECEPTION NO. [440161](#).

NOTE: THE ABOVE DEED OF TRUST SECURES A LINE OF CREDIT.

(UNIT TR7)

46. ANY LOSS OR DAMAGE RESULTING FROM NONCOMPLIANCE WITH THE TELECAM/ILIUM PARK HOMEOWNERS ASSOCIATION, INC. REAL ESTATE TRANSFER ASSESSMENT FOR GRANT DEED RECORDED NOVEMBER 13, 2015 UNDER RECEPTION NO. [440159](#).

(UNIT TR7)

47. DEED OF TRUST DATED NOVEMBER 05, 2015 FROM MICHAEL BALSER AND ANN KOCHARA TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR PEOPLES HOME EQUITY, INC. TO SECURE THE SUM OF \$193,451.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED NOVEMBER 13, 2015, UNDER RECEPTION NO. [440160](#).

(UNIT TR7)

48. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED AUGUST 22, 2014 UNDER RECEPTION NO. [434251](#).

(UNIT TR8)

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49. DEED OF TRUST DATED AUGUST 18, 2014 FROM ELENA R. WITHERS AND STUART L. SUNDELL-NORLIN TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR CORNERSTONE HOME LENDING, INC. TO SECURE THE SUM OF \$255,102.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED AUGUST 25, 2014, UNDER RECEPTION NO. [434278](#).
(UNIT TR8)
50. DEED OF TRUST DATED JUNE 15, 2017 FROM ELENA R. WITHERS AND STUART L. SUNDELL-NORLIN TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF U.S. BANK NATIONAL ASSOCIATION TO SECURE THE SUM OF \$30,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED JULY 05, 2017, UNDER RECEPTION NO. [449274](#).

NOTE: THE ABOVE DEED OF TRUST SECURES A LINE OF CREDIT.
(UNIT TR8)
51. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACKNOWLEDGEMENT OF DEED RESTRICTION AND AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED MAY 29, 2007 UNDER RECEPTION NOS. [393916](#) AND [393918](#).
(UNIT TR9)
52. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED MAY 29, 2007 UNDER RECEPTION NOS. [393917](#) AND [393919](#).
(UNIT TR9)
53. DEED OF TRUST DATED JUNE 15, 2016 FROM TIM W. CONNOR AND HEIDI M. CONNOR TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR CHERRY CREEK MORTGAGE CO., INC. TO SECURE THE SUM OF \$263,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED JUNE 21, 2016, UNDER RECEPTION NO. [442870](#).
(UNIT TR9)
54. (THIS ITEM WAS INTENTIONALLY DELETED)
55. (THIS ITEM WAS INTENTIONALLY DELETED)
56. (THIS ITEM WAS INTENTIONALLY DELETED)
57. DEED OF TRUST DATED NOVEMBER 27, 2019 FROM THOMAS KNOX NEWELL IV AND KATHRYN NEWELL TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR ALPINE BANK TO SECURE THE SUM OF \$329,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED DECEMBER 03, 2019, UNDER RECEPTION NO. [461168](#).
(UNIT TR10)
58. DEED OF TRUST DATED DECEMBER 03, 2019 FROM THOMAS NEWELL AND KATHRYN NEWELL TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF TOWN OF MOUNTAIN VILLAGE HOUSING AUTHORITY, A QUASI-GOVERNMENTAL ENTITY AND POLITICAL SUBDIVISION OF THE STATE OF COLORADO TO SECURE THE SUM OF \$30,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED DECEMBER 03, 2019, UNDER RECEPTION NO. [461179](#).
(UNIT TR10)
59. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT, 923 TWO RIVERS DR. UNIT 10 RECORDED APRIL

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10, 2020 UNDER RECEPTION NO. [462947](#).
(UNIT TR10)

60. ANY LOSS OR DAMAGE RESULTING FROM NONCOMPLIANCE WITH THE TELECAM/ILIUM PARK HOMEOWNERS ASSOCIATION, INC. REAL ESTATE TRANSFER ASSESSMENT FOR SPECIAL WARRANTY DEED RECORDED DECEMBER 3, 2019 UNDER RECEPTION NO. [461167](#).
(UNIT TR10)

61. ANY LOSS OR DAMAGE RESULTING FROM NONCOMPLIANCE WITH THE TELECAM/ILIUM PARK HOMEOWNERS ASSOCIATION, INC. REAL ESTATE TRANSFER ASSESSMENT FOR SPECIAL WARRANTY DEED RECORDED JULY 29, 2014 UNDER RECEPTION NO. [434945](#).
(UNIT TR11)

62. (THIS ITEM WAS INTENTIONALLY DELETED)

63. (THIS ITEM WAS INTENTIONALLY DELETED)

64. DEED OF TRUST DATED SEPTEMBER 16, 2019 FROM BENJAMIN J. DOSTAL TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR TIAA, FSB TO SECURE THE SUM OF \$300,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED SEPTEMBER 26, 2019, UNDER RECEPTION NO. [460212](#).
(UNIT TR11)

65. DEED OF TRUST DATED MAY 29, 2020 FROM BENJAMIN DOSTAL TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR ADVANCE MORTGAGE & INVESTMENT COMPANY TO SECURE THE SUM OF \$304,700.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED JUNE 04, 2020, UNDER RECEPTION NO. [463521](#) AND RERECORDED JUNE 10, 2020 UNDER RECEPTION NO. [463579](#).
(UNIT TR11)

66. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED AUGUST 07, 1998 UNDER RECEPTION NO. [320452](#).
(UNIT TR12)

67. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED AUGUST 20, 1998 UNDER RECEPTION NO. [320687](#).
(UNIT TR12)

68. (THIS ITEM WAS INTENTIONALLY DELETED)

(THIS ITEM WAS INTENTIONALLY DELETED)

(THIS ITEM WAS INTENTIONALLY DELETED)

(THIS ITEM WAS INTENTIONALLY DELETED)

69. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT FOR DISCRETIONARY EXCEPTION, LEAVE OF ABSENCE RECORDED JANUARY 24, 2014 UNDER RECEPTION NO. [431526](#).
(UNIT TR12)

70. (THIS ITEM WAS INTENTIONALLY DELETED)

(THIS ITEM WAS INTENTIONALLY DELETED)

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71. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT, RECORDED MAY 16, 2013 UNDER RECEPTION NO. [428114](#).
(UNIT TR13)
72. (THIS ITEM WAS INTENTIONALLY DELETED)
73. DEED OF TRUST DATED SEPTEMBER 19, 2019 FROM MELISSA L. FRIEDMAN TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR CRESCENT MORTGAGE COMPANY TO SECURE THE SUM OF \$211,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED SEPTEMBER 24, 2019, UNDER RECEPTION NO. [460176](#).
(UNIT TR13)
74. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RELEASE OF SAN MIGUEL COUNTY R-1 HOUSING DEED RESTRICTION RECORDED FEBRUARY 28, 2013 UNDER RECEPTION NO. [427026](#).
(UNIT TR14)
75. DEED OF TRUST DATED DECEMBER 28, 2016 FROM CHRISTOPHER FISH AND MACKENZY BREWER TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR ALPINE BANK TO SECURE THE SUM OF \$323,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED DECEMBER 28, 2016, UNDER RECEPTION NO. [445677](#).
SAID DEED OF TRUST WAS ASSIGNED TO FIFTH THIRD BANK IN ASSIGNMENT RECORDED JULY 27, 2020, UNDER RECEPTION NO. [464164](#).
(UNIT TR14)
76. DEED OF TRUST DATED AUGUST 23, 2019 FROM CHRISTOPHER F. FISH AND MACKENZY BREWER TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF LIVE OAK BANKING COMPANY TO SECURE THE SUM OF \$1,120,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED SEPTEMBER 03, 2019, UNDER RECEPTION NO. [459868](#) AND RERECORDED OCTOBER 11, 2019 UNDER RECEPTION NO. [460440](#).
SUBORDINATION AGREEMENT IN CONNECTION WITH SAID DEED OF TRUST WAS RECORDED JUNE 29, 2020, UNDER RECEPTION NO. [463797](#).
(UNIT TR14)
77. DEED OF TRUST DATED JUNE 23, 2020 FROM MACKENZY BREWER AND CHRISTOPHER FISH TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR GUARANTEED RATE, INC. TO SECURE THE SUM OF \$336,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED JUNE 29, 2020, UNDER RECEPTION NO. [463796](#).
(UNIT TR14)
78. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED MARCH 18, 2002 UNDER RECEPTION NOS. [347763](#) AND [347767](#).
(UNIT TR15)
79. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACKNOWLEDGEMENT OF DEED RESTRICTION AND AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED MARCH 18, 2002 UNDER RECEPTION NO. [347764](#).

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(UNIT TR15)

80. DEED OF TRUST DATED DECEMBER 21, 2016 FROM JODY D. METCALF AND JAROD L. METCALF TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF NBH BANK TO SECURE THE SUM OF \$142,600.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED DECEMBER 28, 2016, UNDER RECEPTION NO. [445686](#).

(UNIT TR15)

81. (THIS ITEM WAS INTENTIONALLY DELETED)

82. (THIS ITEM WAS INTENTIONALLY DELETED)

83. (THIS ITEM WAS INTENTIONALLY DELETED)

(THIS ITEM WAS INTENTIONALLY DELETED)

84. DEED OF TRUST DATED DECEMBER 02, 2019 FROM ANDREW SHAFFNER AND RAE CENTANNI SHAFFNER TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR GUILD MORTGAGE COMPANY TO SECURE THE SUM OF \$360,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED DECEMBER 03, 2019, UNDER RECEPTION NO. [461170](#).

(UNIT TR16)

85. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT, 911 TWO RIVERS DR. UNIT 16 RECORDED DECEMBER 12, 2019 UNDER RECEPTION NO. [461343](#).

(UNIT TR16)

86. DEED OF TRUST DATED AUGUST 05, 2020 FROM ANDREW SHAFFNER AND RAE CENTANNI SHAFFNER TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR GUILD MORTGAGE COMPANY, A CALIFORNIA CORPORATION TO SECURE THE SUM OF \$362,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED AUGUST 06, 2020, UNDER RECEPTION NO. [464351](#).

(UNIT TR16)

87. (THIS ITEM WAS INTENTIONALLY DELETED)

88. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED MAY 25, 2017 UNDER RECEPTION NO. [448687](#).

(UNIT TR17)

89. DEED OF TRUST DATED FEBRUARY 11, 2020 FROM BENJAMIN GARDNER TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR UNITED WHOLESALE MORTGAGE TO SECURE THE SUM OF \$231,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED FEBRUARY 18, 2020, UNDER RECEPTION NO. [462327](#).

(UNIT TR17)

90. (THIS ITEM WAS INTENTIONALLY DELETED)

91. (THIS ITEM WAS INTENTIONALLY DELETED)

92. (THIS ITEM WAS INTENTIONALLY DELETED)

93. DEED OF TRUST DATED MAY 31, 2019 FROM MOLLY TOMLONOVIC NORTON AND CASEY NORTON TO

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THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF U.S. BANK NATIONAL ASSOCIATION TO SECURE THE SUM OF \$346,750.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED MAY 31, 2019, UNDER RECEPTION NO. [458692](#).

94. (UNIT TR18)
TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT, LOT 18 TWO RIVERS SUBDIVISION RECORDED JUNE 21, 2019 UNDER RECEPTION NO. [458903](#).
(UNIT TR18)
95. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED MARCH 04, 2003 UNDER RECEPTION NO. [355522](#).
(UNIT TR19)
96. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACKNOWLEDGEMENT OF DEED RESTRICTION AND AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED MARCH 20, 2003 UNDER RECEPTION NO. [355925](#).
(UNIT TR19)
97. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED JULY 20, 2016 UNDER RECEPTION NO. [443237](#).
(UNIT TR19)
98. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACKNOWLEDGEMENT OF DEED RESTRICTION AND AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED JUNE 01, 2007 UNDER RECEPTION NO. [394060](#).
(UNIT TR20)
99. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN EXCEPTION AGREEMENT AND AFFORDABLE HOUSING COVENANT, EQUITABLE SERVITUDE, AND REAL COVENANTS RECORDED JUNE 01, 2007 UNDER RECEPTION NO. [394061](#).
(UNIT TR20)
100. DEED OF TRUST DATED DECEMBER 02, 2010 FROM AMY T. SCHILLING TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF JPMORGAN CHASE BANK, N.A. TO SECURE THE SUM OF \$225,287.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED DECEMBER 20, 2010, UNDER RECEPTION NO. [415460](#).
(UNIT TR20)
101. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED MAY 20, 1997 IN BOOK 581 AT PAGE [531](#).
(UNIT TR21)
102. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED MAY 20, 1997 IN BOOK 581 AT PAGE [534](#).
(UNIT TR21)
103. DEED OF TRUST DATED FEBRUARY 23, 2012 FROM SALLY DAVIS TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION TO SECURE THE SUM OF \$98,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED MARCH 05, 2012, UNDER RECEPTION NO. [421974](#).
(UNIT TR21)

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104. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED NOVEMBER 06, 2014 UNDER RECEPTION NO. [435192](#).
(UNIT TR21)
105. DEED OF TRUST DATED JULY 24, 2017 FROM RYAN DOHNAL AND ZOE DOHNAL TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR GUILD MORTGAGE COMPANY, A CALIFORNIA CORPORATION TO SECURE THE SUM OF \$298,800.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED JULY 25, 2017, UNDER RECEPTION NO. [449589](#).
(UNIT TR23A)
106. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED AUGUST 21, 2017 UNDER RECEPTION NO. [449969](#).
(UNIT TR23A)
107. DEED OF TRUST DATED AUGUST 22, 2014 FROM SCOTT C. PITTENGER AND MEGHAN R. PITTENGER TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR ALPINE BANK TO SECURE THE SUM OF \$188,338.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED AUGUST 25, 2014, UNDER RECEPTION NO. [434276](#).
(UNIT TR25)
108. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED AUGUST 28, 2014 UNDER RECEPTION NO. [434312](#).
(UNIT TR25)
109. (THIS ITEM WAS INTENTIONALLY DELETED)
110. (THIS ITEM WAS INTENTIONALLY DELETED)
111. (THIS ITEM WAS INTENTIONALLY DELETED)
112. DEED OF TRUST DATED MAY 02, 2019 FROM HEATHER WHITNEY BROWN AND WESLEY LOGAN YARNALL TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR PRIMELENDING, A PLAINSCAPITAL COMPANY TO SECURE THE SUM OF \$344,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED MAY 06, 2019, UNDER RECEPTION NO. [458429](#).
(UNIT TR27)
113. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN EXCEPTION AGREEMENT AND AFFORDABLE HOUSING COVENANT, EQUITABLE SERVITUDE, AND REAL COVENANTS RECORDED MAY 06, 2019 UNDER RECEPTION NO. [458430](#).
(UNIT TR27)
114. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT, LOT 27, TWO RIVERS SUBDIVISION RECORDED MAY 30, 2019 UNDER RECEPTION NO. [458657](#).
(UNIT TR27)
115. DEED OF TRUST DATED FEBRUARY 02, 2018 FROM JOSHUA C. BLAKEMAN AND HEATHER R. BLAKEMAN TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR PRIMELENDING, A

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PLAINSCAPITAL COMPANY TO SECURE THE SUM OF \$268,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED FEBRUARY 05, 2018, UNDER RECEPTION NO. [452156](#).

(UNIT TR28)

116. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED MARCH 01, 2018 UNDER RECEPTION NO. [452404](#).

(UNIT TR28)

117. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED MAY 20, 1997 IN BOOK 581 AT PAGE [540](#).

(UNIT TR29)

118. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED MAY 20, 1997 IN BOOK 581 AT PAGE [542](#).

(UNIT TR29)

119. DEED OF TRUST DATED APRIL 09, 2004 FROM TIM TERRITO TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF BANK ONE, N.A. TO SECURE THE SUM OF \$65,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED APRIL 26, 2004, UNDER RECEPTION NO. [365684](#).

SUBORDINATION AGREEMENT IN CONNECTION WITH SAID DEED OF TRUST WAS RECORDED MARCH 01, 2010, UNDER RECEPTION NO. [411400](#).

(UNIT TR29)

120. DEED OF TRUST DATED JANUARY 27, 2010 FROM TIM TERRITO TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF BANK OF AMERICA, N.A. TO SECURE THE SUM OF \$139,300.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED MARCH 01, 2010, UNDER RECEPTION NO. [411399](#).

(UNIT TR29)

121. (THIS ITEM WAS INTENTIONALLY DELETED)

(THIS ITEM WAS INTENTIONALLY DELETED)

(THIS ITEM WAS INTENTIONALLY DELETED)

122. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED JULY 01, 2005 UNDER RECEPTION NO. [375919](#).

(UNIT TR30)

123. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACKNOWLEDGEMENT OF DEED RESTRICTION AND AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED JULY 01, 2005 UNDER RECEPTION NO. [375920](#).

(UNIT TR30)

124. DEED OF TRUST DATED JULY 25, 2016 FROM EDWARD WILSON TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR NATIONSTAR MORTGAGE LLC DBA GREENLIGHT LOANS TO SECURE THE SUM OF \$222,700.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED AUGUST 04, 2016, UNDER RECEPTION NO. [443385](#).

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- (UNIT TR30)
125. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACKNOWLEDGEMENT OF DEED RESTRICTION AND AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED APRIL 30, 2007 UNDER RECEPTION NOS. [392518](#) AND [392519](#).
(UNIT TR31)
126. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED MAY 04, 2007 UNDER RECEPTION NOS. [393003](#), [393004](#) AND [393005](#).
(UNIT TR31)
127. DEED OF TRUST DATED OCTOBER 18, 2011 FROM JOHN DUNCAN AND LAURA DUNCAN TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF JPMORGAN CHASE BANK, N.A. TO SECURE THE SUM OF \$295,086.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED OCTOBER 28, 2011, UNDER RECEPTION NO. [420298](#).
(UNIT TR31)
128. DEED OF TRUST DATED MAY 08, 2014 FROM DAVID GARRISON ALLEN TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF NBH BANK, N.A. TO SECURE THE SUM OF \$158,400.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED MAY 09, 2014, UNDER RECEPTION NO. [432801](#).
(UNIT SV1)
129. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN EXCEPTION AGREEMENT AND AFFORDABLE HOUSING COVENANT, EQUITABLE SERVITUDE, AND REAL COVENANTS RECORDED MAY 22, 2014 UNDER RECEPTION NO. [432964](#) AND RERECORDED MAY 27, 2014 UNDER RECEPTION NO. [432998](#).
(UNIT SV1)
130. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED MAY 22, 2014 UNDER RECEPTION NO. [432965](#).
(UNIT SV1)
131. DEED OF TRUST DATED JANUARY 10, 2018 FROM DAVID GARRISON ALLEN TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF COMMUNITY BANKS OF COLORADO, A DIVISION OF NBH BANK TO SECURE THE SUM OF \$202,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED JANUARY 23, 2018, UNDER RECEPTION NO. [452056](#).
(UNIT SV1)
132. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED AUGUST 27, 1997 IN BOOK 586 AT PAGE [26](#).
(UNIT SV2)
133. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED AUGUST 27, 1997 IN BOOK 586 AT PAGE [28](#).
(UNIT SV2)
134. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATE OF QUALIFICATION AND ACKNOWLEDGEMENT OF DEED RESTRICTION FOR NON-OCCUPANT OWNERS OF MULTI-FAMILY AFFORDABLE HOUSING RECORDED OCTOBER 12, 2000 UNDER RECEPTION NO.

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[337292.](#)

(UNIT SV3)

135. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED OCTOBER 12, 2000 UNDER RECEPTION NO. [337293.](#)
(NO PROPERTY SHOWN - PETER PITTS)

136. DEED OF TRUST DATED MARCH 09, 2018 FROM PETER PITTS TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF CLAIRE DODGE TO SECURE THE SUM OF \$200,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED MARCH 13, 2018, UNDER RECEPTION NO. [452557.](#)
(UNITS SV3, SV4, SV5 AND SV6)

137.

138. DEED OF TRUST DATED JANUARY 23, 2018 FROM DEVIN OVERTON TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR ALPINE BANK TO SECURE THE SUM OF \$244,000.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED JANUARY 24, 2018, UNDER RECEPTION NO. [452075.](#)
(UNIT SV140)

139. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED DEED RESTRICTION AND COVENANT RECORDED FEBRUARY 09, 2018 UNDER RECEPTION NO. [452217.](#)
(UNIT SV140)

140. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CO-BORROWER CONTRACT FOR DEED RESTRICTED PROPERTY RECORDED FEBRUARY 14, 2018 UNDER RECEPTION NO. [452246.](#)
(UNIT SV140)

141. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACKNOWLEDGEMENT OF DEED RESTRICTION AND AGREEMENT FOR PERSONS INTERESTED IN PURCHASING AFFORDABLE HOUSING RECORDED AUGUST 30, 2007 UNDER RECEPTION NOS. [396061](#) AND [396063.](#)
(UNIT SV141)

142. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CERTIFICATION OF ELIGIBILITY TO OCCUPY AFFORDABLE HOUSING RECORDED AUGUST 30, 2007 UNDER RECEPTION NOS. [396062](#) AND [396064.](#)
(UNIT SV141)

143. DEED OF TRUST DATED JUNE 30, 2008 FROM JOHANNES L. BEERE AND KRISTEN J. MCCLINSEY TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR QUICKEN LOANS INC. TO SECURE THE SUM OF \$331,700.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED JULY 21, 2008, UNDER RECEPTION NO. [402904.](#)

SAID DEED OF TRUST WAS ASSIGNED TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION IN

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ASSIGNMENT RECORDED APRIL 16, 2012, UNDER RECEPTION NO. [422629](#).

(UNIT SV141)

NOTE: ADDITIONAL UPDATES TO THE EFFECTIVE DATE OF THE BINDER MAY BE REQUESTED BY THE PROPOSED INSURED. ONE UPDATE IS INCLUDED WITH THIS BINDER AT NO ADDITIONAL COST. ANY ADDITIONAL UPDATES WILL BE ISSUED AT THE COST OF \$125 PER UPDATE. FOR EACH UPDATE PROVIDED, A REVISED BINDER WILL BE ISSUED SHOWING A NEW EFFECTIVE DATE AND ANY MATTERS RECORDED SINCE THE EFFECTIVE DATE OF THE PREVIOUS BINDER.

NOTE: THIS BINDER DOES NOT REFLECT THE STATUS OF TITLE TO WATER RIGHTS OR REPRESENTATION OF SAID RIGHTS, RECORDED OR NOT.

NOTE: THIS BINDER IS NOT A REPORT OR REPRESENTATION AS TO MINERAL INTERESTS, AND SHOULD NOT BE USED, OR RELIED UPON, IN CONNECTION WITH THE NOTICE REQUIREMENTS THAT ARE SET FORTH IN CRS 24-65.5-103.

Schedule 5
Legal Access

Pedestrian and vehicular ingress and egress to and from County Road 625 and the Communities is established as set forth by the following easements and right of ways:

1. Parking, Access and Utility Easement, pursuant to the Sixth Amendment to the Planned Community Located on Lot P, Lawson Hill P.U.D., Phase 9, Map for Two Rivers, a Planned Community, San Miguel County, Colorado recorded with the San Miguel County Clerk and Recorder's Office on September 17, 1997 in Plat Book 1 at Pages 2290 – 2291 at Reception No. 314499.
2. New Access and Utility Easement in favor of Telecam Partnership IV. Lot P, LLC and Two Rivers Owners Association, Inc. their successors and assigns, pursuant to Subdivision Exemption for Lot Line Adjustment Between Lot P, Lawson Hill P.U.D., Phase 9, and Lot 426, Lawson Hill P.U.D., Phase 10, San Miguel County, Colorado, recorded with the San Miguel County Clerk and Recorder's Office on May 15, 1997 in Plat Book 1 at Pages 2238 – 2239 at Reception No. 312262.
3. Access & Utility Easement in favor of Telecam Partnership IV., LLC its successors and assigns, pursuant to Telecam/Ilium Subdivision Exemption for Lot Line Adjustment to adjust lot lines between Lots P, 426, Q, Q-1, Tract 503, Preliminarily Platted Lot T, and Tract 509, and Final Plat of 509A, and Insubstantial Plat Amendment for Lot P, recorded with the San Miguel County Clerk and Recorder's Office on September 11, 1996 in Plat Book 1 at Pages 2105 – 2110 at Reception No. 307391.
4. Public road dedication, pursuant to Lawson Hill P.U.D. Phase 9 recorded with the San Miguel County Clerk and Recorder's Office on July 14, 1995 in Plat Book 1 at Pages 1891 – 1900 at Reception No. 299816.
5. Public Road Easement recorded with the San Miguel County Clerk and Recorder's Office on October 7, 1992 at Book 499 at Page 460 at Reception No. 280064.

OWNER'S CERTIFICATE:

Have by these presents caused same to be laid out, platted and subdivided the same into lots, as shown on this plat under the name and style of SUBSTANTIAL PLAT AND P.U.D. AMENDMENT LOT P, LAWSON HILL P.U.D. ("Plat and P.U.D. Amendment") and do hereby dedicate for the perpetual use of the public, the right-of-way for Two Rivers Drive and Short Court, as shown hereon.

Owner's consents and signatures have been obtained via a separate document recorded simultaneously with this Plat and P.U.D. Amendment in the records of the San Miguel County Clerk and Recorder (the "County Records").

TWO RIVERS OWNERS ASSOCIATION CONSENT AND CERTIFICATION OF NOTICE TO SECURITY INTEREST HOLDINGS

The Two Rivers Owners Association, Inc., A Colorado nonprofit corporation (the "TR Association") being the record owner in fee simple of the following real property located in the County of San Miguel, State of Colorado:

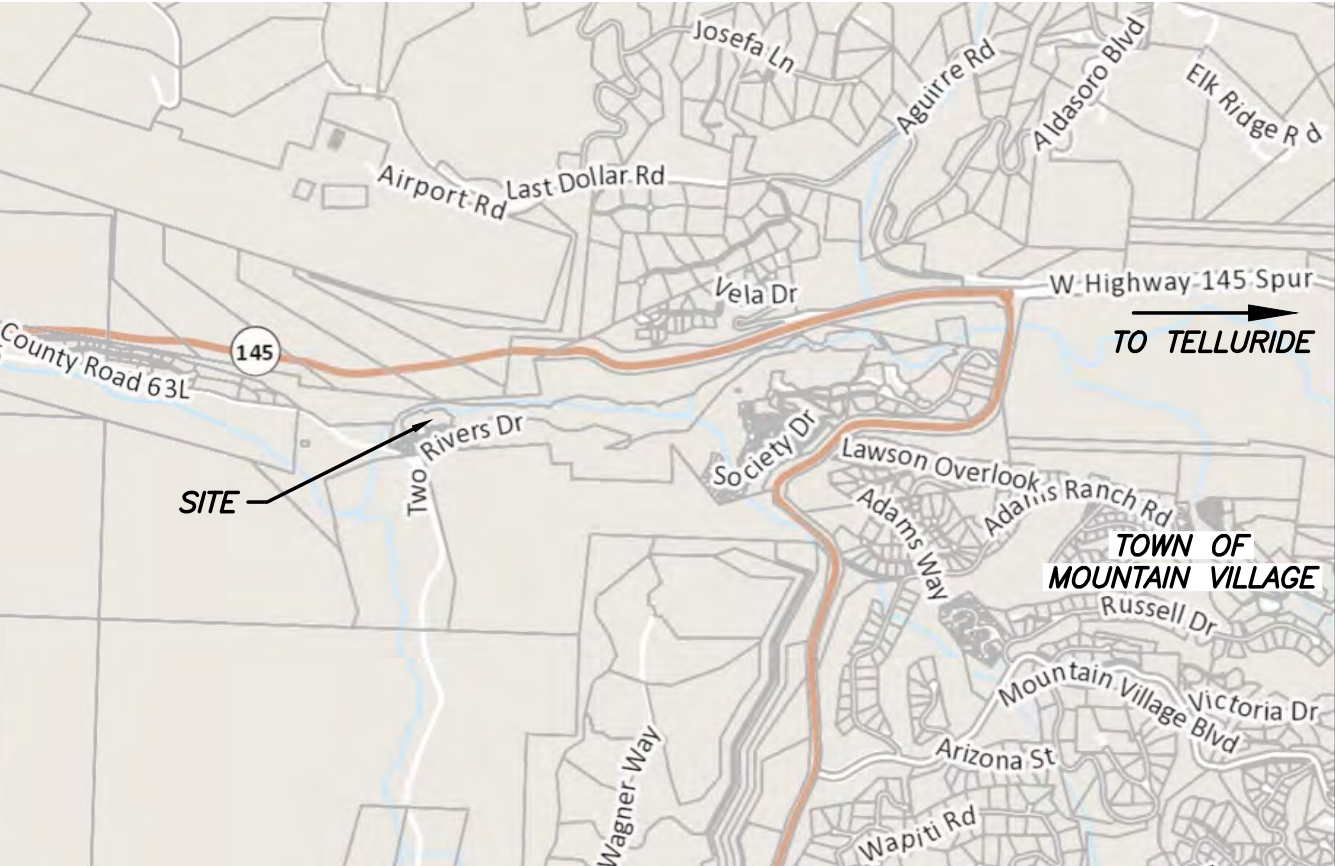
GENERAL COMMON ELEMENTS WITHIN TWO RIVERS, A PLANNED COMMUNITY, ACCORDING TO FIRST AMENDED AND RESTATED COMMUNITY MAP FOR THE PLANNED COMMUNITY OF TWO RIVERS, A PLANNED COMMUNITY, ACCORDING TO THE FIRST AMENDED AND RESTATE CONDOMINIUM MAP RECORDED SIMULTANEOUSLY WITH THIS PLAT AND P.U.D. AMENDMENT (the "Amended and Restated TR Condominium Map"), AND AS DEFINED AND DESCRIBED IN THE DECLARATION OF TWO RIVERS RECORDED SEPTEMBER 24, 1996 IN BOOK 568 AT PAGE 76 (the "Original TR Declaration"), AS AMENDED BY FIRST AMENDMENT RECORDED MARCH 10, 1997 IN BOOK 577 AT PAGE 719, AS AMENDED BY THE SECOND AMENDMENT RECORDED APRIL 3, 1997 IN BOOK 579 AT PAGE 103, AS AMENDED BY THE THIRD AMENDMENT RECORDED AUGUST 1, 1997 IN BOOK 584 AT PAGE 947, AS AMENDED BY THE FOURTH AMENDMENT RECORDED AUGUST 15, 1997 IN BOOK 585 AT PAGE 431, AS AMENDED BY THE FIFTH AMENDMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE 1009, AS AMENDED BY THE SIXTH AMENDMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. 318317, AS AMENDED BY THE SEVENTH AMENDMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. 326457, COUNTY OF SAN MIGUEL, STATE OF COLORADO, AND AS AMENDED BY THE EIGHTH AMENDMENT RECORDED SIMULTANEOUSLY WITH THIS PLAT AND P.U.D. AMENDMENT, COUNTY OF SAN MIGUEL, STATE OF COLORADO (collectively, the "TR Declaration Amendments").

Have by these presents caused same to be laid out, platted and subdivided the same into the following lots, do hereby agree upon the boundary lines as set forth hereon, and do further grant, sell and convey to the following owners their real property as may lie on or within the boundaries of said Lots as described within this PLAT AND P.U.D. AMENDMENT:

Lot Number	Lot Owner
TR-1	Todd T. Rector
TR-2	Adam W. Pace and Donna M. Pace
TR-3	Glenn Chawwa
TR-4	Robert Schmitt and Dana Schmitt
TR-5	Walter Scott Stewart
TR-6	Melissa Jean Sampson and Scott Donald Harris
TR-7	Michael Baker and Ann Kuchera
TR-8	Hema R. Wilkins and Stuart L. Sundell-Norlin
TR-9	Tim W. Connor and Heidi M. Connor
TR-10	Thomas K. Newell Jr and Kathryn Newell
TR-11	Benjamin Dettl
TR-12	Frank Staudenert
TR-13	Madison L. Friedman
TR-14	Christopher Fish and Mackenzie Brewer
TR-15	Jody D. Menard and Janet L. Menard
TR-16	Andrew Shaffner and Rae Cantana Shaffner
TR-17	Benjamin Gardner
TR-18	Molly Tomlinson-Norton and Casey Norton
TR-19	Heidi Amelberger
TR-20	Amy T. Schilling
TR-21	Sally Davis
TR-21(a)	Ryan Dehnard and Zoe Dehnard
TR-22	Scott C. Pittman and Meghan R. Pittman
TR-23	Heather Whitney Brown and Wesley Logan Yamall
TR-24	Sasha Wilkerson and Heather Blakeman
TR-25	Tim Tietze
TR-26	Edward Wilson and Anna Wilson
TR-27	John Deven and Anna Deven
Outlet SV-130	Two Rivers Owners Association, Inc., a Colorado nonprofit corporation
SV-140	Dawn Overton
SV-141	Johnston L. Bates and Kristine J. Middleton
SV-150	Mountain Village Condominium Association, a Colorado nonprofit corporation
SV-160	Whispering Owners Association Inc., a Colorado nonprofit corporation

VICINITY MAP

(NOT TO SCALE)



OWNER'S CERTIFICATE (cont.):

Further, the President of the TR Association hereby certifies as follows:

In accordance with Sections 9.3 and 10.06 of the Original TR Declaration, as amended through the Effective Date by the TR Declaration Amendments, I hereby certify that, as of the Effective Date, at least (i) 67% of the votes of the TR Association have approved this Plat and P.U.D. Amendment and (ii) 67% of all such first lien security interest holders in those Units have granted such approvals, or are deemed to have done so, to the extent required under applicable Colorado law and/or the Declaration Amendments, pursuant to the lender notices dated July 13, 2018 (collectively, the "TR Owner/Lender Approvals").

IN WITNESS WHEREOF, the Owner hereby executes this Certificate on this _____ day of _____, 2020.

Two Rivers Owners Association, Inc., a Colorado nonprofit corporation.

By: Scott Stewart, President

ACKNOWLEDGMENT:

STATE OF COLORADO)
COUNTY OF SAN MIGUEL) SS

The foregoing was subscribed and sworn to me before this _____ day of _____, 2020, by Scott Stewart on behalf of Two Rivers Owners Association, Inc., a Colorado nonprofit corporation.

My commission expires: _____
Witness my hand and official seal.

Notary Public

CERTIFICATION OF NOTICE TO SECURITY INTEREST HOLDINGS BY THE SUNSHINE VALLEY CONDOMINIUM ASSOCIATION, INC.

The Secretary of the Sunshine Valley Condominium Association, Inc. (the "SV Association") hereby certifies that prior to its merger with the Two Rivers Homeowners Association, Inc., the Sunshine Valley Condominium Association, Inc., provided the following notices:

In accordance with Sections 9.3 and 10.06 of the DECLARATION OF THE SUNSHINE VALLEY CONDOMINIUMS RECORDED AUGUST 15, 1997 IN BOOK 585 AT PAGE 437, AS AMENDED BY THE FIRST AMENDMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE 1016, AS AMENDED BY THE SECOND AMENDMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. 318319, AS AMENDED BY THE THIRD AMENDMENT RECORDED JULY 27, 1998 UNDER RECEPTION NO. 320185, AS AMENDED BY THE FOURTH AMENDMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. 326459, AS AMENDED BY THE AMENDMENT RECORDED DECEMBER 21, 2000 UNDER RECEPTION NO. 338720, AS AMENDED BY THE FIFTH AMENDMENT RECORDED MARCH 15, 2002 UNDER RECEPTION NO. 347720, AS AMENDED BY THE FIFTH AMENDMENT RECORDED MARCH 16, 2004 UNDER RECEPTION NO. 364729, AS AMENDED BY THE SIXTH AMENDMENT RECORDED OCTOBER 4, 2004 UNDER RECEPTION NO. 369510, AS AMENDED BY THE SUPPLEMENT RECORDED AUGUST 30, 2007 UNDER RECEPTION NO. 396058, COUNTY OF SAN MIGUEL, STATE OF COLORADO, (collectively, the "SV Declaration"), I hereby certify that, as of the prior to the dissolution and termination of the SV Association, at least (i) 67% of the votes of the SV Association had approved this Plat and P.U.D. Amendment and the conveyance of and (ii) 67% of all such first lien security interest holders in those Units had granted such approvals, or are deemed to have done so, to the extent required under applicable Colorado law and/or the SV Declaration, pursuant to the lender notices dated July 13, 2018 (collectively, the "SV Owner/Lender Approvals").

IN WITNESS WHEREOF, the Owner hereby executes this Certificate on this _____ day of _____, 2020.

Sunshine Valley Condominium Association, Inc., a Colorado nonprofit corporation.

By: David Allen, President

ACKNOWLEDGMENT:

STATE OF COLORADO)
COUNTY OF SAN MIGUEL) SS

The foregoing was subscribed and sworn to me before this _____ day of _____, 2020, by David Allen on behalf of Sunshine Valley Condominium Association, Inc., a Colorado nonprofit corporation.

My commission expires: _____
Witness my hand and official seal.

Notary Public

SHEET INDEX

SHEET 1: CERTIFICATES AND NOTES

SHEET 2: PROPERTY LINES AND MONUMENTS

SHEETS 3-4: EASEMENTS AND PARKING

LAND USE NOTES:

c. Maximum building footprint shall not exceed 50% of the maximum allowable floor area.

d1. All required parking shall be outdoors.

k. All buildings shall be under one roof, except for such uses as may be permitted under review by Ilium Valley Design Review Board.

DEED RESTRICTION NOTE:

Subject Property: Lots TR-1, TR-2, TR-3, TR-3, TR-4, TR-5, TR-6, TR-7, TR-8, TR-9, TR-10, TR-11, TR-12, TR-13, TR-14, TR-15, TR-16, TR-17, TR-18, TR-19, TR-20, TR-21, TR-22, TR-23(a), TR-25, TR-26, TR-27, TR-28, TR-29, TR-30, TR-31, SV-140, SV-141, SV-150, SV-160 and Outlot SV-130 (collectively the "Property").

The ownership of the Property is hereby limited exclusively to Employees and their spouses maintaining primary and sole Residence in San Miguel County, Montrose County, Ouray County or Dolores 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 fifty (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 County 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 (except 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 of the then owners of the Property and the Board of County Commissioners.

NOTES:

1. Approval of this Plat and PUD Amendment may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.

2. Easement research and property description from Land Title Guarantee Company, Order Number _____, dated _____ at _____ P.M.

3. Pursuant to the Merger Agreement dated _____ and recorded in the County Records at Reception No. _____, the SV Association has merged into the TR Association. Any and all Common Elements of the SV Association have been conveyed to the TR Association, pursuant to the Quit Claim Deed dated _____ and recorded in the County Records at Reception No. _____.

NOTES OF CLARIFICATION:

a. The configuration of the following lots, tracts, and right-of-way have been modified by this Plat and P.U.D. Amendment:

none

b. The following lots have been vacated by this Plat and P.U.D. Amendment:

Lot P, Lawson Hill P.U.D.

c. The following lots have been created by this Plat and P.U.D. Amendment:

Lots TR-1, TR-2, TR-3, TR-3, TR-4, TR-5, TR-6, TR-7, TR-8, TR-9, TR-10, TR-11, TR-12, TR-13, TR-14, TR-15, TR-16, TR-17, TR-18, TR-19, TR-20, TR-21, TR-22, TR-23(a), TR-25, TR-26, TR-27, TR-28, TR-29, TR-30, TR-31, SV-140, SV-141, SV-150, SV-160 and Outlot SV-130 (referred to herein individually as a "Lot" or collectively as the "Lots").

5. 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.

NOTES (CONT.):

6. 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.

7. No development activity shall be allowed within any buffer zone without a Wetland Special Use Permit issued in compliance with the terms of Section 5-2203 of the Land Use Code.

8. Subject property is in Zone A with no base flood elevations determined according to the FEMA Flood Insurance Rate Map dated September 30, 1988, Map Number 080166, Panel 0286, Suffix C.

9. License Agreement for 7.5 feet on each side of all existing sewer and water facilities in Telecom/Ilium Park per Reception No. 325688.

10. Corporate Easement to U.S. West per Book 587 at page 291 in the County Records.

11. ALL DRAINAGE EASEMENTS are for the benefit of the Telecom/Ilium Park Home Owners Association and are for the following uses: a) surface drainage b) subsurface pipes and equipment, c) construction, maintenance, repair and replacement of such subsurface pipes and equipment, d) motorized access for all such uses.

12. ALL UTILITY EASEMENTS are for the benefit of the Telecom/Ilium Park Home Owners Association and are for the following uses: a) subsurface utility lines and equipment of any kind or nature without limitation, including but not limited to water, sewer, electric, cable television and telephone, b) construction, maintenance, repair and replacement of such subsurface pipes and equipment, c) motorized access for all such uses.

13. No buildings shall be constructed within any UTILITY or POWERLINE easement where there are above-ground utilities, however parking and driveways are permitted.

14. Easement to San Miguel Power Association for power lines and related facilities as installed and as built, per Book 543 at page 476 in the County Records. No specific location is given for this easement.

15. The proposed 50' wide Power Lease Area per Plat Book 1 at page 1891 and the Future Easement Area for proposed Underground Penstock per Agreement recorded in Book 478 at pages 642-671 and as shown on Plat Book 1 at page 1891 are both vacated per the Termination of Telluride-Telecom Hydropower Lease Agreement recorded March 2, 2006 at Reception No. 382392.

16. Property lines and easements noted as "Vacated" hereon were originally created by the Plat filed Plat Book 1 at page 3768.

17. Parking spaces are designated in the Amended and Restated TR Condominium Map (collectively, "Parking Spaces").

18. Non-Exclusive Parking Easements created and depicted hereon are for the benefit of and burdening the following properties:

Parking Space Number	Benefited Lot(s)	Burdened Lot(s)
P4	All Property	Lot TR-5
P6	Lot TR-6	Lot TR-5
P8	Lot TR-7	Lot TR-6
P11	Lots TR-4, TR-7 and TR-8	Lot TR-6 and TR-4
P17	Lot TR-10	Lot TR-11
P24	Lot TR-13	Lot TR-14
P27	Lot TR-15	Lot TR-14
P28	Lot TR-14	Lot TR-15
P31	Lot TR-17	Lot TR-17
P34	Lot TR-17	Lot TR-17
P44EW	Lot TR-21	TR-20
P66EW	Lot TR-30	Lot TR-29
P67EW	Lot TR-30	Lot SV-141
P81	Lot TR-4	Lot TR-5

19. The TR Association is hereby granted a maintenance, snow removal, and repair easement over all Parking Spaces, including easement rights for purposes of paving and utility repair/replacement (the "Parking Space Easement"). The Parking Space Easement shall benefit the TR Association and burden the owners whose Lots are appurtenant to such Parking Spaces.

20. Access easements for (i) access to parking spaces (the "Parking Access Easement(s)"), (ii) pedestrian access to certain Lots (the "Pedestrian Access Easement(s)"), and public ingress and egress to certain Lots (the "Public Access Easement") are created and depicted hereon for the benefit of and burdening the following properties:

Access Easement	Benefited Lot(s)	Burdened Lot(s)
Parking Access Easement	Lot TR-4	Lot TR-5
Parking Access Easement	Lot TR-6	Lot TR-5
Parking Access Easement	Lots TR-6 and TR-7	Lot TR-6
Pedestrian Access Easement	Lots TR-10 and TR-11	Lot TR-10 and TR-11
Pedestrian Access Easement	Lot TR-12	Lot TR-13
Pedestrian Access Easement	Lots TR-15 and TR-16	Lots TR-15 and TR-16

21. The TR Association is hereby granted a snow storage easement on, over, and across Outlot SV-130 and Parking Spaces P4, P26, P27, and P28 (the "Snow Storage Easement"). The Snow Storage Easement shall benefit the TR Association and burden the owners whose Lots are appurtenant to such Parking Spaces.

22. Several setback encroachments and, in some cases, property line encroachments are present in, around, and over the Property existing as of the date of recordation of this Plat and P.U.D. Amendment (the "Existing Encroachments"). Such Existing Encroachments include, but are not limited to, buildings, planters, retaining walls, walkways, steps, patios, and decks not depicted in this Plat and P.U.D. Amendment. In approving this Plat and P.U.D. Amendment, the TR Association and San Miguel County recognize that the Existing Encroachments appear to be inadvertent and unintentional, but do not constitute any threat to public health and safety.

Accordingly, the TR Association and San Miguel County acknowledge the Existing Encroachments and agree to not seek the removal or abatement of such Existing Encroachments on any Lot (the "Abatement Action") unless new, additional encroachments are installed on the Property after the recordation of this Plat and P.U.D. Amendment.

The TR Association or San Miguel County are not obligated to approve any future development application by an Owner for new improvements or modifications to existing improvements that would expand the Existing Encroachments or create new encroachments. San Miguel County will require improvement surveys with all future applications for new improvements or modifications that expand building footprints or structures.

In the event of an Abatement Action, the individual owner of the Existing Encroachment shall be solely liable and responsible for remedying the Existing Encroachments in a manner acceptable to both San Miguel County and the TR Association. The Owner of the Lot subject to the Abatement Action shall have the burden of proving that any encroachment at issue should not be subject to enforcement, pursuant to this Note 21.

The acknowledgment of the Existing Encroachments in this Plat and P.U.D. Amendment by the TR Association and San Miguel County shall not preclude another person or entity, including another Owner or easement beneficiary, from bringing an action for removal or abatement of the Existing Encroachments ("Private Enforcement"). This provision additionally does not create any waiver from Private Enforcement, nor does it provide any indemnity for any Owner by the TR Association or San Miguel County from and against such Private Enforcement.

SURVEYOR'S CERTIFICATE:

I, Jeffery C. Haskell of Foley Associates, Inc., being a Colorado Licensed Surveyor, do hereby certify that this plat and survey of SUBSTANTIAL PLAT AND P.U.D. AMENDMENT LOT P, LAWSON HILL P.U.D. 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. 37662

Date

TITLE INSURANCE COMPANY CERTIFICATE:

Land Title Guarantee Company does hereby certify that we have examined the title to all lands herein shown on this Plat and P.U.D. Amendment 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:

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 _____ day of _____, 2020.

San Miguel County Treasurer

PLANNING COMMISSION APPROVAL:

This Plat and P.U.D. Amendment has been approved by the San Miguel County Planning Commission this _____ day of _____, 2020.

Chair

COUNTY COMMISSIONERS' APPROVAL:

This Plat and P.U.D. Amendment has been accepted for filing by the San Miguel County Board of Commissioners. County acceptance of any dedication for public use of streets, roads, alleys, or other public areas depicted upon this Plat and P.U.D. Amendment, shall not constitute acceptance of such dedication for County maintenance purposes. Compliance with the provisions of section 5-504 of the San Miguel County Land Use Code is required for County acceptance of dedications for maintenance purposes.

Chair

Dated this _____ day of _____, 2020.

Attest:

Clerk

RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the San Miguel County Clerk and Recorder on this _____ day of _____, 2020, at

Reception No. _____
Time _____.

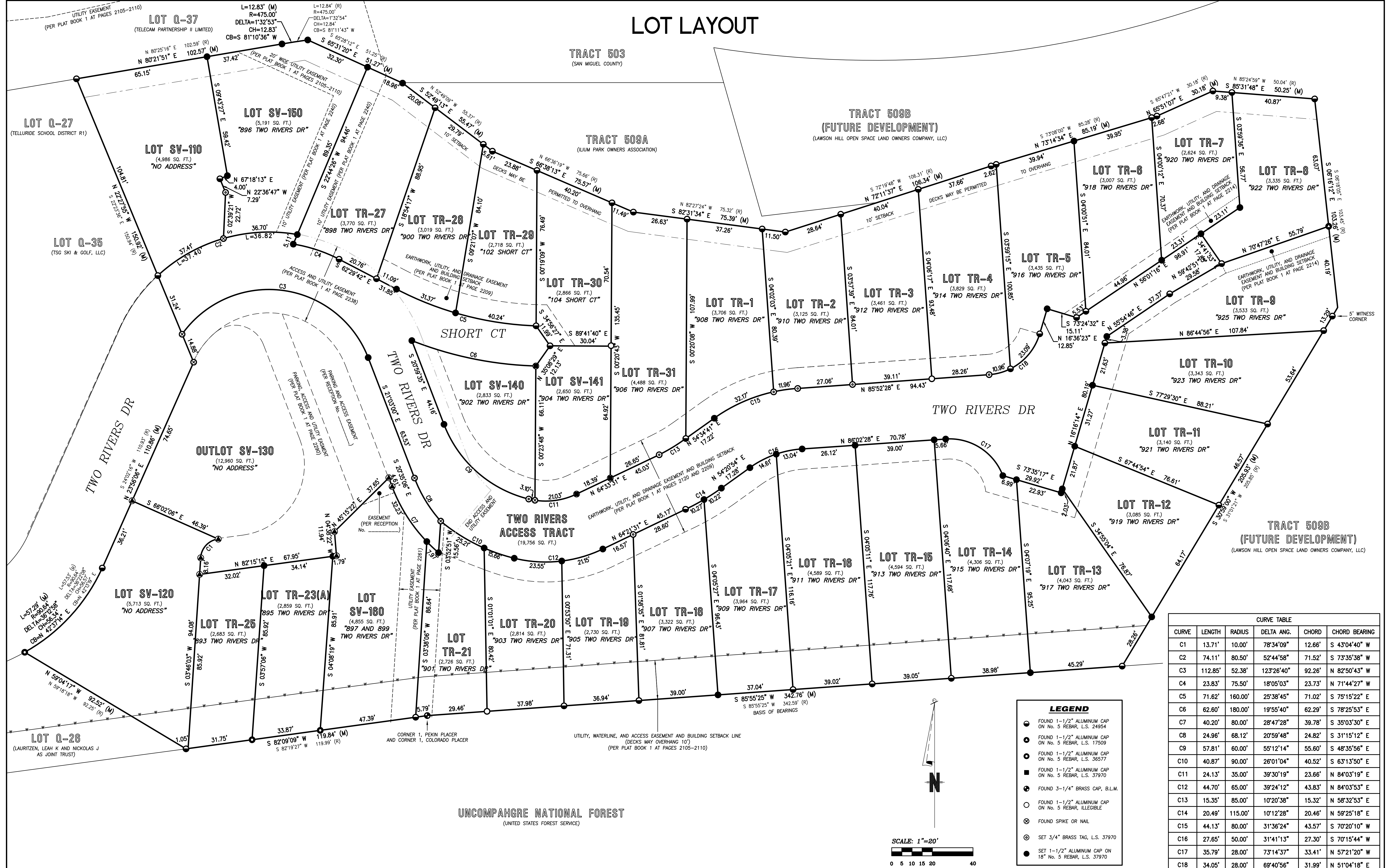
San Miguel County Clerk

Project Mgr:	JH	Rev.	description	date	by
Technician:	MC	1	Notice from 2020-10-13 to 2020-10-13	10/14/20	MC
Technician:		2	Notice from 2020-10-13 to 2020-10-13	10/14/20	MC
Checked by:					
Start date:	03/04/2019				
Drawing path: dwg\REPLAT 2019\96083 REPLAT 08-19 (sheets 1-2)					
Sheet 1 of 4					
Project #: 86083					



970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

LOT LAYOUT



CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA ANG.	CHORD
C1	13.71'	10.00'	78°34'09"	12.66'
C2	74.11'	80.50'	52°44'58"	71.52'
C3	112.85'	52.38'	123°26'40"	92.26'
C4	23.83'	75.50'	18°05'03"	23.73'
C5	71.62'	160.00'	25°38'45"	71.02'
C6	62.60'	180.00'	19°55'40"	62.29'
C7	40.20'	80.00'	28°47'28"	39.78'
C8	24.96'	68.12'	20°59'48"	24.82'
C9	57.81'	60.00'	55°12'14"	55.60'
C10	40.87'	90.00'	26°01'04"	40.52'
C11	24.13'	35.00'	39°30'19"	23.66'
C12	44.70'	65.00'	39°24'12"	43.83'
C13	15.35'	85.00'	10°20'38"	15.32'
C14	20.49'	115.00'	10°12'28"	20.46'
C15	44.13'	80.00'	31°36'24"	43.57'
C16	27.65'	50.00'	31°41'13"	27.30'
C17	35.79'	28.00'	73°14'37"	33.41'
C18	34.05'	28.00'	69°40'56"	31.99'

SUBSTANTIAL PLAT AND P.U.D. AMENDMENT LOT P, LAWSON HILL P.U.D.
located within the SE 1/4 of Section 31, T.43N, R.9W, N.M.P.M., County of San Miguel, State of Colorado.

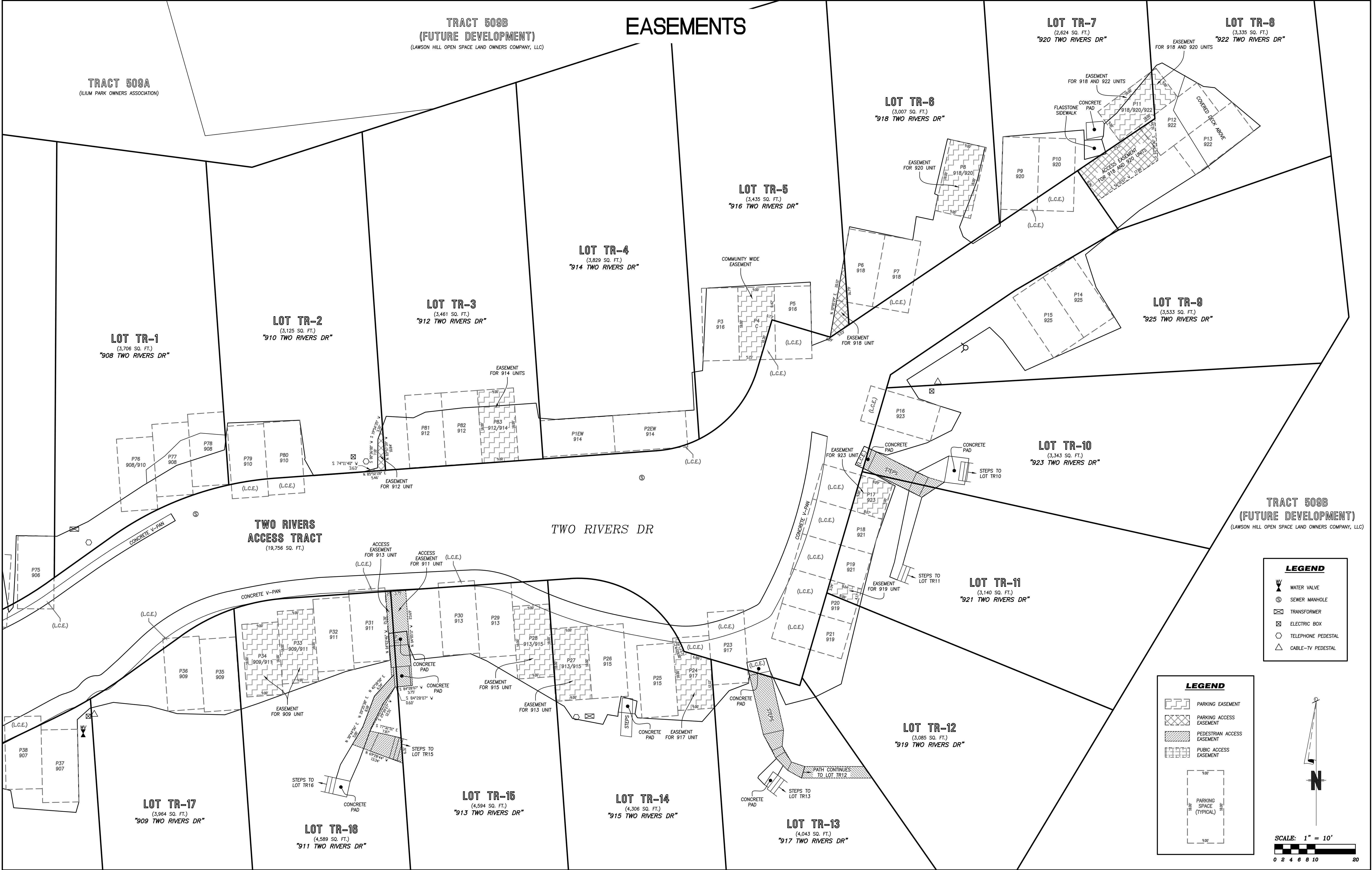
Project Mgr: JH
Technician: MC
Checked by:
Start date: 03/04/2019

Rev. description date by

FOLEY ASSOCIATES, INC.
ENGINEERING · PLANNING · SURVEYING

970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

Drawing path: dws\REPLAT 2019\96083 REPLAT 08-19 (sheets 1-2) Sheet2 of 4 Project #: 86083



SUBSTANTIAL PLAT AND P.U.D. AMENDMENT LOT P, LAWSON HILL P.U.D.
located within the SE 1/4 of Section 31, T.43N, R.9W., N.M.P.M., County of San Miguel, State of Colorado.

Project Mgr:	JH	Rev.		description	date	by
Technician:	MC					
Checked by:						
Start date:	03/04/2019					



970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

Drawing path: dws\REPLAT 2019\96083 REPLAT 08-19 (sheets 1-2) Sheet4 of 4 Project #: 86083

Schedule 7
LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX

LOT OR TRACT #	ARE A (SQ. FT.)	ZONE DISTRICT	ALLOWED USE	# OF UNITS	ZONED POP.	MIN RES FL SQ. FOT. ¹	MAX TOT. FL AREA	SETBACKS (FRONT, REAR, SIDE)	HEIGHT LIMIT (NOTE 1)	REQ'D PARKING
TR1	3,706	AH PUD	SF	1				5',5',5'	25'	2
TR2	3,125	AH PUD	SF	1				5',5',5'	25'	2
TR3	3,461	AH PUD	SF	1				5',5',5'	25'	2
TR4	3,829	AH PUD	SF	1				5',5',5'	25'	2
TR5	3,435	AH PUD	SF	1				5',5',5'	25'	2
TR6	3,007	AH PUD	SF	1				5',5',5'	25'	2
TR7	2,624	AH PUD	SF	1				5',5',5'	25'	2
TR8	3,335	AH PUD	SF	1				5',5',5'	25'	2
TR9	3,533	AH PUD	SF	1				5',5',5'	25'	2
TR10	3,343	AH PUD	SF	1				5',5',5'	25'	2
TR11	3,140	AH PUD	SF	1				5',5',5'	25'	2
TR12	3,085	AH PUD	SF	1				5',5',5'	25'	2
TR13	4,043	AH PUD	SF	1				5',5',5'	25'	2
TR14	4,306	AH PUD	SF	1				5',5',5'	25'	2
TR15	4,594	AH PUD	SF	1				5',5',5'	25'	2
TR16	4,589	AH PUD	SF	1				5',5',5'	25'	2
TR17	3,964	AH PUD	SF	1				5',5',5'	25'	2
TR18	3,322	AH PUD	SF	1				5',5',5'	25'	2
TR19	2,730	AH PUD	SF	1				5',5',5'	25'	2
TR20	2,814	AH PUD	SF	1				5',5',5'	25'	2
TR21	2,726	AH PUD	SF	1				5',5',5'	25'	2
TR23(a)	2,859	AH PUD	SF	1				5',5',5'	25'	2
TR25	2,683	AH PUD	SF	1				5',5',5'	25'	2
TR27	3,770	AH PUD	SF	1				5',5',5'	25'	2
TR28	3,019	AH PUD	SF	1				5',5',5'	25'	2
TR29	2,718	AH PUD	SF	1				5',5',5'	25'	2
TR30	2,866	AH PUD	SF	1				5',5',5'	25'	2

Schedule 7
LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX

Total TR 1-31					56		27, 869			
TR31	4,488	AH PUD	SF	1	3		1,500	5',5',5'	25'	2
SV140	2,833	AH PUD	SF	1	3		1,029	5',5',5'	25'	2
SV141	2,650	AH PUD	SF	1	3		1,200	5',5',5'	25'	2
SV150	5,191	AH PUD	See note 1	0	0		2,091	5',5',5'	25'	0
SV160	4,855	AH PUD	Duplex	2	4		1,798	5',5',5'	25'	3
TOTAL	2.997 acres								25'	

Note 1: Neighborhood commercial with work camp manager's unit, day care, meeting facility, convenience/liquor store, laundry, food service w/beer & wine, self-storage, swimming pool.

Schedule 8



PLANNING DEPARTMENT

MICHAEL ROZYCKI, PLANNING DIRECTOR

December 21, 2018

Nate Smith via email: nate@telluridefirm.com

Re: Pre-application Conference Summary - Subdivision Exemption for Fully Developed Residential Property, Two Rivers a planned community

Dear Nate,

The purpose of this letter is to serve as a Pre-application Conference Summary, in accordance with San Miguel County Land Use Code Section 4-207, for a Subdivision Exemption for Fully Developed Residential Property where the owners of Colorado Common Interest Ownership (CCIOA) residential units are proposing to create 28 separate lots to be deeded to existing unit owners so that the current owners of these CCIOA condominium unit obtain a fee title property interest in their underlying ground / subdivided lot together with the residential improvements located within each of the proposed subdivision lots. Written authorization from both the Two Rivers Home Owners Company and the individual unit owners authorizing you to submit this Subdivision Exemption application will be required in order for the planning office to find this application to be complete and prior to our scheduling this application for the Board of County Commissioner's consideration at a duly noticed Public Hearing.

A Subdivision Exemption for a Fully Developed Residential Property requires One-step Board of County Commissioners Review pursuant to Land Use Code Section 5-1208. The proposed Subdivision Exemption Plat must be prepared by a licensed Colorado Professional Surveyor in accordance with the County's requirements for Final Subdivision Plats. The Subdivision Exemption Plat must meet all County Final Subdivision Plat requirements pursuant to Land Use Code Section 4-5. In addition to the requirements of LUC Section 4-5 all plats shall include all information necessary to comply with all requirements of CRS 38-51-102. The Subdivision Exemption Plat and/or the As-built Improvement Plans shall include sufficient information to demonstrate that each of the lots in the proposed "subdivision" will meet and are served by an adequate water system, sewer system, have access to an adjoining street and meet both the survey and final plat requirements set forth in the County Land use Code.

The Subdivision Exemption application shall also include sufficient information to demonstrate that the proposed individual lots will be laid out and platted in a manner so that the existing "residential units" will comply with the applicable yard setbacks and the plat or accompanying plans will need to show that the existing residences on each of the proposed lots will have two (2) assigned parking spaces for each of the proposed lots. I am aware that based on a map prepared by Eldon Hurst in

2001, which was signed off on by Rusty Scott on behalf of the Two Rivers HOA, and from being on-site, that a number of the existing assigned, improved, parking spaces extent off of what is likely to be platted as an individual lot and into the easement or ROW for Two Rivers Drive and possibly Short Court.

It is also my understanding that in order to accomplish this proposal to create individual lots this action will necessitate amending the latest Amended and Restated Condominium map to reflect changes created by the proposed subdivision of Lot P into lots and changes or adjustments to both common elements and limited common elements. It is requested that a copy of the proposed amended Condominium map be submitted along with the proposed Subdivision Exemption Plat and As-Built Improvement Plans to the full extent of the impact of the proposed changes can be evaluated as a part of this SE plat review process. The submitted Subdivision Exemption Plat will need to show and locate the location, width and purpose of all easements within the Subdivision Exemption Plat boundary.

The Subdivision Exemption Plat application and the Final Plat itself should explain and address the agreed upon method for complying with the "Security Interest Holder's Consent Plat" requirement as discussed and agreed upon with yourself and the County Attorneys, Steven Zwick and Amy Markwell. It is requested that you provide any and all information or responses to the letter you sent to the various Security interest Holder's on behalf of the owners of the Two Rivers "condominium units" as a part of this application.

The submitted Plat and the application should include an updated / revised Lawson Hill Development Plan Land Use Matrix listing each of the proposed lots to be created by this subdivision Exemption Plat together with the associated information concerning zoning, allowed uses, Area and Bulk requirements, and required parking and other notes as they previously applied to Lot P. It is unclear at this time if you are intending to include and of the SV or TR units. It may be appropriate to discuss the implications and actions involved in including or not including these properties in the subject SE Plat. A copy of the existing Land Use Matrix for Lot P, TR 1-30, TR 31 and the SV Units is attached to this letter.

Submission Requirements

Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications:

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 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. 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

The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps which 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.

4-209 Copies of Application

During the pre-application conference the staff shall specify the number of copies of the application to be submitted.

Review Standards

SECTION 4-5: FINAL PLAT SUBDIVISION REVIEWS

4-501 General

A land development application for final plat subdivision review shall include the minimum submission contents for all land development applications listed in Section 4-2 in addition to the other submission contents specified in this part of the Code. Refer to Section 3-7 for the procedures for a final plat subdivision review and Section 3-12 for the procedures for

Improvements Agreements.

4-502 Size and Scale

The final plat shall be clearly and legibly drawn upon indelible Mylar of good quality. The final plat recorded in the Office of the Clerk and Recorder of San Miguel County shall be a non-erasable Mylar copy of such original. All lines, letters, and figures shall be clearly and legibly drawn. The plat shall be so made and shall be in such condition when filed that good legible prints can be made therefrom. The size of the sheets of Mylar shall be 24" x 36", leaving margins of one inch. The scale of the final plat shall be sufficiently large to clearly show the details of the plan (preferably 1" = 100').

4-503 Title

The title sheet shall contain the title, consisting of the name of the tract, and such name shall not be the same as the name of any existing city, town, tract, or subdivision of land into lots in this County, or so nearly the same as to mislead the public or cause confusion as to the identity thereof. If any of the land being subdivided has been previously shown on a recorded plat, a subtitle referring to said recorded plat must be given. If the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear below the title: "located within Section __, T. __ N., R. __ W., N.M.P.M., in the County of San Miguel"; if the property lies partly within an incorporated town, the following words shall be used: "lying within and adjoining the Town of _____." Reference to tracts and subdivisions in the description must be worded identically with original records, and reference to book and page of record must be included. Every sheet comprising the plat shall bear the tract name, scale, north point, legend, sheet number, and number of sheets comprising the plats. Below the title shall be clearly noted the basis of bearing for the survey.

4-504 Plat Key

When the final plat consists of more than two plat sheets, a key showing the relation of the sheets shall be placed on sheet one.

4-505 Reversion to Acreage

Plats filed for the purpose of reverting subdivided land to acreage shall be conspicuously designated with the title, "Reversion to Acreage Plat."

4-506 Boundary and Monument Data

The final plat shall clearly show the exact location of all monuments as required by Section 5-706. Adjoining parcels shall be identified by lot and block numbers, lot number and subdivision name, owner's name and deed recording information, or other proper designation. Adjoining roads with names shall be shown.

4-507 Lot Dimensions

- 4-507 A. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line, and boundary line. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with lot dimensions.
- 4-507 B. Dimensions of lots shall be shown in feet and hundredths of feet. All lots shall be tied mathematically to adjoining streets or access ways.
- 4-507 D. Lots shall show net acreage to nearest hundredths.
- 4-507 E. Sufficient data shall be provided for all curves to enable establishment of curves on the ground. Such data shall include radius and arc length for each circular curve, and long chord bearing and chord length for each non-tangential circular curve.

4-508 Established Lines

Wherever the County has established a system of coordinates, the survey shall be tied into such system.

4-509 High Water and Inundated Areas

If the subdivision is adjacent to areas subject to periodic inundation by flood, the final plat shall show the high water line of the 100-year floodplain.

4-510 Tract Border

The boundary of the tract shall be designated by a prominent border on the drawing. Such borders shall not interfere with the legibility of figures or other data.

4-511 Lot and Block Numbering

- 4-511 A. All lots shall be numbered consecutively with no omissions or duplications throughout the entire subdivision including all units of any subdivision that have the same tract name.
- 4-511 B. No block division or numbering is required, but if desired by the subdivider, then each block shall be numbered consecutively.
- 4-511 C. Circles or other geometric figures shall not be drawn around numbers.
- 4-511 D. Each lot must be shown entirely on one sheet.

4-512 Streets

The final plat shall show the side lines, total width, width of the portion being dedicated and width of existing dedications of all streets.

4-513 Easements

- 4-513 A. The final plat shall show the location and width of all easements to which the lots are subject.
- 4-513 B. Easements must be clearly labeled and identified by recorded reference.
- 4-513 C. If any easement is not recorded, the dedication of such easement must appear on the title sheet.
- 4-513 D. Easements for storm drains, sewers and other purposes shall be designated by dotted lines.
- 4-513 E. Distances and bearings on the side lines of lots cut by easements must be arrowed or so shown that the plat will indicate clearly the actual lengths of the lot lines.
- 4-513 F. Width of easements and lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easements with respect to the subdivision must be shown.
- 4-513 G. If the easement is being dedicated by the plat, it shall be properly set out in the owner's certificate of dedication.

4-514 Parcel Boundaries

- 4-514 A. The final plat shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes, and all parcels offered for dedication for any purpose, with all dimensions, boundaries and courses clearly shown and defined in every case.
- 4-514 B. Parcels offered for dedication but not accepted shall be clearly designated as such on the plan.

4-515 Certificates and Acknowledgements

The certificates and acknowledgements listed in this section, and all other certificates and acknowledgements now or hereafter required by law, shall appear on the final plat (such certificates may be combined where appropriate):

- 4-515 A. Owners

A certificate signed and acknowledged by all parties having any record title interest in the land subdivision, consenting to the preparation and recordation of said plat. However, the signatures of parties owning the following types of interests may be omitted if their names and nature of their interests are endorsed on the plat:
 - 4-515 A.I. Rights-of-way, easements or other interests, none of which can ripen into a fee.

4-515 A.II. Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and whose signatures it is impossible or impractical to obtain. In this case a reasonable statement of the circumstances preventing the procurement of the signatures shall be endorsed on the plat.

4-515 B. Patented Mining Claims

Any plat including territory originally patented by the U.S. or the State of Colorado, under the patent reserving interest to either or both of these entities may be recorded under the provision of this title without the consent of the United States or the State of Colorado thereto or to dedications made thereon.

4-515 C. Dedication

A certificate for execution acknowledged as above, offering for dedication for public use those certain parcels of land, rights-of-way, easements, and other described interests in real property which said parties desire to dedicate, which shall be added to the Owners Certificate, as follows: [owner(s)] hereby dedicate(s) to San Miguel County for the perpetual use of the public the streets, roads, alleys, and other public areas as shown hereon and hereby dedicate(s) those portions of land labeled as utility easements for the installation and maintenance of the public utilities as shown hereon.

4-515 D. Licensed Surveyor

A certificate by the Colorado licensed surveyor responsible for the survey and final plat in substantially the following form, to which shall be affixed the surveyor's official seal:

I, (printed name of Land Surveyor, indicating firm affiliation, if any) being a Colorado Licensed Surveyor, do hereby certify that this plat and survey of (name of subdivision in capital letters) was made by me and under my supervision 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.

4-515 E. County Clerk and Recorder

A certificate for execution by the County Clerk and Recorder stating the date and time at which the final plat was recorded in the Office of the San Miguel County Clerk and Recorder as well as the applicable reception number assigned to the plat for recording purposes.

~~4-515 F. Planning Commission~~

~~A certificate demonstrating approval of preliminary plat by the Planning Commission.~~

4-515 G. County Treasurer

A certificate for execution by the County Treasurer that states: 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.

4-515 H. Board of County Commissioners

A certificate for execution by the chair of the Board of County Commissioners and attested by the clerk of that board approving the final plat as submitted and accepting or not accepting the areas dedicated for public use. Such certificate shall include the following provision concerning dedications for public use:

County acceptance of any dedication for public use of streets, roads, alleys, or other public areas depicted upon the plat, shall not constitute acceptance of such dedication for County maintenance purposes. Compliance with the provisions of section 5-504 of the San Miguel County Land Use Code is required for County acceptance of dedications for maintenance purposes.

4-515 I. Required Language

Each final plat may contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right (see Section 3-14).

4-515 J. Security Interest Holder's Consent (if applicable):

This certificate's inclusion on a subdivision plat is mandatory should there be any Deeds of Trust, Mortgages, Instruments creating security interests, or liens, filed of record in the San Miguel County Clerk and Recorder's Office concerning the subject property. Such certificate shall be in substantially the following form:

The undersigned (insert printed name of person or entity), as a beneficiary of a deed of trust (or identify other mortgage instrument or agreement creating a security interest in the subject property) which constitutes a lien upon the declarant's property, recorded at Reception Number _____, in the San Miguel County Clerk and Recorder's real property records, hereby consents to the subdivision of the real property as depicted on this Plat and to the dedication of land as streets, alleys, roads and other public areas, as designated on this Plat, and hereby releases said dedicated lands from the lien created by said instrument.

4-516 Additional Drawing Requirements

All plats shall include all information necessary to comply with all requirements of CRS 38-51-102.

4-517 Certificate of Title

There shall be filed with the final plat evidence of title issued by a reputable title insurance or abstract company or title opinion by an attorney licensed to practice in the State of Colorado, showing the names of all persons having any right, title or interest in the lands proposed to be subdivided and whose consent is necessary to convey clear title to the said land. Such evidence of title shall be filed with the final plat for record in the office of the County Clerk and Recorder.

Land Use Code Section 5-1208 establishes the review standards for the Board of County Commissioners to employ in reviewing Fully Developed Property Subdivision Exemption applications and for the applicant to address in the standards report required by Section 4-206 (see above):

5-1208 Fully Developed Residential Property

The Board of Commissioners may grant a subdivision exemption for the purpose of subdividing property already developed for residential uses to or in excess of the maximum density allowed under current zoning. Such exemptions may be granted regardless of whether development occurred under existing zoning or prior zoning, provided that the lots and uses are now nonconforming, and provided that the development was achieved legally, in conformance with zoning at the time of development and not for the purpose of avoiding subdivision or other land use regulations. The maximum number of lots that may be created by such exemption may not be greater than the total number of existing detached structures containing housing units on the property.

Scheduling of Application Consideration

As soon as the Planning Department receives **seven** copies of a complete application that conforms to all applicable Land Use Code requirements, the Planning Department can schedule the application for Public Hearing consideration by the Board of County Commissioners. The application will be **referred** to the County Attorney, the County Surveyor, the Telluride Fire Protection District, The Illium Park Owners Association (IPOA), Telluride Ski and Golf (TSG), USFS, Norwood Ranger District for their review and comment.

In accordance with San Miguel County Board of Commissioners Resolution 2000-13, an application review fee of \$350 payable to San Miguel County must accompany the submission for the application to be considered complete. The applicant is responsible for payment of all County Surveyor review fees, both initial and subsequent reviews. In addition, the applicant will be responsible for payment of all copy charges for meeting packets.

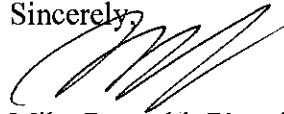
Prior to 20 days before any meeting for which consideration of **any** land use application is scheduled, the applicant shall notify by First Class mail every property owner and condominium unit owner within 500 feet of the perimeter of the subject as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of **any** land use application is scheduled, the applicant shall post notice 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.

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.

If you have questions regarding this pre-application summary or if you would like to meet to further discuss the application requirements or process please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Rozycki', with a stylized flourish at the end.

Mike Rozycki, Planning Director

Enc. LH PUD Development Plan Land Use Matrix

[text/preapp/two.rivers.sub.ex,fdp]



John Huebner <johnh@sanmiguelcountyco.gov>

Two Rivers - Matrix and other clarifications

1 message

Nate Smith <Nate@telluridefirm.com>

Mon, Jan 11, 2021 at 11:36 AM

To: John Huebner <johnh@sanmiguelcountyco.gov>

Hi John,

Following up on our chat earlier today, here is the following information that you requested:

1. Updated Schedule 7 – Matrix. Please confirm this updated version addresses your comments.
2. Regarding lender consents, in close coordination with Amy Markwell, the applicant provided notice to all lenders with security interests in each property in Two Rivers and Sunshine Valley. I have attached receipts of such mailings for your records. In response to our noticing to the lenders, we received no objections. Since providing the initial noticing, a few units have sold to new owners, I plan to provide notice to the lenders of those new owners prior to the execution of the new plat.

Best,

Nate Smith, Attorney



P. O. Box 1616

Telluride, CO 81435

970-369-9070

www.telluridefirm.com

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.

3 attachments



Certified Return Receipts x 2.pdf
56K



Certified Return Receipts.pdf
1364K



Schedule 7 TR Matrix V3 FNL.pdf
140K

Schedule 7
LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX

LOT OR TRACT #	ARE A (SQ. FT.)	ZONE DISTRICT	ALLOWED USE	# OF UNITS	ZONED POP.	MIN RES FL SQ. FOOT.	MAX TOT. FL AREA	SETBACKS (FRONT, REAR, SIDE)	HEIGHT LIMIT (NOTE 1)	REQ'D PARKING
TR1	3,706	AH PUD	SF	1				5',5',5'	25'	2
TR2	3,125	AH PUD	SF	1				5',5',5'	25'	2
TR3	3,461	AH PUD	SF	1				5',5',5'	25'	2
TR4	3,829	AH PUD	SF	1				5',5',5'	25'	2
TR5	3,435	AH PUD	SF	1				5',5',5'	25'	2
TR6	3,007	AH PUD	SF	1				5',5',5'	25'	2
TR7	2,624	AH PUD	SF	1				5',5',5'	25'	2
TR8	3,335	AH PUD	SF	1				5',5',5'	25'	2
TR9	3,533	AH PUD	SF	1				5',5',5'	25'	2
TR10	3,343	AH PUD	SF	1				5',5',5'	25'	2
TR11	3,140	AH PUD	SF	1				5',5',5'	25'	2
TR12	3,085	AH PUD	SF	1				5',5',5'	25'	2
TR13	4,043	AH PUD	SF	1				5',5',5'	25'	2
TR14	4,306	AH PUD	SF	1				5',5',5'	25'	2
TR15	4,594	AH PUD	SF	1				5',5',5'	25'	2
TR16	4,589	AH PUD	SF	1				5',5',5'	25'	2
TR17	3,964	AH PUD	SF	1				5',5',5'	25'	2
TR18	3,322	AH PUD	SF	1				5',5',5'	25'	2
TR19	2,730	AH PUD	SF	1				5',5',5'	25'	2
TR20	2,814	AH PUD	SF	1				5',5',5'	25'	2
TR21	2,726	AH PUD	SF	1				5',5',5'	25'	2
TR23(a)	2,859	AH PUD	SF	1				5',5',5'	25'	2
TR25	2,683	AH PUD	SF	1				5',5',5'	25'	2
TR27	3,770	AH PUD	SF	1				5',5',5'	25'	2
TR28	3,019	AH PUD	SF	1				5',5',5'	25'	2
TR29	2,718	AH PUD	SF	1				5',5',5'	25'	2
TR30	2,866	AH PUD	SF	1				5',5',5'	25'	2
Total TR 1-30				27	56		27, 869			
TR31	4,488	AH PUD	SF	1	3		1,500	5',5',5'	25'	2

Schedule 7

LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX

SV140	2,833	AH PUD	SF	1	3		1,029	5',5',5'	25'	2
SV141	2,650	AH PUD	SF	1	3		1,200	5',5',5'	25'	2
SV150	5,191	AH PUD	Condominiums	4	8		2,091	5',5',5'	25'	6
SV160	4,855	AH PUD	Duplex	2	4		1,798	5',5',5'	25'	3
TOTAL	2.997 acres			36	78		33,987			

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

Nathaniel R. Smith, 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.

Nathaniel R. Smith, Smith Law Firm, P.C.
Name

Sunshine Valley and Two Rivers HOAs
(Insert Applicant's name if executed by agent)

Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR22, TR23(a), TR25, TR26, TR27, TR28, TR29, TR30, TR31, Two Rivers Planned Community, and Units SV 1, 2, 3, 4, 5, 6 and SV140, SV141, Sunshine Valley Community
Physical location of Property and/or legal description

P.O. Box 1616, Telluride, CO 81435
Mailing Address (if different from above)

Date: 12/29/2020

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.

November 20, 2020

NOTICE TO PROPERTY OWNERS:

The San Miguel County Planning Commission has been asked to consider an application submitted by Nate Smith, Attorney on behalf of Two Rivers Owners Association Inc. and Sunshine Valley Condominium Association Inc. and each respective owner within those communities (Applicants), owner of Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR 15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR29, TR30, and TR31, Two Rivers Planned Community, and Units SV1, SV2, SV3, SV4, SV5, SV6, SV140, SV141, and Outlot SV130, Sunshine Valley Planned Community, Located on Lot P, Lawson Hill PUD, in the Affordable Housing PUD (AHPUD) Zone District, located on Two Rivers Drive in the Ilium Valley four miles west of the Town of Telluride off Highway 145. The Applicant seeks a Subdivision Exemption for Fully Developed Residential Property to create twenty eight (28) separate lots to be deeded to existing unit owners in fee title property interest, and to amend the PUD Land Use Matrix. A Subdivision Exemption for Fully Developed Residential Property requires One-step Board of County Commissioner review and approval pursuant to Land Use Code Section 5-1208 and Section 3-501 B.I.g.

A Public Hearing on the above proposal will be held by the San Miguel County Board of Commissioners on January 20, 2021 at 10:00 AM. This meeting will be held online due to the COVID-19 virus. To provide comment or ask questions regarding the proposed amendment, please join the meeting at <https://zoom.us/join>, Meeting Id # 534.180.495, Password 014764, audio 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Written comments of more than one page may not receive full consideration if not received by **NOON** December 28, 2020. Send comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or 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 meeting.

Respectfully,

Nate Smith, Smith Law Firm, P.C.

NAME1	NAME2	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
TODD RECTOR			908 TWO RIVERS DRIVE	TELLURIDE	CO	814359152
ALEXANDER TRUST DATED JUNE 25 2014			PO BOX 374	NORWOOD	CO	81423
ALLEN DAVID GARRISON			899 TWO RIVERS DR	TELLURIDE	CO	814359152
ATTENBERGER HEIDI			905 TWO RIVERS DRIVE	TELLURIDE	CO	81435
BAGNALL ANDY AND	BENZ KARA AS JT		751 TWO RIVERS DR	TELLURIDE	CO	814359173
BALSER MICHAEL			PO BOX 2529	TELLURIDE	CO	814352529
BEERE JOHANNES L AND	MCCLINSEY KRISTEN J AS JT		904 TWO RIVERS DRIVE	TELLURIDE	CO	81435
BLAKEMAN JOSHUA AND	BLAKEMAN HEATHER AS JT		900 TWO RIVERS DRIVE	TELLURIDE	CO	81435
BROWN HEATHER WHITNEY AND	YARNALL WESLEY LOGAN AS JT		PO BOX 4116	TELLURIDE	CO	814354116
CHAVIRA GLORIA			912 TWO RIVERS DR	TELLURIDE	CO	814359152
CONNOR HEIDI AND TIM W JT			925 TWO RIVERS DR	TELLURIDE	CO	81435
DAVIS SALLY			PO BOX 789	TELLURIDE	CO	814350789
DOHNAL RYAN AND	DOHNAL ZOE AS JT		895 TWO RIVERS ROAD	TELLURIDE	CO	81435
DOSTAL BENJAMIN			921 TWO RIVERS DRIVE	TELLURIDE	CO	814359152
DUNCAN JOHN AND LAURA JT			906 TWO RIVERS DRIVE	TELLURIDE	CO	81435
FISH CHRISTOPHER AND	BREWER MACKENZY AS JT		915 TWO RIVERS DR	TELLURIDE	CO	814353735
FRIEDMAN MELISSA L			PO BOX 3753	TELLURIDE	CO	81435
GARDNER BENJAMIN			909 TWO RIVERS DR	TELLURIDE	CO	814359152
ILIUM PARK OWNERS ASSOCIATION		CO SHUGARS & COMPANY	PO BOX 2517	TELLURIDE	CO	814352517
LAURITZEN LEAH K AND NICKOLAS J AS JT			777 TWO RIVERS DR	TELLURIDE	CO	81435
LAWSON HILL OPEN SPACE LAND	OWNERS COMPANY LLC		PO BOX 3927	TELLURIDE	CO	81435
METCALF JODY D AND JAROD L AS JT			913 TWO RIVERS DRIVE	TELLURIDE	CO	81435
NEWELL THOMAS K IV AND	NEWELL KATHRYN AS JT		PO BOX 3262	TELLURIDE	CO	814353262
NORTON MOLLY TOMLONOVIC AND	NORTON CASEY AS JT		PO BOX 1002	TELLURIDE	CO	814351002
OVERTON DEVIN			902 TWO RIVERS DRIVE	TELLURIDE	CO	81435
PACE ADAM W AND	PACE DONNA M AS JT		910 TWO RIVERS DRIVE	TELLURIDE	CO	81435
PITTENGER SCOTT C AND MEGHAN R AS JT			893 TWO RIVERS DR	TELLURIDE	CO	814359152
PITTS PETER			PO BOX 564	TELLURIDE	CO	81435
RILEY WILLIAM C			PO BOX 3551	TELLURIDE	CO	814353551
SAN MIGUEL COUNTY			PO BOX 1170	TELLURIDE	CO	81435
SCHILLING AMY T			PO BOX 1501	TELLURIDE	CO	81435
SHAFFNER ANDREW AND	SHAFFNER RAE CENTANNI AS JT		PO BOX 664	TELLURIDE	CO	814350664
SMETHURST FRANK			919 TWO RIVERS DRIVE	TELLURIDE	CO	81435
SMITH RYAN			150 EDGEWATER DR	TELLURIDE	CO	814359171
STEWART WALTER SCOTT			916 TWO RIVERS DR	TELLURIDE	CO	81435
SUMPTER MELISSA MAE AND	HARRIS SCOTT ARNOLD		918 TWO RIVERS DRIVE	TELLURIDE	CO	81435
SZIGETI ROBERT AND	SZIGETI DIANA AS JT		PO BOX 3618	TELLURIDE	CO	814353618
TELECAM PARTNERSHIP II LIMITED			PO BOX 3231	TELLURIDE	CO	814353231
TELLURIDE REGIONAL AIRPORT AUTH	A POLITICAL SUB OF STATE OF COLO		1500 LAST DOLLAR RD STE 1	TELLURIDE	CO	81435
TELLURIDE SCHOOL DISTRICT R1		C O KURT SUGARS	721 WEST COLORADO AVE	TELLURIDE	CO	81435
TERRITO TIM			102 SHORT CT	TELLURIDE	CO	814359151
TSG LLC A DE LLC			565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435
TSG SKI & GOLF LLC A DE LLC			565 MOUNTAIN VILLAGE BLVD	TELLURIDE	CO	81435
TWO RIVERS OWNERS ASSOCIATION INC A NONPROF CORP		CO THAM INC	PO BOX 1890	TELLURIDE	CO	814351890
USFS NORWOOD DISTRICT OFFICE			PO BOX 388	NORWOOD	CO	81423
WILSON EDWARD AND	WILSON ANNA AS JT		104 SHORT CT	TELLURIDE	CO	814359151
WITHERS ELENA R AND	SUNDELL-NORLIN STUART L AS JT		922 TWO RIVERS	TELLURIDE	CO	81435

BRIEFS, from page 3

(COVID-19) work,” Scott Bookman, COVID-19 incident commander at the state health department, said.

DENVER

ZOO STRUGGLES IN PANDEMIC TO FEED HUNGRY ANIMALS

Katrina Eschweiler has 3,000 hungry diners to satisfy every day of the year, an enviable client base for any eatery in these turbulent times. But they’re not your usual clientele.

They’re the year-round inhabitants of the Denver Zoo, and feeding more than 450 species is a painstaking, serious business. The coronavirus has made the task more daunting.

The zoo was closed nearly three months early in the pandemic, then imposed restrictions on crowd sizes since reopening to the public June 12. That has cut into profits and led the zoo to join other zoos around the country in turning to supporters asking for donations to cover the nearly \$1 million annual food budget for the facility’s denizens.

The hay and vegetables for Groucho, a 12,000-pound Asian elephant, cost \$76,000 a year.

“It costs us about \$100,000 per day to operate the zoo, and \$1 million per month on animal care alone. Although we’re open and welcoming guests to the zoo each day, we’re still facing a significant deficit,” said Bert Vescolani, president and CEO.

Over a year, the nutrition team will handle 400 tons of food, everything from frozen mice for raptors to fish from Newfoundland for the sea lions. Every day, the nutrition team members formulate, prepare and deliver hundreds of pounds of hay, meat, fish, vegetables, fruit, grain and other items to the animals, said Brian Aucone, the zoo’s senior vice president for animal sciences.

Legal Notices

PUBLIC HEARING NOTICE

San Miguel County has been asked to consider an application submitted by Nate Smith, Attorney on behalf of Two Rivers Owners Association Inc. and Sunshine Valley Condominium Association Inc. and each respective owner within those communities (Applicants), owner of Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR 15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR29, TR30, and TR31, Two Rivers Planned Community, and Units SV1, SV2, SV3, SV4, SV5, SV6, SV140, SV141, and Outlot SV130, Sunshine Valley Planned Community, Located on Lot P, Lawson Hill PUD, in the Affordable Housing PUD (AH-PUD) Zone District, located on Two Rivers Drive in the Ilium Valley four miles west of the Town of Telluride off Highway 145. The Applicant seeks a Subdivision Exemption for Fully Developed Residential Property to create twenty eight (28) separate lots to be deeded to existing unit owners in fee title property interest, and to amend the PUD Land Use Matrix. A Subdivision Exemption for Fully Developed Residential Property requires One-step Board of County Commissioner review and approval pursuant to Land Use Code Section 5-1208 and Section 3-501 B.I.g.

A Public Hearing on the above proposal will be held by the San Miguel County Board of Commissioners on January 20, 2021 at 10:00 AM. This meeting will be held online due to the COVID-19 virus. To provide comment or ask questions regarding the proposed amendment, please join the meeting at <https://zoom.us/join>. Meeting Id # 534.180.495, Password 014764, audio 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

Written comments of more than one page may not receive full consideration if not received by January 8, 2021. Send comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or planning@sanmiguelcountyco.gov. For more information on this proposed application, please call the Planning Department at (970) 728-3083.

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For more information call 728-3844 or email boccc@sanmiguelcountyco.gov. Applications can be filled out online at <https://www.sanmiguelcountyco.gov/245/Boards-Commissions> Deadline: January 8, 2021.

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The Town of Norwood and the Norwood Water Commission are accepting application to fill two full-time positions with the Public Works Department and as Water system Technician.

These positions are non-exempt and paid at an hourly rate dependent upon experience.

Must have a valid Colorado driver's license. Must be willing to work schedules that include some weekends and holidays. Having experience in operating equipment is a plus. Benefits included.

The application form and detailed job description may be obtained at Norwood Town Hall or on the Town of Norwood's website at www.norwoodtown.com under the Application/Permits tab. These positions are open until filled.

Please contact Patti Grafmyer with any questions at grafmyer@norwoodtown.com or call (970)327-4288.

EOE



Board of Education Vacancy

Norwood Public Schools has a vacant seat on the Board of Education. If you want to be a member of a dynamic team, please submit a letter of interest to Ken Lawrence at ken.lawrence@norwoodk12.org. Or you may bring it by the school office at:

Norwood Public Schools
1225 West Summit Avenue
Norwood, CO 81423

If you have any questions, please call 970-327-4336. All letters of interest should be submitted by January 11, 2021. Thank you for your interest in our school.

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HOROSCOPE
By SALLY BROMPTON
www.sallybrompton.com

ARIES (March 21 - April 20):
You could find it difficult to control your emotions today as the full moon stirs up memories you would prefer to forget.

TAURUS (April 21 - May 21):
Anyone who thinks you are lacking in the humor department will be proven wrong today as your sense of mischief gets the better of you.

GEMINI (May 22 - June 21):
If you take risks with money today you had better be prepared to lose it. A full moon in the financial area of your chart warns that no matter how confident you may be of turning a profit it is much more likely to end up as a loss.

CANCER (June 22 - July 23):
A full moon in your birth sign means you won't have much patience with other people - in fact the slightest little thing will annoy you.

LEO (July 24 - Aug. 23):
You may be in the mood to dance and sing now but no one seems to want to join in. Are you being snubbed? It's more likely that friends and family and work colleagues have forgotten how to enjoy themselves.

VIRGO (Aug. 24 - Sept. 23):
Do your own thing and ignore those who say you should be more of a team player. There will always be people who prefer to be negative and cautious, but you don't have to be one of them.

LIBRA (Sept. 24 - Oct. 23):
You must be scrupulously honest with the people you work with over the next 24 hours, because even the smallest untruth will be found out and frowned upon.

SCORPIO (Oct. 24 - Nov. 22):
A difference of opinion over something trivial could escalate into a serious falling-out today, so be careful what you say and don't take what other people say to heart.

SAGITTARIUS (Nov. 23 - Dec. 21):
You won't get far by being aggressive today, so make sure you are in the right frame of

mind to chat with people on a friendly level, and make sure you have an excuse to leave quickly if you feel things are getting a little too heated.

CAPRICORN (Dec. 22 - Jan. 20):
No matter how convinced you may be that you are in the right and someone else is in the wrong, and even if you can prove it, they won't back down.

AQUARIUS (Jan. 21 - Feb. 19):
Are you getting the support and encouragement you need from loves ones? If not, don't worry about it because it's only a passing phase.

PISCES (Feb. 20 - Mar. 20):
Today's full moon could make you somewhat impulsive but the good news is nothing too bad is likely to come of it.

BIRTHDAY WEDNESDAY:
A full moon on your birthday means you will face a number of challenges over the coming year, but the good news is you will grow mentally and emotionally with each new experience.

Legal Notices

PUBLIC HEARING NOTICE

San Miguel County has been asked to consider an application submitted by Nate Smith, Attorney on behalf of Two Rivers Owners Association Inc. and Sunshine Valley Condominium Association Inc. and each respective owner within those communities (Applicants), owner of Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR 15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR29, TR30, and TR31, Two Rivers Planned Community, and Units SV1, SV2, SV3, SV4, SV5, SV6, SV140, SV141, and Outlot SV130, Sunshine Valley Planned Community, Located on Lot P, Lawson Hill PUD, in the Affordable Housing PUD (AH-PUD) Zone District, located on Two Rivers Drive in the Ilium Valley four miles west of the Town of Telluride off Highway 145.

for Fully Developed Residential Property requires One-step Board of County Commissioner review and approval pursuant to Land Use Code Section 5-1208 and Section 3-501 B.I.g.

A Public Hearing on the above proposal will be held by the San Miguel County Board of Commissioners on January 20, 2021 at 10:00 AM. This meeting will be held online due to the COVID-19 virus. To provide comment or ask questions regarding the proposed amendment, please join the meeting at https://zoom.us/join, Meeting Id # 534.180.495, Password 014764, audio 1-301-715-8592 or 1-253-215-8782 (long distance rates may apply).

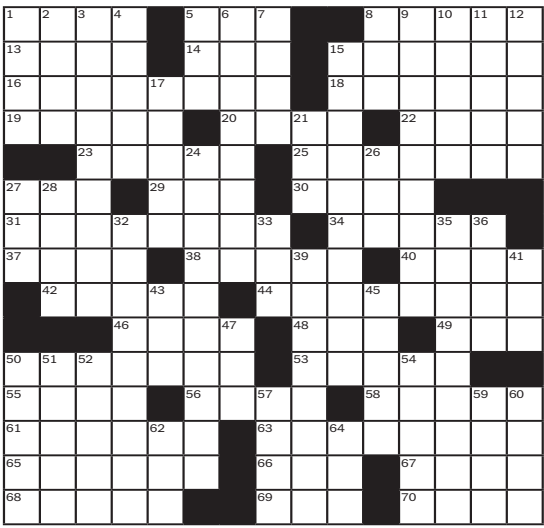
Written comments of more than one page may not receive full consideration if not received by January 8, 2021. Send comments to: San Miguel County Planning Department, P.O. Box 548, Telluride, CO 81435 or planning@sanmiguelcountyco.gov. For more information on this proposed application, please call the Planning Department at (970) 728-3083.

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NEW YORK TIMES CROSSWORD

- ACROSS
1 University of New Mexico mascot
5 Jocular sort
8 "Uncle!"
13 ____ Drago ("Rocky IV" villain)
14 Sardonic
15 Polar ____ (weather phenomenon)
16 Prince, e.g.
18 Publicly ordain
19 ____ Kemper, player of TV's Kimmy Schmidt
20 Choice on "Let's Make a Deal"
22 Latch ____
23 Extravagant but superficial display
25 Stamp on an envelope [and 16-Across flipped]
27 HBO alternative
29 Prefix with thermal



- DOWN
1 Shade of green
2 Like the head of a tennis racket
3 Concerns for Cinderella and her stepsisters
4 Buck ____, first African-American coach in Major League Baseball
5 TV's ____ Raw
6 Desert, e.g.
7 It's a wrap
8 Naturally occurring example of "opposites attract"?
9 Group at a wedding
10 1986 celebrity autobiography
11 20-ounce Starbucks order
12 Sing the praises of

ANSWER TO PREVIOUS PUZZLE
Table with 10 columns and 10 rows of crossword answers.

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John Huebner <johnh@sanmiguelcountyco.gov>

Re: Certified Complete - Two Rivers and Sunshine Valley Units Subdivision Exemption application

1 message

Nate Smith <Nate@telluridefirm.com>
To: John Huebner <johnh@sanmiguelcountyco.gov>

Mon, Nov 30, 2020 at 4:42 PM

John,

SV110R and SV120R were never part of this application. I have amended language in the application to remove Outlot SV130, but I am awaiting revisions from Jeff Haskell in the plat.

Thanks,

Nate Smith, Attorney

Smith Law Firm, P.C.

(970) 369-9070

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From: John Huebner <johnh@sanmiguelcountyco.gov>

Date: Monday, November 30, 2020 at 4:12 PM

To: Nate Smith <Nate@telluridefirm.com>

Subject: Re: Certified Complete - Two Rivers and Sunshine Valley Units Subdivision Exemption application

Nate,

It would be helpful if you would please amend or revise your application and plat to reflect the removal of Outlot SV-130, and to also remove SV-110R and SV-120R. Let me know your thoughts.

John

John Huebner

Senior Planner

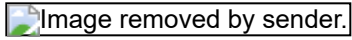
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For information about San Miguel County's response to COVID-19 (Coronavirus), please visit <https://www.sanmiguelcountyco.gov/590/Coronavirus>

On Mon, Nov 30, 2020 at 2:24 PM Nate Smith <Nate@telluridefirm.com> wrote:

John,

We will be removing Outlot SV130 from the application because it was already subdivided by TSG. Do you need to remove that lot from the notice? The TR HOA owns the lot.

Best,

Nate Smith, Attorney

Smith Law Firm, P.C.

(970) 369-9070

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From: John Huebner <johnh@sanmiguelcountyco.gov>

Date: Friday, November 20, 2020 at 4:10 PM

To: Nate Smith <Nate@telluridefirm.com>

Subject: Re: Certified Complete - Two Rivers and Sunshine Valley Units Subdivision Exemption application

Nate,

I attached a revised public notice for your use. Please confirm receipt. Thank you,

John

John Huebner

Senior Planner

San Miguel County
P:970-728-3083

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[Telluride, CO 81435](#)

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Error! Filename not specified. **Error! Filename not specified.**

For information about San Miguel County's response to COVID-19 (Coronavirus), please visit <https://www.sanmiguelcountyco.gov/590/Coronavirus>

On Fri, Nov 20, 2020 at 10:59 AM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

Nate,

I attached the San Miguel County Planning letter certifying completeness of the Two Rivers and Sunshine Valley Units Subdivision Exemption application submitted by you. We will refer the application today to the referral agencies listed in the letter. I am preparing the notice sign(s) and will notify you when they are ready for pickup at our office.

In your discussions with Kaye she had asked that you provide photos of all the houses so Planning can document their current conditions/forms. This was in lieu of a complete improvements survey. We will need to receive those in the near future.

Would you also confirm that the properties with multi-family condos will continue the condominiumized multifamily use on those SV lots. Otherwise, we are going to have some other issues (building construction mostly, e.g. changing a condo to a townhome requires a firewall).

Please contact the Planning Department with any questions or concerns. Best regards,

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

November 24, 2020

Re: Subdivision Exemption for Fully Developed Residential Property – Two Rivers and Sunshine Valley Planned Communities

Please be aware that a new set of Requirements for Final Plats was passed by the Board of County Commissioners on October 7, 2020. These are not yet available on the County website, so a set of these will be sent by email from the County Surveyor to Jeff Haskell of Foley Associates, Inc..

I have reviewed the plat received by email from the County Planning Dept. on November 20, 2020 and have the following comments:

Page 1

1. The Title of the plat should be as suggested per the County Planning Department. This will also appear in the Owners Certificate and Land Surveyor's Certificate. (SMC LUC 4-502 E.)
2. The Owner's Certificate should follow the general outline contained in Section 4-503 A. of the Land Use Code. The Consents of the two Associations can remain separate as they are presented, but the Owner's Certificate should mention who the owners are (I suggest labelling the chart of Unit numbers and Owners, with a Reception No. of the current deeds added, as Exhibit A, and just referencing this Exhibit for the owners), and the legal description of the subject property that is being platted. For the Owners Certificate, the chart should reference current ownership prior to the recording of this plat, which is Unit numbers not Lot numbers. (SMC LUC 4-502 L. and 4-503 A.)
3. Security Interest Holder's Consents are required. These may be recorded simultaneously as separate documents, similar to the owner's consents. (SMC LUC 4-503 I.)
4. Lots SV110-R, SV120-R and Outlot SV130 were created on a recent plat recorded at Reception No. 462121. Are these lots also a part of this plat if nothing is changing? Lots SV110-R and SV120-R do not appear in the ownership chart or Note 4 Notes of Clarification, but are shown on the plat.
5. Fill in the information for the easement research in Note 2. (CRS 38-51-106(1)(b)(I))

6. In Note 4 Notes of Clarification, eliminate TR-22 and TR-26, capitalize TR-23(A). Include Outlot SV130? (SMC LUC 4-503 L.)
7. Note 5 - Tie the Basis of Bearings in to the Land Survey or use a line closer to this Land Survey. The south boundary of the plat is indicated as Basis of Bearings which is different than Note 5.
8. Add a statement defining the lineal units used for the Land Survey. (CRS 38-51-106(1)(I))
9. Note 16 does not appear to pertain to this plat.
10. Note 17 refers to a document that does not exist yet.
11. The chart in Note 18 shows Lot TR-17 being burdened when it should be Lot TR-16.
12. Use the Land Surveyor's Certificate per Section 4-503 C. of the Land Use Code.
13. Use the County Treasurer's Certificate per Section 4-503 F. of the Land Use Code.
14. Indicate any Protective Covenants for these lots. (SMC LUC 4-503 M.)

Page 2

15. Submit the required data for the County Geographic Information System. (SMC LUC 4-504)
16. Submit Lot closure reports to the County Surveyor (SMC LUC 4-502 P.II.)
17. Adjoining lots need to indicate the latest plat book and page reference. Tract 509B should not say Future Development because it is platted. Tract 509-A should have a dash per the plat of record. (SMC LUC 4-502 I.)
18. If Lot SV110-R is part of this plat, indicate the adjoining lot line between Lots Q-27 and Q-35R.
19. If Outlot SV130 is part of this plat, indicate the recording information for the parking and access easement, add the parking easement, add the parking and access easement for Units TR23(A) and TR25, add the drainage easement, add the recording information on page 3 for the trash easement and add easement dimensions for all easements on the lot. (SMC LUC 4-502 Q.)
20. Add the recording information for the easement indicated on Lot SV-160. (This was shown on the plat at Book 1, page 2844). (SMC LUC 4-502 Q.)
21. Indicate the width of the easements along Short Ct. and Two Rivers Drive, along the lot line between TR-21 and SV-160 and along the lot line between TR-8 and TR-9. Use a different linetype for the waterline easement parallel to the south boundary. Indicate the width of the easement indicated for the easements along Lots TR-7 and TR-9 and the book and page should be page 2209. (SMC LUC 4-502 Q.)
22. Show the width of the main portion of Two Rivers Drive . (SMC LUC 4-502 N.I.)
23. In the Legend, indicate the monument type and size for the BLM monument. Indicate what (M) and (R) indicate. (SMC LUC 4-502 H.)
24. The dimensions overlap near the western most line of Lot TR-8 and are illegible. (SMC LUC 4-502 C.)

Page 3

25. Why are General Common Elements and L.C.E. indicated on this subdivision plat?
26. In the Legend, indicate the meaning of the symbols in each parking space. Correct the spelling of Public on pages 3 and 4. (SMC LUC 4-502 H.)
27. Why are easements being indicated for a certain "Unit" with an abbreviated address, which is different than Notes 18 or 20 on page 1? One of the main purposes of this plat is to create Lots and no longer have Units. I would suggest just indicating "easement" because the type of easement is indicated in the Legend and the purposes, beneficiary, etc. are on page 1.
28. Many easement dimensions are overlapping each other or onto lot lines making them illegible. (SMC LUC 4-502 C.)
29. Define the line that runs around most of the parking spaces.
30. Many of the new easements do not have adequate dimensions or ties to be able to determine their exact location. (SMC LUC 4-502 Q.)

Page 4

31. Many of the new easements do not have adequate dimensions or ties to be able to determine their exact location. (SMC LUC 4-502 Q.)
32. Define the line that runs around most of the parking spaces.
33. The northernmost dimension for the pedestrian access easement on Lot TR-16 is illegible. The dimension of 0.09' on the parking access easement on Lot TR-5 is illegible. (SMC LUC 4-502 C.)
34. There is a parking easement on Lot TR-11 that is not in the chart in Note 18 of page 1.
35. Add dimensions for the pedestrian access easements on Lots TR-10, TR-11 and TR-13. (SMC LUC 4-502 Q.)

J. David Foley
San Miguel County Surveyor





John Huebner <johnh@sanmiguelcountyco.gov>

Re: Agency Referral: Two Rives/Sunshine Valley Communities - Subdivision Exemption Fully Developed Residential Property

1 message

Jim Boeckel <jim@telluridefire.com>

Tue, Dec 8, 2020 at 6:52 AM

To: John Huebner <johnh@sanmiguelcountyco.gov>

John, I don't have any objections to this request as it is not creating any new buildable lots or infrastructure that would affect the operations of the Telluride Fire Protection District.

Thanks

On Fri, Nov 20, 2020 at 2:07 PM John Huebner <johnh@sanmiguelcountyco.gov> wrote:

All,

Please find the attached application submitted by Nate Smith, Smith Law Firm to create ownership lots for property owned by Two Rivers Owners Association Inc. and Sunshine Valley Condominium Association Inc. and each respective owner within those communities for your review and comment. Please provide your review comments by December 28, 2020 to Kaye Simonson, planning@sanmiguelcountyco.gov in the County Planning Department. Please contact the Planning Department if you have any questions.

John

John Huebner

Senior Planner

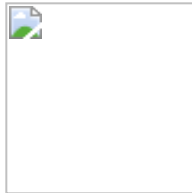
San Miguel County

P:970-728-3083

333 W Colorado Ave, 3rd Flr

Telluride, CO 81435

www.sanmiguelcountyco.gov



For information about San Miguel County's response to COVID-19 (Coronavirus), please visit <https://www.sanmiguelcountyco.gov/590/Coronavirus>



Jim Boeckel, Fire Marshal, Battalion Chief

Telluride Fire Protection District

PO Box 1645/131 West Columbia Avenue

Telluride, CO 81435

970-729-1454 (cell)

970-728-3801 (office)

970-728-3292 (fax)

jim@telluridefire.com



John Huebner <johnh@sanmiguelcountyco.gov>

Re: Two Rivers - Draft Lender Notice Letter

1 message

Amy Markwell <amym@sanmiguelcountyco.gov>

Tue, Dec 15, 2020 at 3:41 PM

To: John Huebner <johnh@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>, Troy Hangen <troyh@sanmiguelcountyco.gov>

Cc: Dave Foley <surveyfoley@gmail.com>

Planning Team,

This email is to follow up with the Surveyor's comments to the application - specifically #3 regarding Security Interest Holder's Consents required per LUC 4-503 I.

There were several meetings and email communications with Nate about this. The interpretation of Steve Zwick and Mike Rozycki in 2019 was that all lien holders would be provided notice, with any such notice stating that the applicants for the subdivision exemption are also requesting a waiver of the lien holder plat consent requirement and providing such lien holders with a specified time period to object to the waiver of the lien holder plat consent requirement, as well as the subdivision exemption. The notice letter was going to request the following and - it was my understanding that there would be a statement on the plat that discussed this.

I. ACTION REQUESTED FROM LENDERS

While the Association does not believe that the Lender has opted in to be considered an "Eligible Lender" pursuant to the Declaration, the Association in good faith is complying with the Notice Provisions, which require that it provide "Eligible Lenders" with notice and an opportunity to approve/reject the Approved Actions. **Please provide the Association within 30 days after the date of this letter the lender's approval or rejection of the Approved Action and, if approved, a statement that it waives the requirement for certificate of consent on the plat. If the lender does not respond to this letter within 30 days after the date of the letter, it will have been deemed to have approved of the Approved Actions, pursuant to the Notice Provisions.**

I believe the application should include specifics about the letters that went out, what lenders sent back the requested waivers and what lenders failed to respond within the 30 day time frame. I will leave it to Planning to determine if you would like to see copies of those relevant documents in the application as well.

Amy

----- Forwarded message -----

From: **Amy Markwell** <amym@sanmiguelcountyco.gov>

Date: Wed, Apr 18, 2018 at 10:21 AM

Subject: Re: Two Rivers - Draft Lender Notice Letter

To: Nate Smith <Nate@telluridefirm.com>

Cc: Mike Rozycki <miker@sanmiguelcountyco.gov>, Scott Stewart <scott@goeasytours.com>, Dasaro Patrick Chanty <dasaropatrick@gmail.com>

Nate,

The letters look good on our end!

Thanks!

Amy

Amy T. Markwell
San Miguel County Attorney



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amym@sanmiguelcountyco.gov

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On Wed, Apr 18, 2018 at 9:45 AM, Nate Smith <Nate@telluridefirm.com> wrote:

Amy,

Thank you for your additional thoughts and comments. I have made some changes to my draft letter. Please the attached clean and redline versions. I think these changes are more consistent with Steve's original strategy.

Best,

Nate Smith, Attorney
Smith Law Firm, P.C.

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From: Amy Markwell <amym@sanmiguelcountyco.gov>

Date: Wednesday, April 18, 2018 at 9:32 AM

To: Nathaniel Smith <nate@telluridefirm.com>

Cc: Mike Rozycki <miker@sanmiguelcountyco.gov>, Sco Stewart <scott@goeasytours.com>, Dasaro Patrick Chanty <dasaropatrick@gmail.com>

Subject: Re: Two Rivers - Dra. Lender Notice Letter

Nate,

Mike is reminding me that he does think that we were in agreement with the 30 day notice to lenders so that is all good. I still think that we were looking for lenders to specifically waive the requirement to consent to

the plat. This is why I am of that opinion:

Regarding lender consents, before Steve's recommendation, I believe we came to the following consensus:

"I think there may be a way to draft the notification that the applicant would send to the lien holders that would address those concerns, with any such notice stating that the applicants for the subdivision exemption are also requesting a waiver of the lien holder plat consent requirement and providing such lien holders with a specified time period to object to the waiver of the lien holder plat consent requirement, as well as the subdivision exemption."

This language comes from Steve's email on January 16, 2018. Please confirm that this is the approach you would like the HOA to take in preparing waivers/consents. We will make sure any such consent/waiver language is included in the plat.

Hope this helps!

Amy

Amy T. Markwell
San Miguel County Attorney



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On Tue, Apr 17, 2018 at 4:18 PM, Amy Markwell <amym@sanmiguelcountyco.gov> wrote:

Nate,

I have reviewed the letter - focusing primarily on III. Action Requested From Lenders.

I was trying to find prior emails from Steve on this issue in which he made recommendations on how many days to give the lenders for response time. I seem to remember him suggesting a 60 day time frame, but I can't find anything specific that I confirm that on. Maybe because CRS 38-33.3-217 Amendment of Declaration uses a 60 day notice? I am thinking the time frame came up at a meeting we had back in late January/early February.

I also believe that Steve thought that the notice should explicitly state that the Borrower was requesting a waiver of the lien holder plat consent requirement. Maybe something like:

I. ACTION REQUESTED FROM LENDERS

While the Association does not believe that the Lender has opted in to be considered an “Eligible Lender” pursuant to the Declaration, the Association in good faith is complying with the Notice Provisions, which require that it provide “Eligible Lenders” with notice and an opportunity to approve/reject the Approved Actions. **Please provide the Association within 30 days after the date of this letter the lender’s approval or rejection of the Approved Action and, if approved, a statement that it waives the requirement for certificate of consent on the plat. If the lender does not respond to this letter within 30 days after the date of the letter, it will have been deemed to have approved of the Approved Actions,** pursuant to the Notice Provisions.

Amy

Amy T. Markwell
San Miguel County Attorney



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On Mon, Apr 16, 2018 at 11:06 AM, Nate Smith <Nate@telluridefirm.com> wrote:
Amy,

I hope you are enjoying the quiet days of off season. For your review and consideration, I have attached a draft proposed lender notice letter for purposes of complying with Two Rivers HOA governing

documents and the LUC related to the "lot split" and conveyance of HOA comment elements. Please let me know if this letter is sufficient on your end to comply with LUC Sec. 4-515, as we have discussed.

My client has not yet reviewed this letter. It may be subject to minor changes.

Thanks,

Nate Smith, Attorney



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www.telluridefirm.com

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John Huebner <johnh@sanmiguelcountyco.gov>

Fwd: Two Rivers - Draft Lender Notice Letter

1 message

Amy Markwell <amym@sanmiguelcountyco.gov>

Tue, Dec 15, 2020 at 2:53 PM

To: John Huebner <johnh@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>, Troy Hangen <troyh@sanmiguelcountyco.gov>

Here is a copy of the email chain with Nate and Mike R. regarding the lender Notice with the last version of the letter.

Amy

----- Forwarded message -----

From: **Amy Markwell** <amym@sanmiguelcountyco.gov>

Date: Wed, Apr 18, 2018 at 10:21 AM

Subject: Re: Two Rivers - Draft Lender Notice Letter

To: Nate Smith <Nate@telluridefirm.com>

Cc: Mike Rozycki <miker@sanmiguelcountyco.gov>, Scott Stewart <scott@goeasytours.com>, Dasaro Patrick Chanty <dasaropatrick@gmail.com>

Nate,

The letters look good on our end!

Thanks!

Amy

Amy T. Markwell
San Miguel County Attorney



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Smith Law Firm, P.C.

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This language comes from Steve's email on January 16, 2018. Please confirm that this is the approach you would like the HOA to take in preparing waivers/consents. We will make sure any such consent/waiver language is included in the plat.

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Amy

Amy T. Markwell
San Miguel County Attorney



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Amy

Amy T. Markwell
San Miguel County Attorney



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My client has not yet reviewed this letter. It may be subject to minor changes.

Thanks,

Nate Smith, Attorney



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2 attachments



2018.04.18 Lender Notice TEMPLATE.docx
280K



2018.04.18 Lender Notice RdIn.docx
282K



John Huebner <johnh@sanmiguelcountyco.gov>

Fwd: FW: Two Rivers - Subdivision Exemption

1 message

Amy Markwell <amym@sanmiguelcountyco.gov>

Tue, Dec 15, 2020 at 3:45 PM

To: Kaye Simonson <kayes@sanmiguelcountyco.gov>, John Huebner <johnh@sanmiguelcountyco.gov>, Troy Hangen <troyh@sanmiguelcountyco.gov>

Cc: Dave Foley <surveyfoley@gmail.com>

Here is another email string regarding the Two Rivers project and specifics regarding the lender notice.

Amy

----- Forwarded message -----

From: **Mike Rozycki** <miker@sanmiguelcountyco.gov>

Date: Thu, Mar 22, 2018 at 3:12 PM

Subject: Fwd: FW: Two Rivers - Subdivision Exemption

To: Nate Smith <Nate@telluridefirm.com>

Cc: Amy Markwell <amym@sanmiguelcountyco.gov>

Nate, this is my response to Amy re her conversation with you and I believe my suggestions in this email track our phone conversation yesterday.

Mike

----- Forwarded message -----

From: **Mike Rozycki** <miker@sanmiguelcountyco.gov>

Date: Tue, Mar 20, 2018 at 3:18 PM

Subject: Re: FW: Two Rivers - Subdivision Exemption

To: Amy Markwell <amym@sanmiguelcountyco.gov>

Cc: Karen Henderson <karenh@sanmiguelcountyco.gov>

Amy, I think Steven largely addressed this issue/situation before he left but here are my thoughts re Nate's stated concern(s).

County LUC Section 4-515 J. Security Interest Holder's Consent (if applicable) states that this certificate's inclusion on the plat is mandatory should there be any Deeds of Trust, Mortgages, Instruments creating security interests or liens filed of record with the County Recorder's office.

Back in December 2017 Nate shared info re a discussion he had with Robin Watkinson, Land Title, concerning approval of changes to the General Declarations deeming approval if lenders do not specifically object or disapprove of the project within 30 days of notice of the proposed change; Land Title would simply require a certificate on the plat stating that lenders where notified and X % of lenders have deemed to approve the changes. Land Title does not require signed consents by every lender to provide its title insurance.

Steven then asked Nate if Land Title has the same opinion as stated above as it relates to the interpretation of LUC Section 4-515 J. in the LUC. Nate responded after talking with Robin that Land Title had no opinion related to the interpretation of the LUC concerning Security Interest Holder's Consent..

On January 16, 2017 Steven sent Nate and Scott Stewart, Two Rivers HOA, an email concerning this issue ... to summarize, Steven acknowledged the applicant's intent and proposal to comply with Section 10.3 Special Approvals, of the Two Rivers General Declaration, expressed some concern whether that process applies to the potential waiver of requiring Security Interest Holders consent on a subdivision plat per the County LUC, but after further consideration he laid out a procedure where the applicant would draft a notification of the proposed subdivision exemption including notification that the applicants are also requesting a waiver of the lien holder plat consent requirement and providing such

lien holders with a specified time period to object to the waiver of the lien holder plat consent requirement, as well as the subdivision exemption. Similar to what the Title Company is proposing a note that notice was sent to the Security Interest Holders re Two Rivers request to waiver the requirement for a consent certification would be placed on the Subdivision Exemption Plat.

We then got a response from Nate on January 17th that this tentative proposal on noticing should be satisfactory. On February 14th you let Nate know that you and Steven had a chance to discuss this matter with Steven and the proposal seemed to be solid and make sense.

In response the concerns Nate expressed to you in his phone call ... my take is if the notices are sent out to all of the lien holders and after 30 days there are no objections from Security Interest Holders re the Subdivision Exemption or the proposed change to the General Declaration changing the Two Rivers Units from CCIOA condominium units to Single-family residences on platted subdivision lots where the ownership is not just in the home but will include ownership of the home and the ground within the lot then this should satisfy the Subdivision requirement re a waiver of the Security Interest Holders Consent. The more difficult situation is what happens if one or more lien holders responds to the notice and objects to the proposed changes to property they have a security interest in.

One possible approach might be to consider sending out the notice of the Two Rivers Home owners intent to ask the SMC Co BOCC to approve and execute an Amended and Restated Plat that depicts the Two Rivers property and residential units that have previously been considered to be CCIOA condos as individual lots with homes to the various Security Interests and Lien Holders prior to going through the expense of surveying each of the individual lots and preparing the required Subdivision Exemption Plat. Just a thought.

Mike

On Mon, Mar 19, 2018 at 5:37 PM, Amy Markwell <amym@sanmiguelcountyco.gov> wrote:

Mike/Karen,

Just FYI – I had a conversation with Nate today. He hopes to have owner approval for him to move forward with the subdivision exemption by the end of the month. He was also concerned with perhaps spending a lot of money to get a final plat that would be sent to lenders just to have a lender refuse to agree and all of that money would be down the drain.

I thought there was talk about getting lenders to sign waivers so that they did not have to sign off on the final plat per LUC 4-515J...he was still unclear if that would comply with County requirements and I can't recall seeing a response to his question about whether you would allow the waiver from the lenders on the plat rather than have all of the lenders sign on the plat that they consent.

Amy

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From: Nate Smith [mailto:Nate@telluridefirm.com]
Sent: Monday, March 19, 2018 5:29 PM
To: Amy Markwell <amym@sanmiguelcountyco.gov>
Subject: Re: Two Rivers - Subdivision Exemption

Amy,

Thanks for your additional research. I called to determine if Steve's agreed waiver language (that you highlighted below) would require review of the final plat or a preliminary plat. I know Steve was okay with the "approval in lieu of reconcept" concept that we discussed but am unclear if he still intended for the final plat to be sent to the lender for such an "approval in lieu of reconcept."

Please let me know if you think we can include the waiver language in the plat but notify the lenders of the application some time before the final plat is prepared/approved.

Best,

Nate Smith, Attorney

Smith Law Firm, P.C.

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From: Amy Markwell <amym@sanmiguelcountyco.gov>
Date: Monday, March 19, 2018 at 5:18 PM
To: Nathaniel Smith <nate@telluridefirm.com>
Subject: FW: Two Rivers - Subdivision Exemption

Nate,

I was just going back to this prior email.... It appears that there was a discussion about drafting a lender notice/waiver that would make getting the lender's approval on a final plat per the LUC unnecessary.... See the highlighting below. I don't know whether any particular lender would require actually seeing the prospective finalized plat prior to signing any such waiver or if they would be willing to do so based on a less expensive mock-up version/other documentation?

Amy

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From: Amy Markwell [mailto:amym@sanmiguelcountyco.gov]

Sent: Wednesday, February 14, 2018 12:28 PM

To: Mike Rozycki <miker@sanmiguelcountyco.gov>

Cc: Nate Smith <Nate@telluridefirm.com>; Karen Henderson <Karenh@sanmiguelcountyco.gov>; Dave Foley <surveyfoley@gmail.com>; Jhaskell <jhaskell@foleyassoc.com>; Scott Stewart <scott@goeasytours.com>; Patrick Dasaro <dasaropatrick@gmail.com>

Subject: Re: Two Rivers - Subdivision Exemption

Nate,

Thanks for continuing to keep me in the loop on this project. Steve and I did have a chance to talk about this prior to his retirement. His recommendations here - like everything else he did - are pretty solid and make sense. If you come up with a different approach to the issue to accomplish the same goal, I would be interested in hearing it if you think you can share. I am on a learning curve here!

Amy



Amy T. Markwell
San Miguel County Attorney
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On Wed, Feb 14, 2018 at 11:18 AM, Mike Rozycki <miker@sanmiguelcountyco.gov> wrote:

Nate,

got your response and all sounds good to me.

regards,

Mike

On Wed, Feb 14, 2018 at 10:48 AM, Nate Smith <Nate@telluridefirm.com> wrote:

Mike,

Thank you for your thorough response. Jeff Haskell is preparing for the HOA an esma te based on your comments below. I am hopeful that Foley has its original work sll on file. Be fore we move forward too much more, the HOA needs to get owner approval for this project. We need Jeff's esma te before we can take this ma er to a vote of the owners. If/when we get owner approval, I will likely be spending a significant amount of me r esearching the background and issues that you reference below. Lots of upfront work will definitely be necessary given the unorthodox structure of the communities do wn in Ilium.

With that said, we will aim to ensure that this proposed lot split follows your recommendaons and is similar t o the existng pla t for the Q lots. It might be nice to keep the plat and the condominium map separate so the HOA can more easily amend only the condominium map if it is able to annex into the HOA the Q lots (and other possible lots). Under this arrangement, we would have two separate plats: one for split TR lots and one for the Q lots, but one shared condominium map, if possible. I admi edly am sll pondering this c ourse of acon.

Regarding lender consents, before Steve's rer ement, I believe we came to the following consensus:

"I think there may be a way to draft the notification that the applicant would send to the lien holders that would address those concerns, with any such notice stating that the applicants for the subdivision exemption are also requesting a waiver of the lien holder plat consent requirement and providing such lien holders with a specified time period to object to the waiver of the lien holder plat consent requirement, as well as the subdivision exemption."

This language comes from Steve's email on January 16, 2018. Please confirm that this is the approach you would like the HOA to take in preparing waivers/consents. We will make sure any such consent/waiver language is included in the plat.

Regards,

Nate Smith, Attorney

Smith Law Firm, P.C.

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From: Mike Rozycki <miker@sanmiguelcountyco.gov>

Date: Tuesday, February 13, 2018 at 10:56 AM

To: Nathaniel Smith <nate@telluridefirm.com>, "jhaskell@foleyassoc.com" <jhaskell@foleyassoc.com>

Cc: Amy Markwell <amym@sanmiguelcountyco.gov>, Karen Henderson <Karenh@sanmiguelcountyco.gov>, Dave Foley <surveyfoley@gmail.com>

Subject: Re: Two Rivers - Subdivision Exemp on

Nate,

Sorry its taken awhile to respond ... here are my thoughts and suggestions in response the questions in your January 26, 2018 email.

As previously stated by Steven Zwick it is our understanding that the Two River's Homeowners intent is to have the SMC Co BOCC approve and

execute a Subdivision Plat that depicts the individual Two Rivers properties, "units" that have been previously considered to be CCIOA condos, which

was consistent with the language in the General Declarations.

The prior correspondence between yourself and Mr. Zwick refers to an Amended and Restated Plat ... It appears to me that since there was never a subdivision

plat approved by the County or recorded, that I'm aware of, that it may make more sense to call this new subdivision plat a Subdivision Exemption for a Single lot Split in an Existing Subdivision for Lot P, the underlying subdivided property, per LUC Section 5-1209'.

If you choose to go with an Amended and Restated Subdivision Plat ... which plat are you amending? I've attached a page from the Land Use Matrix that refers to the individual units within Two Rivers and Sunshine Valley as units within Lot P of the LH Plat.

Is it possible to combine the "Amended and Restated" Subdivision Plat and the Amended and Restated Condominium Map as one plat (document) with multiple pages

that when approved would be recorded together? It looks like this was done for the "Q" lots.

LUC Section 4-5 Final Plat Subdivision Reviews sets out the plat requirements for a Final Subdivision Plat whether its presented and identified as an Amended and

Restated Subdivision Plat or if the plat is for a Subdivision Exemption for a Single lot Split in an Existing Subdivision. In addition to the requirements in LUC Section 4-5

all plats shall include all information necessary to comply with all requirements of CRS 38-51-102.

Response to your specific questions:

Yes, all lot corners shall be marked/monumented by the surveyor; it appears this may have been done for some but not all of the lots.

Yes, both Two Rivers Drive and Short Court will need to be surveyed and depicted on both plats. It appears that Dave Foley, PLS, as

a part of the Road Exemption and Substantial Plat and PUD amendment for Lot P of the Lawson Hill PUD may have surveyed

Two Rivers Drive and possible Short Court.

Yes the final plat shall show the location and width of all easements to which the lots are subject

I would encourage Jeff to review the final plat for the neighboring "Q" lots and develop a similar Final Subdivision Plat.

My other suggestion is that since in all likelihood the County Planning office will refer the submitted Subdivision Plat and the Amended and Restated

Condominium Map to Dave Foley, the County Surveyor, for review, I suggest, if Jeff has questions regarding the applicable survey/plat requirements for

this project he may want to discuss them with Mr. Foley to ensure that the plat will meet his review criteria and they are on the same page.

The Final Plat should address the method for complying with the Security Interest Holder's Consent plat requirements as was discussed

and agreed on with Mr. Zwick prior to his retirement.

Hope this information is helpful

Mike Rozycki (970) 728-3083

On Wed, Feb 7, 2018 at 5:09 PM, Steve Zwick <stevez@sanmiguelcountyco.gov> wrote:

Nate: I am assuming that you intend to have the SMC Co BOCC approve and execute Amended and Restated Plat that depicts the individual Two Rivers parcels that have been previously considered to be CCIOA condos. If that is the case, you should contact Karen and Mike regarding the certifications that the SMC Co LUC requires for subdivision exemption plats that are subject to BOCC review and approval. I expect to be in the office tomorrow, Thursday, 2/8, and Friday, 2/9, should you wish to discuss.

On Wed, Feb 7, 2018 at 4:57 PM, Nate Smith <Nate@telluridefirm.com> wrote:

Hi All:

I am following up on my email below. Can you please give us some general guidance?

Best,

Nate Smith, Attorney

Smith Law Firm, P.C.

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From: Nathaniel Smith <nate@telluridefirm.com>

Date: Friday, January 26, 2018 at 12:20 PM

To: Steve Zwick <stevez@sanmiguelcountyco.gov>, Mike Rozycki <miker@sanmiguelcountyco.gov>, Amy Markwell <amarkwell@gmail.com>

Cc: Sco Stewart <scott@goeasytours.com>, 'patrick dasaro' <dasaropatrick@gmail.com>

Subject: Two Rivers - Subdivision Exemption

Steve, Amy, Mike, and Karen:

Thank you for taking the meeting to meet with Sco and me earlier this week.

I have been in touch with Foley to discuss scope of work and estimates for the survey project. Before I move forward much more in speaking with Jeff Haskell, I wanted to confirm with you the items you would like to see addressed in the new plat of the subdivision. I contemplate having Foley prepare an amended and restated subdivision plat and an amended and restated condominium map. This separation will allow us to address the creation and depiction of the new lots in one document and the GCE/LCE designation of

improvements in another map. A separate condominium map will also allow us to more easily annex the neighboring lots with a later supplemental condominium map. Accordingly, here is what I contemplate for each document:

Amended and Restated Plat

1. Surveyed property boundaries for all TR Units (and SV Lots). Do you need all corners marked?
2. Surveyed depicon of Two Rivers Drive.
3. Surveyed depicon of any other relevant parcels owned by the HOA, etc.
4. Depicon/description of existing easements
5. Anything else?

Amended and Retated Condominium Map

1. Depicon of all common elements within the community, including Two Rivers Drive, LCE parking spaces, other encroaching LCE improvements (e.g. steps), common element trash area, and common element utility systems.
2. Lot boundaries consistent with the amended and restated plat.
3. Anything else?

We understand that additional items will most certainly arise as we get into the specifics of this project, but some general guidance would be helpful for purposes of communicating with Folley.

Thank you again, and please let me know your thoughts.

Nate Smith, Attorney

 Description: Macintosh HD:Users:Nate:Dropbox:Admin:Press and Website:fwdlogofinals:Smith Law logo
small gold leaf.png

P. O. Box 1616

[Telluride, CO 81435](#)

[970-369-9070](#)

www.telluridefirm.com

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--

Steven J. Zwick
San Miguel County Attorney

P.O. Box 791
333 West Colorado Avenue, 3rd Flr.
Telluride, CO 81435
Tel.: 970-728-3879
FAX: 970-728-3718
stevez@sanmiguelcountyco.gov

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--

Mike Rozycki

Planning Director

Phone: 970.728.3083

miker@sanmiguelcountyco.gov

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**THE ILIUM PARK OWNERS ASSOCIATION, INC.,
A COLORADO NONPROFIT CORPORATION**

December 23, 2020

RE: Subdivision Exemption for Platting of Residential Lots in Two Rivers and Sunshine Valley Planned Communities

VIA EMAIL

San Miguel County Board of County Commissioners

Dear Commissioners,

The Ilium Park Owners Association, Inc., a Colorado nonprofit corporation ("**Association**") received a referral notice from San Miguel County, concerning efforts being initiated by owners of property in Two Rivers and Sunshine Valley, seeking to plat the property as separate, platted lots.

As the parties are aware, the Two Rivers and Sunshine Valley are two of the development projects that exist and are part of Ilium Park, a planned community. By operation of their inclusion in Ilium Park, the use and development of the lots in Two Rivers and Sunshine Valley are subject to the respective governing documents respectively applicable to Two Rivers and Sunshine Valley AS WELL AS to those certain governing documents for Ilium Park, including the Declaration recorded on June 19, 1996 at Reception No. 305843 and the Plat recorded on June 19, 1996 at Reception No. 305844, as well as the Bylaws, Articles of Incorporation, Rules and Policies by The Ilium Park Owners Association, Inc., as amended from time to time ("**Ilium Park Governing Documents**").

Generally speaking, the Ilium Park Association does not object to this application and recognizes that if this undertaking was approved and implemented, it would be a good outcome for the owners of the proposed lots in Two Rivers and Sunshine Valley. The Ilium Park Association does want to note some comments about this matter, which it would like included in any action by the County to approve the application:

1. Both Two Rivers and Sunshine Valley will remain part of the Ilium Park and continue to be subject to Ilium Park Governing Documents. The Applicant's will need to work with the Ilium Park Association to modify the Ilium Park Governing Documents to reflect the change in the platting designations of the Two Rivers and Sunshine Valley parcels/units as currently configured and described in the Ilium Park Governing Documents.

2. The Ilium Park Association wants to clarify and confirm that the actions under review by the County would not in any way alter, modify, negate or otherwise affect or concern the respective rights, duties and obligations of owners in Two Rivers and Sunshine Valley well as the Ilium Park Association arising under the Ilium Park Governing Documents (including, without limitation, requirements to comply with covenants relating to use of property, design review requirements, payment of water/sewer tap and usage fees and other dues/assessments, maintenance requirements, use of Ilium Park Association Property, etc.). The Ilium Park Association has not agreed to an amendment to the Ilium Park Governing Documents to allow for any such changes and the Ilium Park Governing Documents may not be unilaterally changed without the approval of Ilium Park Association and other members of the Ilium Park Association.

3. The Ilium Park Association wants to further clarify and confirm that the proposed platting and related actions by Two Rivers and Sunshine Valley and the County, in acting on this Application, would not alter or change the status of any Ilium Park Association Common Elements or any rights under any easements that benefit the Ilium Park Association, if any.

The Ilium Park Association opposes any actions by the Applicant and County that are contrary to these positions.

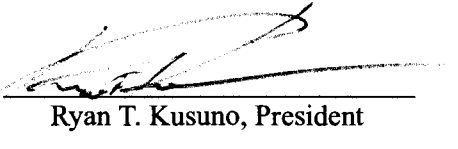
The Ilium Park Association would expect that the members of Two Rivers and Sunshine Valley would meet with the Ilium Park Association and work through any drafting requirements to the Ilium Park Governing Documents to address these comments, which would need to happen prior to or simultaneously with the recordation of the platting of the Two Rivers and Sunshine Valley lots.

As drafted and submitted to the County to review, the proposed plat does not reference the status of the Ilium Park Association and/or Ilium Park governing documents. To avoid future confusion and uncertainty by persons buying lots or lenders financing purchases of property in Two Rivers and Sunshine Valley about the status of the Ilium Park Association and Ilium Park governing documents, we further request that the following Platnote be included on the proposed Two Rivers and Sunshine Valley plat that references Ilium Park Association and/or Ilium Park governing documents.

The Property described on this Plat is also included within Ilium Park, a planned community (formerly known as Telecam/Ilium Park), which is operated, managed and administered by The Ilium Park Owners Association, Inc., a Colorado nonprofit corporation. The Property is subject to the terms, conditions, restrictions and requirements of the Ilium Park Governing Documents, including the Declaration recorded on June 19, 1996 at Reception No. 305843 and the Plat recorded on June 19, 1996 at Reception No. 305844, as well as the Bylaws, Articles of Incorporation, Rules and Policies adopted by The Ilium Park Owners Association, Inc. from time to time, as amended.

Thank you for noting these comments.

The Ilium Park Owners Association, Inc.,
a Colorado nonprofit corporation

By: 

Ryan T. Kusuno, President

Public Hearing Record

Board of County Commissioners

Application: Two Rivers Owners Association Inc / Sunshine Valley Owners Condominium Association Inc

Subdivision Exemption for Fully Developed Residential Property for Two Rivers and Sunshine Valley

Date: January 20, 2021 **Items in bold added after 1/14/21**

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 Board of County Commissioners from John Huebner, Senior Planner dated January 20, 2021.
4. Draft Resolution of the Board Of County Commissioners, San Miguel County, Colorado, Resolution 2021-002, Conditionally Approving a Subdivision Exemption Plat for Fully Developed Residential Property: Two Rivers Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30, TR31, AND Sunshine Valley Units SV1, SV2, SV3, SV4, SV5, SV6, SV140 AND SV141, Lot P, Lawson Hill PUD, Affordable Housing PUD Zone District.
5. Application submitted by Nate Smith, Attorney, Two River Owners Association (TROA), Inc., Sunshine Valley Condominium Association, Inc., and individual unit owners of Two Rivers Units TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR23A, TR25, TR27, TR28, TR29, TR30, TR31, and Sunshine Valley Units SV1, SV2, SV3, SV4, SV5, SV6, SV140 and SV141, Lawson Hill PUD, received October 23, 2020, and Supplements received December 7, 2020, January 12, 2021, and **January 15, 2021**.
6. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated December 29, 2020.
7. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on December 30, 2020.
8. Email from Nate Smith, Attorney for Applicant to John Huebner, Senior Planner dated November 30, 2020.
9. **Email from Nate Smith, Attorney for Applicant to John Huebner, Senior Planner dated January 18, 2021.**

AGENCY COMMENTS

10. Letter received from David J Foley, County Surveyor, to John Huebner, Senior Planner dated November 25, 2020.
11. Email received from Jim Boeckel, Fire Marshal/ Battalion Chief Telluride Fire Protection District to John Huebner, Senior Planner dated December 8, 2020.
12. Email(s) received from Amy Markwell, County Attorney, to John Huebner, Senior Planner dated December 15, 2020.
13. Letter received from Ryan Kusuno, President, Ilium Park Owners Association to John Huebner, Senior Planner, dated December 23, 2020.
14. **Letter received from David J Foley, County Surveyor, to John Huebner, Senior Planner dated January 19, 2021.**

REVISED Sample Motion:

I move to approve the Two Rivers and Sunshine Valley Subdivision Exemption Plat as presented, to adopt the corresponding resolution, and to authorize the Chair's signature on the final plat, matrix and resolution, based on the finding that the project as proposed in the application is consistent with and complies with the review standards in Land Use Code Section 5-1208 Fully Developed Residential Property and Section 4-5 Final Plat Subdivision Reviews, and the County Master Plan, with the following conditions:

1. Address the 22 review comments from the County Surveyor listed in his letter dated January 19, 2021.
2. Include the Ilium Park Owners Association (IPOA) proposed provisions listed in the IPOA letter dated December 23, 2020, in the amended and restated condominium map (*instead of the plat*).
3. 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 Motion.

OWNER'S CERTIFICATE:

Have by these presents caused same to be laid out, platted and subdivided the same into lots, as shown on this plat under the name and style of Subdivision Exemption for Fully Developed Residential Property, Lots TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR22, TR23(a), TR25, TR26, TR27, TR28, TR29, TR30, TR31, Two Rivers Planned Community, and Lots SV140, SV141, SV150, and SV160, Sunshine Valley Community ("Subdivision Exemption") and do hereby dedicate for the perpetual use of the public, the right-of-way for Two Rivers Drive and Short Court, as shown hereon.

Owner's consents and signatures have been obtained via a separate document recorded simultaneously with this Subdivision Exemption in the records of the San Miguel County Clerk and Recorder (the "County Records").

TWO RIVERS OWNERS ASSOCIATION CONSENT AND CERTIFICATION OF NOTICE TO SECURITY INTEREST HOLDINGS

The Two Rivers Owners Association, Inc., a Colorado nonprofit corporation (the "TR Association") being the record owner in fee simple of the following real property located in the County of San Miguel, State of Colorado:

GENERAL COMMON ELEMENTS WITHIN TWO RIVERS, A PLANNED COMMUNITY, ACCORDING TO FIRST AMENDED AND RESTATED COMMUNITY MAP FOR THE PLANNED COMMUNITY OF TWO RIVERS, A PLANNED COMMUNITY, ACCORDING TO THE FIRST AMENDED AND RESTATE CONDOMINIUM MAP RECORDED SIMULTANEOUSLY WITH THIS SUBDIVISION EXEMPTION (the "Amended and Restated TR Condominium Map"), AND AS DEFINED AND DESCRIBED IN THE DECLARATION OF TWO RIVERS RECORDED SEPTEMBER 24, 1996 IN BOOK 568 AT PAGE 76 (the "Original TR Declaration"), AS AMENDED BY FIRST AMENDMENT RECORDED MARCH 10, 1997 IN BOOK 577 AT PAGE 719, AS AMENDED BY THE SECOND AMENDMENT RECORDED APRIL 3, 1997 IN BOOK 579 AT PAGE 103, AS AMENDED BY THE THIRD AMENDMENT RECORDED AUGUST 1, 1997 IN BOOK 584 AT PAGE 947, AS AMENDED BY THE FOURTH AMENDMENT RECORDED AUGUST 15, 1997 IN BOOK 585 AT PAGE 431, AS AMENDED BY THE FIFTH AMENDMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE 1009, AS AMENDED BY THE SIXTH AMENDMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. 318317, AS AMENDED BY THE SEVENTH AMENDMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. 326457, COUNTY OF SAN MIGUEL, STATE OF COLORADO, AND AS AMENDED BY THE EIGHTH AMENDMENT RECORDED SIMULTANEOUSLY WITH THIS SUBDIVISION EXEMPTION, COUNTY OF SAN MIGUEL, STATE OF COLORADO (collectively, the "TR Declaration Amendments"). Further, the President of the TR Association hereby certifies as follows:

In accordance with Sections 9.3 and 10.06 of the Original TR Declaration, as amended through the Effective Date by the TR Declaration Amendments, I hereby certify that, as of the Effective Date, at least (i) 67% of the votes of the TR Association have approved this Subdivision Exemption and (ii) 67% of all such first lien security interest holders in those Units have granted such approvals, or are deemed to have done so, to the extent required under applicable Colorado law and/or the Declaration Amendments, pursuant to the lender notices dated July 13, 2018 (collectively, the "TR Owner/Lender Approvals").

IN WITNESS WHEREOF, the TR Association hereby executes this Certificate on this ____ day of _____, 20____.

Two Rivers Owners Association, Inc.,
a Colorado nonprofit corporation.

By: _____
Scott Stewart, President

ACKNOWLEDGMENT:
STATE OF COLORADO)
COUNTY OF SAN MIGUEL) SS

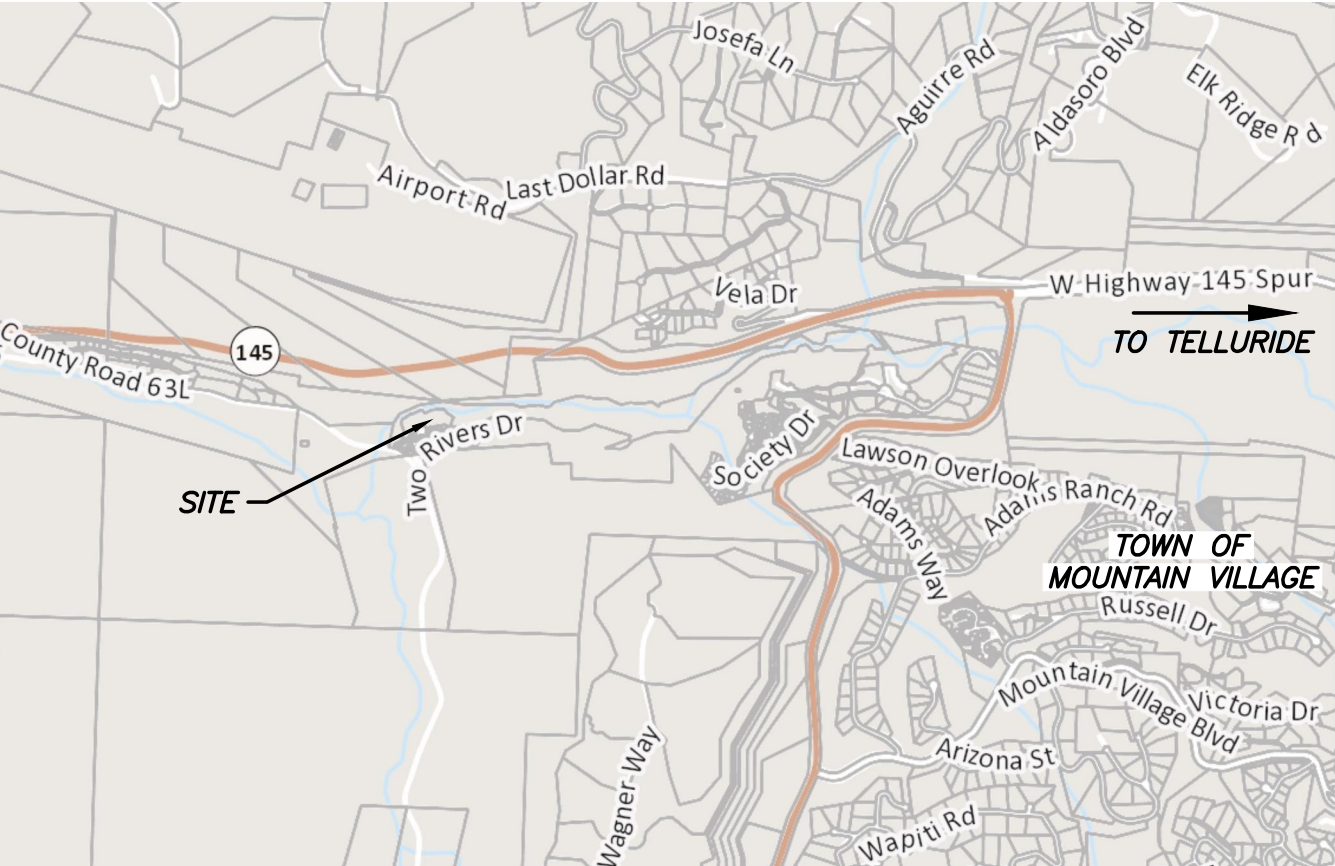
The foregoing was subscribed and sworn to me before this ____ day of _____, 20____, by Scott Stewart on behalf of Two Rivers Owners Association, Inc., a Colorado nonprofit corporation.

My commission expires: _____
Witness my hand and official seal.

Notary Public

VICINITY MAP

(NOT TO SCALE)



Subdivision Exemption for Fully Developed Residential Property, Lots TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR22, TR23(a), TR25, TR26, TR27, TR28, TR29, TR30, TR31, Two Rivers Planned Community, and Lots SV140, SV141, SV150, and SV160, Sunshine Valley Community, located within the SE 1/4 of Section 31, T.49N., R.9W., N.M.P.M., in the County of San Miguel, Colorado.

OWNER'S CERTIFICATE (cont.):

CERTIFICATION OF NOTICE TO SECURITY INTEREST HOLDINGS BY THE SUNSHINE VALLEY CONDOMINIUM ASSOCIATION, INC.

The Secretary of the Sunshine Valley Condominium Association, Inc. (the "SV Association") hereby certifies that prior to its merger with the Two Rivers Homeowners Association, Inc., the Sunshine Valley Condominium Association, Inc., provided the following notices:

In accordance with Sections 9.3 and 10.06 of the DECLARATION OF THE SUNSHINE VALLEY CONDOMINIUMS RECORDED AUGUST 15, 1997 IN BOOK 585 AT PAGE 437, AS AMENDED BY THE FIRST AMENDMENT RECORDED SEPTEMBER 17, 1997 IN BOOK 586 AT PAGE 1016, AS AMENDED BY THE SECOND AMENDMENT RECORDED APRIL 21, 1998 UNDER RECEPTION NO. 318319, AS AMENDED BY THE THIRD AMENDMENT RECORDED JULY 27, 1998 UNDER RECEPTION NO. 320185, AS AMENDED BY THE FOURTH AMENDMENT RECORDED MAY 17, 1999 UNDER RECEPTION NO. 326459, AS AMENDED BY THE AMENDMENT RECORDED DECEMBER 21, 2000 UNDER RECEPTION NO. 338720, AS AMENDED BY THE FIFTH AMENDMENT RECORDED MARCH 15, 2002 UNDER RECEPTION NO. 347720, AS AMENDED BY THE FIFTH AMENDMENT RECORDED MARCH 16, 2004 UNDER RECEPTION NO. 364729, AS AMENDED BY THE SIXTH AMENDMENT RECORDED OCTOBER 4, 2004 UNDER RECEPTION NO. 369510, AS AMENDED BY THE SUPPLEMENT RECORDED AUGUST 30, 2007 UNDER RECEPTION NO. 396058, COUNTY OF SAN MIGUEL, STATE OF COLORADO. (collectively, the "SV Declaration"). I hereby certify that, as of the prior to the dissolution and termination of the SV Association, at least (i) 67% of the votes of the SV Association had approved this Subdivision Exemption and the conveyance of and (ii) 67% of all such first lien security interest holders in those Units had granted such approvals, or are deemed to have done so, to the extent required under applicable Colorado law and/or the SV Declaration, pursuant to the lender notices dated July 13, 2018 (collectively, the "SV Owner/Lender Approvals").

IN WITNESS WHEREOF, the SV Association hereby executes this Certificate on this ____ day of _____, 20____.

Sunshine Valley Condominium Association, Inc.,
a Colorado nonprofit corporation.

By: _____
David Allen, President

ACKNOWLEDGMENT:
STATE OF COLORADO)
COUNTY OF SAN MIGUEL) SS

The foregoing was subscribed and sworn to me before this ____ day of _____, 20____, by David Allen on behalf of Sunshine Valley Condominium Association, Inc., a Colorado nonprofit corporation.

My commission expires: _____
Witness my hand and official seal.

Notary Public

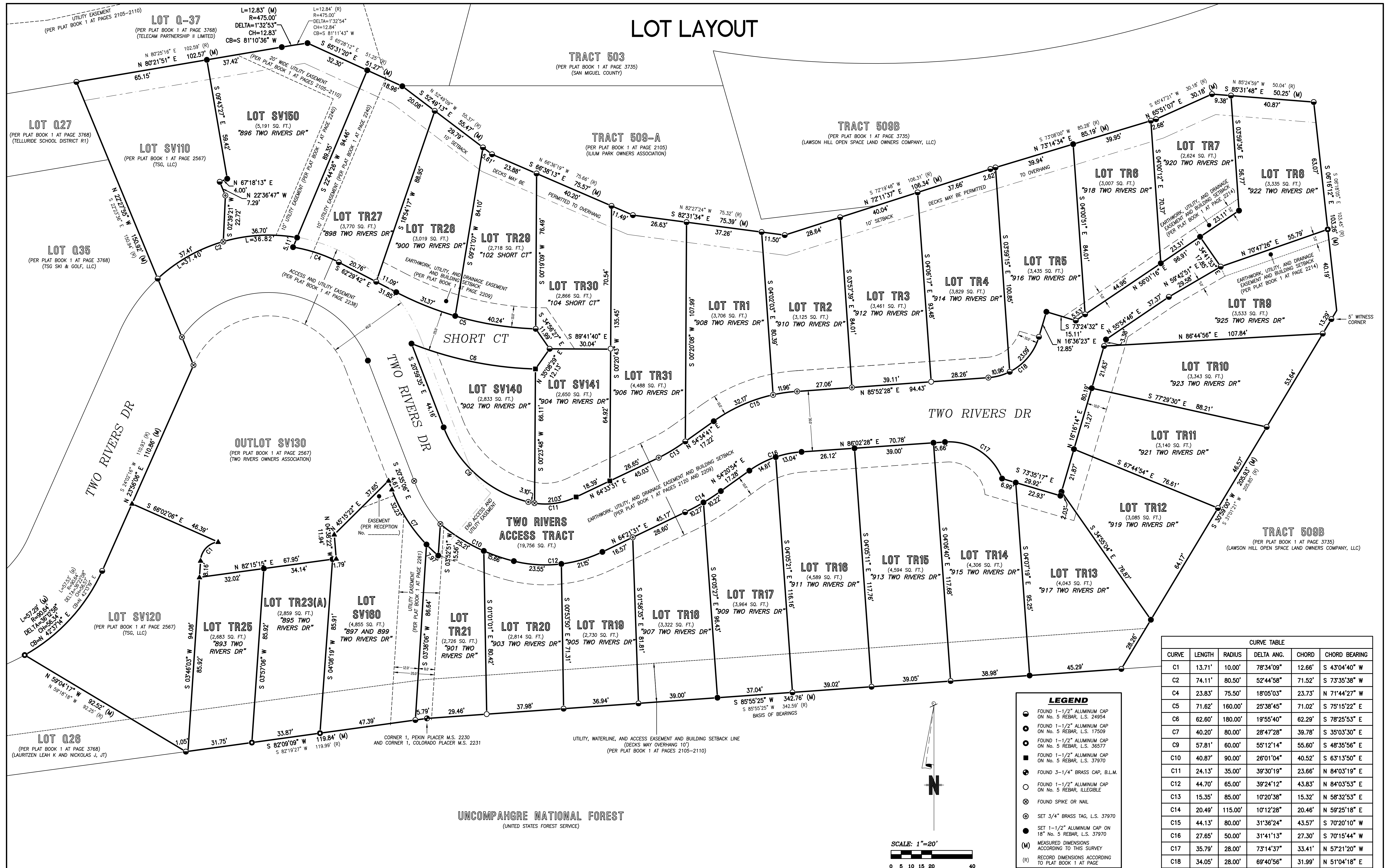
LOT OWNER CERTIFICATION AND CONSENT:

Know all persons by these presents:

The following being the owners of the Property (defined below) as further described in Owner Consents recorded at Reception No. _____ in the County Records, under the name of this Subdivision Exemption, has laid out, platted and subdivided the same as shown on this plat.

Subdivision Exemption	Unit Owners Prior to Subdivision Exemption	Lot No. After Subdivision Exemption	Lot Owners After Subdivision Exemption	Notes:
TR1	Todd T. Recker	TR1	Todd T. Recker	
TR2	Adam W. Pace and Donna M. Pace	TR2	Adam W. Pace and Donna M. Pace	
TR3	Gloria Charria	TR3	Gloria Charria	
TR4	Robert Stages and Diana Stages	TR4	Robert Stages and Diana Stages	
TR5	Walter Scott Stewart	TR5	Walter Scott Stewart	
TR6	Melissa Mae Sengler and Scott Arnold Harris	TR6	Melissa Mae Sengler and Scott Arnold Harris	
TR7	Michael Baker and Ann Kochara	TR7	Michael Baker and Ann Kochara	
TR8	Ellen R. Wilbers and Stuart L. Swadlow-Nordin	TR8	Ellen R. Wilbers and Stuart L. Swadlow-Nordin	
TR9	Tim W. Connor and Heidi M. Connor	TR9	Tim W. Connor and Heidi M. Connor	
TR10	Thomas K. Newell Jr. and Kathryn Newell	TR10	Thomas K. Newell Jr. and Kathryn Newell	
TR11	Benjamin Dowal	TR11	Benjamin Dowal	
TR12	Frank Southard	TR12	Frank Southard	
TR13	William L. Friedman	TR13	William L. Friedman	
TR14	Christopher Fish and Mackenzie Brewer	TR14	Christopher Fish and Mackenzie Brewer	
TR15	Jody D. Metcalf and Jared L. Metcalf	TR15	Jody D. Metcalf and Jared L. Metcalf	
TR16	Andrew Shaffner and Rae Ceranski Shaffner	TR16	Andrew Shaffner and Rae Ceranski Shaffner	
TR17	Benjamin Gardner	TR17	Benjamin Gardner	
TR18	Molly Tomlinson Norton and Casey Norton	TR18	Molly Tomlinson Norton and Casey Norton	
TR19	Hendri Attenberger	TR19	Hendri Attenberger	
TR20	Amy T. Schilling	TR20	Amy T. Schilling	
TR21	Sally Davis	TR21	Sally Davis	
TR22(a)	Ryan Doland and Zoe Doland	TR22(a)	Ryan Doland and Zoe Doland	
TR23	Scott C. Pittenger and Meghan R. Pittenger	TR23	Scott C. Pittenger and Meghan R. Pittenger	
TR24	Heather Whitney Brown and Wesley Logan Yarnall	TR24	Heather Whitney Brown and Wesley Logan Yarnall	
TR25	Joshua Bickelmeier and Heather Blakeman	TR25	Joshua Bickelmeier and Heather Blakeman	
TR26	Tim Ferris	TR26	Tim Ferris	
TR27	Edward Wilson and Anna Wilson	TR27	Edward Wilson and Anna Wilson	
TR28	John Duncan and Laura Duncan	TR28	John Duncan and Laura Duncan	
SV140	Devon Overton	SV140	Devon Overton	
SV141	Johnathan L. Beem and Kristina J. McQuinn	SV140	Johnathan L. Beem and Kristina J. McQuinn	
SV141	David Garrison Allen	SV160	Wholesale Owners Association, Inc.	David Garrison Allen shall be the deeded owner of Unit 1 within the Wholesale Owners Association.
SV2	William C. Riley	SV160	Wholesale Owners Association, Inc.	William C. Riley shall be the deeded owner of Unit 1 within the Wholesale Owners Association.
SV1.4, 5, and 6	Peere Pines	SV150	Montgomery Condominium Association	Peere Pines shall be the deeded owner of all units within the Montgomery Condominium Association.

LOT LAYOUT



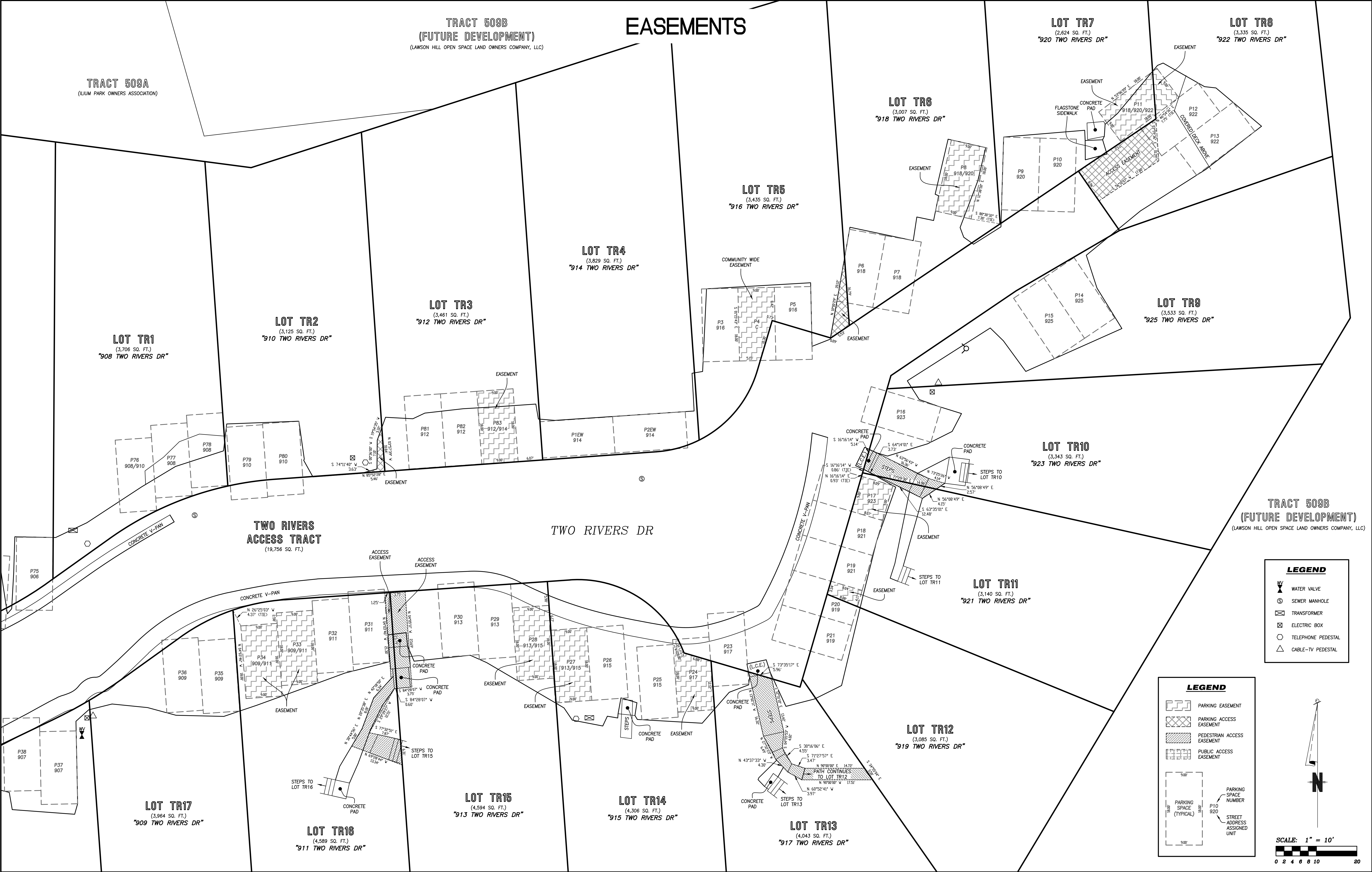
Subdivision Exemption for Fully Developed Residential Property, Lots TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR22, TR23(a), TR25, TR26, TR27, TR28, TR29, TR30, TR31, Two Rivers Planned Community, and Lots SV140, SV141, SV150, and SV160, Sunshine Valley Community, located within the SE 1/4 of Section 31, T.43N., R.9W., N.M.P.M., in the County of San Miguel, Colorado.

Project Mgr: JH	Rev.	description	date
Technician: MC			
Technician:			
Checked by:			
Start date: 03/04/2019			



970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

Drawing path: dwg\REPLAT 2019\96083 REPLAT 08-19 (sheets 1-2)	Sheet2 of 4	Project #: 96083
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Subdivision Exemption for Fully Developed Residential Property, Lots TR1, TR2, TR3, TR4, TR5, TR6, TR7, TR8, TR9, TR10, TR11, TR12, TR13, TR14, TR15, TR16, TR17, TR18, TR19, TR20, TR21, TR22, TR23(a), TR25, TR26, TR27, TR28, TR29, TR30, TR31, Two Rivers Planned Community, and Lots SV140, SV141, SV150, and SV160, Sunshine Valley Community, located within the SE 1/4 of Section 31, T.43N., R.9W., N.M.P.M., in the County of San Miguel, Colorado.

Project Mgr:	JH	Rev:		description	date	by
Technician:	MC					
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Drawing path: dws\REPLAT 2019\96083 REPLAT 08-19 (sheets 1-2) Sheet 4 of 4 Project #: 86083



John Huebner <johnh@sanmiguelcountyco.gov>

TR/SV HOA - Agreement with IPOA

1 message

Nate Smith <Nate@telluridefirm.com>

Mon, Jan 18, 2021 at 11:44 AM

To: John Huebner <johnh@sanmiguelcountyco.gov>

Cc: Tom Kennedy <tom@tklaw.net>, Josh Blakeman <blake802@gmail.com>

Good morning, John.

I have corresponded with Tom Kennedy, legal counsel for IPOA, related to IPOA's comments dated December 23rd. Tom and I have agreed to include in the applicants' forthcoming amended and restated *condominium map* a provision suggested by IPOA in its December 23rd letter pertaining to IPOA's role as the master association.

The applicants have intentionally separated HOA-related matters from the subdivision exemption application submitted to the BOCC. The applicants plan to execute an amended and restated condominium map separately from any new subdivision plat approved by the BOCC. Accordingly, Tom and I have agreed that the applicants will place IPOA's suggested language in the amended and restated *condominium map*, not the subdivision plat.

Lastly, Tom has also asked that the condition of approval in the proposed motion to the BOCC be amended to require the applicant to include IPOA's proposed provision in the amended and restated *condominium map* (instead of the plat). The applicants fully support this request.

Thank you,

Nate Smith, Attorney



SMITH
- LAW FIRM, P.C. -

P. O. Box 1616

Telluride, CO 81435

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 18, 2021

Re: Subdivision Exemption for Fully Developed Residential Property – Two Rivers and Sunshine Valley Planned Communities

I have reviewed the plat received by email from the County Planning Dept. on January 15, 2021 and have the following comments:

Page 1

1. The Title of the plat has Lots TR22 and TR26 listed which are not part of this plat. Capitalize the A in Lot TR-23(A) to be consistent with the previous record Unit number. These same incorrect references are indicated in the owners Certificate and Note 4c.
2. Security Interest Holder's Consents are required. I believe these may have been obtained, and if so, please reference this on the plat. These may be recorded simultaneously as separate documents, similar to the owner's consents. (SMC LUC 4-503 I.)
3. Note 5 - Tie the Basis of Bearings into the Land Survey or use a line closer to this Land Survey. The south boundary of the plat is indicated as Basis of Bearings which is different than Note 5.
4. Add a statement defining the lineal units used for the Land Survey. (CRS 38-51-106(1)(I))
5. Note 16 does not appear to pertain to this plat.
6. Note 17 refers to a document that does not exist yet. Please clarify this in this note.
7. Use the Land Surveyor's Certificate per Section 4-503 C. of the Land Use Code.
8. Use the County Treasurer's Certificate per Section 4-503 F. of the Land Use Code.
9. Indicate any Protective Covenants for these lots. (SMC LUC 4-503 M.)

Page 2

10. Submit the required data for the County Geographic Information System. (SMC LUC 4-504). I will send the Geographic Information System – Survey Control Data Sheet by email to Jeff Haskell. He can send the required AutoCad drawing file to me when the plat is approved.

11. Submit Lot closure reports to the County Surveyor (SMC LUC 4-502 P.II.)
12. Label adjoining Lots SV110-R and SV120-R correctly and indicate the latest Reception No. 462121. Also, this same Reception No. for Outlot SV130. (SMC LUC 4-502 I.)
13. The Tract Border should not include Lots SV110-R, SV120-R and Outlot SV130 because they are not a part of this plat. (SMC LUC 4-502 J.)
14. Add the recording information for the easement indicated on Lot SV-160. (This was shown on the plat at Book 1, page 2844). (SMC LUC 4-502 Q.)
15. Indicate that the width of the easement on the north portion of Lot TR-21 is not 10 feet from the property line (see Plat Book 1, page 2120 for this). The book and page should be page 2209 for the easements along Lots TR-7 and TR-9. (SMC LUC 4-502 Q.)
16. In the Legend, indicate the monument type and size for the BLM monument. Indicate the page number for (R). (SMC LUC 4-502 H.)
17. Indicate the monument at the Southwest corner of Lot TR-25. (SMC LUC 4-502 O.)

Page 3

18. The easement dimension of 9.09' on Lot TR20 is overlapping onto linework making it illegible. (SMC LUC 4-502 C.)
19. Define the line that runs around most of the parking spaces. (Is this edge of gravel or edge of pavement or something else?)
20. Add a bearing to a dimension of the new easements on Lots TR20 and TR21. (SMC LUC 4-502 Q.)

Page 4

21. Add a bearing to a dimension of the new easements on Lots TR3 and TR111. Add ties to the new easement on Lot TR13. (SMC LUC 4-502 Q.)
22. Define the line that runs around most of the parking spaces. (Is this edge of gravel or edge of pavement or something else?)

J. David Foley
San Miguel County Surveyor





AGENDA ITEM - 5.b.

TITLE:

Consideration of a Ridgeline Agreement and Restrictive Covenant for Lot 14, West Meadows./MOTION

Presented by: Kaye Simonson, Planning Director

Time needed: 15 mins

PREPARED BY:

Kaye Simonson, Planning Director

RECOMMENDED ACTION/MOTION:

Sample Motion

I move to approve the Agreement and Restrictive Covenant for Lot 14, West Meadows Core, and authorize the Chair to sign.

INTRODUCTION/BACKGROUND:

Kaye Simonson

11:58 AM (2 hours ago)

to Mike, Amy, me, Nancy

Amy and Mike, please take a look at the attached agreement and let me know if you have any changes. I have the 2001 agreement somewhere and will add it to our planning files. I've attached a site plan and building design and it is more detailed than the 2001 plans, especially with regards to the berm. Tom will be getting more materials to us in time for preparing the BOCC agenda.

Carmen, please add "Consideration of a Ridgeline Agreement and Restrictive Covenant for Lot 14, West Meadows" to the January 20 BOCC meeting. I'll get a packet to you before the meeting. Thanks.

Kaye

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioners
Description:			

ATTACHMENTS:

Description

BOCC Packet

Upload Date

1/14/2021

M E M O R A N D U M

TO: San Miguel County Board of County Commissioners
FROM: Kaye Simonson, AICP, Planning Director
RE: Agreement and Restrictive Covenant, Lot 14, West Meadows Core
DATE: January 20, 2021

[Z:\Applications\2021_Lot 14 West Meadows _Ridgeline Agreement\1 Staff Memo(s) and Resolution(s)]

Background

Properties located along Highway 145 are subject to the Scenic Foreground Overlay (SFO) Zone District and the Scenic View Plane (SVP) Zone District (LUC Section 5-316, and subject to standards in LUC Section 5-21 Scenic Quality). Lot 14, West Meadows Core, is subject these requirements and as such, structures located on the property cannot project above the ridgeline or be visible from Highway 145. Lot 14 is located approximately due west of the entrance to Mountain Village. There is a ridgeline on the property and portions are located within the SFO and SVP. It is generally accepted that it would be very difficult to locate structures on the site that would not be “sky-lit” against the horizon.

In 2001, an Agreement and Restrictive Covenant was approved by the Board of County Commissioners allowing the construction of a berm to screen any buildings located on the site. That agreement expired in 2004. The property is being sold and the new owner would like to enter into a new Agreement and Restrictive Covenant.

Proposed Agreement

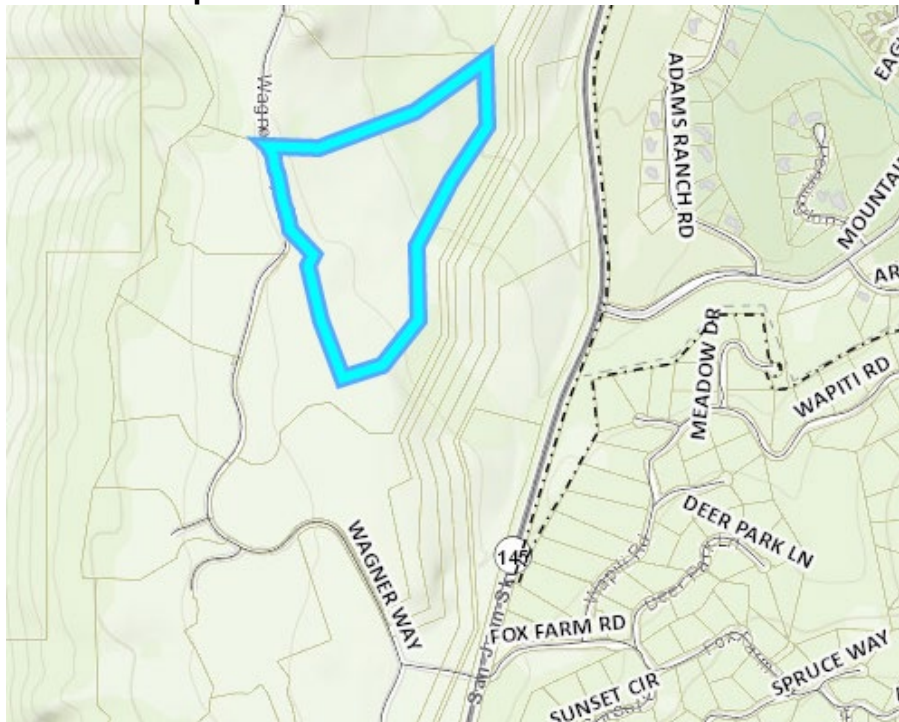
The proposed Agreement and Restrictive Covenant, attached, is substantially similar to the 2001 agreement. However, the proposed berm design and location has been refined. The Impacted Location map, included in this report and attached as Exhibit B to the Agreement, shows the Scenic Foreground Boundary, the Designated Homesite Area on Lot 14, and also notes the location of “variance improvements,” which would be located outside the Designated Homesite Area, consisting of a barn and arena. These structures may be permitted subject to approval of the West Meadows Core HOA. Exhibit C to the Agreement, labeled “Site Plan/Berm,” shows the property detail, including the limits of the proposed berm, homesite with a conceptual building footprint, and a new barn. The new berm design is more refined, based on better survey information and 3D modeling. It also reflects the conceptual building design, as that can have an effect on visibility as well. The berm would be designed and landscaped in a way that blends with the natural topography and does not impact the scenic viewshed, most notably the views to the Wilson range.

As part of the Development Permit application, the owner would be required to provide story poles, 3-D modeling, or any other visual aids necessary to demonstrate that structures will not be visible from Impacted Locations. A landscape plan will also be required.

The proposed term of the agreement is 5 years. (The prior agreement was for 3 years.) Staff believes 5 years is adequate to prepare design drawings and obtain a building

permit; provided there is an active building permit at the expiration of the agreement, it would remain in effect.

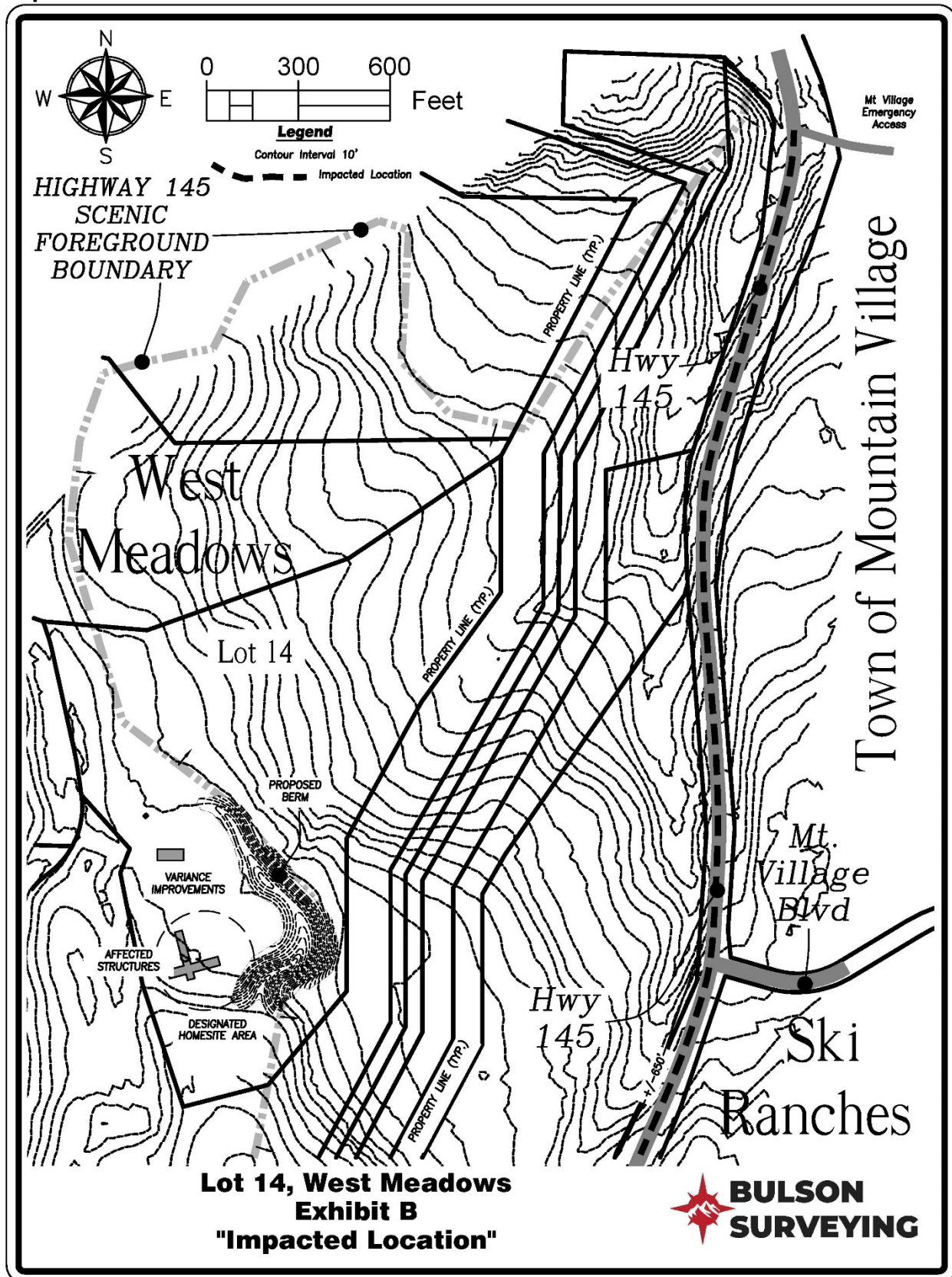
Location Map



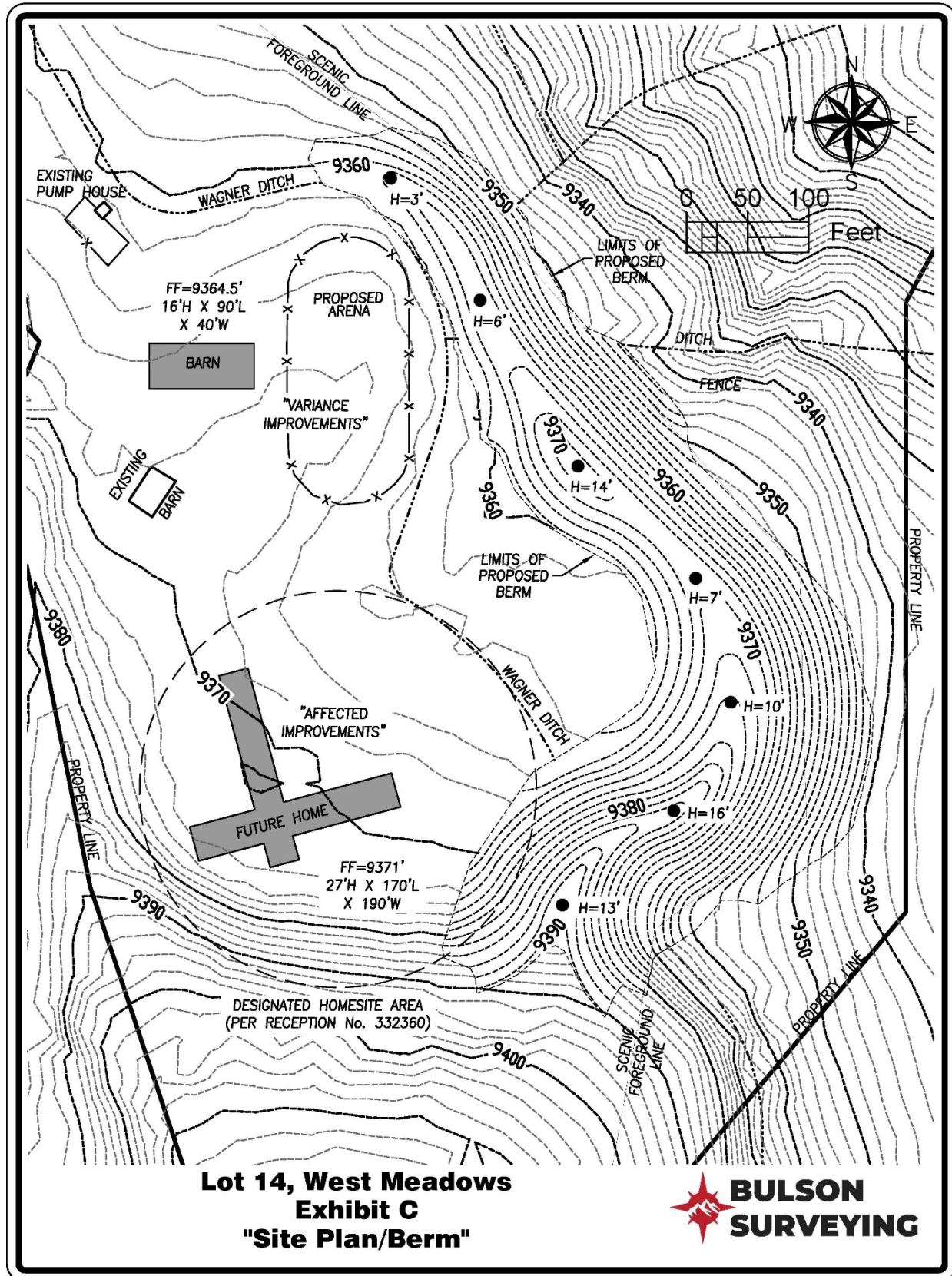
Aerial Photo



Impacted Location



Site Plan



Public Noticing

Public Notice is not required for this item. The West Meadows Core HOA was consulted during the drafting of the Agreement.

Referral Agencies

The proposed agreement was sent to the County Attorney and County Manager for review.

Public Comments

As of the writing of this report, no public comments have been received.

Sample Motion

I move to approve the Agreement and Restrictive Covenant for Lot 14, West Meadows Core, and authorize the Chair to sign.

January 7, 2021

VIA EMAIL

Kaye Simonson
San Miguel County Planning Director

Re: Request for County To Approve Ridgeline Mitigation Agreement for Lot 14, West Meadows

Kaye

Attached is a draft agreement which my client, Joe Walkush, who is under contract to acquire the property, is requesting that the County review and approve. The County previously approved a similar agreement for this property in 2001, which expired in 2004. My client is requesting that the County review and approve an updated agreement for the property, reflecting his proposed development and mitigation measures to address ridgeline visibility issues.

Mr. Walkush will likely form an entity to take title to the property, at that time, we would insert the entity name and circulate the agreement for execution, which would be recorded after closing.

The Agreement will indicate the location and mass/scale for the improvements being developed by Mr. Walkush and the siting and dimensions of the berming that would be used to mitigate the visual impacts.

Let me know if you have questions or require further information.

Thanks for your assistance.

Tom Kennedy
tom@tklaw.net
970-728-2424

AGREEMENT AND RESTRICTIVE COVENANT
(Lot 14, West Meadows Core)

THIS AGREEMENT AND RESTRICTIVE COVENANT ("**Agreement**"), dated as of _____, 2021 ("**Effective Date**"), is made and entered into by and between San Miguel County, Colorado ("**County**"), acting by and through The Board of County Commissioners of San Miguel County, Colorado ("**BOCC**") and Joe Walkush ("**Owner**"), in connection with the following facts:

RECITALS

A. The Owner is the owner of a portion of The West Meadows development located in the County of San Miguel, State of Colorado, commonly known as Lot 14, West Meadows Core ("**Property**"), more particularly described on attached **Exhibit "A"**.

B. The Owner desires to develop structures on the Property as permitted by the General Declaration for The West Meadows and the General Declaration for West Meadows Core, the recorded restrictive covenants applicable to the Property (referred to in this Agreement as the "**Declarations**"). Structures permitted to be constructed on the Property in accordance with the Declarations include, without limitation, dwelling units, and accessory structures (including a barn/stable and related improvements) within a certain 325-foot circular area described in the Declarations (referred to in this Agreement as the "**Designated Homesite Area**").

C. A ridgeline is located on the Property and portions of the Property are located within the Scenic Foreground Overlay (SFO) Zone District and the Scenic View Plane (SVP) Zone District. Accordingly, structures developed on the Property must conform to the Ridgeline and Treeline Limitations, as set forth in 5-2102 of the San Miguel County Land Use Code (as amended, referred to in this Agreement as the "**Land Use Code**" or "**LUC**") and the Scenic Quality Standards as set forth in 5-2101 of the LUC along with certain other standards set forth in Section 5-316 of the Land Use Code applicable in the SFO Zone District and the SVP Zone District (such limitations and standards, collectively, as now in effect or as they hereafter may be amended or replaced, referred to in this Agreement as the "**Applicable Scenic Quality Regulations**").

D. Unless measures are taken, certain structures permitted by the Declarations to be developed within the Designated Homesite Area on the Property will be visible above the ridgeline and be silhouetted against the sky (such visible structures referred to in this Agreement as the "**Affected Structures**"). This Agreement shall be applicable only to Affected Structures and not to any other structures at any time developed or to be developed on the Property.

E. The County has previously entered into agreements that, insofar as the Applicable Scenic Quality Regulations are concerned, and if other, more preferable, measures, such as avoidance, are not feasible, provided that earthen Berming, trees and other vegetation are appropriate means of mitigating the visual impact of structures such as the Affected Structures.

Highway 145 ("**Highway 145**") and the movement of the Designated Homesite Area to another location is not reasonably practical;

(iv) The grade of the Designated Homesite Area is being lowered to help reduce the visibility of Affected Structures;

(v) An earthen berm is the most effective means of eliminating the visibility of Affected Structures and a means that is consistent with the Applicable Scenic Quality Regulations;

(vi) Since the SFO Zone District and the SVP Zone District boundary is defined by the ridgeline on which such berm would be constructed, only a minimal portion of such berm would be located within the SFO Zone District and the SVP Zone District;

(vii) Such an earthen berm can be constructed so that it entirely obscures any Affected Structures from view from Highway 145 and will not detract from the existing scenic quality and vistas as seen from Highway 145;

(viii) Such an earthen berm can be constructed and supplemented with landscaping so it blends naturally with the topography of the land surrounding the Designated Homesite Area.

G. The County has been made aware of:

(i) the prior success of other owners of Lots within the West Meadow and elsewhere in San Miguel County in using earthen berms to mitigate the visual impact of structures within The West Meadows generally;

(ii) the other visual impact mitigation alternatives analyzed and considered by the Owner and its consultants with respect to the Property; and

(iii) the measures already taken by the Owner to mitigate visual impacts of development on the Property and on other lots within The West Meadows, including, without limitation: limiting the portion of the Property upon which Dwelling Units may be developed to the Designated Homesite Area and locating the Designated Homesite Area to minimize the visual impact of Dwelling Units permitted to be developed on the Property, to preserve the vistas to the Wilson mountain range and to blend in with, and utilize, the natural topography.

H. The County has been made aware that the Declarations require any improvement on the Property to adhere to Design Guidelines, which, among other things, require adherence to the following requirements, which are expanded upon in the Scenic Quality Standards (LUC Section 5-2101):

(i) require the use of native materials for revegetation and reforestation and may require the addition of vegetation and forestation to the Property;

I. The County, represented by the San Miguel County Planning Director ("**Planning Director**"), the BOCC and the Owner have met to review the plans proposed by the Owner with respect to the development of Affected Structures on the Property.

J. The County and the Owner desire to enter into this Agreement to set forth the measures ("**Accepted Measures**") required and permitted to be taken to satisfy the Applicable Scenic Quality Regulations in order for the Owner to apply for and receive building permits, development permits, certificates of occupancy and other licenses, permits and approvals required under the Land Use Code ("**Land Use Permits**") for the development of Affected Structures so they comply with the Applicable Scenic Quality Regulations.

K. The County previously reviewed, approved and executed an agreement with a prior owner of the Property, dated August 3, 2001 which was recorded in Reception No. 343218 ("**Original Agreement**"), allowing for the development of the Property and establishing the Accepted Measures to address the impacts of the development of the site. The Original Agreement, by its terms, expired in 2004. This Agreement is intended to acknowledge and confirm that the Original Agreement has expired and is hereby released from the Property and that this Agreement is intended to replace and supersede the Original Agreement in its entirety.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained in this Agreement, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Impacted Location**. The parties agree that the Accepted Measures required to be taken under this Agreement, and any structures developed or to be developed on the Property, will be viewed for compliance with the Applicable Scenic Quality Regulations at the eye level of a person with normal (20/20) eyesight driving in a passenger car within the paved portion of a certain segment of the Highway 145 right-of-way adjacent to West Meadows Core as depicted and described on attached **Exhibit "B"** ("**Impacted Location**").

2. **Accepted Measures**. The Accepted Measures consist, in their entirety, of the following

2.1. **Location of Affected Structures**.

2.1.1. The location of the Affected Structures proposed for development on the Property is depicted on the "**Site Plan/Berm Plan**" attached as **Exhibit "C"**. In all events, the siting of the dwellings and accessory structures shall comply with applicable provisions of the Land Use Code, including, without limitation, the 200-foot scenic highway setback from Highway 145 pursuant to Section 5-505 (Highway Setbacks).

2.1.2. The Owner contemplates the development of the Affected Structures

has been granted a variance by the West Meadows Core Homeowners Association allowing the siting of such improvements outside of the Designated Homesite Area. The Owner has demonstrated that the Variance Improvements will be suitably screened by the proposed Berm from the Impacted Location. The placement of the Variance Improvements is hereby approved by the County, subject to the following requirements: (i) that the installation of the Accepted Measures will prevent the Variance Improvements from being visible above the ridgeline and silhouetted against the sky when viewed from the Impacted Location, (ii) that such Variance Improvements will be further screened, if otherwise required, such that they are not visible from Highway #145 and (iii) the placement of Variance Improvements outside of the Designated Homesite Area is approved by the West Meadows Core HOA. Without the written approval of the Planning Director, no further or other Affected Structures will be developed or relocated at a location outside the Designated Homesite Area unless approved by the County Planning Director based upon a determination about the visibility of the Affected Structure from the Impacted Location. The Owner may alter the location and/or mass/scale/height of the Variance Improvements, provided that such relocated or modified Variance Improvements are found by the County Planning Director to be suitably screened (Bermed, mass/scale/height) from the Impacted Location.

2.1.4. The foregoing notwithstanding, it is recognized that fencing in and about the Property, including the corral associated with the horse stable facility, will potentially be visible from the Impacted Location and shall not constitute a violation of this Agreement.

2.2. **Height.** No Affected Structure will be developed at a height (the term "height" being used in this Agreement as defined in the Land Use Code) greater than thirty-five (35) feet above the grade of the Designated Homesite Area as it exists on the date of this Agreement.

2.3. **Bermed.**

2.3.1. Subject to compliance with all other requirements of the Land Use Code, the Owner will have the right to construct an earthen berm ("**Berm**") substantially in accordance with the plan set forth on the "**Site Plan/Berm Plan**" attached as **Exhibit "C"**.

2.3.2. Prior to the receipt of a building permit for any Affected Structure, the Owner will submit to the Planning Director, for review and approval, such evidence as the Planning Director may reasonably require to demonstrate that such Affected Structure, as designed, will not be visible from the Impacted Location after construction of the Berm. In connection with any such submittal, the Owner may submit to the Planning Director, for review and approval, plans for altering the Berm so that such Affected Structure will not be visible from the Impacted Location. Such evidence may include such visual aids (e.g., story poles, photographic images, digital modelling and/or the installation of temporary opaque barriers that visually simulate the Berm) as the Planning Director may reasonably request be created by the Owner. Owner shall also submit engineered plans demonstrating that the Berm will be constructed using best practices, including proper compaction of soils, to ensure the Berm will not substantially settle or subside over time to a degree that the Berm will no longer effectively screen the Affected Structure from the Impacted Location.

Planning Director, will not alter the Berm and any approved alterations thereto, except that Owner may supplement any landscaping installed on the Berm from time to time in the discretion of Owner.

2.4. **Visual Protection Landscape Plan.** Prior to the receipt of a building permit for any Affected Structure, the Owner will submit to the Planning Director, for review and approval, a landscape plan ("**Visual Protection Landscape Plan**") indicating the trees and other vegetation that will be planted and thereafter maintained as part of the Accepted Measures. The purpose of such trees and other vegetation will be to serve as a visual backdrop and to draw attention away from the Berm itself. The Visual Protection Landscape Plan may be part of the landscape plan for development of the Property generally, and if so, the portion of such landscape plan constituting the Visual Protection Landscape Plan will be clearly designated therein. The Visual Protection Landscape Plan will include, without limitation, the following:

2.4.1. Disturbance of the portion of the Property located within the SFO or SVP Zone Districts will be minimized.

2.4.2. Disturbed areas within the Property located within the SFO or SVP Zone Districts will be revegetated with native grasses and other native vegetation (not including trees).

2.4.3. All such revegetated areas will be watered as required to promote the healthy growth of all new vegetation planted in such disturbed areas.

2.4.4. Prior to the receipt of a permanent certificate of occupancy for any Affected Structure, the Owner will plant trees and other vegetation substantially in accordance with the Visual Protection Landscape Plan; provided, however, if weather conditions require planting of all or a portion of such trees and other vegetation at a later date, the County will, upon completion of all other requirements therefor, issue a temporary certificate of occupancy, conditioned upon the obligation to plant such portion of such trees and other vegetation as soon as reasonably practicable, in no event to exceed eight (8) months from the issuance of any temporary certificate of occupancy, and after such planting is completed, subject to the completion of all other obligations therefor, the County will issue the permanent certificate of occupancy for such structure.

2.5. **Design Guidelines.** Affected Structures will at all times be subject to the General Declaration for West Meadows Core recorded in the office of the Clerk and Recorder of San Miguel County, Colorado on February 9, 2000 at Reception No. 332360 ("**Core Declaration**") and the Design Guidelines, as established and enforced by the Review Committee pursuant thereto, each as in effect on the date of this Agreement and with such amendments made thereto from time to time in accordance with the Core Declaration and approved, for purposes of this Agreement, by the San Miguel County Planning Director. Nothing in this Agreement will be construed as requiring approval of the Planning Director, the County or any other person for any amendment to the Core Declaration or the Design Guidelines. If at any time the Core Declaration or the Design Guidelines are amended, and the amendment has not been approved by the Planning Director, Affected Structures will be subject to the Core Declaration and Design Guidelines as in effect on the date of this Agreement.

3.1. Based upon noncompliance with any of the Applicable Scenic Quality Regulations, the County will state, in writing, to the Owner the reasons for the denial and the specific requirements of the County to enable such Land Use Permit to be issued; and

3.2. Because the structure is or will be visible from the Impacted Location notwithstanding the implementation of the Accepted Measures, the County will limit any additional Accepted Measures to one or more of (i) altering the Berm to eliminate such visibility; (ii) planting additional trees and other vegetation and amending the Visual Protection Landscape Plan consistent therewith; and (iii) to the extent, and only to the extent, the Berm cannot be altered in a manner that eliminates such visibility without, at the same time, detracting from the existing scenic quality and vistas as seen from Highway 145 (after taking into consideration the planting of additional trees and other vegetation, if appropriate), reducing the height of the structure to the additional extent necessary to eliminate such visibility, but in no event to a height less than thirty (30) feet above the grade of the Designated Homesite Area as it exists on the date of this Agreement.

4. **County Review.** The County promptly will (a) review plans (and modifications to plans) to implement the Accepted Measures, stating modifications thereto necessary to make such plans comply with the Applicable Scenic Quality Regulations and the terms and conditions of this Agreement; (b) inspect the Property as reasonably requested by the Owner from time to time to view any visual aid devices created to simulate structures and the Berm; (c) to view the Berm, alterations thereto and structures constructed on the Property; and (d) to make other reviews and inspections as reasonably requested by the Owner. In the event that any visual aid or other review or inspection alert the County to possible noncompliance with the Applicable Scenic Quality Regulations and the terms and conditions of this Agreement, then the County will provide specific written comments to the Owner so that appropriate adjustments may be made to the Accepted Measures.

5. **Final Inspection and Approval.** Promptly following application by the Owner for a certificate of occupancy for any structure that has been developed on the Property, the County will perform an inspection of the structure, the Berm and any trees or other vegetation for compliance with the Applicable Scenic Quality Regulations and the terms and conditions of this Agreement. Issuance of a permanent Certificate of Occupancy to the Owner for such structure shall constitute the County's formal written determination that the structure is in full compliance with the Applicable Scenic Quality Regulations and the terms and conditions of this Agreement.

6. **Satisfaction of Scenic Quality Regulations.** The Owner's compliance with the terms and conditions of this Agreement shall satisfy the Owner's obligations under the Applicable Scenic Quality Regulations.

7. **Duration.** The Owner's right to construct the Berm in accordance with the plan set forth in attached **Exhibit C** attached hereto and the other terms and conditions of this Agreement shall endure and be valid for a period of five (5) years after the date of approval of this Agreement by the Board of County Commissioners of the County, and such right shall remain effective in accordance with the terms and conditions of this Agreement and laws and regulations in effect as of the date of such approval,

current address, and to the Owner at the address for the Owner then shown in the records of the San Miguel County Treasurer. The address for purposes of this Agreement for any Owner may be changed from time to time by notice given to the County in accordance with this Section.

9. **Binding Effect.** Each and every one of the benefits, burdens, terms, covenants, agreements and conditions of this Agreement will (a) inure to the benefit of and be binding upon the County and, subject to the provisions of the section of this Agreement entitled "Release on Transfer", the Owner and (b) be construed as covenants running with the land. From and after the date hereof, the Property will be owned, held, transferred, conveyed, sold, leased, rented, hypothecated, encumbered, used, occupied, maintained, altered and improved subject to the equitable servitudes, covenants, conditions and restrictions set forth in this Agreement. The terms and conditions of this Agreement will inure to the benefit of and be binding upon the successors and assigns of the parties hereto, subject to the provisions of the section of this Agreement entitled "Release on Transfer." In any event, the term "Owner" as used in this Agreement will include any successor owner of fee title to the Property.

10. **Release on Transfer.** Any person holding or acquiring an interest in the Property will be liable for any default or failure to comply with this Agreement by such person which relates to the period of time in which such person holds such interest, but such person will not be liable for any default or failure to comply herewith which relates to the period of time after such person will have conveyed or otherwise transferred its entire interest in the Property.

11. **No Third-Party Beneficiaries.** Nothing in this Agreement will be construed to convey any rights whatsoever to any persons other than the parties hereto and their respective successors and assigns.

12. **Not a Public Dedication.** Nothing contained in this Agreement will be deemed to be a gift or dedication of the Property or any portion thereof or interest therein to or for the general public or for any public purpose whatsoever.

13. **Headings: Construction.** All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this Agreement. The term "person" as used herein will include natural persons, governmental bodies and any legal entities or associations.

14. **Recording.** The Owner will file this Agreement for recording in the office of the Clerk and Recorder of San Miguel County, Colorado.

15. **Performances.** Time is of the essence of this Agreement and for the performance of each of the duties and obligations provided herein.

16. **Default, Notice and Cure.** In all instances under this Agreement, at such time as a Party ("Claiming Party") claims that any other Party ("Responding Party") has violated or breached any of the terms, conditions or provisions of this Agreement ("Default"), the Claiming Party shall promptly prepare and deliver to the Responding Party a written notice ("Notice of Default") claiming or asserting that the Claiming Party is in default of its obligations under this Agreement.

Completion Date. The Claiming Party shall have the right to reasonably accept the proposed schedule for initiating and completing the Cure Events or pursue its rights and remedies hereunder if the proposed schedule is not reasonably acceptable.

17. **Governing Law. Remedies. Costs and Expenses.** This Agreement shall be construed under and governed by the laws of Colorado, with jurisdiction and venue restricted to a court of competent jurisdiction in San Miguel County, Colorado. A Party may pursue any and all available remedies under applicable law, including, without limitation, injunctive relief and specific performance. All of the rights and remedies of the Parties under this Agreement shall be cumulative. In any action to enforce or construe the terms of this Agreement, the substantially prevailing Party shall recover all legal and related court costs, including all reasonable attorneys' fees and expert witness fees, costs and expenses.

18. **Severability.** Wherever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. If any provision of this Agreement shall be found invalid or unenforceable, this shall not affect the validity of the remaining provisions of this Agreement, and the remaining provisions shall remain in full force and effect.

19. **Parties Representations.** In entering into this Agreement, the Parties acknowledge and agree and represent and warrant to each other as follows: (a) that they will perform their duties and obligations in a commercially reasonable and good faith manner and that this commitment is being relied upon by each other Party; (b) that the Party is a duly qualified and existing entity, capable of doing business in the state of Colorado; and (c) that the Party has actual and express authority to execute this Agreement, has taken all actions necessary to obtain such authorization, the Agreement constitutes a binding obligation of the Party and the person signing below is duly authorized and empowered to execute this Agreement.

20. **Entire Agreement.** This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof, and no other representations, promises, agreements or understandings or obligations with respect to the payment of consideration or agreements to undertake other actions regarding the subject matter hereof shall be of any force or effect unless in writing, executed by all Parties hereto and dated after the date hereof.

21. **Modifications and Waiver.** No amendment, modification or termination of this Agreement or any portion thereof shall be valid or binding unless it is in writing, dated subsequent to the date hereof and signed by each of the Parties hereto. No waiver of any breach, term or condition of this Agreement by any party shall constitute a subsequent waiver of the same or any other breach, term or condition.

22. **Counterparts and Facsimile Copies.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. Scanned/emails or facsimile copies of any party's signature hereon shall be deemed an original for all purposes of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

OWNER:

By: _____
Joe Walkush

Date: _____

STATE OF _____)
) ss.
COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this ____ day of _____, 2021 by Joe Walkush.

Witness my hand and official seal.

Notary Public

My commission expires: _____

GRANTEE:

**SAN MIGUEL COUNTY, COLORADO:
BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SAN MIGUEL,
STATE OF COLORADO**

By: _____

Date: _____

Printed Name: _____

Title: _____

ATTEST: _____

Chief Deputy Clerk

STATE OF COLORADO)
) ss.
COUNTY OF SAN MIGUEL)

Acknowledged, subscribed and sworn to before me this ____ day of _____, 2021, by _____, as Chair of the Board of Commissioners of San Miguel County, Colorado, and by _____, as Chief Deputy Clerk to the Board of County Commissioners of San Miguel County, Colorado.

Witness my hand and official seal.

Notary Public

My commission expires: _____

Exhibit A
(Description of Property)

(LOT 14, WEST MEADOWS CORE):

A TRACT OF LAND OVER PORTIONS OF SECTION 5, TOWNSHIP 42 NORTH, RANGE 9 WEST, NEW

MEXICO PRINCIPAL MERIDIAN, IN THE COUNTY OF SAN MIGUEL, STATE OF COLORADO, MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST 1/16 CORNER OF SECTION 32, TOWNSHIP 43 NORTH, RANGE 9

WEST, NEW MEXICO PRINCIPAL MERIDIAN;

THENCE, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION

32, SOUTH 88 DEGREES 17 MINUTES 22 SECONDS EAST, 853.37 FEET TO A POINT ON THE WEST LINE

OF WEST MEADOWS CORE;

THENCE, LEAVING SAID NORTH LINE, ALONG SAID WEST LINE OF WEST MEADOWS CORE THROUGH

THE FOLLOWING COURSES:

SOUTH 18 DEGREES 07 MINUTES 30 SECONDS WEST, 245.58 FEET;

THENCE, SOUTH 89 DEGREES 00 MINUTES 43 SECONDS EAST, 842.87 FEET;

THENCE, SOUTH 60 DEGREES 40 MINUTES 08 SECONDS EAST, 559.53 FEET;

THENCE, SOUTH 89 DEGREES 06 MINUTES 05 EAST, 563.64 FEET;

THENCE, SOUTH 27 DEGREES 37 MINUTES 00 SECONDS WEST, 950.00 FEET TO THE TRUE POINT OF

BEGINNING;

THENCE, CONTINUING ALONG SAID WEST LINE OF WEST MEADOWS CORE THROUGH THE

FOLLOWING COURSES:

SOUTH 56 DEGREES 00 MINUTES 00 SECONDS WEST, 600.00 FEET;

THENCE SOUTH 70 DEGREES 23 MINUTES 56 SECONDS WEST, 700.00 FEET;

THENCE NORTH 85 DEGREES 29 MINUTES 50 SECONDS WEST, 341.02 FEET;

THENCE, SOUTH 18 DEGREES 00 MINUTES 00 SECONDS EAST, 53.83 FEET TO THE BEGINNING OF A

TANGENT, 520.00 FOOT RADIUS CURVE CONCAVE WEST;

THENCE, SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 5 DEGREES 36 MINUTES

15 SECONDS A LENGTH OF 50.86 FEET;

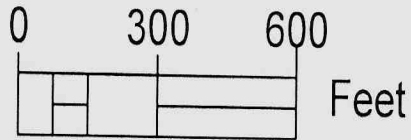
THENCE, TANGENT TO SAID CURVE, SOUTH 12 DEGREES 23 MINUTES 45 SECONDS EAST, 327.81 FEET

TO THE BEGINNING OF A TANGENT, 1020.00 FOOT RADIUS CURVE CONCAVE WEST;

THENCE, SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 4 DEGREES 07 MINUTES

THENCE, NORTH 75 DEGREES 32 MINUTES 20 SECONDS EAST, 286.85 FEET;
THENCE, NORTH 40 DEGREES 00 MINUTES 00 SECONDS EAST, 400.00 FEET;
THENCE, NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 500.00 FEET;
THENCE, NORTH 28 DEGREES 40 MINUTES 00 SECONDS EAST, 511.46 FEET;
THENCE, NORTH 36 DEGREES 00 MINUTES 00 SECONDS EAST, 441.27 FEET;
THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 450.00 FEET TO THE TRUE
POINT OF
BEGINNING,
COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Exhibit B
(Impacted Locations from Highway #145)



Legend

Contour Interval 10'

Impacted Location

Mt Village
Emergency
Access

HIGHWAY 145
SCENIC
FOREGROUND
BOUNDARY

West
Meadows

Lot 14

PROPOSED
BERM

VARIANCE
IMPROVEMENTS

AFFECTED
STRUCTURES

DESIGNATED

PROPERTY LINE (TYP.)

Hwy
145

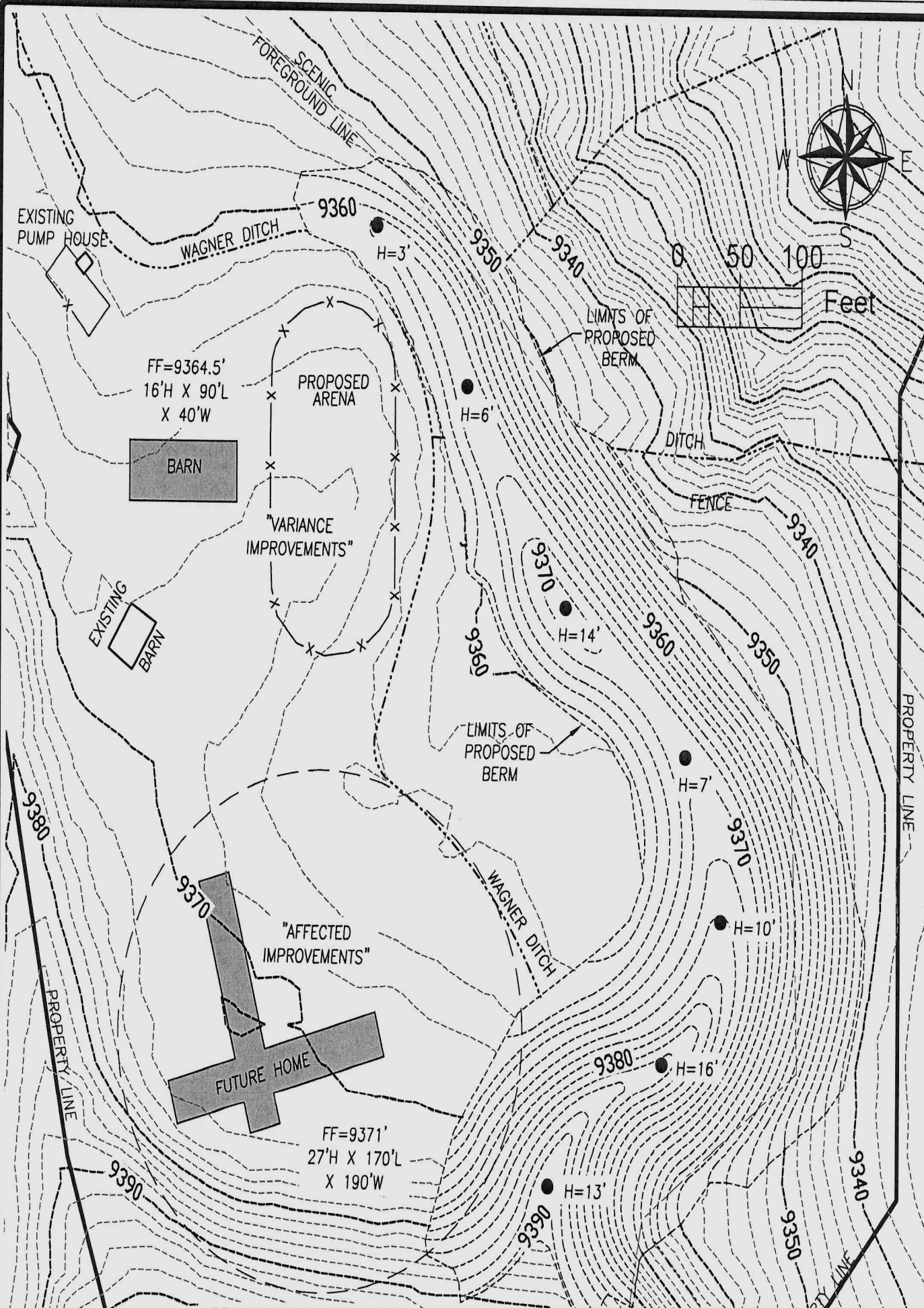
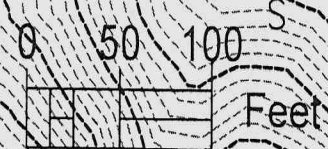
PROPERTY LINE (TYP.)

Hwy

Mt.
Village
Blvd

Town of Mountain Village

Exhibit C
(Site Plan/Berm Plan)



FF=9364.5'
16'H X 90'L
X 40'W

BARN

PROPOSED
ARENA

"VARIANCE
IMPROVEMENTS"

EXISTING
BARN

LIMITS OF
PROPOSED
BERM

WAGNER DITCH

"AFFECTED
IMPROVEMENTS"

FUTURE HOME

FF=9371'
27'H X 170'L
X 190'W

DESIGNATED HOMESITE AREA
(PER RESOLUTION N. 732702)



AGENDA ITEM - 6.a.

TITLE:

Consideration of a resolution naming Daiva Chesonis to the Honorary Post of Poet Laureate of San Miguel County./MOTION

Presented by: Art Goodtimes

Time needed: 15 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

To approve as presented.

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

Proposed Resolution

Upload Date

1/14/2021

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO NAMING DAIVA CHESONIS
TO THE HONORARY POST OF POET LAUREATE OF SAN MIGUEL COUNTY**

Resolution #2021 - __

WHEREAS, San Miguel County has continued a tradition of appointing county poet laureates upon the recommendation of the Telluride Institute's Talking Gourds poetry program since 2006; and

WHEREAS, preceding San Miguel County Poet Laureates have included Rosemerry Wahtola Trommer (2006-10), Ellen Marie Metrick (2011-13), Peter Waldor (2014-16), and Elissa Dickson (2016-18); and Daiva Chesonis (2019-2020)

WHEREAS, Ms. Chesonis was appointed the previous two years, San Miguel County would like to appoint Ms. Chesonis for an additional two years; and

WHEREAS, Ms. Chesonis has been a long-time collaborator with the Talking Gourds Poetry Club, Guest Gourds, and Traveling Gourds projects, as well as a founding member and on-going co-director of the Telluride Literary Arts Festival; and

WHEREAS, Ms. Chesonis is an inspiring performer of her poetry and has appeared on stage many times in Telluride, Paonia, and Fruita and other poetry venues around the state; and

WHEREAS, Ms. Chesonis has been recommended for this honor by the Telluride Institute's Talking Gourds poetry program;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The San Miguel County Board of County Commissioners ("BOCC") does hereby appoint Ms. Chesonis as Poet Laureate of San Miguel County; and
2. The BOCC does hereby declare that Ms. Chesonis shall serve an additional two-year term, from January 1, 2021, to December 31, 2022, and her responsibilities will be to promote the literary arts in Telluride, San Miguel County, and around the state.

DONE AND APPROVED by the Board of County Commissioners at a regular meeting held at Telluride, Colorado, on January 20, 2021.

**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY 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



AGENDA ITEM - 6.b.

TITLE:

11:00 am Consideration of a Resolution opposing the recreational and commercial trapping of bobcats and lynx./MOTION

Presented by: Soleil S. Gaylord, Amy Cannon, Christine Capaldo, Wendy Keefover

Time needed: 20 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

To approve chair's signature on the resolution provided.

INTRODUCTION/BACKGROUND:

On Thu, Dec 17, 2020 at 11:37 AM Soleil S. Gaylord <Soleil.S.Gaylord.22@dartmouth.edu> wrote:

Hello Carmen!

First off — happy December — I hope you are well and enjoying the snow and the twinkly



season. My name is Soleil Gaylord. I am a Telluride local (I'm a junior at Dartmouth, but classes have been moved entirely online this semester!

I sent this email to Hilary, Lance, and Kris, and I meant to forward it to you! I would love to get this **on January or February's** agenda!

I've been in Telluride for many months (Dartmouth is entirely remote now), and I've become involved in a few environmental policy-related and volunteer projects locally to keep myself busy!

I wanted to propose an agenda item for this January's County Commissioner meeting... I have been involved in putting forth a resolution to the Town of Telluride and San Miguel County to

ban trapping of bobcats and other fur-bearing mammals.

I'm working alongside Christine Capaldo, the town veterinarian, Wendy Keefover from the Humane Society of the United States, my mother (Ramona Gaylord), and Amy Cannon to get this resolution on the agenda.

I have materials detailing what this resolution would entail attached to the email. Overarchingly, this would be a symbolic resolution and would help alert the Colorado Parks and Wildlife to many citizen's concerns and remind them that Colorado's people voted against trapping in 1996 Amendment 14. The current box traps were a loophole that trappers utilized to continue trapping. The CPW has new members, and we are hopeful we may be on a tide of change. At any rate, we need to keep the pressure on. The resolution is not a law but just a statement that we are still concerned about this archaic and inhumane situation!

Thank you so much for your consideration — I really hope to bring this into the discussion.

Best,

Soleil

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description	Upload Date
Proposed Resolution	1/14/2021
Letter of Concern	1/19/2021
Trapping Petition	1/19/2021
Comment Letter	1/19/2021
Letter to the BOCC Banning Trapping	1/19/2021
Comment Letter II	1/19/2021
Presentation	1/19/2021

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO, URGES THE COLORADO WILDLIFE AND
PARKS COMMISSION TO ABIDE BY THE TENETS OF AMENDMENT 14**

RESOLUTION #2021 - _____

WHEREAS, the majority of Coloradoans highly value bobcats (*Lynx rufus*) and Endangered Species Act-protected lynx (*Lynx canadensis*) for their intrinsic, ecological, scientific and aesthetic values; and

WHEREAS, bobcat hunters and trappers and lynx poachers kill these wild felines to display their body parts as “trophies,” to pose for photographs with the dead animal, or to sell their pelts to overseas fur markets for personal gain, but not to eat their meat; and

WHEREAS, in 1996, the majority of Colorado voters passed into law a ballot initiative called “Amendment 14” (now Colorado Constitution, Article 18 § 12(b) and C.R.S. § 33-6-206 et seq.), which prohibits the recreational and commercial trapping and poisoning of wildlife on public lands, but exempts the use of body-gripping traps for livestock-protection purposes on private lands; and

WHEREAS, even the National Shooting Sports Foundation and Responsive Management’s 2019 survey about hunting and trapping shows that trapping is highly controversial among Americans, and when trapping is conducted to make money, for fur clothing or for recreation, it has even less public support; and

WHEREAS, since 2001 the Colorado Wildlife and Parks Commission has disregarded Amendment 14 and permitted trappers to kill 11,448 **bobcats** and many thousands of **badgers, beavers, coyotes, gray foxes, red foxes, swift foxes, mink, muskrat, opossum, pine marten raccoon, ring-tailed cat, skunks and weasels** for fur or for recreational purposes using box or cage traps; and

WHEREAS, traps are indiscriminate, and animals including federally protected wildlife such as lynx and eagles, and companion animals are caught in box traps, and may suffer severe injuries when trying to escape or death from exposure; and

WHEREAS, a 2015 survey by Responsive Management on behalf of the Association of Fish and Wildlife Agencies found that only about one-third of trappers in the West polled follow even minimal guidelines established to address animal welfare concerns, so the killing of box- or cage-trapped animals in remote areas is likely not conducted in a humane manner; and

WHEREAS, trappers in Colorado are allowed to trap and kill an unlimited number of bobcats and the other above-named species during the trapping season that can cause the orphaning and death of dependent young, and Colorado Parks and Wildlife has no accurate assessment of the number of bobcats and other above-named species; and

WHEREAS, other states prohibit the hunting and trapping of bobcats, including California, New Hampshire, Connecticut, Rhode Island, Delaware, Maryland, Indiana and Ohio; and

WHEREAS, bobcat trappers set out an unlimited number of traps every season (more than 4000 were set in Colorado in 2018) and no agency tracks how many target or non-target animals are caught, injured, or killed in these traps; and

WHEREAS, between 2013 to 2017 only an average of 638 people hunted or trapped bobcats per year in Colorado; and

WHEREAS, because of growing consumer awareness the demand for fur products is declining, leading to lower prices at auction and a plummeting global fur market. In recent years, prominent apparel companies, including Nordstrom, Macy's, Bloomingdale's, Prada and Gucci, have announced fur-free policies; and

WHEREAS, in 2019, California became the first state to ban fur sales following bans in Los Angeles, San Francisco, West Hollywood and Berkeley. Globally, India banned fur imports in 2017 and the UK and Israel are looking to become the first countries to ban fur sales; and

WHEREAS, financial institutions, including the European Bank for Reconstruction and Development, ING, and Rabobank have implemented policies that no longer finance the fur trade, and in 2019, the Canadian Imperial Bank of Commerce cut off funding to the North American Fur Auction, which filed for bankruptcy shortly thereafter; and

WHEREAS, bobcats, lynx and other Colorado wildlife face significant jeopardy because of a myriad of human causes including habitat destruction, fires caused by climate change, predator control, regulated hunting and trapping, vehicle collisions and disease transmission; and

NOW, THEREFORE, BE IT RESOLVED, that the County of San Miguel, located in the home range of bobcat and lynx, hereby expresses its appreciation for these wild felines and opposes the recreational and commercial trapping of these felines and the other, above-named species in Colorado; and the County of San Miguel urges the Colorado Wildlife and Parks Commission to abide by the tenets of Amendment 14, which seeks to conserve, but not exploit, Colorado's valuable and beloved wildlife.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, at a duly noticed public meeting held in Telluride, Colorado, on January 20, 2021.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

Lance Waring, Chair

ATTEST:

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

Dear esteemed members of the County Commission:

As a Doctor of Veterinary Medicine with over 20 years' experience, I have studied and understand animal behavior, physiology, and what makes an animal comfortable. Decades of veterinary care have endowed me with a deep compassion for animals. I care deeply for Telluride's companion animals and Colorado's Wildlife.

I have been researching wildlife trapping and am alarmed. Colorado Parks and Wildlife (CPW) allows public lands trapping even though voters banned this practice in 1996 as part of Amendment 14, which changed our state's constitution. In violation of Amendment 14, CPW allows trappers to use box traps to capture wildlife on Colorado's public lands. CPW does not track how many thousands of animals are caught, injured, or killed in the traps annually by a few hundred trappers. Furthermore, CPW does not have an accurate population assessment of the species they allow trappers to trap, which could lead to species' jeopardy and damage to Colorado's ecosystems.

Trappers are motivated to sell the fur to international markets for personal profit. This goes against the principles of the North American Model of Wildlife Conservation that disallows market hunting.

Trapping wildlife undoubtedly causes unnecessary pain and suffering— not just to the target animal (the animal intended to be trapped), but also to non-target animals (animals not intended for the trap) such as raptors, Canada lynx, and even people's companion animals. In 2019, a bobcat trapper on the Western Slope posted a video of a golden eagle caught in his trap. He dumped the eagle out, and it limped away on one leg with one likely broken wing drooping. The trapper did nothing to help the bird and the eagle likely suffered in pain and died of starvation because of the injuries sustained in the trap.

Trapped animals experience fear and panic and sustain severe injuries while struggling to escape. They suffer from dehydration, hunger, and exposure to the elements— any of which can lead to death. They damage their teeth, jaws, feet, limbs, and wings. If not dead when the trapper arrives, the trapper kills them in brutal fashion, including by strangulation using catch poles. Trapped animals such as bobcats, may be pregnant or have dependent young when they are killed, causing the orphaned young to die from exposure, starvation, or predation.

The trapped animal's fur is taken to make high-end luxury items and the rest of the carcass discarded. *Even though there are very few trappers and most Colorado (and American) citizens adamantly oppose trapping, CPW allows trappers to kill as many animals as they want for personal profit, under the radar, with little to no oversight.*

I am asking you to spare our Colorado wildlife from undue suffering and support the non-binding resolution supporting a ban on all public lands trapping in Colorado. The resolution will let the CPW Commission know that they must adhere to the law.

Respectfully,

Christine Capaldo, DVM
Animal Hospital of Telluride



Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Trapping Petition

1 message

Soleil S. Gaylord <Soleil.S.Gaylord.22@dartmouth.edu>

Sat, Jan 16, 2021 at 6:24 PM

To: Lance Waring <lancew@sanmiguelcountyco.gov>, Kris Holstrom <krish@sanmiguelcountyco.gov>, "hillaryc@sanmiguelcountyco.gov"

<hillaryc@sanmiguelcountyco.gov>, Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Cc: Wendy Keefover <wkeefover@humanesociety.org>, Amy Cannon <TIMAMYCANNON@msn.com>, Ramona Gaylord <kentnramona@msn.com>, Christine Capaldo <ccapaldo@aol.com>

Hello, Board of County Commissioners!

Thank you so very much for allowing us some time at Wednesday's BOCC meeting. We really appreciate it.

In advance of our testimony, I've attached links to a petition that I circulated, as well as the list of the responses, which came from both within and outside San Miguel County.

Thank you so much for listening — enjoy your beautiful Colorado weekend!

Most Sincerely,

Soleil Gaylord

https://docs.google.com/forms/d/e/1FAIpQLScmdkyWjJ2aHwzH3CD-CpvYOr8uHSq0-Z075ak1R-zeB3K4MA/viewform?usp=sf_link



Petition to End Needless Trapping in Colorado

As citizens of Telluride and or San Miguel County, we urge you to support and pass the non-binding resolution that is before you in support of a ban on all trapping on Colorado's public lands. A BACKGROUND ON RECREATIONAL TRAPPING IN COLORADO AND SAN MIGUEL COUNTY. In 1996, Colorado voters passed Amendment 14 to ban trapping and poisoning of wildlife on

docs.google.com

https://docs.google.com/spreadsheets/d/1oLW3MwFpLOPxQgmetWEldinoqsThe_7nCdzn6sir48/edit?usp=sharing

12/11/2020 11:11:38	umarmey@cs	umarmey@gmail.com
12/11/2020 12:06:32	Seane Stresh	seane12@hotmail.com
12/11/2020 13:07:56	Diane Welch	dianew@broadnet.net
12/11/2020 13:08:52	Richard Desch	richard@richarddesch.com
12/11/2020 13:12:38	Rylee Miller	braydenmiller@gmail.com
12/11/2020 15:31:16	Rylee Oryen	orlyenry@gmail.com
12/11/2020 16:55:00	Edward Powell	Epowell12@gmail.com
12/11/2020 17:06:37	Michele Kodis	michele.kodis@gmail.com
12/11/2020 19:30:28	Paula Schneider	Pachneider@att.net
12/11/2020 19:32:10	Christina Goff	christina.goff@gmail.com
12/11/2020 20:04:08	Sherry Bieker	Sbieker@gmail.com
12/11/2020 20:54:41	Karen Troutman	netery@gmail.com
12/11/2020 21:52:24	Christina Mahoney	christinamahoney@cloud.com
12/11/2020 22:31:02	Max Rader	maxrader@gmail.com
12/11/2020 23:00:53	Rhannon Gallagher	Dgenr@gmail.com
12/12/2020 8:05:38	Karen Stark	Sarkatkar45@gmail.com
12/12/2020 9:50:56	Walter Sperandio	WalterSperandio@gmail.com
12/12/2020 12:34:41	Art Goodtimes	goodtimes@gmail.com
12/12/2020 12:42:08	Michael Smith	msmith1234@gmail.com
12/12/2020 13:40:41	Mark Campbell	EWcampbell@gmail.com

Petition to End Needless Trapping in Colorado (Responses)

Form Responses 1 Timestamp,Your Name,Your Email ,San Miguel County Resident? 12/10/2020 21:15:17,Ramona Gaylord,Kentnramona@msn.com,Y 12/10/2020 22:08:30,Kent Gaylord ,KGaylord@tellmed.org,Y 12/11/2020 3:37:19,Tiffany Osborne,jpacmo@gmail.com,Y 12/11/2020 5:50:53,Lisa Kilday,Lisakilday@me.com,N ...

docs.google.com



Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Online Form Submittal: Comment on a BOCC Agenda Item

1 message

noreply@civicplus.com <noreply@civicplus.com>

Tue, Jan 19, 2021 at 10:32 AM

Reply-To: soleil.s.gaylord.22@dartmouth.edu

To: boccclerk@sanmiguelcountyco.gov, shannonb@sanmiguelcountyco.gov

Comment on a BOCC Agenda Item

Name or description of agenda item	Proposed resolution banning the recreational and commercial trapping of bobcats and lynx
First Name	Soleil
Last Name	Gaylord
Email Address	soleil.s.gaylord.22@dartmouth.edu
Comments	Esteemed members of the San Miguel County Commission:

My name is Soleil Gaylord, and I am a native Coloradoan. As a student and young person deeply concerned with the issues of biodiversity and conservation, I urge you to pass the non-binding resolution in support of a ban on all public lands trapping in Colorado. The petition is symbolic in nature but will prove crucial in alerting the Colorado Parks and Wildlife Commission members to their duties as representatives of both the public and Colorado's wildlife.

Amendment 14, which was passed by voters in 1996 and banned trapping and poisoning on public lands, sent a clear message that most Coloradoans do not approve of public lands trapping. The CPW Commission has entirely disregarded this amendment, and through a loophole, the CPW actively permits the use of "cage" or "box" traps on public lands. Thousands of fur-bearing mammals have suffered due to these cruel trapping methods.

Because the CPW Commission has failed to address Colorado citizens' concerns who value our state's biodiversity and vast natural resources, an official citizen's petition has been submitted to the Commission, requesting that it ban trapping on public lands.

As a young naturalist, I know that species are fragile, particularly slow-reproducing mammals like the bobcat. I've seen populations of Gunnison's Prairie Dogs dwindle on our own Valley Floor, and I do not wish to see another species disappear from our region. With the added threats of habitat loss and climate change, unregulated trapping cannot continue without harm to Colorado's species and the ecosystems they inhabit. I urge the County Commission to pass this non-binding resolution to support the citizen's petition before the Colorado Parks and Wildlife Commission to ban all trapping on Colorado's public lands. This is a necessary action that will send a long-overdue message to the CPW that residents of the San Juans want to see their wildlife preserved.

Most Sincerely,

Soleil Gaylord

Email not displaying correctly? [View it in your browser.](#)

January 19, 2021

Dear San Miguel County Commissioners; Kris, Hilary and Lance,

As a long-time resident of San Miguel County, residing on east Wilson Mesa, property which adjoins public lands, I devote action to honor and coexist with wildlife and lands here. In this correspondence I urge you to pass the non-binding resolution before you in support of a ban on trapping animals on all public lands in Colorado.

Your action to approve the resolution is a powerful motivator and while symbolic in nature, passing this resolution sends a clear and strong message to the members of the Colorado Parks and Wildlife Commission, an appointed, unelected body and to fellow SMC citizens of our united devotion for our most enduring resident neighbors; indigenous wild animals.

The most important merit of Telluride and all of San Miguel County is our magnificent wild beauty and our proximity to National Forest and BLM, as well as expansive private lands where our endemic wildlife populations can thrive if given the proper protections through accountability. One way all of us who treasure wildlife can support them is through the passage of this resolution.

The CPW Commission currently permits public lands trapping despite the ballot initiative Amendment 14, which was passed by voters in 1996. Amendment 14 prohibited trapping and poison on Colorado public lands. Today, the CPW continues to disregard that citizen mandate by allowing the use of what are called "cage" or "box" traps for the purposes of recreational and commercial trapping.

Box traps catch mothers and fathers, mates, kits. They catch non targets like, eagles and pets. These separate family members, leave nature diminished of its fullness in a system masterfully designed to thrive in its natural courses of life. It causes cruel suffering and always, always leads to a gruesome finale. It is the antithesis of nature in its wisdom and beauty. There is no good reason for use but for permitted rare humanely monitored medical treatment or relocation by associated professionals like wildlife rehabilitators and CPW officers with a mission to save wildlife. Misuse is the norm. This has caused the killing of tens of thousands of bobcats, badgers, foxes, beavers and numerous other "furbearers" in Colorado.

The CPW Commission has failed to heed the majority vote of the people of Colorado who do not want our magnificent wildlife trapped and killed.

This resolution is about trying to halt heart wrenching cruelty upon Colorado wildlife waged via destructive human activity. Recreational and commercial live trapping is cruel and inhumane. Period. In unconscionable commerce, bobcat and other's pelts and body parts have been sold on global fur markets. To end this destructive activity an official citizen's petition has been submitted to the Colorado Parks and Wildlife Commission, requesting that it close and prohibit ALL trapping on our public lands pursuant to Amendment 14.

Wildlife not only serve to enrich our Colorado ecosystems, but these animals hold an intrinsic right to live their own lives, including raising their dependent young.

Wildlife should not be persecuted by those whose sole purpose is to make a quick profit from the bounty of Colorado's magnificent wildlife, who are held in trust for all the people of Colorado.

Killing wildlife and selling their body parts also runs contrary to the North American Model of Wildlife Conservation, which prohibits market hunting. It's not legal to hunt an animal to sell that animal's body parts. Therefore to distinguish between hunting and trapping and marketing animal parts is simply treacherous incongruity with justice in wildlife conservation legislation.

The possibility of seeing wildlife draws us into their world. Even a flash is a thrill. It is a certain reset of our souls from our own troubled world as we enter theirs and come out filled with awe. We ought not meddle with this haven nor be complicit to the cruelty of trapping. There is no good reason, not one that comes from love and humanity known as compassion, to take a life in a trap or snare.

As someone who cares deeply for Colorado's beloved wildlife, I urge you, as our elected Board of County Commissioners, to whole-heartedly approve the non-binding resolution in support of the citizen's petition before the Colorado Parks and Wildlife Commission to ban on all trapping on Colorado's public lands. You will send a strong message to the Commission that the citizens of San Miguel County hold the value to see our wildlife alive and thriving, rather than cruelly killed for their fur, and we serve the best interests of Colorado's precious bobcats and other wildlife this way in conservation for future generations.

Thank you for your time and care.

My best regards,
Amy Cannon



Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Re: Resolution opposing the recreational and commercial trapping of bobcats and lynx

1 message

Lewandowski - DNR, Joe <joe.lewandowski@state.co.us>
To: Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Tue, Jan 19, 2021 at 4:41 PM

Carmen -- Thanks for sending this. Just a note about what I'd mentioned: lynx are a protected species and take of any type is prohibited.

thanks

Joe Lewandowski
Southwest Region Public Information Officer



P 970-375-6708 | Mobile 970-759-9590
415 Turner Drive, Durango, CO 81303
joe.lewandowski@state.co.us | cpw.state.co.us
Twitter: @CPW_SW

On Tue, Jan 19, 2021 at 4:32 PM Carmen Warfield <carmenw@sanmiguelcountyco.gov> wrote:

Dear Joe,

Attached is the resolution proposed included the agenda and link for the meeting. Soleil also does different shows on KOTO Radio which she may have been requesting information for.

San Miguel County is inviting you to a scheduled Zoom meeting.

Topic: San Miguel County's Regular/Special Meeting - ZOOM

Time: This is a recurring meeting Meet anytime

Join Zoom Meeting

<https://us02web.zoom.us/j/534180495>

Meeting ID: 534 180 495

Passcode: 014764

One tap mobile

+12532158782,,534180495# US (Tacoma)

+13462487799,,534180495# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 301 715 8592 US (Washington D.C.)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 534 180 495

Find your local number: <https://us02web.zoom.us/j/kcbpaw303>

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.gov

W: www.sanmiguelcountyco.gov



Census 2020



**THE HUMANE SOCIETY
OF THE UNITED STATES**

Pass a resolution to help end public lands trapping!

Wendy Keefover, Senior Strategist, Native Carnivore Protection
Christine Capaldo, Doctor of Veterinary Medicine



In 1996, Colorado voters passed Amendment 14 to ban trapping and poisoning of wildlife on Colorado's public lands.



The Denver Post

“If this petition is accepted, these species will again be available to . . . live-trap[ping], and their products can be used for personal adornment, trophies, or for sale.”

2008 petition by the Colorado Trappers Association



Dave Jones



Amendment 14
exempted “box”
or “cage” traps
only for humane
relocation

NSSF® Report
**AMERICANS'
ATTITUDES**
Toward Hunting,
Fishing, Sport Shooting and
Trapping 2019



**RESPONSIVE
MANAGEMENT**
Conducted for the
National Shooting Sports Foundation®
by Responsive Management

Trapping is more controversial
than other hunting or shooting
activities in the U.S.

- Trapping approval
- 35% to make money
 - 30% for fur clothing
 - 28% for recreation



THE FIREARMS INDUSTRY TRADE ASSOCIATION

| NSSF.ORG



 THE HUMANE SOCIETY
OF THE UNITED STATES



Wendy Keefover

Season: January 1 to December 31



Diane Hargreaves

Season: October 1 to April 30



Season: November 1
to end of February



Season:
December 1 to
end of February

Avalon Photoshot/Alamy Stock photo



Diane Hargreaves



National Geographic Image Collection

Fur trapping = market hunting.

Species	Lots	Fur Qty	# Sold	% Sold	High	Low	Avg
Badger	39	66	66	100	\$42.00	\$0.50	\$15.62
Beaver	31	358	228	63	\$20.00	\$4.00	\$10.16
Bobcat Eastern	33	48	48	100	\$80.00	\$4.00	\$35.47
Bobcat Western	99	99	96	96	\$800.00	\$50.00	\$159.48
Coyote	384	3168	2933	92	\$155.00	\$1.00	\$63.31
Cross Fox	1	1	1	100	\$23.00	\$23.00	\$23.00
ermine	1	1	1	100	\$1.00	\$1.00	\$1.00
FISHER	4	4	4	100	\$50.00	\$37.50	\$43.13
Grey Fox	17	67	67	100	\$23.00	\$1.00	\$13.29
Marten	16	29	29	100	\$37.50	\$5.00	\$21.25
Mink	4	8	8	100	\$7.00	\$3.00	\$5.00
Muskrat	21	254	254	100	\$4.00	\$0.25	\$1.77
Opposum	1	5	5	100	\$1.00	\$1.00	\$1.00
Otter	3	3	3	100	\$25.00	\$6.00	\$18.67
Raccoon	49	277	277	100	\$16.00	\$0.25	\$8.60
Red Fox	47	106	105	99	\$41.00	\$10.00	\$17.00
Ringtail Cat	1	1	1	100	\$13.00	\$13.00	\$13.00
Skunk	24	107	107	100	\$19.00	\$8.00	\$11.67
Squirrel	2	4	4	100	\$0.25	\$0.25	\$0.25
Swift Fox	27	126	126	100	\$21.00	\$1.00	\$5.56

February 2020 Colorado Trappers Association Fur Auction

Bobcats killed in Colorado, last decade
(Data from CPW)

Season	Hunt	Live trap	Landowner permit	Game Damage	Total
2018-19	708	1,269	19	13	2,009
2017-18	761	1,174	9	13	1,957
2016-17	784	1,027	22	7	1,840
2015-16	470	882	7	2	1,361
2014-15	472	1,162	2	2	1,638
2013-14	595	1,350	9	5	1,959
2012-13	648	1,206	2	2	1,858
2011-12	607	1,021	13	4	1,645
2010-11	676	813	8	5	1,502
2009-10	782	521	18	15	1,336

Deadliest counties for bobcats in Colorado

(Data from CPW for 2018, 2019)

Rank	County	2018	2019	Average
1	Rio Blanco	207	134	171
2	Mesa	201	68	135
3	Garfield	125	91	108
4	Montrose	131	82	107
5	Las Animas	139	64	102
6	Moffat	130	59	95
7	Larimer	72	45	59
8	Fremont	59	39	49
9	Delta	66	25	46
10	Pueblo	52	38	45
11	Huerfano	42	36	39
12	Montezuma	52	19	36
13	Dolores	38	30	34
14	La Plata	37	18	28
15	Saguache	26	29	28
16	Bent	26	27	27
17	San Miguel	34	15	25





< Tunget Bobcat cages's P...





Dick Randall



<https://stopthefurexchange.wordpress.com/the-fur-industry/>





**Please pass the
resolution before you
to help protect
Colorado's wildlife
from cruel and
unnecessary trapping!**



AGENDA ITEM - 6.c.

TITLE:

11:20 am Consideration of providing written support to the Impact Development fund (down payment assistance) for qualified San Miguel County residents./MOTION

Presented by: Mike Bordogna, County Manager

Time needed: 10 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

To pursue a letter of support or to not support this item.

INTRODUCTION/BACKGROUND:

On Mon, Jan 4, 2021 at 3:31 PM Megan Ferguson <megan@impactdf.org> wrote:

Good afternoon,

Erica, thank you so much for the introduction. I hope you all enjoyed the holiday season and welcome the start of the new year! I wanted to follow up on the message below as well.

To expand briefly on Erica's original message in November, Impact Development Fund, is a nonprofit Community Development Financial Institution (CDFI) that serves low-income households through a Down Payment Assistance program serving eligible households in Northern Colorado. Given our statewide presence and partnerships with nonprofit partners, we are expanding our program to Montrose, San Miguel and Ouray counties. The support does not require any financial commitment from the City or County, we just ask for your written support to be included in the 2021 application/2022 funding cycle to support this effort.

We also have letters of support from Mesa County and Eagle County to include them in the expanded eligibility request. With your help, the expanded geography will increase the impact of the program during the 2021 application/2022 funding cycle to support this effort.

Thank you again, please don't hesitate to reach out directly to discuss!

Megan Ferguson

Director of Operations

Impact Development Fund

Email: megan@impactdf.org

P: 970-494-2021 | F: 970-494-2022

NMLS: 382935 CO LMB: 100034415

IDF Company NMLS: 1819232

Website: www.impactdf.org

IDF-Logo-Tag_RGB



Our Mission: Impact Development Fund creates economic opportunity by delivering flexible capital to strengthen underserved Colorado communities.

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From: Erica Madison [<mailto:erica@buildinglives.org>]

Sent: Wednesday, November 18, 2020 4:49 PM

To: Kris Holstrom <krish@sanmiguelcountvco.gov>; Sue Hansen (shansen@montrosecountv.net) <shansen@montrosecountv.net>; William Bell (wbell@citvofmontrose.org) <wbell@citvofmontrose.org>

<chunt@ouraycountyco.gov>

Cc: Megan Ferguson <megan@impactdf.org>

Subject: Down Payment Assistance Program Application- Your Support is Needed

Good afternoon,

I am contacting you to ask for your support of our partner, the Impact Development Fund, in their request to the Colorado Division of Housing to extend a down payment assistance program to the San Juans and others to leverage even more available resources to assist families who desire to be homeowners in achieving those goals. This program operates at a monthly mortgage, but aren't able to provide a down payment. We believe this program would help all of our counties to address the battle of home ownership and affordability. For the Impact Development Fund. She has included a draft letter of support as an attachment and can answer your questions.

Please consider supporting this program.

In partnership,

Erica L. Madison
Executive Director

Habitat for Humanity of the San Juans
970-252-9303 X 5

erica@buildinglives.org
buildinglives.org

Thanks so much!!

Megan Ferguson

Director of Operations

Impact Development Fund

Email: megan@impactdf.org

P: 970-494-2021 | F: 970-494-2022

NMLS: 382935 CO LMB: 100034415

IDF Company NMLS: 1819232

Website: www.impactdf.org

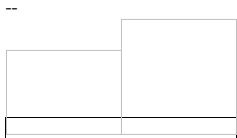
IDF-Logo-Tag_RGB



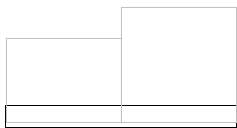
Our Mission: Impact Development Fund creates economic opportunity by delivering flexible capital to strengthen underserved Colorado communities.

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Kris Holstrom
San Miguel County Commissioner
District 3
970-708-0933



Kris Holstrom
San Miguel County Commissioner
District 3
970-708-0933

FISCAL IMPACT:

Contract Number	Date Executed	End Date
-----------------	---------------	----------

CONTRACT NUMBER	DATE RECEIVED	DATE PAID
YYYY-###		
Description:		



AGENDA ITEM - 6.d.

TITLE:

Consideration of the Commissioner's signature on a letter to President Elect Joe Biden to restore the Bears Ears National Monument in Utah to its original size.

Presented by: Kris Holstrom, Commissioner

Time needed: 5 mins

PREPARED BY:

Kris Holstrom, Commissioner

RECOMMENDED ACTION/MOTION:

To approve as presented.

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

Letter of Concern

Upload Date

1/15/2021



BOARD OF COMMISSIONERS

HILARY COOPER KRIS HOLSTROM LANCE WARING

Tuesday, January 5, 2021

Dear President Elect Joe Biden,

Colorado's San Miguel County Commissioner respectfully request you make it a priority of your administration to take immediate action to restore the Bears Ears National Monument in Utah to its original size. We support the letters from our colleagues in Grand, San Juan Counties in Utah.

When President Obama designated the Bears Ears National Monument in 2016, it was an historic act that recognized the voices of Native American led by five Tribes – Navajo, Hopi, Zuni, Ute Mountain and the Ute Indian Tribes -- that were united in calling for the protection of this spectacular place in southeastern Utah.

In addition, the Obama Administration sought local communities' input. Prior to the designation, Interior Secretary Sally Jewell spent time in southeastern Utah visiting with elected officials and tribal representatives, and hiking through the Bears Ears area. On July 16, 2016, Secretary Sally Jewell held a public hearing on the Bears Ears National Monument in Bluff, Utah that was attended by close to 2,000 local residents and officials -- a clear majority of whom supported the monument.

Once the Bears Ears National Monument was designated, the Bears Ears Inter-Tribal Coalition composed of the Navajo, Hopi, Zuni, Ute Mountain, and Ute Indian Tribes, united in the effort, alongside the federal government, to create a management plan for the Bears Ears National Monument that would conserve the irreplaceable cultural landscape. The cooperative partnership between the Bears Ears Inter-tribal Coalition and the federal government to manage the area to protect the cultural landscape of the Bears Ears National Monument was a significant and positive step towards improving the relationship between Native Americans and the federal government.

On December 4, 2017, President Donald Trump reduced the monument by 85%. This reduction was done without the involvement of Navajo, Zuni, Hopi, Ute Mountain Ute, and the Ute Indian Tribes, and was in complete disregard of their cultural interests.

The San Miguel County, Colorado Commissioners support immediate action by President-elect Biden to fully restore the Bears Ears National Monument as it was originally designated by President Obama. In addition, the Commission urges the Administration to take all necessary steps in managing the Monument to insure preservation of the rich cultural history of Native Americans, past and present that is within the boundaries of the Monument.

Sincerely,
San Miguel County
Board of Commissioners



Lance Waring, Chair



Kris Holstrom, Vice Chair



Hilary Cooper, Commissioner



AGENDA ITEM - 6.e.

TITLE:

11:30 am Discussion on Growing Water Smart workshop and pilot program.

Presented by: Commissioners and Stakeholders of the County

Time needed: 30 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

----- Forwarded message -----

From: **April Montgomery** <april@telluridefoundation.org>

Date: Thu, Dec 31, 2020 at 11:55 AM

Subject: Possible Water Workshop Opportunity

To: Candy A Meehan <meehan@norwoodtown.com>, Patti Grafmyer <grafmyer@norwoodtown.com>, jim wells <jimwells195@yahoo.com>, Kieffer Parrino <parrino@norwoodtc

Cc: Kris Holstrom <krish@sanmiguelcountyco.gov>

Hi Norwood and NWC representatives –

As there seems to be an increased interest in Norwood water issues and our future water supply, I wanted to pass on this potential opportunity for Norwood/NWC. Applications are held virtually in May 2021. This is a workshop for local governments interested in the integration of land use planning with water supply to ensure long term sustainability. The workshop of Land Policy's Babbitt Center – I first heard about them through the Colorado Water Conservation Board which has also helped promote them.

More information about the workshop is available at www.growingwatersmart.org or specifically to the Colorado workshop: <https://resilientwest.org/growing-water-smart/colorado-grov> and the Request for Applications is here. The deadline to apply is February 15, 2021. And best of all, the workshop is free and its on-line (so no travel required).

Thanks,

April

April Montgomery

Vice President Programs

Telluride Foundation

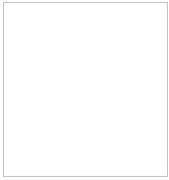
www.telluridefoundation.org

(970) 728-8717

(970) 729-1669 (cell)

Please Consider a Donation to Our Local Covid-19 Response Fund:

<https://telluridefoundation.org/responsefund/>

[Reply](#)[Reply all](#)[Forward](#)

On Wed, Dec 30, 2020 at 11:34 AM Waverly Klaw <wklaw@sonoraninstitute.org> wrote:

Dear Hilary,

My apologies for not responding to your email. We didn't have any open opportunities at that time, but now we do!

I wanted to let you know about two opportunities:

1. Applications are open for our Growing Water Smart workshop, which will be held virtually in May 2021. Norwood, or the county, or any other local governments are encouraged to apply at www.growingwatersmart.org and the Request for Applications is [here](#). The deadline to apply is February 15, 2021.
2. Yes, we did receive funding to pilot our water and land use metrics in two Colorado communities! The RFP for this will be released at the end of January 2021 and will be open (it will also be on www.growingwatersmart.org).

Happy Holidays and Happy New Year!

Best,

Waverly

Waverly Klaw, AICP
Director, Resilient Communities and Watersheds
P.O. Box 9792
Denver, CO 80209
tel: (720) 340-0020
www.sonoraninstitute.org | www.resilientwest.org

FISCAL IMPACT:

Contract Number:	Date Executed	
YYYY-###		
Description:		



AGENDA ITEM - 7.a.

TITLE:

12:45 pm Recognition of Eric Berg for 40 years of service to the County.

Presented by: Sheriff Masters and Eric Berg

Time needed: 5 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 8.a.

TITLE:

12:50 pm Discussion and update with the San Miguel County Stakeholders concerning the COVID 19 outbreak.

Presented by: Grace Franklin, Public Health Director

Time needed: 75 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 9.a.

TITLE:

Consideration to authorize and direct staff to send a written notice of violation of the LUC to Don and Sarah Boggs, owner of Unit 508 Society Drive, LH 25./MOTION

Presented by: Corenna Howard, Executive Director of SMRHA

Time needed: 10 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

Possible Actions:

Direct NOV: I move to authorize and direct staff to send a written notice of violation of the LUC to Don and Sarah Boggs, owner of Unit 508 Society Drive; LH 25, detailing the nature of the violations in accordance with LUC § 5-1305 H as soon as possible.

OR

Decline to authorize NOV: No action necessary.

INTRODUCTION/BACKGROUND:

See attached memo.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

MEMO NOV Request

Upload Date

1/14/2021

TO: SMCHA Board
CC: Amy Markwell and Mike Bordogna
FROM: Lois Major, Special Counsel to the SMCHA
DATE: December 21, 2020
MEETING:
RE: Request for Notice of Violation: Unit 508 Society Drive; LH 25A

Purpose: Request to Authorize Notice of Violation for 508 Society Drive; LH 25A (“Unit”).

Overview: Unit 508 Society Drive; LH 25A is owned by Don and Sarah Boggs. Mr. and Mrs. Boggs failed to respond to 2020 compliance outreach by SMRHA staff. In 2020, SMRHA staff became aware that Mr. Boggs had retired from his position at the United States Postal Service in Telluride, Colorado, that he was no longer living in the Unit, and moved to Grand Junction where Mrs. Boggs lived. The request for compliance was mailed return receipt requested on October 8, 2020 and picked up on October 23, 2020. The compliance letter indicated the response due date of October 27, 2020. As of December 22, 2020, no contact from nor reply has been received by the Boggs at SMRHA.

Draft NOV letter attached as Exhibit 1.

Possible Actions:

Direct NOV: I move to authorize and direct staff to send a written notice of violation of the LUC to Don and Sarah Boggs, owner of Unit 508 Society Drive; LH 25, detailing the nature of the violations in accordance with LUC § 5-1305 H as soon as possible.

OR

Decline to authorize NOV: No action necessary.

LUC Excerpt: LUC § 5-1305 H. Violations

I. The Housing Authority may require at any time that an Owner verify within five days of such request by the Housing Authority that:

- a. The Owner is a Qualified Owner and/or
- b. Any particular tenant is a qualified Employee.

II. In the event an occupant of Affordable Housing does not or no longer qualifies as an Employee, the Housing Authority may require that occupant to:

- a. Vacate rental Affordable Housing within 60 days, or re-qualify as an Employee within that period; or
- b. Vacate Affordable Housing he owns and cause it to be listed for sale pursuant to Section 5-1305 F. within one year, or re-qualify as an Employee within that period.

III. In the event a violation is discovered, the Housing Authority shall provide a written notice of violation to the Owner detailing the nature of violation. Said notice shall state that the Owner may request a hearing before the Housing Authority within 15 days from the date of notice of violation to determine the merits of the allegations and to discuss remedies of the violation. If the Owner fails to request a hearing, the violation is considered to be conclusively determined.



AGENDA ITEM - 10.a.

TITLE:

Approval of Chair's signature on Social Services Department Balance Sheet November 2020, Earned Revenue and Expenditures November 2020, Expenditures through Electronic Benefit Transfers December 2020, Check Register for the Month of December 2020, MOE Report NOV-21 and 2020 Caseload Report/MOTION

Presented by: Carol Friedrich, County Social Services Director

Time needed: 10 mins

PREPARED BY:

Carol Friedrich, Dept. of Social Services

RECOMMENDED ACTION/MOTION:

Approval of Chair's signature on Social Services Department Balance Sheet November 2020, Earned Revenue and Expenditures November 2020, Expenditures through Electronic Benefit Transfers December 2020, Check Register for the Month of December 2020, MOE Report NOV-21 and 2020 Caseload Report

INTRODUCTION/BACKGROUND:

Director's Update

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
			Social Services
Description:			

ATTACHMENTS:

Description	Upload Date
January Financials	1/13/2021
2020 Caseload Report	1/13/2021
Signature Page	1/14/2021

SAN MIGUEL COUNTY DEPT OF SOCIAL SERVICES
BALANCE SHEET
NOVEMBER 2020

ASSETS:

CASH:

101.1000	CASH - GENERAL	37,322.79	
101.2000	CASH - IV-E RESERVES	0.00	
101.3000	CASH - PARENTAL FEES	6,792.09	
101.4000	CASH - CSBG	0.00	
101.5000	CASH - PETTY	50.00	
101.4381	CASH - CBMS	0.00	
115.1000	A/R - TANF	15,916.57	
115.2000	A/R - AND	687.00	
115.3000	A/R - OAP	571.50	
115.4000	A/R - CC	0.00	
115.5000	A/R - LEAP	0.00	
115.6000	A/R - MEDICAID	0.00	
115.7000	A/R - FOOD ASSISTANCE	18,138.54	
115.8000	A/R - CHILD SUPPORT	125,549.19	
115.9000	A/R - ERRONEOUS DISBURSEMENTS	0.00	
	TOTAL CASH		205,027.68

DUE TO DUE FROM

132.4200	DTDF - TANF	506.88	
132.2300	DTDF - CHILD CARE	(402.62)	
132.2500	DTDF - CORE	(5.00)	
132.1210	DTDF - CHILD WELFARE	11,130.80	
132.M100	DTDF - MEDICAID	5,293.24	
132.7000	DTDF - ADMIN	6,923.96	
132.4011	DTDF - NON ALLOCATED ADMIN	(69.24)	
132.1010	DTDF - ADULT PROTECTION	502.49	
132.8000	DTDF - CHILD SUPPORT	673.04	
132.6300	DTDT - FA JOB SEARCH	0.00	
132.5000	DTDF - LEAP	0.00	
132.4800	DTDF - AND	(43.40)	
132.4600	DTDF - HOME CARE ALLOWANCE	0.00	
132.4050	DTDF - OAP ADMIN	281.16	
132.9700	DTDF - TANF WORK PARTICIPATION	0.00	
132.8500	DTDF - TANF COLLECTIONS	34.96	
132.1296	DTDF - FA COLLECTIONS	0.00	
132.9800	DTDT - COST ALLOCATION	0.00	
132.9430	DTDF - STATE INCENTIVES	946.71	
132.9450	DTDF - FEDERAL INCENTIVES	0.00	
132.0000	DTDF - ADVANCES	4,000.00	
132.0310	DTDF - IV-E SANCTIONS	0.00	
132.1296	DTDF - CW DISCRETIONARY GRANT	0.00	
132.1590	DTDF - PARENTAL FEE	0.00	
132.9820	DTDF - CW SUB ADOPT	(109.83)	
	TOTAL DUE TO DUE FROM		29,663.15

FIXED ASSETS

		18,749.00	
	TOTAL ASSETS		18,749.00
			253,439.83

LIABILITIES:

215.1000	A/R CONTRA - TANF	(15,916.57)
215.2000	A/R CONTRA - AND	(687.00)
215.3000	A/R CONTRA - OAP	(571.50)
215.4000	A/R CONTRA - CC	0.00
215.5000	A/R CONTRA - LEAP	0.00
215.6000	A/R CONTRA - MEDICAID	0.00
215.7000	A/R CONTRA - FOOD ASSISTANCE	(18,138.54)
215.8000	A/R CONTRA - CHILD SUPPORT	(125,549.19)
215.9000	A/R CONTRA - ERRONEOUS DISBURSEMENTS	0.00
220.4000	DEFERRED REVENUE - IV-E	0.00
220.5000	DEFERRED REVENUE - PARENTAL	(6,792.09)
220.6000	DEFERRED REVENUE - CSBG	0.00
220.4381	DEFERRED REVENUE - CBMS	0.00
220.7000	A/P - INDIRECT COST ALLOCATION	0.00
220.8200	DEFERRED REVENUE IV-D FED INC	0.00
221.1000	SUSPENSE - MISC	(3,310.31)
221.2000	SUSPENSE - MT	(3,310.31)
221.4000	SUSPENSE - TEFAP	0.00
TOTAL LIABILITIES		(174,275.51)

RESERVE:

FUND BALANCE AS OF 11/30/20	(63,725.63)
TOTAL RESERVE	(82,474.63)
TOTAL LIABILITIES AND RESERVE	(256,750.14)

SAN MIGUEL COUNTY DSS
EARNED REVENUE YTD 100%
NOVEMBER 2020

	REVISED BUDGET	YTD REVENUES EARNED	% OF REVENUES COLLECTED
CURRENT PROPERTY TAX	137,000.00	134,521.36	98%
SPECIFIC OWNERSHIP	4,000.00	5,638.70	141%
DELINQUENT & INTEREST	700.00	890.89	-127%
 COLORADO WORKS			
ADMIN	40,000.00	17,372.98	43%
GRANTS	40,000.00	34,723.44	87%
 CHILD CARE			
ADMIN	10,000.00	8,843.19	88%
CLIENT BENEFITS	90,000.00	119,549.23	133%
 CHILD WELFARE			
CHILD WELFARE 80/20	280,000.00	231,133.63	83%
CHILD WELFARE 100%	10,000.00	23,277.65	233%
IV-E SANCTIONS		0.00	
CW - DISCRETIONARY GRANT		0.00	
 COUNTY ADMINISTRATION			
HCPF - MEDICAID	76,000.00	52,148.19	69%
ADULT PROTECTION	56,800.00	67,478.00	119%
ADULT PROTECTION CLIENT	12,000.00	7,420.18	62%
	1,600.00	0.00	0%
 CW CORE SERVICES 80/20			
CW CORE DAY TREATMENT 100%	16,000.00	37,884.83	237%
	28,000.00	28,542.15	102%
 CHILD SUPPORT			
	9,600.00	7,786.27	81%
 LEAP			
ADMIN/OUTREACH	450.00	0.00	0%
BASIC	50,000.00	41,371.93	83%
 OAP			
HOME CARE ALLOWANCE		0.00	
ADMIN	6,000.00	4,916.77	82%
GRANTS	40,000.00	24,152.46	60%
 AID TO NEEDY DISABLED			
	2,400.00	1,658.18	69%
 MEDICAID TRANSPORTATION			
FS JOB SEARCH/EMPLOYMENT 1ST	15,000.00	19,564.67	130%
FOOD ASSISTANCE BENEFITS		0.00	
GRANTS/INCENTIVES	400,000.00	596,567.85	149%
RETAINED COLLECTIONS	5,000.00	6,655.07	133%
COUNTY BACKFILL	800.00	1,083.06	135%
	20,000.00	0.00	0%
 TOTAL BUDGETED REVENUES	1,351,350.00	1,471,398.90	109%

SAN MIGUEL COUNTY DSS
EXPENDITURES YTD 100%
NOVEMBER 2020

	REVISED BUDGET	EXPENDITURES YTD	% OF BUDGET EXPENDITURES SPENT
TANF			
ADMIN	45,000.00	22,921.29	51%
GRANTS	45,000.00	40,994.00	91%
CHILD CARE			
ADMIN	10,000.00	8,843.19	88%
CLIENT BENEFITS	100,000.00	151,203.55	151%
CHILD WELFARE			
CHILD WELFARE 80/20%	325,000.00	275,321.89	85%
CHILD WELFARE 100%	10,000.00	23,277.65	233%
CW - DISCRETIONARY GRANT	0.00	0.00	0.00
COUNTY ADMINISTRATION	95,000.00	66,649.28	70%
HCPF - MEDICAID	71,000.00	78,518.52	
NON ALLOCATED ADMIN		38,252.95	
ADULT PROTECTION	15,000.00	9,275.25	62%
ADULT PROTECTION CLIENT	2,000.00	0.00	0%
CW CORE SERVICES 80/20	20,000.00	7,492.09	37%
CW CORE DAY TREATMENT 100%	28,000.00	3,865.00	0%
CHILD SUPPORT	12,000.00	9,134.84	76%
LEAP			
LEAP ADMIN/OUTREACH	450.00	0.00	0%
LEAP BASIC BENEFITS	50,000.00	41,371.93	83%
OAP			
OAP HOME CARE ALLOWANCE		0.00	
OAP ADMIN	6,000.00	4,916.77	82%
OAP GRANTS	40,000.00	24,152.46	60%
AID TO NEEDY DISABLED	3,000.00	2,072.72	69%
FS JOB SEARCH/EMPLOYMENT 1ST		0.00	
GENERAL ASSISTANCE	10,000.00	4,102.00	41%
MEDICAID TRANSPORTATION	15,000.00	10,895.12	73%
FA REFUNDS		0.00	
FOOD ASSISTANCE BENEFITS	400,000.00	596,567.85	149%
DIRECT COST ALLOCATION	(6,000.00)	(6,547.45)	109%
COUNTY FUNDED GRANTS	62,500.00	29,600.00	47%
COUNTY ONLY EXPENSES		137.20	
TOTAL BUDGETED EXPENDITURES	1,358,950.00	1,443,018.10	106%

SAN MIGUEL COUNTY DEPT OF SOCIAL SERVICES

CHECK REGISTER

DECEMBER 2020

Warrant No.	Date	To	WARRANT AMOUNT
	4-Dec	PAYROLL	\$15,032.62
	4-Dec	CCOERA	\$722.07
	10-Dec	CHP	\$7,641.85
	10-Dec	LINCOLN FINANCIAL	\$131.42
	16-Dec	PAYROLL	\$15,154.44
	16-Dec	CCOERA	\$727.73
31105	28-Dec	CCI	\$155.62
31106	28-Dec	QUILL	\$113.07
31107	28-Dec	CAROL FRIEDRICH	\$356.48
31108	28-Dec	MONTROSE COUNTY CSEU	\$800.00
31109	28-Dec	SAN MIGUEL FINANCE OFFICE	\$300.00
31110	28-Dec	CENTURY LINK	\$66.37
31111	28-Dec	USPS	\$114.00
31112	28-Dec	SAN MIGUEL FINANCE OFFICE	\$24.14
31113	28-Dec	CARD SERVICES	\$89.99
	28-Dec	CENTURY LINK	\$22.98
	28-Dec	AT&T	\$195.96
	31-Dec	PAYROLL	\$15,592.70
	31-Dec	CCOERA	\$717.85
TOTALS			<u><u>57,959.29</u></u>

SAN MIGUEL COUNTY DSS
EXPENDITURES THROUGH ELECTRONIC BENEFIT TRANSFER
DECEMBER 2020

	CASES	TOTAL COST
TANF(Temporary Aid to Needy Families)	4	2,703.00
OAP(Old Age Pension)	7	614.87
AND(Aid to Needy Disabled)	1	217.00
CHILD CARE	16	8,474.09
CHILD WELFARE	5	5,473.50
CORE SERVICES	0	0.00
FOOD ASSISTANCE	181	58,704.00
LEAP(Low-income Energy Assistance Program)	31	18,251.25
TOTALS	245	94,437.71

*THESE ARE OUR BEST ESTIMATES BASED
ON THE DISCREPANCIES BETWEEN THE
COLORADO FINANCIAL MANAGEMENT SYSTEM
AND THE COLORADO BENEFIT MANAGEMENT
SYSTEM.

SAN MIGUEL COUNTY ALLOCATIONS/MOE REPORT

Period: NOV-21

CTY=113 (San Miguel)

	FY BUDGET BALANCES	FY ACTUAL YTD EXPENDITURES	FUNDS AVAILABLE	BUDGET VS ACTUALS FY VARIANCE
COLORADO WORKS BLOCK GRANT	97,065.00	24,242.21	72,822.79	0.25
NET COLORADO WORKS MOE	0.00	5,188.73	(5,188.73)	n/m
CHILD CARE ALLOCATION:				
CHILD CARE DIRECT	0.00	50,105.20	(46,278.72)	n/m
CHILD CARE TRANSFER		20,728.17	(20,728.17)	
CHILD CARE ADMINISTRATION	0.00	4,044.67	(4,044.67)	n/m
TOTAL CHILD CARE ALLOCATION	134,127.00	74,878.04	59,248.96	0.56
NET CHILD CARE COUNTY MOE	0.00	4,579.32	(4,579.32)	n/m
CHILD WELFARE ALLOCATION:				
CHILD WELFARE 80/20 ALLOCATION ITEMS:				
CHILD WELFARE OUT-OF-HOME ALLOCATION	0.00	19,205.47	(19,205.47)	n/m
CHILD WELFARE ADMIN 80/20	279,542.00	87,157.48	192,384.52	0.31
CHILD WELFARE CASE SERVICES	0.00	0.00	0.00	n/m
CHILD WELFARE RELATED CHILD CARE	0.00	2,923.18	(2,923.18)	n/m
CHILD WELFARE SUBSIDIZED ADOPTION	0.00	0.00	0.00	n/m
CHILD WELFARE 100% ADMINISTRATION	25,795.00	46.27	25,748.73	0.00
TOTAL CHILD WELFARE 80/20 AND 100% ALLOC	305,337.00	109,332.40	196,004.60	0.36
CHILD WELFARE RTC ALLOCATION	0.00	0.00	0.00	n/m
CHILD WELFARE CHRP ALLOCATION	0.00	0.00	0.00	n/m
CHILD WELFARE CPA-MHASA	0.00	0.00	0.00	n/m
TOTAL CHILD WELFARE ALLOCATION	305,337.00	109,332.40	196,004.60	0.36

COUNTY ADMINISTRATION ALLOCATION	80,762.00	42,949.14	37,812.86	0.53
HCPF REGULAR ADMIN ALLOCATION	20,531.75	13,633.84	6,897.91	0.66
HCPF ENHANCED ADMIN ALLOCATION	37,798.61	18,560.57	19,238.04	0.49
ADULT PROTECTION ADMINISTRATION	18,019.00	2,983.07	15,035.93	0.17
ADULT PROTECTION CLIENT SERVICES	2,000.00	-	2,000.00	0.00
CORE SERVICES ALLOCATION:				
CORE SERVICES MENTAL HEALTH 100%	0.00	1,460.00	(1460.00)	n/m
CORE SERVICES ADAD 100%	0.00	0.00	0.00	n/m
CORE SERVICES SPECIAL ECONOMIC ASSIST 100%	674.76	100.00	574.76	0.15
CORE SERVICES OTHER 100%	28,665.66	0.00	28,665.66	n/m
CORE SERVICES 80/20	15,725.26	277.50	15,447.76	n/m
TOTAL CORE SERVICES ALLOCATION	45,065.68	1,837.50	43,228.18	0.04
FEDERAL FISCAL YEAR PROGRAMS (ENDING SEP. 30): *				
NON-FISCAL YEAR PROGRAMS: *				
* - NOTE: Expenditures Refer to State Fiscal Year-To-Date				

SAN MIGUEL COUNTY BOARD OF SOCIAL SERVICES
CASELOAD REPORT 2020

	TANF	DIVER- SION	O.A.P + HCA	AND,SSI +SSA	HCBS	MED	LEAP	CHILD CARE	FS	GA	TOTAL
November 2019	3	0	8	77	14	670	19	26	122	5	939
December 2019	2	0	6	75	14	647	19	35	136	2	941
January 2020	1	0	7	77	15	661	42	28	132	4	967
February 2020	2	0	7	73	15	632	57	31	121	0	938
March 2020	2	0	8	71	15	619	60	32	124	1	932
April 2020	3	6	8	71	18	717	74	33	200	0	1100
May 2020	4	3	8	74	17	763	83	37	221	0	1210
June 2020	3	1	8	75	18	774	88	34	228	1	1229
July 2020	3	4	8	75	17	807	99	32	237	0	1282
August 2020	1	1	7	74	15	826	99	32	223	0	1278
September 2020	2	2	7	75	16	834	0	28	210	0	1174
October 2020	1	0	5	75	16	863	3	21	168	0	1152
November 2020	2	0	6	76	16	876	13	28	172	0	1189
December 2020	3	1	7	75	16	894	26	24	180	0	1226
TANF	Temporary Need to Aid to Needy Families (Colorado Works)					LEAP		Low Income Energy Assistance Program			
DIVERSION	Colorado Works Diversion Program					CHILD CARE		Child Care Assistance Program			
OAP + HCA	Old Age Pension + Home Care Allowance					FS		Supplemental Nutrition Assistance Program			
AND, SSI, SSA	Aid to Needy Disabled, Social Security							(AKA Food Stamps)			
HCBS	Home Care Based Services					EF		Employment First			
MED	Medicaid					GA		General Assistance			

DEPARTMENT OF SOCIAL SERVICES

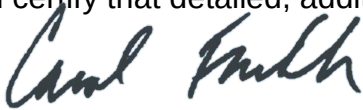
SAN MIGUEL COUNTY
PO BOX 96
TELLURIDE, CO 81435
phone (970) 728-4411
fax (970) 728-4412

I, Carol Friedrich, Director of Social Services of San Miguel County, Colorado,
hereby present the attached financial reports:

Balance Sheet, November 2020
Earned Revenue and Expenditures, November 2020
Expenditures through Electronic Benefit Transfers, December 2020
Check Register for the Month of December 2020
County Allocation / MOE Report, NOV-21

2020 Caseload Report

and certify that detailed, additional financial reports are available for inspection.



Carol Friedrich, Director

I, _____, Chair of San Miguel County Board of Commissioners,
hereby certify that the payments that are listed and set forth on the attached
reports have been approved, and the payments issued from the Social Services
fund.

Chair, January 20, 2021



AGENDA ITEM - 10.b.

TITLE:

Request for approval and authorization of Chair's signature on a Purchase of Service Agreement with Montrose County for Child Support Services./MOTION

Presented by: Carol Friedrich, County Social Services Director

Time needed:

PREPARED BY:

RECOMMENDED ACTION/MOTION:

Motion to approve the Chair's signature as presented.

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

Purchase of service Agreement with Montrose County

Upload Date

1/15/2021

**CHILD SUPPORT SERVICES PURCHASE OF SERVICES
INTERGOVERNMENTAL AGREEMENT 2021**

This Intergovernmental Agreement is executed by and between **Montrose County Human Services – Child Support Services** (hereinafter sometimes “Montrose County Child Support Services,” “Montrose,” or “Contractor”) and the **San Miguel County Department of Social Services** (hereinafter sometimes “San Miguel”), by and through the respective Boards of County Commissioners of San Miguel County and Montrose County.

This Agreement shall be in effect beginning **01/01/2021** through **12/31/2021** and shall not exceed twelve (12) months.

WHEREAS:

Pursuant to the Colorado Constitution, Article XIV, Section 18(2.a.) and C.R.S. 29-1-201, et seq., any political subdivision of the State of Colorado may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units, provided that such cooperation or contracts are authorized by each party thereto with the approval of its legislative body; and

San Miguel County Department of Social Services, under Part D of Title IV of the Social Security Act, 45 CFR 92, 232, 301 through 307, and 26-13-101, et. seq., C.R.S., has been delegated responsibility for the development and implementation of a program to secure support and establish paternity for any person(s) eligible for IV-D services within the meaning of Federal regulations; and

San Miguel County Department of Social Services desires to enter into an agreement with the Montrose County Child Support Services to: 1) assist San Miguel County Department of Social Services in providing the services necessary to establish paternity, establish support obligations, and secure support for any person(s) eligible for IV-D services within the meaning of Federal regulations, and 2) assist in other child support enforcement matters of common concern to San Miguel County Department of Social Services and Montrose County Child Support Services, and Montrose County Child Support Services desires to enter into such an agreement with San Miguel County Department of Social Services;

San Miguel County Department of Social Services and Montrose County Human Services - Child Support Services therefore agree as follows:

1. Statement of Work

Services shall be provided by Montrose County Child Support Services in compliance with Exhibit I "Statement of Work," attached and hereby incorporated herein by this reference.

2. Payments

- a. Payment shall be made as provided in Exhibit II, “Agreement Budget,” attached and hereby incorporated by this reference. The Agreement Budget establishes the monthly amount

which shall be paid, as a flat fee, for the services rendered under this Agreement, as well as reimbursement for costs and state incentives. Payment may be paid from combined county, state, and/or federal funds during the duration of this agreement.

- b. Payment shall be made for costs incurred by Montrose in accordance with Exhibit II and Montrose shall submit an itemized monthly billing to San Miguel for all costs incurred in the performance of the services identified in Exhibit I of this agreement in accordance with the rules and regulations of the Colorado Department of Human Services. Billings must be signed by an authorized representative of Montrose County Child Support Services.
- c. Payments to Montrose shall be made monthly by San Miguel upon receipt of such itemized billings.
- d. San Miguel shall not be billed for, and reimbursement shall not be made for, time involved in activities outside of those defined in Exhibit I.
- e. San Miguel shall pay to Montrose County Child Support Services 100% of all State "half share incentives" received by San Miguel County Department of Social Services.

3. Monthly Review Meetings

A representative of each Party shall meet no less than one (1) time per month to review open cases, new referrals, scope of work, and discuss any outstanding issues. Such meetings shall be at a mutually-agreeable time and location and may be conducted by phone or via a virtual meeting space.

4. Termination for Convenience or for Cause

This agreement may be terminated with or without cause by either party upon written notice of at least thirty (30) days, and if the termination is for cause the notice shall cite the reason(s) for termination. Upon such termination, Montrose County Child Support Services shall furnish to San Miguel County Department of Social Services, all property, records and pertinent information which San Miguel County Department of Social Services provided under this agreement. Upon receipt of said items, San Miguel County Department of Social Services shall pay Montrose County Child Support Services for actual costs incurred through the date this agreement is terminated in accordance with section 2 "Payment" of this agreement.

5. Amendment

This agreement may be amended by mutual consent, provided that the amendment is in writing, properly executed and made a part of this agreement.

6. Reports, Records, and Retention Periods

Montrose County Child Support Services shall maintain such records as are deemed necessary pursuant to the Colorado Department of Human Services' rules to assure a proper accounting for all costs and funds collected. These records shall be made available for audit purpose to the U.S. Department of Health and Human Services, the Colorado Department of Human Services, or the

County Department, and shall be retained for three (3) years after the expiration of this agreement.

7. Confidentiality

Information provided by San Miguel County Department of Social Services for purposes of this agreement shall be used only for the purpose intended and in accordance with federal and state laws and regulations.

8. Political Activities

None of the funds, materials, property, personnel or services contributed by the United States, the State of Colorado, the Colorado Department of Human Services or San Miguel County Department of Social Services under this agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office in a manner which would constitute a violation of five (5) U.S.C. Sections 1501 et. seq.

9. Safeguarding Information

Montrose County Child Support Services shall provide for the security of information collected pursuant to this agreement and as provided in the rules and regulations of the Colorado Department of Human Services. This includes protection of the confidentiality of all records, papers, documents, tapes and any other materials that have been or may hereafter be established which relate to this agreement.

10. Compliance with Applicable Laws

Montrose County Child Support Services shall at all times in the performance of this agreement strictly adhere to all applicable federal and state laws and implementing regulations as they currently exist and may hereafter be amended. This includes, without limitation, Title IV-D of the Social Security Act (Title 45 Code of Federal Regulations), Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Education Amendments of 1972, and all regulations applicable to these laws prohibiting discrimination because of race, color, national origin, handicap, age, sex and religion.

The provisions of this paragraph shall apply only to the extent that CRS 8-17.5-101, *et seq.* applies to this agreement, Montrose County Child Support Services certifies that it shall comply with the provisions of CRS 8-17.5-101 et seq. Montrose County Child Support Services shall not knowingly employ or contract with an illegal alien to perform work under this contract or enter into a contract with a subcontractor that fails to certify to Montrose County Child Support Services that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract. Montrose County Child Support Services represents, warrants, and agrees that it (i) has verified that it does not employ any illegal aliens, through participation in the E-Verify Program administered by the Social Security Administration and Department of Homeland Security, and (ii) otherwise shall comply with the requirements of CRS 8-17.5-102(2)(b). Montrose County Child Support Services shall comply with all reasonable requests made in the course of an investigation under CRS 8-17.5-102 by the Colorado Department of Labor and Employment. Failure to comply with any requirement of this provision

or CRS 8-17.5-101 et seq., shall be cause for termination for breach and Montrose County Child Support Services shall be liable for actual and consequential damages.

11. Subcontracts

No subcontract shall be made by Montrose County Child Support Services with any other party for furnishing any services contracted for without the prior written consent and approval of San Miguel County Department of Social Services. For services provided under any subcontract, Montrose County Child Support Services shall be responsible for contract performance and compliance with the terms and conditions of this agreement. Montrose County Child Support Services shall select subcontractors on a competitive basis to the maximum practical extent consistent with the objectives and requirements of this agreement.

12. Performance Standards/Independent Contractor

San Miguel County Department of Social Services and Contractor shall define standards of performance that will allow for an accurate display of the services being provided by Montrose County Child Support Services. In order to demonstrate that Montrose County Child Support Services is free from control and direction in the performance of the services under this contract and that Montrose County Child Support Services is customarily engaged in an independent trade, occupation, profession, or business related to the services performed pursuant to this Contract, the parties to this agreement acknowledge the following: The standards are agreed upon expectations and are not to be construed as control and direction from San Miguel County Department of Social Services, but, rather, as an understanding of the anticipated performance of Montrose County Child Support Services. Performance standards shall be provided pursuant to Exhibit III "Performance Standards," hereby attached and incorporated by reference.

13. Responsibility for Conduct of Individuals

Montrose County Child Support Services is solely responsible for the conduct of individuals employed by and under the direct supervision or control of Montrose County Child Support Services.

14. Federal Tax Information

- a. In performance of this contract, Montrose County Child Support Services agrees to comply with and assume responsibility for compliance by his or her employees with the following requirements:
 - 1) All work will be done by employees of Montrose County Child Support Service's employees or under the supervision of Montrose County Child Support Services.
 - 2) Any Federal tax return or return information made available in any format shall be used only for the purpose of carrying out the provisions of this contract. Information contained in such material will be treated as confidential and will not be divulged or made known in any manner to any person except as may be necessary in the performance of this contract. Disclosure to anyone other than an officer or employee of Montrose County Child Support Services will be prohibited.

- 3) All returns and return information will be accounted for upon receipt and properly stored before, during, and after processing. In addition, all related output will be given the same level of protection as required for the source material.
- 4) Montrose County Child Support Services certifies that the data processed during the performance of this contract will be completely purged from all data storage components of his or her computer facility, and no output will be retained by Montrose County Child Support Services at the time the work is completed. If immediate purging of all data storage components is not possible, Montrose County Child Support Services certifies that any IRS data remaining in any storage component will be safeguarded to prevent unauthorized disclosures.
- 5) Any spoilage or any intermediate hard copy printout that may result during the processing of IRS data will be given to the agency or his or her designee. When this is not possible, Montrose County Child Support Services will be responsible for the destruction of the spoilage or any intermediate hard copy printouts, and will provide the agency or his or her designee with a statement containing the date of destruction, description of material destroyed, and the method used.
- 6) All computer systems processing, storing, or transmitting Federal tax information must meet ISO STD 15408, called common criteria -functional (Protection Profile) and assurance (EAL). To meet functional and assurance requirements, the operating security features of the system must have the following minimum requirements: a security policy, accountability, assurance, and documentation. All security features must be available and activated to protect against unauthorized use of and access to Federal tax information.
- 7) No work involving Federal tax information furnished under this contract will be subcontracted without prior written approval of the IRS.
- 8) Montrose County Child Support Services will maintain a list of employees' authorized access. Such list will be provided to the agency and, upon request, to the IRS reviewing office.
- 9) The agency will have the right to void the contract if Montrose County Child Support Services fails to provide the safeguards described above.

b. Criminal/Civil Sanctions

Montrose County Child Support Services shall inform its officers and employees of the penalties for improper disclosure imposed by the Privacy Act of 1974, 5 U.S.C. 552a. Specifically, 5 U.S.C. 552a(i)(1), which is made applicable to contractors by 5 U.S.C. 552a(m)(1), provides that any officer or employee of a contractor, who by virtue of his/her employment or official position, has possession of or access to agency records which contain individually identifiable information, the disclosure of which is prohibited by the Privacy Act or regulations established hereunder, and who knowing that disclosure of the specific material is prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

c. Inspection

The IRS and San Miguel County all have the right to send its officers and employees into the offices and plants of Montrose County Child Support Services for inspection of the facilities and operations provided for the performance of any work under this contract. On the basis of such inspection, specific measures may be required in cases where Montrose County Child Support Services is found to be noncompliant with contract safeguards.

15. Indemnification and Hold Harmless

Montrose and all of its employees shall at all times remain independent and not be deemed to be employed by San Miguel or to be employees of San Miguel. Montrose shall be solely liable for its acts and omissions and of those of its employees or agents in the performance of this contract. To the extent authorized by the law of the State of Colorado, Montrose agrees to defend, indemnify, and hold harmless San Miguel, and its elected officials, officers, and employees, from all claims, demands, suits, or legal actions or proceedings arising from Montrose's negligent performance under this contract. To the extent authorized by the law of the State of Colorado, San Miguel agrees to defend, indemnify, and hold harmless Montrose, and its elected officials, officers, and employees, from all claims, demands, suits, or legal actions or proceedings arising from San Miguel's negligent performance under this contract.

16. Insurance and Licenses

Montrose County Child Support Services shall maintain current all applicable insurance and licenses required by law to carry out the service of this contract.

San Miguel County Department of Social Services and Montrose County Department of Human Services, by and through their respective Boards of County Commissioners, have therefore caused this agreement to be executed by their respective officers duly authorized to do so.

Contractor:

Montrose County Human Services

San Miguel County Department of Human Services

Jennifer Sherwood, Director Date

Carol Friedrich, Director Date

Montrose County Board of County
Commissioners

San Miguel County Board of County
Commissioners

Keith Caddy, Chair Date

Hilary Cooper, Chair Date

EXHIBIT I
STATEMENT OF WORK

Montrose County Child Support Services shall provide the following services:

1. Enforcement of existing Court Orders related to child support, using all available remedies.
2. Establish Child Support orders on all new cases.
3. Establishment of Paternity when necessary.
4. Establishment of Parental Care Fees involving Foster Care Cases.
5. Monitoring caseload to ensure payment of current support due and repayment of unreimbursed public assistance, as well as arrears.
6. Be available to assist County Director with issues concerning child support.
7. Maintain all bookkeeping responsibilities pertaining to child support and foster care fees collected.

EXHIBIT II

AGREEMENT BUDGET

FOR PERIOD OF 01/01/2021 THROUGH 12/31/2021

Fees and Costs Schedule:

1. Base Monthly Payment: \$800.00
2. Number of months 12
3. In addition to the Base Monthly Payment, San Miguel County Department of Social Services will reimburse to Montrose County Child Support Services all costs incurred by Montrose County in the performance of the services under this agreement with the costs that are awarded to San Miguel by the court hearing child support enforcement cases and collected for services provided.
4. San Miguel County Department of Social Services will forward to Montrose County Child Support Services 100% of all State half share incentives received.

EXHIBIT III

PERFORMANCE STANDARDS

List standards of performance that are understood and expected to be performed by Montrose County Child Support Services. These are not intended to control or direct Montrose County Child Support Services, but only to define expectations.

1. All IV-D functions must be performed in accordance with the approved State Plan and all relevant Federal and State legislation and regulations.
2. The parties agree that Montrose County Child Support Services will administer all aspects of San Miguel County Department of Social Services' IV-D program in accordance with applicable Federal and State law.
3. Montrose County Child Support Services shall manage San Miguel County Department of Social Services' program and pursue its child support cases in a diligent and thorough manner.
4. Montrose County Child Support Services will endeavor to achieve the goals set forth in San Miguel County Department of Social Services' annual program plan.



AGENDA ITEM - 10.c.

TITLE:

Request for approval and authorization of Chair's signature on a Colorado Department of Human Services Certification of Compliance County Merit System Year 2021./MOTION

Presented by: Carol Friedrich, County Social Services Director

Time needed:

PREPARED BY:

RECOMMENDED ACTION/MOTION:

Approval of the Chair's signature as presented.

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description
2021 Certification Letter

Upload Date
1/15/2021

CDHS Certification of Compliance - Year 2021
County Personnel and Merit System

Each county merit system shall function under the following principles and requirements in order to be in compliance with Section 26-1-120(8), C.R.S., and 9 CCR 2502-1 Rule 2.200:

- A. The recruitment, selection, and advancement of employees shall be on the basis of relative abilities, knowledge, and skills, including open consideration of qualified applicants for initial appointment.
- B. The system shall provide equitable and adequate compensation.
- C. The employees shall be trained as needed to assure high quality of performance.
- D. The system shall provide for retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.
- E. The system shall assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, or disability and with proper regard for the privacy and constitutional rights of such persons as citizens. This fair treatment principle shall include compliance with all Federal equal opportunity and nondiscrimination laws.
- F. The system shall assure that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.

____San Miguel____ County certifies that it is in compliance with the above principles and criteria for the administration and operation of its County Personnel and Merit System for the reporting year 2021, and has a personnel system in place for the next calendar year to assure continuing compliance. The person signing below is authorized to undertake this certification.

The County Director is exempt from the County Merit System per the Transitional Plan submitted to the Colorado Department of Human Services. ☒ Yes ☐ No

By:

1/20/21

Signature

Date

Chair, San Miguel County BOCC, BOSS

Print Name

Title





AGENDA ITEM - 11.a.

TITLE:

Discussion on partnering with the Northwest Colorado Council of Governments and the Colorado Association of Ski Towns on a "Mountain Migration" research project.

Presented by: Mike Bordogna, County Manager

Time needed:

PREPARED BY:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

From: mbowes@coskitowns.com [mailto:mbowes@coskitowns.com]

Sent: Wednesday, January 13, 2021 3:52 PM

To: Todd Brown <tbrown@telluride-co.gov>; DeLanie Young <dyoung@telluride-co.gov>; rherzog@telluride-co.gov; Mike Bordogna <mikeb@sanmiguelcountycolorado.gov>

Cc: jstavney@nwccog.org; 'Wendy Sullivan' <wendy@wswconsult.com>; 'Rees Consulting, Inc.' <melanie@reesconsultinginc.com>

Subject: NWCCOG & CAST Mountain Migration Project and Call for Point Person

Hello Todd, Mayor Young, Ross and Mike,
(CC: Jon Stavney, Melanie Rees, Wendy Sullivan)

CAST is partnering with NWCCOG on a "Mountain Migration" research project. Most of you received the Scope of Work yesterday but it is attached here for your convenience.

We are seeking a point person for a project Work Group from either the Town of Telluride or San Miguel County. There will be opportunities for broader engagement, but we would like one designated point person to help provide research contacts, access to available information, survey instrument review, survey outreach support and assistance, and draft report review.

Attached is a Commitment Form (in Word and PDF formats) with a Purpose Statement, a list of Commitments (tasks), and a request for contact info for entities in your county with whom we would like to engage immediately with for the project to get it initiated in January. The point person could be an elected official who is very engaged in this issue or a knowledgeable staffer. Please return this form to Wendy Sullivan ASAP.

We are excited to embark on what we expect to be a very valuable project. Let me know if you have questions.

Best,

Margaret Bowes, Executive Director

Colorado Association of Ski Towns

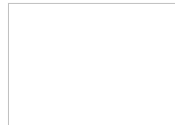
P.O. Box 3823

Dillon CO 80435

970-389-4347

mbowes@coskitowns.com

www.coskitowns.com



Attachments
area

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

Mountain Migration Project Scope of Work

Upload Date

1/14/2021



NWCCOG and CAST Research Project:

Mountain Migration – Are COVID Impacts on Housing and Services Here to Stay?

Overview

The below scope presents a research approach to help NWCCOG and the Colorado Association of Ski Towns (CAST) understand whether the observed COVID trend of households relocating from homes elsewhere to mountain communities or occupying their part-time mountain homes for more of the year is likely to have lasting impacts or if the trend is temporary. Impacts on the ownership market and rental inventory and prices will be included. The outcomes of this research will help communities understand the potential impact of COVID-driven changes and shifting service and infrastructure needs.

The research will be tailored to answer questions pertinent to the NWCCOG region and neighboring resort-based counties in the CAST network. The research will gather input from the full-time resident community, second homeowners (hereafter “part-time residents”) and new residents to help answer at least the following questions:

- Have part-time residents changed the amount of time they spend in the region and will that continue?
- Do part-time residents have plans to permanently relocate?
- How have relationships to the community changed, including contributions to community organizations and causes?
- Are residents working remotely, employed locally or retired?
- What are their respective community service needs (e.g., health care, child care, high speed internet, etc.) and what are their priorities?

Project Approach

Geography: The research will include a mix of NWCCOG counties and neighboring resort-based counties in the Colorado Association of Ski Towns (CAST) network:

- Eagle County
- Pitkin County
- Summit County
- Routt County
- Grand County
- San Miguel County

Representative Work Group: We will host a kick-off discussion with a work group consisting of a representative from each County involved in the project. Participant roles will include helping to provide contacts for interviews and information, provide relevant data that has been compiled, draft survey review, survey outreach contacts and assistance, and draft report review. We will provide each with a questionnaire to focus study needs.

Research: Research will include the following primary components:

- *Online survey:* distributed through various local outreach methods in each county with local assistance. The survey will be targeted to the full-time, part-time and new residents. We will understand respondent demographics, employment patterns, historic use of their property or visitation to the area, changes in property usage, respective COVID impacts on households (e.g. income, jobs), need for services and their relative importance.
- *Interviews and focus groups:* with property managers and Realtors from each county. The purpose is to gather housing market changes (prices, availability and competition), gain insights into change in unit use (eg. from long time to new resident, from short-term rental (STR) to full time) and understand new resident motivation, preferences and needs.
- *Other research:* to include available public data regarding trends. This will also include discussions with impacted service providers – e.g. schools, water districts – both for survey outreach assistance and impact analysis.

Deliverable: User-friendly report including:

- Introduction/statement of the problem
- Overview of migration impacts (ownership and rental housing and general magnitude of migration)
- Survey overview/analysis
- Key findings, observations and next steps
- Appendix with survey data output summary and open-ended comments

The report will focus on combined County results, but highlight significant differences where appropriate. Methodology and sources used will be clearly documented to ensure results are transparent.

Timeline and Process

We propose to begin mid-January 2021 and deliver a final report in mid-May. We propose to:

- Early January: begin with a project organizational meeting with the client to target project goals and focus the research accordingly.
- Mid-January: hold a work group kick-off meeting to orient participants to the study, understand key concerns and begin gathering contacts and information.
- February: release a draft survey for client review and input.
- March: field the survey in each County.
- End of April: release a draft report for client and work group review.
- Early/Mid-May: conference call to discuss draft report
- Mid/Late-May: release final report

Client responsibilities:

- Help recruit work group and participate in work group
- Assistance for survey outreach and related contacts
- Review draft report and help organize a conference call to answer questions and gather input for the final report
- Coordinate production of the final report into an attractive public release document.
This last item is not part of WSW/Rees scope or budget.

Proposed Budget

We propose a budget not to exceed \$40,000 for research covering the specified six-county area.



AGENDA ITEM - 11.b.

TITLE:

Potential Executive Session: Discussion and questions of the Attorney on a potential CVRF grant program, citation (4)(b).

Presented by: Mike Bordogna, County Manager

Time needed:

PREPARED BY:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 12.a.

TITLE:

3:00 pm Consideration and interview 3 applicants for the At-large position for the 5-Star committee.

Presented by: Kris Holstrom, Commissioner

Time needed: 30 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

A rubric will be submitted after the meeting for scoring interested parties.

INTRODUCTION/BACKGROUND:

See attached letters of interest.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description	Upload Date
At Large #1	1/11/2021
At Large #2	1/11/2021
At Large #3	1/11/2021

Saved without Personal Info as At-Large #1

Dear Commissioner Holstrom,

I would be interested in serving on the 5 Star Business Certification Committee.

I would like to serve on the committee as a service to the community and to help to ensure that the county can prioritize both its economic and public health. I am a political economist by training and my work focuses on economic development questions. Generally, I work on developing economies and oil exporters, but I am interested in doing more directly to address economic development in my own community.

I don't think I have a philosophy per se on the balance between economic and public health, but I do have a strong sense that the failures of the last year in rolling out reliable community testing, awareness and prioritizing of bars over schools has led the US to some poor policy choices. Our family has stayed in San Miguel precisely because schools have been open and have had good leadership. As a resort community, the tourism industry is also essential, but visitors need to understand their role in protecting the livelihoods of the service and tourism sectors. I would like to see more businesses open and to survive this year, including more indoor dining, but I also appreciate that in the period running up to full community vaccinations we face a strong resurgent virus that is more contagious than in previous months. I have had a first-hand experience with our local EMS and hospital system, as I suffered a heart attack just before Christmas. I was lucky that Telluride Fire Dept and EMS could reach my rural home and that their quick thinking and care got me to Montrose Hospital. At Montrose Hospital, I was released within a day because there were simply no beds to keep me overnight. That experience taught me how critical our health system is and how vulnerable it is to becoming overwhelmed.

I am able to commit to weekly meetings over the course of a month or more.

Thank you for your consideration.

Saved without personal info as At-Large #2

Please consider this email as my interest in occupying the 5 Star Committee vacant seat.

As a full-time resident of Mountain Village with an advanced degree in Epidemiology and Health Policy and Administration, I have spent most of my active business life using the methods of a scientist to assist varied entities in decision making. Understanding and identifying risk, quantifying them and then creating and using econometric models to predict risk has been at the core of my life's work. As a business executive with more than 35 years of experience with government and public/private companies, I have direct experience in crafting and helping to activate specific policy goals. In short, I'm rooted in data and evidence-based decision making but I'm also capable of communicating and selling policy.

My rationale for servicing in such a capacity is twofold: This is my community and I have a long term interest in its continued viability and success for myself, and for my children. In addition, I have the expertise and bandwidth to be of help and I would be remiss in not offering my service.

This particular position seems tailored for someone with my varied background which incorporates health care science, policy creation/implementation and the development of campaigns needed to attract allies that help ensure success.

Specifically and under the current conditions of this COVID pandemic, a careful and nuanced approach needs to be considered which attempts to both minimize actual health risk *and* economic disruption. I am very concerned that in an attempt to minimize all health risk to zero, we will undermine the long term economic viability of our neighbor's business and in turn, the long term viability of our area. At the same time, the corollary of ignoring all health risks to benefit business isn't workable either. Rather, a sober, rational and well defined goal must be negotiated wherever possible to achieve the shared goals we must embrace. Risk is always around us. Knowing how to properly quantify risk and live successfully within its borders is key.

Finally, there is likely no single solution that will satisfy each and every challenge we face. What may work in Telluride may not work in Norwood. It is more than likely that several interlocking strategies may be needed to craft a coherent and workable whole. Clearly and methodically understanding any challenge is a start. Overcoming it requires inventiveness, flexibility, adaptability and the ability to communicate clearly.

Thank you for your consideration.

Saved as At-Large #3

1. Name, business and/or affiliation, and general location that you live in the County I live in Norwood;

2. Why are you interested in serving on the committee in this role?

I previously served as an elected official in the municipal government São Paulo, Brazil, for 2 terms. Within that capacity for the 4 years I held office, we had to respond to 3 different epidemic outbreaks (Zika, Dengue, and Yellow Fever). As such, I have prior experience working in a public function, with public health considerations being dominant issues. I have reflected heavily on my time in public office in the context of epidemics due to COVID, and I continually give serious thought to the question of "did I (we) do enough to mitigate the impact on people's lives?" This opportunity is a chance for me to ensure that I continue to contribute my faculties, knowledge, and lived professional experience and do what's possible to mitigate the impact on people's lives. Moreover, as part of my master's degree in Political Economy and Economic Development, I studied epidemics and public policy, which is the ideal nexus that this committee is looking to address for San Miguel County.

3. Describe your philosophy on the balance between Public Health and Economic Health

A full, complex answer to this question requires multiple pages. In more simplistic terms, any philosophical approach on its own is meaningless. A philosophical approach must be guided by reason, research, and fact. My overall approach encompasses these facets so that I strive to remain rational and pragmatic. In essence, I'm guided more by the idea of "what works." There is a decent depth of COVID-19 research at this time to help make informed decisions on what works to reduce the transmission rate and what behaviors and practices will augment it. Moreover, I bring my past pragmatic experience dealing with epidemic outbreaks and an advanced academic study in the field to understand the dynamics within economics. It's imperative to understand that there is a mutual relationship between economics and public policy; the two domains depend and adapt to the other's influences. The same relationship directly applies to our current reality, where public health considerations of an epidemic carry significant ramifications for the region's economic health. To balance the impact on either requires adaptability, creativity, and forethought of the ramifications of public policy decisions.

4. Can you commit to participating in weekly meetings for a month or more?

I should be able to - it depends on the meetings' timing and balancing that with my work responsibilities. Meetings occurring outside regular business hours will not be an issue. If the meetings are occurring during the workday, I feel confident in my ability to contribute as long as I have advanced notice to block out the time in my calendar.



AGENDA ITEM - 13.a.

TITLE:

Executive Session: Discussion on the Matterhorn Mill Conveyance, citation (4)(b).

Presented by: Amy Markwell, County Attorney

Time needed:

PREPARED BY:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			