

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS MEETING
MINUTES**

Wednesday, October 20, 2021

Zoom.us

1) 9:30 a.m. CALL TO ORDER.

Present:

Lance Waring, Chair

Kris Holstrom, Vice Chair

Hilary Cooper, Commissioner

Staff Present:

Mike Bordogna, County Manager

Amy Markwell, County Attorney

Nancy Hrupcin, Legal Assistant

Carmen Warfield, Chief Deputy Clerk

2) REVIEW OF AGENDA

3) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

4) CONSENT AGENDA

- 4.a) Approval of Minutes: September 1, 2021, September 15, 2021, and September 22, 2021.

(ATTACHMENT - 20210901-BOCC-Minutes-Draft-Corrected.pdf)

(ATTACHMENT - 20210915-BOCC-Minutes-Draft-Corrected.pdf)

(ATTACHMENT - 20210922-BOCC-Minutes-Draft-Corrected.pdf)

- 4.b) Ratification of Chair's signature on the Letter of Support for the Lone Cone Ditch Repair.

(ATTACHMENT - LCDRC-Conceptual Sketches 092821.pdf)

(ATTACHMENT - LCDRC-Cost Estimates Exhibit B 092821.pdf)

(ATTACHMENT - LCDRC-SW Roundtable Exhibit A SOW 092821.pdf)

(ATTACHMENT - Letter of Support for the Lone Cone Ditch and Reservoir Company.pdf)

- 4.c) Approval of the reappointment of Cheryl Miller to the Early Childhood Advisory Panel for a one-year appointment.

(ATTACHMENT - BOCC Approval of Cheryl Miller_ECAP seat 2021.pdf)

MOTION by Kris Holstrom to approve as presented. **SECONDED** by Hilary Cooper.
PASSED 3-0.

5) ADMINISTRATIVE MATTERS

- 5.a) Discussion and overview of the Southwest Basin Round Table - Basin Information Plan (BIP).

Presented by: April Montgomery, Southwest Basin Round table

9:55 a.m. Recessed.

10:00 a.m. Reconvened.

6) **PLANNING MATTERS**

- 6.a) 10:00 am PUBLIC HEARING: Consideration of a Subdivision Exemption for the vacation of lot lines between Lot 16 and Lot 17, Gurley Lake Ranch Subdivision/MOTION

(ATTACHMENT - BOCC Staff Report & Packet Materials Lots 16&17 Gurley Lake Ranches 10.20.21.pdf)

Presented by: John Huebner, Senior Planner; Kaye Simonson, Planning Director; Joseph Solomon, addressing the Well permit for parcels; Attorney for the Applicant

10:00 a.m. Chair Opened the Public Hearing.

10:24 a.m. Chair Closed the Public Hearing.

MOTION by Hilary Cooper to continue the Public Hearing to 10/27/2021. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- 6.b) Discussion regarding the Employee Housing Residential Impact Fee.

(ATTACHMENT - BOCC Packet Affordable Housing Residential Impact Fee update 10.20.21.pdf)

Presented by: John Huebner, Senior Planner; Kaye Simonson, Director of Planning

Note: To continue to November 3, 2021, board meeting.

- 6.c) Continued from 10/13/2021 - Consideration of extending the Moratorium on termination of deed restrictions for Accessory Dwelling Units./MOTION

(ATTACHMENT - BOCC.Res.2021-35 EXTEND.moratorium.ADU.pdf)

Presented by: Kaye Simonson, Planning Director

MOTION by Hilary Cooper to approve as presented. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT I - Resolution 2021-35)

7) **ADMINISTRATIVE MATTERS, Continued**

- 7.a) Consideration of a letter of intent regarding the Norwood Rural Homes request through the Division of Local Affairs-Housing fund - 1271. /MOTION

Presented by: David Bruce, Telluride Foundation

Note: Continue to next week for final approval

8) **PARKS AND OPEN SPACE MATTERS**

- 8.a) Status update on the Payment for ecosystem services (PES) program.

Presented by: Janet Kask, Parks and Open Space Director; Chris Hazen, PES Program for San Miguel County

- 8.b) Late Addition: Consideration of Chair's signature on the approval of the Extended contract to The Terra Firm, Inc., for the Administration of the County's Colorado Water Conservation Board (CWCB) grant.

(ATTACHMENT - Contract The Terra Firm, Inc..pdf)

MOTION by Hilary Cooper to approve as presented. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

9) **Lunch**

12:14 p.m. Recessed.
12:45 p.m. Reconvened.

10) **PUBLIC HEALTH AND ENVIRONMENT**

10.a) Recognize our county COVID volunteers.

Presented by: Grace Franklin, Public Health Director; Mike Bordogna, County Manager

MOTION by Kris Holstrom to approve the Proclamation 2021-008 recognizing the COVID County Volunteers. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

(ATTACHMENT II - Proclamation 2021-008)

10.b) Update with Public Health.

Presented by: Grace Franklin, Public Health Director

Public Who Addressed the Board:
Greg Craig, County resident
Dr Jeffrey Kocher, County resident

7.b) Presentation of the new redistricting story map.

Presented by: Heather Widlund, GIS Coordinator

Board Consensus: To continue moving forward with the November 10, 2021, as the Public Hearing and adoption on December 15, 2021.

Item Pulled. 7.c) Consideration of adding San Miguel County to the "Just Transitions Office Community Fund Proposal" comment letter./MOTION

(ATTACHMENT - OJT Government Leader Letter 10112021.docx)

(ATTACHMENT - OJT Guidance for Public Comment.final.v2.pdf)

11) **NATURAL RESOURCES AND SPECIAL PROJECTS**

11.a) Update on the Gunnison Sage Grouse.

Presented by: Starr Jamison, NRSP Director

11.b) Update on the Travel Analysis Process (Tap) II.

Presented by: Starr Jamison, NRSP Director

12) **MANAGER MATTERS/Mike Bordogna**

12.a) Request for staff direction on the 2022 EcoAction Partners Agreement for Regional and San Miguel County Services.

Presented by: Mike Bordogna, County Manager; Emma Gerona, EcoAction Program

(ATTACHMENT - 2022 SMC and EcoAction Contract for Services - draft 10_14_21.pdf)

MOTION by Hilary Cooper to approve. **SECONDED** by Lance Waring. **PASSED 2-1.** (Hilary Cooper opposed.)

Other, as needed:

2022 Preliminary Budget is available online and located in our Telluride and Norwood offices
Employer's Council series
Region 9.5
Economic Recovery Committee
CSU Extension Office Meeting/Full Time 4-h program coordinator will be hired to fill the position that is open.
Update on the Employee Performance evaluation document
Meeting with Paradox Mining due to payment of the past taxes that have not been paid
Update on the Applebaugh Bridge
The Road and Bridge Director will be fixing the Airport road that comes out on the Highway due to the large ruts.
Meeting with the Telluride Medical Center representatives
BOCC and the Planning Commission met on the Affordable Housing layer

13) **COMMISSIONER UPDATES:**

Kris Holstrom - Region 9.5, SMART Board Meeting, Economic Recovery Committee, Carbon Draw Down/Carbon Sequester call
Lance Waring - SMART Board Meeting
Hilary Cooper - Update on the CTSI Legislative Priorities', Weed Management call, WIR Conference in Utah, COVID State Call, Dolores NCA

3:08 p.m. Recessed.

3:15 p.m. Reconvened.

14) **ATTORNEY MATTERS**

- 14.a) Consideration of Chair's signature on additional Colorado Opioid Settlement documents./MOTION

(ATTACHMENT - 1 Colorado Opioid MOU.pdf)

(ATTACHMENT - 2 Colorado Opioid MOU Summary.pdf)

(ATTACHMENT - 3 Colorado Opioid MOU FAQ.pdf)

(ATTACHMENT - 4 Johnson & Johnson - Janssen Opioid Settlement Participation Form.pdf)

(ATTACHMENT - 5 Distributor Opioid Settlement Participation Form.pdf)

(ATTACHMENT - 6 Local Government Opioid Escrow Agreement.pdf)

Presented by: Amy Markwell, County Attorney

MOTION by Hilary Cooper to approve the Chair's signature on the additional Colorado Opioid Settlement documents. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- 14.b) Consideration of the Chair's signature on the Southwestern Colorado Opioid Regional Council Intergovernmental Agreement and appointing the County's two voting members to the Council./MOTION

(ATTACHMENT - SWCORC IGA. FINAL. 9-20-2021 (1).pdf)

(ATTACHMENT - SWSORC bylaws.FINAL.pdf)

Presented by: Amy Markwell, County Attorney

MOTION by Kris Holstrom to approve the Chair's signature on the Southwestern Colorado Opioid Regional Council Intergovernmental Agreement.

SECONDED by Hilary Cooper. **PASSED 3-0.**

MOTION by Kris Holstrom to approve the appointment of Commissioner Hilary Cooper and Sheriff Bill Masters to the Regional Council as the County's two Voting Members. **SECONDED** by Lance Waring. **PASSED 3-0.**

- 14.c) Potential Executive Session with staff on interdepartmental communications (4)(f).

Presented by: Amy Markwell, County Attorney; Ryan Righetti, County Road and Bridge Superintendent; Kaye Simonson, Planning Director

MOTION by Hilary Cooper to go into executive session to discuss with staff on interdepartmental communications (4)(f). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

3:24 p.m. Recessed.
4:50 p.m. Reconvened.

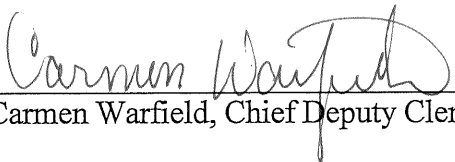
MOTION by Hilary Cooper to come out of executive session only discussion the one item it stated. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

15) **ADJOURNMENT**

MOTION by Kris Holstrom to adjourn. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

4:51 p.m. Adjourned.

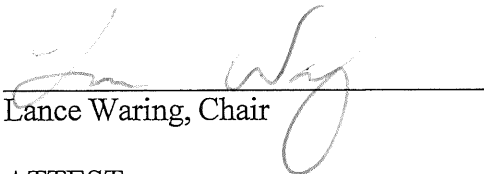
Respectfully submitted,


Carmen Warfield, Chief Deputy Clerk

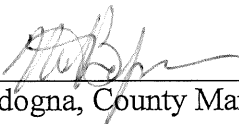


Approved December 15, 2021.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS MEETING


Lance Waring, Chair

ATTEST:


Mike Bordogna, County Manager

These minutes summarize the final decision made by the Board at the referenced meeting. This meeting was also audio recorded and that recording is available for review. In the event there is confusion as to what the final decision of the Board is, the Board will rely on the audio tape to interpret the Board's intent. The audio tape shall act as an official record of these proceedings for any necessary purpose when, in the opinion of the Board, the minutes are in any way insufficient. An audio copy of the Board of County Commissioners' proceedings is available on the website at <https://www.sanmiguelcountyco.gov/661/Agendas-and-Minutes> or by contacting the Deputy Clerk to the Board.

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO CONCERNING EXTENDING THE
EMERGENCY TEMPORARY MORATORIUM PROHIBITING THE
TERMINATION OF DEED RESTRICTIONS FOR ACCESSORY DWELLING
UNITS ON LOTS OR PARCELS LOCATED IN ALL ZONE DISTRICTS
WITHIN UNINCORPORATED
SAN MIGUEL COUNTY, COLORADO**

Resolution #2021 - 35

RECITALS

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, (“BOCC”) adopted Resolution #2020-28 at its meeting on October 21, 2020, placing an emergency temporary moratorium on the termination of existing deed restrictions on Accessory Dwelling Units (“ADUs”), within all zone districts of unincorporated San Miguel County, as listed in the San Miguel County Land Use Code (“LUC”) Section 5-201 General A. through T, and further described in Section 5-3, Zone District Standards; and

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, (“BOCC”) extended the emergency temporary moratorium on April 21, 2021, with Resolution #2021-14 until October 21, 2021; and

WHEREAS, San Miguel County, Colorado (the “County”) has the authority to regulate the use and development of land located within the County pursuant to the Colorado Constitution and the Colorado Revised Statutes (“C.R.S.”); and

WHEREAS, in connection with its regulation of the use of land located within its unincorporated area, the County has the legal authority to enact an emergency temporary moratorium on land development as part of its inherent police and planning powers, including, but not limited to, its authority under the Local Government Land Use Control Enabling Act of 1974, Title 29, Article 20, Part 1, when necessary for the immediate preservation of public health, safety, and welfare; and

WHEREAS, pursuant to C.R.S. § 30-28-121, the BOCC may promulgate and extend a temporary moratorium not to exceed six months, by resolution and without a public hearing, prohibiting or regulating in any part of or all of the unincorporated territory of the county structures used or to be used for any business, residential, industrial or commercial purpose; and

WHEREAS, BOCC Resolution 1994-2 amended the LUC to require principal dwelling units of a certain size that were being constructed to include an ADU. Alternatively, property owners could choose to pay a fee instead of constructing the ADU. Furthermore, the LUC required all ADUs that were constructed, regardless of the principal dwelling unit size and whether the construction of the ADU was voluntary or

mandatory, to be deed-restricted. The ADU Deed Restriction specified, “The use and occupancy of the Accessory Dwelling Unit is hereby limited exclusively to Employees who earn their incomes primarily with the Telluride R-1 School District, and their immediate family members. 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.” The ADU Deed Restrictions were recorded on the title of each subject property as an exhibit to the most recent deed; and

WHEREAS, the deed restriction expressly reserves to the County the right to Terminate each Deed Restriction upon recording a Termination Agreement; and

WHEREAS, BOCC Resolution 2007-11 amended the LUC to eliminate the requirement for deed restrictions for ADUs and adopted Section 5-1303 G. Employee Housing Impact Fee/Mitigation, which established a fee per square foot for new construction, additions, and changes in use in order to mitigate employee housing impacts; and

WHEREAS, there is no procedure set forth in Land Use Code Section 5-1303 regarding the termination of deed restrictions on existing Accessory Dwelling Units; and

WHEREAS, County Planning Staff has informed the BOCC that it has received multiple inquiries regarding terminating the deed restrictions for these ADUs in the past several years within areas of the County; and

WHEREAS, the BOCC does hereby find and determine that the possibility of terminating the deed restrictions on these Accessory Dwelling Units is reducing the already limited affordable housing available in the area and has created an emergency situation within these areas and zone districts that warrants the adoption of an emergency temporary moratorium on the termination of deed restrictions on ADUs located within the unincorporated County; and

WHEREAS, there are forty-five (45) such deed restrictions in existence, but some of the required units were never built, are unoccupied, or are not being used by qualified deed restricted occupants, and the County would like to accurately determine the status of all deed-restricted ADUs; and

WHEREAS, the primary purpose for enacting an emergency temporary moratorium on the acceptance, processing or approval of the termination of existing deed restrictions on ADUs is to provide the County sufficient time to develop and promulgate amendments to LUC Section 5-1303 and other sections of the Land Use Code, as necessary, pertaining to the Deed Restricted Accessory Dwelling Units, which requires a review and recommendation by the County Planning Commission and a duly noticed BOCC public hearing. The intent of the new LUC provisions prepared and implemented during the moratorium period is to establish an improved process and standards for consideration of requests for termination of deed restrictions that are consistent with the County’s Affordable Housing Regulations; and

WHEREAS, Resolution #2021-14 expires at 11:59 p.m. on October 21, 2021, unless confirmed and renewed by the BOCC following a duly noticed regular or special meeting for an additional period of up to six months before its expiration; provided, however, that should the Board consider LUC amendments that are intended to provide adequate standards before the moratorium expiration date, the moratorium shall expire effective upon the Board’s final action regarding such LUC amendments; and

WHEREAS, County Planning Staff initially estimated that the development and implementation of such revisions to the LUC regarding deed restricted ADUs should be completed within approximately four to six months; and

WHEREAS, since the Moratorium, County Planning Staff has been collaborating with the San Miguel Regional Housing Authority to research, review and verify the status of the existing ADU’s and need additional time for the development and implementation of such revisions to the LUC regarding deed restricted ADUs; and

WHEREAS, with the increasing need for workforce housing, it is a priority to maintain as many deed restricted dwellings as possible; and

WHEREAS, the BOCC does hereby find and determine that an extension of the emergency temporary moratorium on the termination of ADU deed restrictions within all zone districts is necessary for the immediate preservation and protection of the public health, safety and welfare of the citizens of San Miguel County.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Effective immediately upon the adoption of this Resolution, the San Miguel County Planning Department and all other County Departments, are prohibited from conducting pre-application conferences, accepting, processing, and/or approving land use development applications, special use permit applications, and/or development permits, building permit applications and/or permits, and/or any applications for the termination of ADU deed restrictions in any and all zone districts of unincorporated San Miguel County.
2. The extended temporary emergency moratorium enacted according to this Resolution shall expire at 11:59 p.m. on April 21, 2022, unless confirmed and renewed by the BOCC following a duly noticed regular or special meeting for an additional time period of up to six months before its expiration; provided, however, that should the Board consider LUC amendments that are intended to provide adequate standards before the moratorium expiration date, the moratorium shall expire effective upon the Board’s final action regarding such LUC amendments.
3. This emergency temporary moratorium does not amend the Land Use Code, which shall remain in full force and effect. In the event of any

conflict(s) between this emergency temporary moratorium and the Land Use Code, the provisions of this moratorium shall control and supersede any conflicting provisions in the Land Use Code.

4. If any one or more section or provisions of this Resolution shall be adjudged by a Court of competent jurisdiction to be legally unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the County’s intention that the various provisions set forth herein are severable.

DONE AND APPROVED by the San Miguel County Board of Commissioners on October 20, 2021, at a regular meeting held at Telluride, CO.

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

DocuSigned by:
By: Lance Waring
F8BF64194B38430...
Lance Waring, Chair

VOTE:

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

ATTEST:

DocuSigned by:
By: Carmen Warfield
BE2AF6C99C63498...
Carmen Warfield, Chief Deputy Clerk



PROCLAMATION OF THE BOARD OF COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO,
Acknowledging and Appreciation of Public Health Advisory Volunteers during COVID-19

Proclamation #2021 - 008

Whereas, Joel Lee, Elizabeth Regan, Jeff Kocher, Greg Craig, Thomas Preston, and Eileen Barrett have been serving on an advisory group for San Miguel County Public Health since August 2020; and

Whereas, members of this group were instrumental in implementing multiple COVID response programs, including the CO2 monitoring program, COVID wastewater data, ventilation consultation, messaging and communications, and data analysis; and

Whereas, their public health and healthcare expertise is nationally renowned and they have shown a strong commitment to the health of the county.

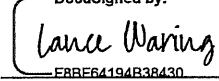
Whereas, their contributions to the San Miguel County COVID response have been significant; and

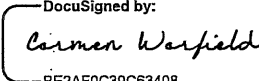
Whereas, the advisory group continues to support public health approaches to meet and exceed national and statewide standards for social determinants of health and public health best practices;

NOW THEREFORE BE IT RESOLVED *the citizens of San Miguel County would like to thank and appreciate* Joel Lee, Elizabeth Regan, Jeff Kocher, Greg Craig, Thomas Preston, and Eileen Barrett for their volunteer work with Public Health and commend them for their work above and beyond the call of duty.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, at a duly noticed public meeting held in Telluride, Colorado, on October 20, 2021.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

DocuSigned by:

F8BFE64194B38430
Lance Waring, Chair

ATTEST:
DocuSigned by:

6E2AE0C39C63408
Carmen L. Warfield, Chief Deputy Clerk to the Board



VOTE:

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