

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES**

Wednesday, December 8, 2021

Held at Zoom.us

1) Roll Call

Presented by:

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) 9:31 a.m. CALL TO ORDER.

3) REVIEW OF AGENDA

4) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

5) CONSENT AGENDA

- 5.a) Ratification of Chair's signature on a extension request to the Colorado Department of Local Affairs DOLA RENW Contract EIAF#9226 grant until June 30, 2022.

(ATTACHMENT - DOLA RENW Extension Request.pdf)

- 5.b) Approval of Minutes: September 29, 2021 and October 13, 2021.

(ATTACHMENT - 20210929-BOCC-Minutes-Draft.pdf)

(ATTACHMENT - 20211013-BOCC-Minutes-Draft.pdf)

- 5.c) Approval of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Amanda Singer, Lot 316-3, Lawson Hill Subdivision/PUD.

(ATTACHMENT - Deed Restriction Singer.pdf)

MOTION by Hilary Cooper to approve the consent agenda with item 5.d. pulled to be discussed later in the meeting. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

6) ADMINISTRATIVE MATTERS

- 6.a) 9:35 a.m. PUBLIC HEARING: Presentation of the 2022 Budget.

(ATTACHMENT - Final Budget 2022.pdf)

9:37 a.m. The Chair opened the Public hearing.

10:12 a.m. The Chair closed the Public hearing.

Presented by: Mike Bordogna, County Manager; Ramona Rummel, Finance Director; Paige Starks, Finance Dept.

12.a) Update and other as needed.

7) PLANNING MATTERS - This is a joint meeting with the Planning Commission and the Board of County Commissioners.

- 7.a) 10:00 a.m. Public Hearing: Consideration by the Planning Commission of an amendment to the San Miguel County Comprehensive Development Plan regarding goals and objectives related to housing/MOTION

(ATTACHMENT - CPC Packet MP Amendment Housing REVISED 120821.pdf)

10:13 a.m. The Chair opened the joint Public Hearing.

10:41 a.m. The Chair closed the joint Public Hearing.

Presented by: Kaye Simonson, Director of Planning; Lance Waring, Chair of the Board of County Commissioners; Lee Taylor, Chair of the Planning Commission

Attendees from the Board of County Commissioners - all members; Planning Commission all attendees except for Ian Bald; Toby Brown will vote as the alternate in Ian Bald's seat.

Planning Commission Motion:

MOTION by Joselin Lifton-Zoline to adopt the Planning Commission Resolution 2021-08, approving the Amendments to the San Miguel County Comprehensive Development Plan regarding Housing, based on the finding that the proposed amendment complies with the statutory powers of the County Planning Commission to make and adopt Land Use Plans within all or any part of the unincorporated territory of San Miguel County; that it implements the Policies of the Land Use Code, including Section 2-1 and Section 2-29; that it meets Land Use Code Section 3-5; and C.R.S. Section 30-28-106 et seq.; and that it implements the policies of San Miguel County regarding housing, and protects the public health, safety and welfare of San Miguel County by providing mechanisms to increase available housing for people who live and work within the County, ensures community is protected, and helps the residential communities within the County continue to be viable. I further move to certify the adoption of the Master Plan amendment to the Board of Commissioners and accept the edits as presented at our meeting on December 8, 2021. **SECONDED** by Tobin Brown. **PASSED 5-0.**

10:45 a.m. Recessed.

10:50 a.m. Reconvened.

- 7.b) Planning Commission: Consideration and recommendation to the Board of County Commissioners regarding a proposed amendment to the Land Use Code, adopting Section 5-324 Community Housing, with associated amendments to Section 5-1803, Rezoning, and Article 6, Definitions

Board of County Commissioners: Consideration of a proposed amendment to the Land Use Code, adopting Section 5-324 Community Housing, with associated amendments to Section 5-1803, Rezoning, and Article 6, Definitions

(ATTACHMENT - BOCC CPC Packet LUC Amendment Community Housing 120821.pdf)

10:52 a.m. Chair Opened the Public Hearing.

12:32 p.m. Chair Closed the Public Hearing.

Public Who Addressed the Boards:
Douglas Tooley

Presented by: Kaye Simonson, Director of Planning

Planning Commission Motion:

MOTION by Tobin Brown to recommend the Board of County Commissioners approve the Land Use Code Amendment to create Section 5-324 Community Housing Zone District, with associated amendments to LUC Section 5-1803 Rezoning and Article 6 Definitions, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, and implements the Land Use Code Policies for Housing as contained in Section 2-29 and as amended on December 8, 2021. **SECONDED** by MJ Schillaci. **PASSED 5-0.**

Board of County Commissioner Motion:

MOTION by Hilary Cooper to adopt Resolution 2021-38 amending the San Miguel County Land Use Code to add Section 5-324, Community Housing, with associated amendments to LUC Section 5-1803, Rezoning and Article 6, Definitions, based on the finding that the proposed amendment complies with the statutory powers of the Board of County Commissioners to regulate land use within all or any part of the unincorporated territory of San Miguel County and the standards of Land Use Code Section 1-4, Purposes of the Land Use Code, in that it implements the policies of San Miguel County regarding housing, simplifies the application and review process, and protects the public health, safety and welfare of San Miguel County; and implements the Land Use Policies for Housing as contained in LUC Section 2-29, by providing mechanisms to increase available housing for people who live and work within the County, ensures community character is protected, and helps the residential communities within the County continue to be viable and if there are any other changes that were made or recommended by the Planning Commission those will be part of this motion as well. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT I - Resolution 2021-038)

- 7.c) Consideration by the Board of a Resolution Authorizing Compensation for the Board of Adjustment/MOTION

(ATTACHMENT - BOCC Resolution 2021- 40 Compensation.pdf)

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

(ATTACHMENT II - Resolution 2021-40)

- 11) **Lunch**

12:41 p.m. Recessed.

12:46 p.m. Reconvened.

- 12) **PUBLIC HEALTH AND ENVIRONMENT**

Presented by: Grace Franklin, Director of Public Health

Public Who Addressed the Board:

Greg Craig, County resident

Dr. Kocher, County resident

Douglas Tooley, County resident

ADMINISTRATIVE MATTERS - Continued.

Update with Colorado Parks and Wildlife.

Presented by: Rachel Sralla, Colorado Parks and Wildlife

8) NATURAL RESOURCES AND SPECIAL PROJECTS

9) ADMINISTRATIVE MATTERS, Continued

- 9.a) Consideration of a Resolution 2021-39 adopting the Emergency Operations Plan for San Miguel County, Colorado./MOTION

(ATTACHMENT - EOP Adoption Resolution 11.24.2021 updated version from Jennifer 11.30.21.pdf)

(ATTACHMENT - San Miguel County FINAL EOP ADOPTED 12.8.2021.pdf)

Presented by: Jennifer Dinsmore, Chief Administrative Officer

MOTION by Hilary Cooper to approve the Resolution with the changes made as discussed. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT III - Resolution 2021-39)

14) PARKS AND OPEN SPACE MATTERS

- 14.a) Consideration of approval of John Humphries to the Weed Advisory Board./MOTION

(ATTACHMENT - John Humphries - Weed advisory board_Redacted.pdf)

Presented by: Janet Kask, Parks and Open Space Director; John Humphries, request for appointment; Julie Kolb, Weed Manager

MOTION by Hilary Cooper to approve the appointment of John Humphries to the Weed Advisory Board. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- 14.b) Update on the 2021 Alpine Ranger Program.

(ATTACHMENT - 2021 Alpine Field Ranger Program Annual Report (1).pdf)

Presented by: Dan Gardunio and Julie Jackson, USFS

13) MANAGER MATTERS/Mike Bordgona

Presented by: Mike Bordgona, County Manager
Update on new hires and available jobs within the County
Update on the Lodging Tax Panel and noted the two resignations from the panel
Update on the Avalanche Mitigation Project
San Miguel Regional Housing Authority is advertising for a Director
Upcoming SMART Meeting

- 5.d) Approval of Chair's signature as the San Miguel County Housing Authority on the Exception Agreement and the Project Developer Agreement with Martin J. McKinley and concerning The Woods at Lawson Hill, Lot 320 A and B.

(ATTACHMENT - Exception_Agreement_McKinleyLot320AB.pdf)

(ATTACHMENT - ProjDeveloper Agreement County Lot320AB.pdf)

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

15) COMMISSIONER UPDATES:

Lance Waring - Nothing to report
Kris Holstrom - Lodging Tax Panel, WEEDC - funding for Gurley Repair, Telluride Foundation, Colorado Enhancement of working lands coalition, Regenerative Recovery Call, CCI Conference, Region 10, Sponsor of the Western Soil Health of \$250.00 for 2022 supported by staff.
Hilary Cooper - CCI Conference, Dolores NCA Meeting, Tour of the Wild Horse Sanctuary

16) ATTORNEY MATTERS

- 16.a) Consideration of a county position supporting the Town of Telluride and Town of Mountain Village in a non-hunting area on the "wedge" near the Valley Floor./MOTION

(ATTACHMENT - 2009 Letter to the USFS and CPW.pdf)

(ATTACHMENT - Dec.2021.draft.ltr.USFS.CPW.on.TOT.letterhead (1).docx)

(ATTACHMENT - Map of the Wedge.png)

(ATTACHMENT - ToT.12.7.2021.Request for Hunting Restriction on Wedge.pdf)

Board Consensus to have one board member attend the Town of Telluride meeting in support of their concerns.

Other:

Update on the Paradox Oil and Gas Tax Payment Plan

- 16.b) Executive Session: Discussion on developing a position regarding negotiating strategies 4(e).

MOTION by Kris Holstrom to go into executive session to discuss developing a position regarding negotiating strategies 4(e). **SECONDED** by Hilary Cooper. **PASSED 3-0.**

3:34 p.m. Recessed.

4:26 p.m. Reconvened.

Board advised to continue with the negotiations.

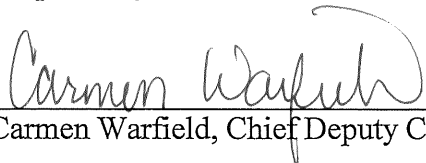
MOTION by Kris Holstrom to come out of executive session. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

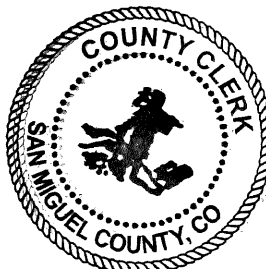
17) **ADJOURNMENT**

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

4:27 p.m. Adjourned.

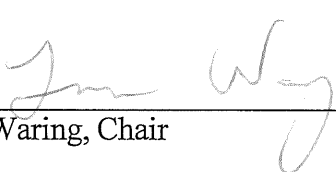
Respectfully submitted,


Carmen Warfield, Chief Deputy Clerk

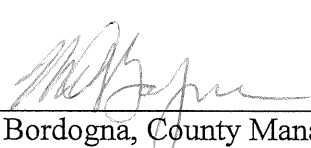


Approved February 16, 2022.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS


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,
SAN MIGUEL COUNTY, COLORADO,
APPROVING AN AMENDMENT TO THE LAND USE CODE ADDING SECTION 5-324
COMMUNITY HOUSING (CH) ZONE DISTRICT WITH ASSOCIATED
AMENDMENTS**

Resolution 2021-038

WHEREAS, based on the 2018 San Miguel County Housing Needs Assessment, the need for additional community housing is critical, with an estimated shortage of 441 units at the time of the study, and a projected shortage of an additional 325 units by 2026; and

WHEREAS, the 2019 report, The Impacts of Workforce Housing on the Telluride Area Economy and Community, done by the Trust for Community Housing, identified the importance of deed restricted housing for retaining essential workers, emergency service workers and those who support the local economy, and having workers close to their jobs as critical for maintaining the economy and the community; and

WHEREAS, it is imperative to meet the housing needs of people who work in San Miguel County, in order to preserve community and ensure the County continues to be a viable residential community with a stable resident workforce; and

WHEREAS, the lack of community housing is leading to overcrowding in current units and excessive commuting, which increases carbon emissions; and

WHEREAS, the lack of affordable housing for permanent and seasonal residents is resulting in difficulties in finding and retaining workers, thus impacting local businesses; and

WHEREAS, local real estate sales and rental trends due to the COVID pandemic have resulted in significant displacement of local renters, further exacerbating the availability of affordable housing in San Miguel County; and

WHEREAS, the lack of community housing close to employment centers requires significant other expenditures on transit, parking, roads, law enforcement and other county and local government services; and

WHEREAS, streamlining the permitting process, removing regulatory barriers, and facilitating higher density residential development will help to further San Miguel County's Housing goals and policies and encourage the construction of workforce and community housing; and

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado (BOCC) has a legitimate interest in ensuring adequate community housing exists for the above mentioned reasons; and

WHEREAS, C.R.S. § 30-28-102, as amended, authorizes the BOCC to provide for the physical development of the unincorporated territory within the County and for the zoning of all or any part of such unincorporated territory subject to other statutory provisions; and

WHEREAS, C.R.S. § 30-28-111, as amended, grants authority to the County Planning Commission (CPC) to create a zoning plan for zoning all or any part of the unincorporated territory within the County, to include but not limited to, recommendations for the regulation by districts or zones of the location, height, bulk, and size of buildings and other structures, percentage of lot which may be occupied, the density and distribution of population, the location and use of buildings and structures residence, or other purposes; and

WHEREAS, Governor Polis signed House Bill 21-1117 into law on May 28, 2021, which amended C.R.S. § 29-20-104, adding (1)(e.5) and (1)(e.7) encouraging local governments to increase the overall number and density of housing units within its jurisdictional boundaries or to promote or create incentives to the construction of affordable housing units by adopting changes to its zoning or land use policies to increase the number of housing units allowed on a particular site, and/or permitting more than one dwelling unit per lot in traditional single-family lots, and/or promoting denser housing development near transit stations and places of employment, and/or grant reduced parking requirements to residential or mixed-use developments that include housing near transit stations or affordable housing developments, and/or grant density bonuses to development projects that incorporate affordable housing units; and

WHEREAS, at the direction of the Board of County Commissioners, the Planning Director has prepared a draft Land Use Code (LUC) Amendment, creating Section 5-324, Community Housing Zone District, with associated amendments to LUC Section 5-1803, Rezoning, and Article 6, Definitions; and

WHEREAS, the draft amendment was referred to the County Attorney; County Manager; County Building Official; County Road and Bridge Director; County Sheriff; County Parks and Open Space Director; County Site Inspector; County Road and Bridge Director; County Building Official; San Miguel Regional Housing Authority; Town of Telluride; Town of Mountain Village; Town of Sawpit; Town of Ophir; Town of Norwood; Telluride Fire Protection District; and Colorado Division of Water Resources; and

WHEREAS, the draft LUC Amendment was discussed within joint work sessions by the CPC and the BOCC on October 11, November 4 and November 17, 2021, with direction given to staff regarding the proposed amendment; and

WHEREAS, at a joint meeting with the BOCC held on Wednesday, December 8, 2021, following its consideration of the proposed LUC Amendment, the CPC unanimously recommended approval of the Land Use Code Amendment; and

WHEREAS, in making its recommendation to the Board of County Commissioners, the CPC made the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, is consistent with Land Use Code Section 1-4,

Purposes of the Land Use Code, and implements the Land Use Code Policies for Housing as contained in Section 2-29; and

WHEREAS, a Public Hearing Notice for the proposed Land Use Code Amendment and the Board of County Commissioners meeting to be held on December 8, 2021 was published in the Norwood Post and the Telluride Daily Planet on November 24, 2021; and

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

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this Land Use Code amendment, along with relevant evidence and testimony, at a public hearing on Wednesday, December 8, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves and adopts the amendments to San Miguel County Land Use Code, adding Section 5-324 Community Housing (CH) as a new zone district:

5-324 COMMUNITY HOUSING (CH)

5-324 A. Purpose

The purpose of the Community Housing zone district is to provide for the development of high-density, clustered housing for people who live and work within San Miguel County. Housing may be in attached or detached single-family homes, duplexes, multi-family buildings, or rooming houses. Development may also include alternative living units such as spaces for RVs, tiny homes or yurts. Dwelling units shall be subject to the County's R-1 Housing Deed Restriction (see Section 5-1304 and 5-1305), unless free-market units are allowed within the development.

Properties that may be considered for rezoning to the Community Housing (CH) zone district shall be located within the Telluride R-1 School District boundaries. Zone districts that are most appropriate for rezoning to CH are those that can be served by municipal water, including Low Density (LD), Low Density Residential (LDR), Medium Density (MD), and High Density (HD). The Forestry, Agriculture, and Open (F) zone district may be considered where water can be developed. Properties that are zoned High Country Area (HCA) or Rangeland Grazing (RG) shall not be considered for rezoning to CH. The maximum density of twenty (20) units per acre may be higher than that found in surrounding areas. **It is the position of the County that housing for people who live and work in the local communities is a high priority. When rezoning land to the CH zone district, the higher density that may be achieved in that zone shall not be considered incompatible with surrounding land uses, neighborhood characteristics or community character.**

Clustered development is encouraged to maintain open space, to be efficient in design and construction of infrastructure, and to mitigate impacts on adjacent properties. Recreational, civic and public uses may be part of the development where appropriate. All development shall include appropriate guarantees for the protection of public health, safety and welfare, which shall include,

but are not limited to, provision of water and wastewater treatment; mitigation of geohazards; site access; and any other applicable site-specific considerations.

All development in the Community Housing zone district is encouraged to include energy efficient design and alternative energy generation such as solar power. Net zero development – producing enough energy through the use of measures such as solar panels, passive design, and other means to offset the energy consumed on an annual basis – is strongly encouraged. Sites that are not suited to net-zero development should strive to be as energy efficient as possible, through design, construction, and building systems.

5-324 B. Uses Allowed by Right

- I. Customary residential accessory buildings and uses;
- II. Day care homes; and
- III. Home occupations.

5-324 C. Uses Allowed Subject to Administrative Review

- I. Temporary Alternative Living Space sites;
- II. Day care centers;
- III. Public transportation facilities primarily serving the development; and
- IV. Public utilities and infrastructure to primarily serve the development.

5-324 D. Uses Allowed Subject to One-Step Planning Commission Review

- I. Dwelling units – on parcels five (5) acres or less:
 - a. Single-family dwellings, attached and/or detached;
 - b. Duplexes;
 - c. Multi-family dwellings;
 - d. Rooming houses;
 - e. RV, tiny home, yurt and other Alternative Living Spaces (no more than twenty (20) percent of total units);
- II. Churches, community meeting halls, libraries, and other civic and community-serving facilities;

- III. Parks, playgrounds, playing fields, and other recreational facilities to serve residents of the development; and
- IV. One (1) Free-market (not deed restricted) dwelling unit.

5-324 E. Uses subject to Two-Step Special Use Permit Review

- I. Dwelling units – on parcels greater than five (5) acres:
 - a. Single-family dwellings, attached and/or detached;
 - b. Duplexes;
 - c. Multi-family dwellings;
 - d. Rooming houses;
 - e. RV, tiny home, yurt and other Alternative Living Spaces (twenty one (21) percent or more of total units);
- II. Parks, playgrounds, playing fields, and other recreational facilities to serve residents of the development and regional residents;
- III. Fire stations, schools, and other public facilities and uses; and
- IV. Free-market (not deed restricted) dwelling units:
 - a. Comprising ten (10) percent or less of the total units for a development that is not net zero on an annual basis; or
 - b. Comprising twenty (20) percent or less of the total units for a development that is net zero on an annual basis.

5-324 F. Uses Allowed Subject to Board of County Commissioner Approval Pursuant to Planned Unit Development (PUD) Procedure

- I. Free-market (not deed restricted) dwelling units:
 - a. Comprising eleven (11) percent or more of the total units for a development that is not net zero on an annual basis; or
 - b. Comprising twenty-one (21) percent or more of the total units for development that is net zero on an annual basis;
- II. Neighborhood Commercial Uses that offer goods and services needed by residents of the PUD on a daily or frequent basis, including convenience store, drug store, liquor store, self-service laundry, medical and dental offices and clinics, and postal service substation; and
- III. Flex Space.

5-324 G. Area and Bulk Requirements Permitted by Right

- I. Maximum Density – twenty (20) units per acre
- II. Minimum Lot Area – None
- III. Setbacks
 - a. Setbacks from any development to property lines of any abutting parcel zoned other than Community Housing and to any right-of-way – twenty (20) feet;
 - b. Front yard – ten (10) feet to adjacent buildings; otherwise, to allow flexibility in the design process, there is no minimum internal front yard setback;
 - b. Rear yard – ten (10) feet to adjacent buildings; otherwise, to allow flexibility in the design process, there is no minimum internal rear yard setback;
 - c. Side yard:
 - i. Detached Principal buildings – ten (10) feet to adjacent buildings;
 - ii. Attached Principal buildings – zero (0) feet on the attached side(s) and ten (10) feet to adjacent buildings on the detached side.
 - d. Accessory buildings – five (5) feet to the nearest building(s), all sides.
- IV. Maximum Building Height:
 - a. Thirty-five (35) feet;
 - b. For development that is net zero on an annual basis, forty-five (45) feet.
- V. Minimum Common Open Space – thirty (30) percent, to be developed as either Active or Passive Open Space
- VI. Minimum Off-street Parking

Clustered parking areas are encouraged. Off-street parking shall be provided for each principal use as required in Section 5-702, with the

following exceptions:

- a. Studio and one (1) bedroom dwelling units: one (1) parking space per unit;
- b. All other dwelling units: two (2) spaces per unit;
- c. Rooming house: one (1) parking space per sleeping room, except where the property is served by public transit, in which case the parking requirement shall be two (2) spaces for every three (3) sleeping rooms;
- d. Alternative Living Spaces: one (1) parking space per unit.

5-324 H. Review Standards

An applicant seeking approval for a development in this zone district must demonstrate to the satisfaction of the Decision Maker substantial compliance with the applicable standards of LUC Sections 5-5, 5-6 and 5-7, and with the standards in this section:

- I. Adequate public services such as roads, water, wastewater, public safety and fire protection are available to serve the proposed use;
- II. There shall be adequate water supply to serve the development that meets the standards of Section 5-605. If the water service provider has a lower per capita standard than that specified by Section 5-605, or the developer can demonstrate lower water demand for the development, the average daily demand per capita may be reduced. Water shall be treated by a method determined by the County or state health department to conform to minimum local and state requirements;
- III. The wastewater treatment system shall meet the standards of Section 5-607;
- IV. The property shall have direct access to a state highway or a County road that is maintained year-round;
- V. A traffic study may be required to determine the adequacy of the access and surrounding road network, and to identify any needed improvements;
- VI. Fencing shall be “wildlife friendly fences,” in compliance with Colorado Parks and Wildlife fencing standards, as described in LUC Section 5-407;
- VII. In areas where development is proposed that has been or may be designated as being in any area of local or state interest or being an activity of local or state interest, the requirements of Section 5-4 shall be met;

- VIII. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable area of the site;
- IX. Any proposed structures are located outside the Scenic Foreground Overlay Zone District or are designed consistently with the Scenic Foreground Overlay standards; and
- X. A development agreement or covenants may be required to ensure there is a responsible homeowners association or entity to maintain the systems and infrastructure.

BE IT FURTHER RESOLVED, LUC Section 5-1803 Rezoning is hereby amended to clarify and add an additional standard to LUC Section 5-1803 A:

Additions to the following section are indicated with underline. Deletions are indicated with ~~strike-through~~.

5-1803 Rezoning

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

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

- I. ~~Meets~~ Conflicts with any applicable Sections of the Land Use Code;
- II. Is consistent with the San Miguel County Comprehensive Development Plan;
- III. Is compatible with surrounding Zone Districts and land uses; considering existing land use, ~~and neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible;~~
- IV. Would not result in unsupportable demands on public facilities, and so would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
- V. Would not result in significant adverse impacts on the natural environment;
- ~~VI. Is consistent and compatible with the community character; and~~

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

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

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

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

BE IT FURTHER RESOLVED, Article 6 Definitions is amended to add the following definitions:

Alternative Living Space

A structure that is built or designed outside of mainstream construction, such as a “Tiny Home,” recreational vehicle, yurt, or cargo container, that may not meet all building code requirements for a dwelling, or may be classified as a vehicle, but can provide housing that includes facilities for cooking, bathing, and sleeping. Cooking and bathing facilities may be located in a separate or communal service building. Alternative Living Spaces shall be limited to five hundred (500) square feet in floor area, excluding loft spaces with an average height of no more than four (4) feet. (A small house built on a foundation, in accordance with applicable building codes, is considered a Dwelling Unit.)

Tiny Home

A small house built on a trailer that includes cooking and bathing facilities, generally classified as a recreational vehicle. A Tiny Home may or may not comply with Federal Motor Vehicle Safety Standards and/or other applicable regulations. (A small house built on a foundation, in accordance with applicable building codes, is considered a Dwelling Unit.)

BE IT FURTHER RESOLVED, this resolution is adopted based on the finding that the proposed amendment complies with the statutory powers of the Board of County Commissioners to regulate land use within all or any part of the unincorporated territory of San Miguel County and the standards of Land Use Code Section 5-1802, Land Use Code Amendments; is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code, in that it implements the policies of San Miguel County regarding housing, simplifies the application and review process, and protects the public health, safety and welfare of San Miguel County; and implements the Land Use Policies for Housing as contained in LUC Section 2-29, by providing mechanisms to increase available housing for people who live and work within the County, ensures community character is protected, and helps the residential communities within the County continue to be viable.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on December 8, 2021.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

DocuSigned by:
By: Lance Waring
F8BFE4194B38430
Lance Waring, Chair

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

ATTEST:

DocuSigned by:
By: Carmen Warfield
BE2AF0C249683408
Carmen Warfield, Chief Deputy Clerk

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EXHIBIT A – Public Hearing Record list
[Z:\Applications\2021_Community Housing_LUC Amendment_MP Amendment]

EXHIBIT A
PUBLIC HEARING RECORD

County Planning Commission
Board of County Commissioners
Application: Amendment to the San Miguel County Land Use Code adding Section 5-324
Community Housing (CH) zone district, with associated amendments

Date: December 8, 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 Planning Commission and San Miguel County Board of County Commissioners from Kaye Simonson, Planning Director, dated December 8, 2021
- 4. Draft Resolution
- 5. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on September 22, 2021

AGENCY COMMENTS

- 6. Agency Referral email dated October 18, 2021
- 7. Email from Karen Guglielmone, Town of Telluride, dated October 27, 2021
- 8. Email from Lance McDonald, Town of Telluride, dated October 18, 2021

PUBLIC COMMENT

None

OTHER

None

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
AUTHORIZING COMPENSATION FOR THE BOARD OF ADJUSTMENT

Resolution 2021-40

WHEREAS, the powers and duties of the Board of Adjustment are set forth in Land Use Code Section 1-14; and

WHEREAS, Colorado Revised Statutes 30-28-117(1) states in part that the Board of County Commissioners “shall fix per diem compensation and terms for the members of such board of adjustment.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, hereby sets compensation for Board of Adjustment members as follows:

- (1) Payment of \$100.00 per Regular or Special Meeting or Public Hearing.
- (2) Payment of \$100.00 per Work Session or field trip as the County Planning Department budget allows.
- (3) Mileage to Meetings, site visits, etc. will be paid at the current allowance allowed by the Internal Revenue Service for mileage deduction.
- (4) A meal allowance shall be granted to Board of Adjustment Members when Meetings, Work Sessions, and other necessary functions overlap mealtimes.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on December 8, 2021.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

DocuSigned by:
By: Lance Waring
F2BFE4194B38430...
Lance Waring, Chair

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

ATTEST:

DocuSigned by:
By: Carmen Warfield
BE2AE0C39C63408...
Carmen Warfield, Chief Deputy Clerk

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**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO, ADOPTING THE
EMERGENCY OPERATIONS PLAN FOR SAN MIGUEL COUNTY, COLORADO**

Resolution 2021- 39

WHEREAS, pursuant to §24-33.5-707, C.R.S., San Miguel County's designated disaster management agency, the San Miguel County Sheriff's Office, Emergency Management division, is responsible for preparing and keeping current a local or interjurisdictional disaster emergency plan for San Miguel County; and

WHEREAS, the potential for emergencies, either man-made or natural is a real and ever present threat; and

WHEREAS, it is nearly impossible to deal with such emergency situations without prior planning and preparations; and

WHEREAS, the existing San Miguel County Emergency Operations Plan has become dated; and

WHEREAS, the San Miguel County Sheriff's Office, in conjunction with the offices and departments of San Miguel County has developed an updated Emergency Operations Plan for San Miguel County, and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of San Miguel, and State of Colorado, that the Emergency Operations Plan, 2021 edition, is hereby approved and adopted.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, Telluride, CO, December 8th, 2021.

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

DocuSigned by:
Lance Waring
F8BE64194B38430
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:

By: *Carmen Warfield*
BE2AEUC39CB3408
Chief Deputy Clerk to the Board

