

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

Wednesday, August 3, 2022

Zoom.us

1) Roll Call

Present:

Kris Holstrom, Chair

Hilary Cooper, Vice Chair

Lance Waring, Commissioner

Staff Present:

James Van Hooser, Assistant Manager

Amy Markwell, County Attorney

Nancy Hrupcin, Legal Assistant

Carmen Warfield, Chief Deputy Clerk

Absent:

Mike Bordogna, County Manager

2) 9:30 am CALL TO ORDER.

MOMENT OF SILENCE

3) REVIEW OF AGENDA

4) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

5) CONSENT AGENDA

- 5.a) Approval of Chair's signature on the 2022 Emergency Management Performance Grant Program (EMPG) award letter in the amount of \$105,308 to benefit the Sheriff's office.

(ATTACHMENT - San Miguel County 22EM-23-50 Award Letter.pdf)

(ATTACHMENT - San Miguel County 22EM-23-50 SOW.pdf)

(ATTACHMENT - SDGA Federal Provisions v 04.15.2022-(21EMPG ARPA).pdf)

- 5.b) Ratification of Chair's signature on a letter to Representative Boebert on the Dolores NCA.

(ATTACHMENT - Letter to Rep Boebert Dolores NCA.pdf)

- 5.c) Approval of Minutes: June 15, 2022, and June 22, 2022.

(ATTACHMENT - 20220615-BOCC-Minutes-Draft.pdf)

(ATTACHMENT - 20220622-BOCC-Minutes-Draft.pdf)

- 5.d) Approval of Chair's signature on an agreement for professional services between San Miguel County and Search and Rescue non-profit for the helicopter and pilot services.

(ATTACHMENT - PSA.SAR Helicopter pilot.pdf)

(ATTACHMENT - Ex A. PSA. Egner Med Cert.pilot Redacted.pdf)

(ATTACHMENT - Ex. A. PSA. Egner pilot license Redacted.pdf)

(ATTACHMENT - Exhibit B. PSA. COI-July 2022.pdf)

- 5.e) Approval of the Chair's signature on the Brightly Software Inc, (SmartGov Professional Services) to provide service from August 1, 2022 - July 31, 2027, streamlining the permitting, planning/zoning, inspections, code enforcement, and business licensing.

(ATTACHMENT - SmartGov by Brightly Software Proposal San Miguel
County CO_07112022.pdf)

(ATTACHMENT - Confidentiality Agreement - Brightly Software.pdf)

(ATTACHMENT - Subscriber Data Process Addendum - Brightly Software.pdf)

- 5.f) Approval of Chair's signature on an agreement for services with Helitrax providing Avalanche Risk Reduction work on CR D65 from December 1, 2022 thru April 3, 2023.

(ATTACHMENT - 2022-2023 Agmt.CLEAN.pdf)

MOTION by Lance Waring to approve the consent agenda with item 5.d. pulled for further discussion.
SECONDED by Hilary Cooper. **PASSED 3-0.**

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
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6) **ADMINISTRATIVE MATTERS**

- 6.a) Consideration by the BOCC sitting as the County Board of Equalization of the Hearing Officer's recommendations to APPROVE property tax protest petition CBOE 2022-1, Hutcheson, James Olan, R1080088623, TY2022, to the classification of Contiguous-Residential/MOTION

(ATTACHMENT - HO Recommendation CBOE2022-1 Hutcheson.pdf) .

(ATTACHMENT - Hutcheson - Assessor Report 2022CBOE.pdf) .

(ATTACHMENT - Hutcheson Solomon Petition TY2022.pdf) .

(ATTACHMENT - OCA Memo to CBOE.Classification Issues.8.3.22.pdf)

Presented by: Nancy Hrupcin, Legal Assistant; Amy Markwell, County Attorney

MOTION by Hilary Cooper to deny the Hearing Officer's recommendation of approval and uphold the Assessor's denial CBOE 2022-1, Hutcheson, James Olan, R1080088623. **SECONDED** by Lance Waring. **PASSED 3-0.**

- 6.b) Consideration by the BOCC sitting as the County Board of Equalization of the Hearing Officer's recommendation to Deny petition CBOE2022-2, Backman Village 15 LLC, R1010001902, TY2022, to the classification of Contiguous-Residential/MOTION

(ATTACHMENT - Backman Village 15 LLC - Assessor Report 2022CBOE.pdf).

(ATTACHMENT - Petition Backman Village 15.pdf).

MOTION by Lance Waring to approve the Hearing Officer's recommendation to Deny petition CBOE2022-2, Backman Village 15 LLC, R1010001902. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

Note: Public Who Addressed the Board: Robert Miller, Owner of Backman Village 15 LLC

- 6.c) Acknowledgment by the BOCC sitting as the County Board of Equalization of the property tax protest stipulations made by the Assessor.

(ATTACHMENT - CBOE2022 Stipulations Signed.pdf) .

MOTION by Lance Waring to approve the property tax protest stipulations made by the Assessor as presented in the packet. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

7) **ASSISTANT MANAGER MATTERS/James Van Hooser**

- 7.a) Consideration of Chair's signature on Resolution 2022-42 authorizing the chair to sign documents in order to purchase the condo unit B1 Bldg 2, Rio Vista Phase II at the Top of the Hill at Lawson Hill PUD, aka 305 Society Drive./MOTION.

(ATTACHMENT - RES 2022-42 .Acquire.305 Society Dr Unit B1.DRAFT.7.29.2022 - Google Docs.pdf)

MOTION by Lance Waring to approve the Resolution authorizing the chair to sign documents in order to purchase the condo unit B1, Bldg 2, Rio Vista Phase II at the Top of the Hill at Lawson Hill PUD with the correction of using either Chair Pro Tem or Vice Chair uniform in the document. **SECONDED** by Hilary Cooper. **PASSED 3-0.** (ATTACHMENT I - Resolution 2022-42)

- 7.b) Discussion with the Placer Valley Village HOA concerning the Applebaugh bridge replacement cost.

Presented by: Ryan Righetti, Road and Bridge Superintendent; Trevor James, Placer Valley Village HOA; Chris Hazen, Placer Valley Village HOA; David Lamb, Placer Valley Village HOA

Note: To be continued to a work session for further discussion.

- 5.d) Approval of Chair's signature on an agreement for professional services between San Miguel County and Search and Rescue non-profit for the helicopter and pilot services.

(ATTACHMENT - PSA.SAR Helicopter pilot.pdf) .

(ATTACHMENT - Ex A. PSA. Egner Med Cert.pilot_Redacted.pdf).

(ATTACHMENT - Ex. A. PSA. Egner pilot license_Redacted.pdf).

(ATTACHMENT - Exhibit B. PSA. COI-July 2022.pdf) .

Presented by: Amy Markwell, County Attorney; Jennifer Dinsmore, Chief Administrative Officer

MOTION by Lance Waring to approve the Chair's signature on an agreement for professional services between San Miguel County and San Miguel Search and Rescue, a Colorado non-profit for the helicopter and pilot services. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

7.c) Update and other, as needed.

Presented: James Van Hooser, Assistant County Manager

Update and other, as needed.

Interviewed with the other Municipalities on KOTO - Off the record

Continued with interviews for the Master Plan Consultants for the County

8) **PLANNING MATTERS**

8.a) 10:00 am Public Hearing: Consideration of the San Miguel County Board of Health (BOCC) has been asked to consider an On-site Waste Water Treatment System Variance Application for Roby Peabody, owner. /MOTION

(ATTACHMENT - Memo to BOCC TFS Ventures Variance.pdf)

Presented by: Matt Gonzales, Building Official; Keven Chaney, Environmental Health Specialist; Dan Quigley, Buckhorn Engineering; Kaye Simonson, Planning Director

10:33 a.m. Chair Opened the Public Hearing.

10:43 a.m. Chair Closed the Public Hearing.

MOTION by Lance Waring to approve the TFS Ventures OWTS Variance request, based on the finding that the request meets the requirements of Regulation 43 and that granting a variance for the proposed OWTS would not be injurious to public health, water quality or the environment, and that it would prevent a substantial hardship incurred through no fault of the applicant or property owner.

This approval is based on the following conditions, as well:

1.) The Variance Approval and Site Plan will be recorded with the San Miguel County Clerk and Recorder and attached to the property deed.

2.) It is understood that this Variance is granted specific to these parcels, Lots 12, 13 and 14, Block 2, Placerville, Parcel ID452334404006 and 452334404007, for use by the existing 3-bedroom and 2-bedroom residence.

3.) Applicants and future owners must certify that the OWTS will be regularly inspected and maintained to ensure optimal operation.

4.) The Planning Department may be requiring that an easement be created to allow shared use of the OWTS. **SECONDED** by Hilary Cooper. **PASSED 3-0.** (ATTACHMENT II- Resolution 2022-44)

8.b) 10:30 am Public Hearing: Consideration of the San Miguel County Board of Health (BOCC) has been asked to consider an OWTS Variance Application for Jennifer Parsons, the owner of Lot 6, Block 4, Placerville. The applicant seeks a Variance to the Minimum Setbacks as stated in Table 7-1 of the San Miguel County On-Site Wastewater Treatment System (OWTS) Regulations./MOTION

(ATTACHMENT - Memo to BOCC - Parsons.pdf)

Presented by: Matt Gonzales, Building Official; Kaye Simonson, Planning Director; Greg Anderson, Alpine Land Consulting; Kevin Chaney, Environmental Health Specialist

10:49 a.m. Chair Opened the Public Hearing.

10:57 a.m. Chair Closed the Public Hearing.

MOTION by Hilary Cooper to approve the Parsons OWTS Variance request, based on the finding that the request meets the requirements of Regulation 43 and that granting a variance for the proposed OWTS would not be injurious to public health, water quality or the environment, and that it would prevent a substantial hardship incurred through no fault of the applicant or property owner.

This approval is based on the following conditions, as well:

1.) The Variance Approval and Site Plan will be recorded with the San Miguel County Clerk and Recorder and attached to the property deed.

2.) It is understood that this Variance is granted specific to this property Lot 6, Block 4, Placerville, Filing 1, Parcel ID 452335308001, for use by the existing 2-bedroom residence.

3.) Applicants and future owners must certify that the OWTS will be regularly inspected and maintained to ensure optimal operation. **SECONDED** by Lance Waring. **PASSED 3-0.** (ATTACHMENT III - Resolution 2022-45)

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10:59 a.m. Recessed.

11:04 a.m. Reconvened.

- 8.c) Consideration of an Insubstantial PUD Amendment: Adjust the setbacks and maximum building heights for Lots Q-8R, Q-9R, Q-10R, Q-13R, and Q-14R, Lawson Hill PUD./MOTION (ATTACHMENT - BOCC 8-3-2022 COMBINED.pdf) .

Presented by: Troy Hangen, Senior Planner; Kaye Simonson, Planning Director

MOTION by Lance Waring to approve the authorization of the San Miguel County Board of Commissioners Chair's signature on the Insubstantial PUD Amendment for Lots Q-8R, Q-9R, Q-10R, Q-13R, and Q-14R, Lawson Hill PUD as presented. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

9) **NATURAL RESOURCES AND SPECIAL PROJECTS**

- 9.a) Update and other, as needed.

Update:

1. Attendance at a Recreational Collaborative meeting
2. Wildfire Mitigation Collaboration Meeting
3. Update on the Vegetation removal under the Power Lines near Ophir - Future presentation from Western Regional Power Association
4. Club 20 meeting updates to their Gunnison Sage Grouse Conservation efforts
5. Forest Service - SBEADMR collaboration
6. BLM RMP Amendment for Gunnison Sage Grouse meetings - Scoping Comments due August 22nd
7. Attended a Town of Ophir and Tri-State Meeting concerning vegetation removal under the Powerlines
8. Solar Coop - \$5,000 for rebates for county residents using solar
9. Miramonte Window replacement to begin September 19th
10. Final stages of the battery storage project concerning the Solar project
11. Climate action plan objectives have been sent to department heads

Presented by: Starr Jamison, NRSP Director

Note: 11:14 a.m. James Van Hooser left the meeting.

10) **COMMISSIONER UPDATES:**

Hilary Cooper - Dolores River National Conservation Area introduced at the Senate and then the House; Update on the CORE Act, Southwest Opioid Response Council report to be presented at a later time
Lance Waring - No updates.

Kris Holstrom - Club 20, Region 10 Executive Meeting; Dark Sky Reserve Concept; Wrights Mesa water group - RFP for the CPW grant application; PL 566 funds - Salinity Process

Update on the upcoming scheduled meetings.

11) **Lunch**

11:44 a.m. Recessed.

12:45 p.m. Reconvened.

12:45 p.m. James Van Hooser returned to the meeting.

12) **PUBLIC HEALTH AND ENVIRONMENT**

- 12.a) Update and other, as needed.

Presented by: Grace Franklin, Public Health Director

- 12.b) Follow-up discussion on the support of an Amicus Brief - Local Public Health Orders.

Presented by: Amy Markwell, County Attorney

Note: Staff Direction - The County Commissioners were sitting as the San Miguel County Board of Health - unanimously approved the support of the Amicus Brief

13) **ATTORNEY MATTERS**

- 13.a) Update and other, as needed.

Presented by: Amy Markwell, County Attorney

Update on the Board of Assessment Appeals - Board Consensus to provide the authority to the Attorney to stipulate the cases as she deems necessary.

Board agreed that any BAA Cases that the Attorney and Assessor agree upon can be stipulated and not come to the Board for approval. A resolution will be prepared outlying the guidelines.

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- 13.b) Executive Session: Discussion on a matter regarding litigation for an additional settlement discussion, citation (4)(b)(e).

MOTION by Lance Waring to go into executive session to discuss a matter regarding litigation for an additional settlement discussion, citation (4)(b)(e). **SECONDED** by Hilary Cooper. **PASSED 3-0.**

Presented by: Amy Markwell, County Attorney

1:23 p.m. Recessed.

1:31 p.m. Reconvened.

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

The board only spoke of one items as stated.

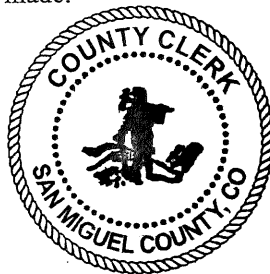
Note: The County Attorney requested that items 13.b. not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and the chair is attached. (ATTACHMENT IV - Executive Session minutes)

14) ADJOURNMENT

1:32 p.m. adjourned. No motion was made.

Respectfully submitted,


Carmen Warfield, Chief Deputy Clerk

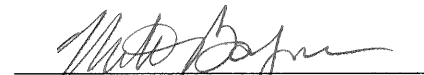


Approved September 21, 2022.

SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS


Kris Holstrom, 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.

ATTACHMENT I

**A RESOLUTION OF SAN MIGUEL COUNTY, COLORADO AUTHORIZING
THE ACQUISITION OF CERTAIN REAL PROPERTY**

Resolution 2022 - 42

WHEREAS, pursuant to section 30-11-101 (1) (c), C.R.S., the Board of County Commissioners ("BOCC"), on behalf of San Miguel County, Colorado ("County"), has the legal authority to sell, convey, exchange or lease any real property owned by the County and make such order respecting the same as may be deemed to be in the best interests of the County and its inhabitants; and

WHEREAS, the County is interested in acquiring certain real property for use of the same for the purposes of providing affordable housing or employee housing, all located within the boundaries of the San Miguel County, State of Colorado and as legally described as follows:

UNIT B1 BLDG 2 RIO VISTAS PHASE II AT TOP OF THE HILL AT LAWSON HILL SUBORDINATE ASSOCIATION LOCATED ON LOT O LAWSON HILL PUD PHASE 1 WITHIN SEC 32 T43N R9W NMPM SAN MIGUEL COUNTY COLORADO ACC TO SUPPLEMENTAL COMMUNITY MAP OF CONDOMINIUM COMMUNITY OF RIO VISTAS AND SUPP AND AMEND DECS AT 347700 INCLUDING LIMITED COMMON ELEMENT PARKING SPACE LABELED C5 ON SAID MAP LAWSON HILL IS A COMMON INTEREST COMMUNITY IN WHICH EVERY OWNER HAS AN EQUAL INTEREST IN THE COMMON ELEMENTS

Referred to herein as the "Acquired Property"; and

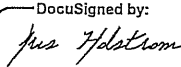
WHEREAS, the County has negotiated with the owner of the Acquired Property an acceptable purchase price and contractual terms, which are memorialized in a contract dated July 7, 2022, and which the County has executed as Buyers to authorize the acquisition of the Acquired Property; and

WHEREAS, the BOCC finds it appropriate to designate the Chair or Vice Chair as the individuals authorized to execute any documents required to effect the transfer of the Acquired Property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of San Miguel County, Colorado hereby authorizes the Chair or the Vice-Chair to take such actions and sign such documents necessary and appropriate to effectuate the purposes of this resolution, which is to close and acquire the Acquired Property.

DONE AND APPROVED by the San Miguel County Board of County Commissioners at a duly noticed public meeting held in Telluride, Colorado on August 3, 2022.

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

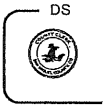
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By: DCF710637985480...
Kris Holstrom, Chair

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

ATTEST:
DocuSigned by:

Carmen Warfield

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Carmen Warfield, Chief Deputy Clerk to the Board



**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, ACTING AS THE
BOARD OF HEALTH, SAN MIGUEL COUNTY, COLORADO, CONDITIONALLY
APPROVING A VARIANCE FOR AN ON-SITE WASTEWATER TREATMENT
SYSTEM FOR ROBY PEABODY, OWNER OF TELLURIDE FORESTRY SOLUTIONS
VENTURES LLC, LOTS 12, 13 and 14, BLOCK 2, TOWN OF PLACERVILLE**

Resolution #2022 - 44

WHEREAS, Roby Peabody is the owner of Lots 12, 13, and 14, Block 2, Town of Placerville;
and

WHEREAS, the Applicant, Roby Peabody, has submitted an application requesting a variance
to On-Site Wastewater Treatment System (OWTS) standards; and

WHEREAS, the Colorado On-Site Wastewater Treatment Systems Act of 2012 (the Act)
includes standards for the granting of Variances (Section 25-10-105), and allows the local board
of health to grant variances to OWTS rules in accordance with the criteria established by the
Act; and

WHEREAS, the San Miguel County Board of Health has adopted Regulation 43 (the
Regulation), which includes procedures and standards for the review of requests for variances
from the requirements of the Regulation: and

WHEREAS, the Applicant has the burden of proof to demonstrate that the variance is justified
and will pose no greater risk to public health and the environment than would a system meeting
these Regulations; and

WHEREAS, the lot is a legally platted lot and different configurations of the new OWTS have
been attempted to determine a layout that can accommodate the residences and OWTS.
However, due to the size of the lot and locations of adjacent wells requiring a one hundred foot
(100') setback, a new Soil Treatment Area (STA) is not compatible on the property within the
established 10' setback of the property line; and

WHEREAS, the Applicant and Design Engineer are proposing to reduce the setback for the
STA to the northerly and easterly property lines from ten feet (10') to one half foot (0.5'); and

WHEREAS, the Applicant sent notice of the proposed variance request and the Board of Health
Public Hearing, to be held on Wednesday, August 3, 2022, to all property owners within five
hundred feet (500') of the subject parcel; and

WHEREAS, a Public Hearing Notice for the proposed variance request and the Board of County
Commissioners Hearing, acting as the Board of Health, to be held on August 3, 2022 was
published in the Telluride Daily Planet and in the Norwood Post on Wednesday, June 16, 2022;
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, acting as the San
Miguel County Board of Health, considered this application, along with relevant evidence and
testimony, and approved the requested variance at a public hearing in Telluride on Wednesday;

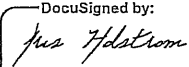
August 3, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, acting as the Board of Health, hereby approves the request for an On-Site Wastewater Treatment System Variance for Roby Peabody, based on the finding that the proposed variance is consistent with Section 25-10-105 of the Colorado On-Site Wastewater Treatment Systems Act and Regulation 43 of the San Miguel County Board of Health, with the following conditions:

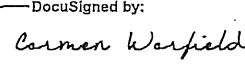
- 1) The Variance Approval and Site Plan will be recorded with the San Miguel County Clerk and Recorder and attached to the property deed.
- 2) It is understood that this Variance is granted specific to this property Lots 12, 13 and 14, Block 2, Town of Placerville.
- 3) Applicants and future owners must certify that the OWTS will be regularly inspected and maintained to ensure optimal operation.
- 4) When constructed, the STA must be protected from vehicular traffic with a barrier. This area shall be protected and shall not be used for snow storage.
- 5) Future owners must be made aware that this Variance shall run with the land and shall be effective for as long as the relevant standards in Regulation 43, from which relief is being granted, as well as surrounding site conditions, remain unchanged. If changes occur in either condition before the OWTS is constructed, the Variance will be rescinded and a new Variance request may be considered by the San Miguel County Planning Department and Board of Health.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on August 3, 2022.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

DocuSigned by:

DCF740637985480
Kris Holstrom, Chair

ATTEST:

DocuSigned by:

BE2AF0C38C63408
Carmen L. Warfield, Chief Deputy Clerk to the Board



VOTE:

Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent
Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
Lance Waring	<u>Aye</u>	Nay	Abstain	Absent

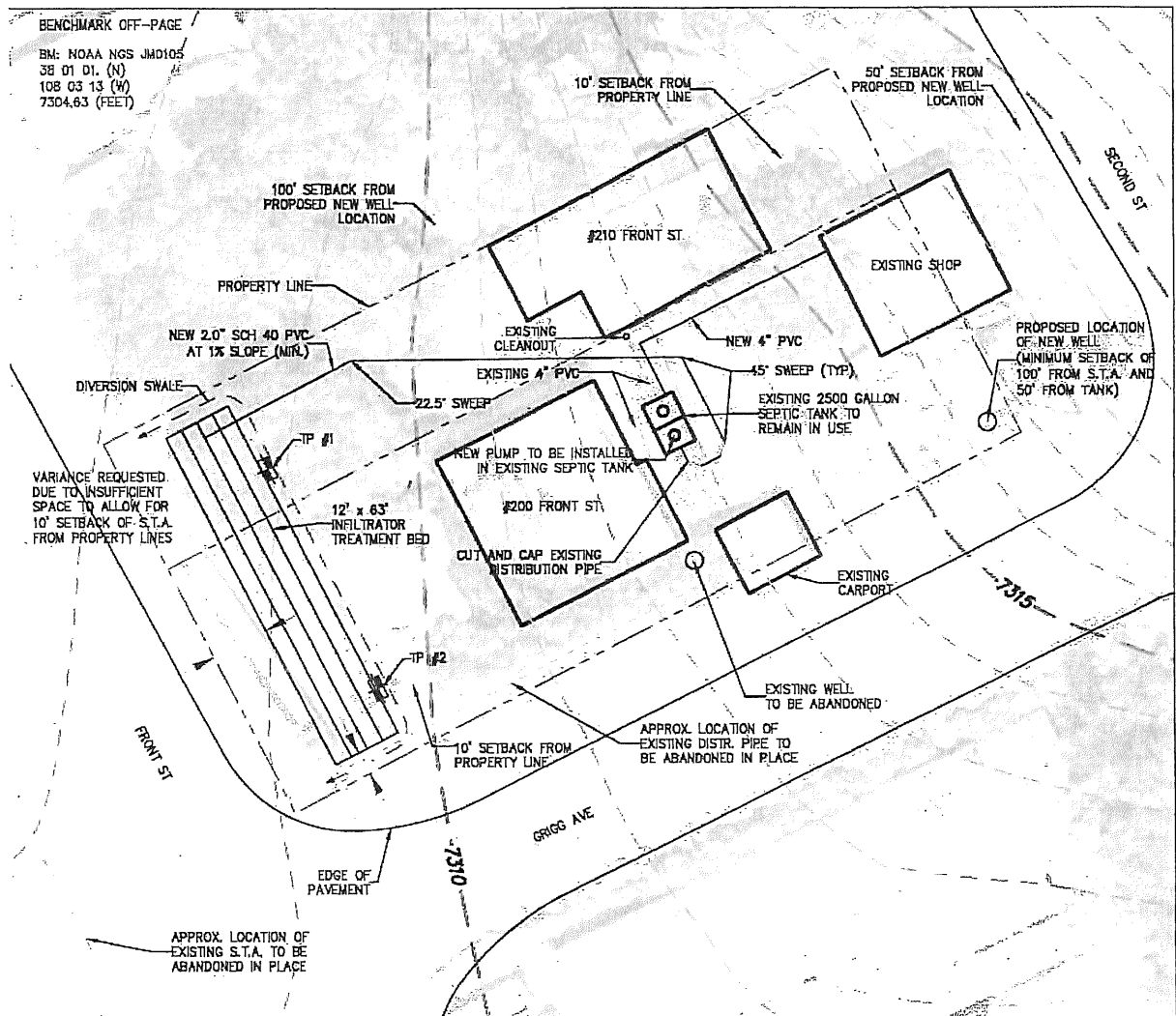
EXHIBIT A – Legal Description of Property
EXHIBIT B – OWTS Plan

EXHIBIT A – LEGAL DESCRIPTION OF PROPERTY

Parcel Number 452334404007: LOTS 13 AND 14 BLK 2 PLACERVILLE

Parcel Number 452334404006: LOT 12 BLK 2 PLACERVILLE

EXHIBIT B – OWTS PLAN





RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, ACTING AS THE BOARD OF HEALTH, SAN MIGUEL COUNTY, COLORADO, CONDITIONALLY APPROVING A VARIANCE FOR AN ON-SITE WASTEWATER TREATMENT SYSTEM FOR JENNIFER PARSONS, LOT 6, BLOCK 4, TOWN OF PLACERVILLE

Resolution #2022 - 45

WHEREAS, Jennifer Parsons is the owner of Lot 6, Block 4, Town of Placerville, and

WHEREAS, the Applicant, Jennifer Parsons, has submitted an application requesting a variance to On-Site Wastewater Treatment System (OWTS) standards; and

WHEREAS, the Colorado On-Site Wastewater Treatment Systems Act of 2012 (the Act) includes standards for the granting of Variances (Section 25-10-105), and allows the local board of health to grant variances to OWTS rules in accordance with the criteria established by the Act; and

WHEREAS, the San Miguel County Board of Health has adopted Regulation 43 (the Regulation), which includes procedures and standards for the review of requests for variances from requirements of the Regulation; and

WHEREAS, the Applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting these Regulations; and

WHEREAS, the lot is a legally platted lot and different configurations of the new OWTS have been attempted to determine a layout that can accommodate the home and OWTS. However, due to the size of the lot and locations of adjacent wells requiring a one hundred feet (100') setback, a new Soil Treatment Area (STA) is not compatible on the property within the established ten foot (10') setback of the property line; and

WHEREAS, due to the size of the lot and locations of adjacent wells requiring a one hundred foot (100') setback, a new STA is not compatible on the property within the established twenty foot (20') setback of the existing crawl space; and

WHEREAS, the Applicant and Design Engineer are proposing to reduce the setback for the STA to the southwesterly property line from ten feet (10') to five feet (5') and to reduce the setback from the OWTS to the existing two-bedroom with crawl space from twenty feet (20') to five point two nine feet (5.29'). Additionally, the Applicant and Design Engineer are proposing installation of a PVC barrier to be placed between the Soil Treatment Area and the crawlspace of the home to prevent lateral migration of effluent from the OWTS as an additional mitigation technique; and

WHEREAS, the Applicant sent notice of the proposed variance request and the Board of Health Public Hearing, to be held on Wednesday, August 3, 2022, to all property owners within five hundred feet (500') of the subject parcel; and

WHEREAS, a Public Hearing Notice for the proposed variance request and the Board of County Commissioners Hearing, acting as the Board of Health, to be held on August 3, 2022 was published in the Telluride Daily Planet and in the Norwood Post on Wednesday, July 13, 2022.; and

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

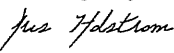
WHEREAS, the Board of Commissioners of San Miguel County, Colorado, acting as the San Miguel County Board of Health, considered this application, along with relevant evidence and testimony, and approved the requested variance at a public hearing in Telluride on Wednesday, August 3, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, acting as the Board of Health, hereby approves the request for an On-Site Wastewater Treatment System Variance for Jennifer Parsons, based on the finding that the proposed variance is consistent with Section 25-10-105 of the Colorado On-Site Wastewater Treatment Systems Act and Regulation 43 of the San Miguel County Board of Health, with the following conditions:

- 1.) The Variance Approval and Site Plan will be recorded with the San Miguel County Clerk and Recorder and attached to the property deed.
- 2.) It is understood that this Variance is granted specific to this property Lot 6, Block 4, Placerville, Filing 1, Parcel ID 452335308001, for use by the existing 2-bedroom residence.
- 3.) Applicants and future owners must certify that the OWTS will be regularly inspected and maintained to ensure optimal operation.

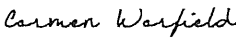
DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on August 3, 2022.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

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Kris Holstrom, Chair



ATTEST:

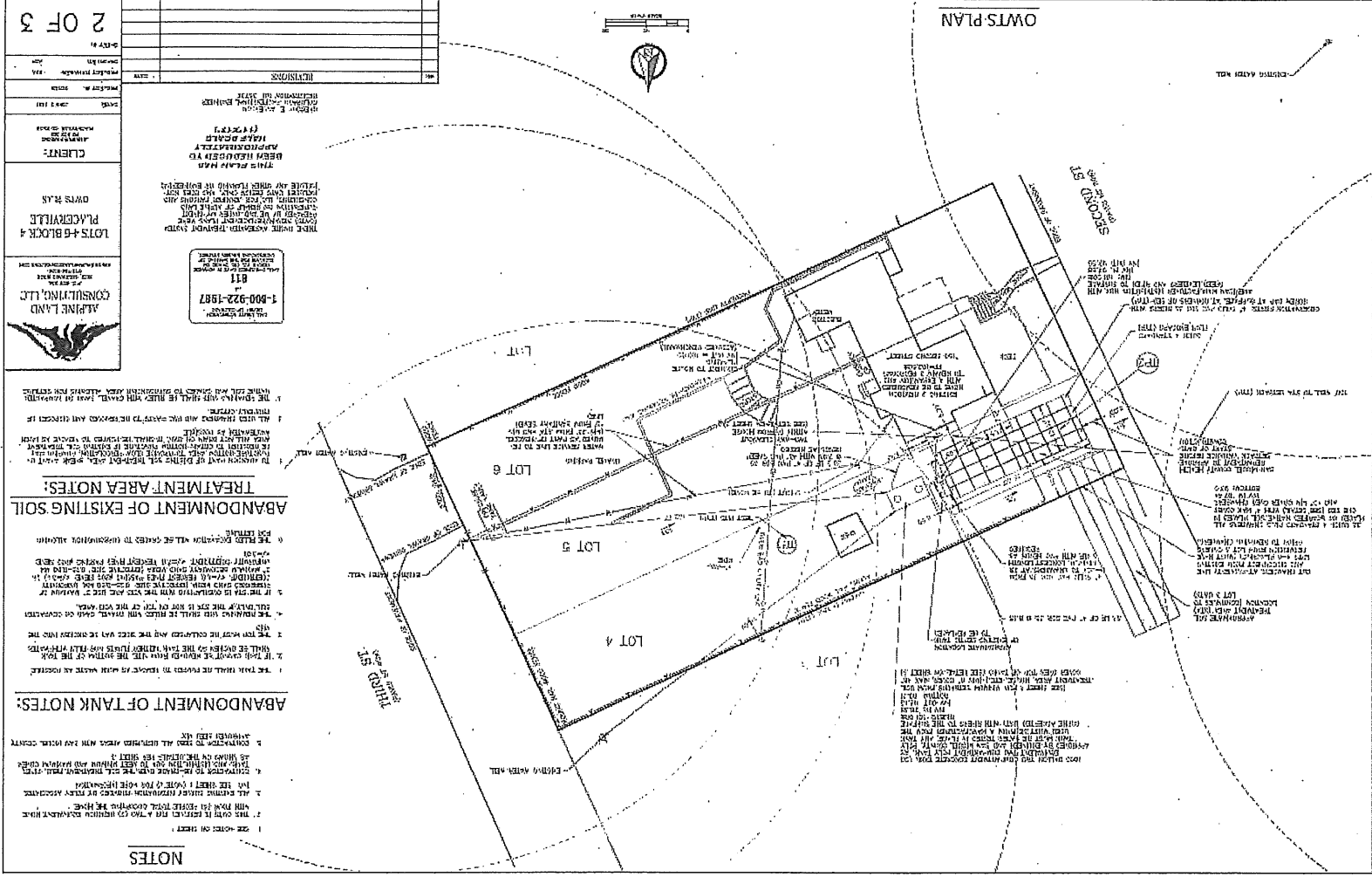
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Carmen L. Warfield, Chief Deputy Clerk to the Board

VOTE:				
Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent
Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
Lance Waring	<u>Aye</u>	Nay	Abstain	Absent

EXHIBIT A – Legal Description of Property
EXHIBIT B – OWTS Plan

EXHIBIT A – LEGAL DESCRIPTION OF PROPERTY

Parcel Number 452335308001: LOTS 4 THRU 6 BLK 4 PLACERVILLE



**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MEETING**

08/03/2022

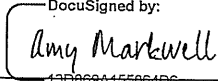
Date of Meeting

Executive Session Minutes Attest

I, Amy Markwell, County Attorney attest that the 08/03/2022

Date of Meeting

Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

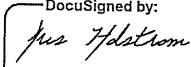
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13D869A155064D6...
Amy Markwell, County Attorney

I, kris Holstrom, Chair of the San Miguel County Board of
Commissioners attest that the 08/03/2022

Date of Meeting

Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

DocuSigned by:


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Chair