

**SAN MIGUEL COUNTY SPECIAL BOARD OF COUNTY
COMMISSIONER MEETING
MINUTES
Wednesday, May 24, 2023**

1) Roll Call

Present:

Lance Waring, Chair
Kris Holstrom, Vice Chair
Anne Brown, Commissioner

Staff Present:

Mike Bordogna, County Manager
Amy Markwell, County Attorney
Rachel Allen, Assistant County Attorney
Nancy Willis, Legal Assistant
Carmen Warfield, Clerk to the Board

2) 9:30 a.m. CALL TO ORDER.

3) MOMENT OF SILENCE/REVIEW OF AGENDA

4) CONSENT AGENDA

- 4b) Approval of Chair's signature on the Western Regional Emergency Medical and Trauma Advisory Council (WRETAC) System Development Funding Budget Request for the Telluride Regional Medical Center for a Philips Pagewriter TC70 Cardiograph for \$10,000.

(ATTACHMENT - TRMC 2023 Application.docx).

- 4c) Approval of the following vehicles to be declared as surplus:
2016 Jeep Trail Hawk VIN 1C4PJMB52GW293277 SMC #42352005 Dodge Sprinter Van VIN WD8PB644555784810 SMC #43621991 International Water Truck VIN 1HTGGGRT3MH336607 SMC #3991

(ATTACHMENT - BOCC Memo 05.19.23 (water truck van jeep).pdf)

- 4d) Acceptance of the 2023 Open Space Commission's work plan and goals.

(ATTACHMENT - OSC 2023 Work Plan - FINAL.docx (1).pdf).

MOTION by Kris Holstrom to approve the consent agenda with item 4.a. pulled [to be voted on by Kris Holstrom and Lance Waring due to Anne Brown not in attendance at the meeting minutes were being approved for]. **SECONDED** by Anne Brown. **PASSED 3-0.**

- 4a) Approval of Minutes: March 29, 2023 and April 19, 2023.

(ATTACHMENT - 20230329-BOCC-Minutes-Draft.pdf)

(ATTACHMENT - 20230419-BOCC-Minutes-Draft.pdf)

MOTION by Kris Holstrom to approve the minutes with the corrections made as requested.
SECONDED by Lance Waring. **PASSED 2-0.**

5) PLANNING MATTERS

- 5a) Consideration of Chair's signature on a Resolution of the Board of County Commissioners concerning the imposition of an Emergency Temporary Moratorium prohibiting Commercial Solar and major utility projects located in any and all zone districts within unincorporated San Miguel County, Colorado./MOTION

Presented by: Amy Markwell County Attorney; John Huebner, Senior Planner

Public Who Addressed the Board:

Douglas Tooley, County resident

Shellie Duplan, Director of Operations HOA

Brandi Griffith, County resident

Candy Meehan, Mayor of Norwood and Norwood resident

Wendy Brooks, Town of Telluride resident

MOTION by Kris Holstrom to approve the Chair's signature on a Resolution of the Board of County Commissioners concerning the imposition of an Emergency Temporary Moratorium prohibiting Commercial Solar and major utility projects located in any and all zone districts within unincorporated San Miguel County, Colorado with edits as discussed. **SECONDED** by Anne Brown. **PASSED 3-0.**

(ATTACHMENT I – Resolution 2023-27)

6) PARKS AND OPEN SPACE

- 6a) Consideration of approving the 2023 Fairgrounds & Regional Park User's Guide as presented./MOTION

(ATTACHMENT - BOCC Memo - FUG (2023) (2).pdf)

(ATTACHMENT - FINAL FUG (2023).pdf)

Presented by: Janet Kask, Parks and Open Space Director

MOTION by Kris Holstrom approving the 2023 Fairgrounds & Regional Park User's guide.
SECONDED by Anne Brown. **PASSED 3-0.**

7) BUILDING MATTERS

- 7a) Overview of minor changes to the Building Code.

(ATTACHMENT - 5.22.2023 Memo MG to BOCC RE 2018 Bldg Code Amdenments.docx.pdf)

(ATTACHMENT - Amendments to the 2018 International Codes 5.1.2023.docx)

Presented by: Matt Gonzales, Building Official

Note: This item will be presented for final approval on June 21, 2023.

10:44 a.m. Recessed.

10:53 a.m. Reconvened.

8) **MANAGER MATTERS**

8a) Review of the 2023 Boards and Committees for Commissioners.

(ATTACHMENT - Boards and Commissions.pdf)

Presented by: Mike Bordogna, County Manager

Note: A review of the Boards and Committees for the Commissioners was addressed and will be updated and distributed to the Commissioners and Staff for review.

Update and other as needed.

1. A firm has been hired for the Land Use Code update.
2. Update on the preliminary budget process
3. Sheep Mtn Alliance met with the water Attorneys and are interested in joining SMC opposition on the San Miguel Water Conservancy Case
4. Update on the Lodging Tax Meeting
5. Mike will be attending the CCI Summer Conference Tuesday - Thursday next week
6. The May 31, 2023 has no work session or board meeting scheduled.
7. The June 21, 2023 board meeting will be held in Egnar
8. The County completed paving on K69 - update on the road and bridge projects
9. The window replacement of the Miramonte Building will be completed by June 7th
10. Deputy Town Manager - Zoey Doenall - Will analyze common office space for the West Wing building - initial planning steps combined a facility with Town of Telluride and San Miguel County
11. Mid to end of June individual departments meet with the board on goals etc. - June 14th work plan with departments any additional ones on the June 28th
12. July Goal setting with the board
13. East End Master Plan - Additional survey results were determined by three IP Addresses providing a bit of false results - Mike will investigate this further
14. News Mayor Delanie Young has resigned her position as Mayor of Town of Telluride and to now be the Director of Community Services for Town of Telluride
15. Gondola Sub Committee for Managers - Supplemental Appropriation concerning new total potential increase of \$25000 for 2023; and \$65,000 for 2024

Presented by: Mike Bordogna, County Manager

9) **ATTORNEY MATTERS**

9a) Litigation Update

(ATTACHMENT - Attorney Memo.Litigation Update.5.24.23.pdf)

Presented by: Amy Markwell, County Attorney

- 9b) Continued to June 7, 2023. - Executive Session: Discussion with an Attorney on the San Miguel Water Conservancy Case, citation (4)(b).
- 8b) Executive Session: Discussion concerning the Lawson Hill Duplex at 508 Society Drive, Telluride, Colorado; citation 4(a).

Presented by: Amy Markwell, County Attorney

MOTION by Kris Holstrom to go into executive session to discuss the Lawson Hill Duplex at 508 Society Drive, Telluride, citation (4)(a). **SECONDED** by Anne Brown. **PASSED 3-0.**

12:01 p.m. Recessed.

1:03 p.m. Reconvened.

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

Note: Only the item stated was spoken of.

10) ADJOURNMENT

MOTION by Kris Holstrom to adjourn the meeting. **SECONDED** by Anne Brown. **PASSED 3-0.**

1:04 p.m. Adjourned.

~~11) RECESS FOR AGENDA SETTING WITH THE BOARD AND STAFF~~

Respectfully submitted,

Carmen Warfield
July 5, 2023
Approved _____

Chief Deputy Clerk to the Board

SAN MIGUEL COUNTY SPECIAL BOARD OF COUNTY COMMISSIONER MEETING

Lance Waring

Lance Waring San Miguel County Commissioner, Chair

ATTEST:

Mike Bordogna

Mike Bordogna County Manager

5/24/23

ATT I

5.a.

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO CONCERNING THE
IMPOSITION OF AN EMERGENCY TEMPORARY MORATORIUM
PROHIBITING COMMERCIAL SOLAR AND MAJOR UTILITY PROJECTS
LOCATED IN ANY AND ALL ZONE DISTRICTS WITHIN
UNINCORPORATED
SAN MIGUEL COUNTY, COLORADO**

Resolution #2023-27

RECITALS

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, ("BOCC") hereby makes the following findings and determinations in support of the adoption of an emergency temporary moratorium on commercial solar and major utility projects, within any and all zone districts of unincorporated San Miguel County, as listed in the San Miguel County Land Use Code ("LUC") Section 5-2 , and further described in Section 5-709; 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 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, County Planning Staff has informed the BOCC that it has received inquiries regarding commercial solar projects and the current regulations in the LUC are not sufficient to address them; and

WHEREAS, the primary purpose for enacting an emergency temporary moratorium on the acceptance, processing, or approval of commercial solar projects and major utility projects is to provide the County sufficient time to develop and promulgate amendments to LUC Article 5, Standards, and other sections of the Land Use Code, as necessary, pertaining to commercial solar and major utility projects, 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 commercial solar and major utility projects; and

WHEREAS, County Planning Staff estimates that the development and implementation of such revisions to the LUC pertaining to commercial solar and major utility projects should be completed within approximately four to six months; and

WHEREAS, the BOCC does hereby find and determine that an emergency temporary moratorium on commercial solar and major utility projects within any and 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 commercial solar and major utility projects in any and all zone districts of unincorporated San Miguel County.
2. The temporary emergency moratorium enacted pursuant to this Resolution shall expire at 11:59 p.m. on November 23, 2023, 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 prior to its expiration; provided, however, that should the Board consider LUC amendments that are intended to provide adequate standards prior to 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 sections 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 May 24, 2023, at a regular meeting held at Telluride, CO.

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

By: Lance Waring
Lance Waring, Chair

VOTE:

Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
Lance Waring	<u>Aye</u>	Nay	Abstain	Absent
Anne Brown	<u>Aye</u>	Nay	Abstain	Absent

ATTEST:



By: Carmen Warfield
Carmen Warfield, Chief Deputy Clerk