

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

MINUTES

Wednesday, June 7, 2023

Zoom.us

1) Roll Call

Present:

Lance Waring, Chair

Kris Holstrom, Vice Chair

Anne Brown, Commissioner

Staff Present:

Mike Bordogna, County Manager

Rachel Allen, Assistant County Attorney

Nancy Willis, Legal Assistant

Suzanne Cheavens, Communications Coordinator

Carmen Warfield, Chief Deputy Clerk

2) CALL TO ORDER.

9:30 a.m.

3) MOMENT OF SILENCE

4) REVIEW OF AGENDA

5) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

6) CONSENT AGENDA

- 6.a) Approval of Becky Hannigan a reappointment to the San Miguel Basin Fair Board.

(ATTACHMENT - Becky Hannigan SMB Fair Board_Redacted.pdf)

- 6.c) Ratification of Chair's signature on a request to the Department of Local Affairs requesting a grant extension on the EIAF #9168 San Miguel County Telluride Region Master Plan Grant.

(ATTACHMENT - 20230607 Extension request EIAF 9168.pdf)

- 6.d) Approval of the Chair's signature for FAA Grant Offer for Airport Layout Plan (ALP).

(ATTACHMENT - Action Memo - ALP 23 Jacobs_ FAA_CDAG Approvals.pdf)

(ATTACHMENT - Grant Agreement.pdf)

- 6.e) Approval of Chair's signature on an agreement with the USDA Gunnison, Mesa, Uncompahgre, and Gunnison National Forest Service Summer Recreation Ranger program in the amount of \$30,000.

(ATTACHMENT - FS-1500-11, Collection Agreements.pdf)

Note: Item 6.b. was pulled for a separate motion as Anne Brown, Commissioner was not present to approve the minutes presented.

MOTION by Anne Brown to approve the consent agenda with item 6.b. pulled to be voted on separately. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

7) **ADMINISTRATIVE MATTERS**

- 6.b) Approval of Minutes: May 3, 2023.

(ATTACHMENT - 20230503-BOCC-Minutes-Draft.pdf)

MOTION by Kris Holstrom to approve the minutes as presented. **SECONDED** by Lance Waring. **PASSED 2-0.**

- 7.a) Recognition of Michael Wyszynski for 5 years of service.

Presented by Michael Wyszynski, Deputy Clerk; Stephannie Van Damme, County Clerk and Recorder; Mike Bordogna, County Manager

- 7.b) Consideration of the recommendation by the Early Childhood Advisory Panel for Bright Futures to administer the Early Childhood Education fund.

(ATTACHMENT - Strong Start Administrator Request For Proposal Bright Futures_FINAL.pdf)

(ATTACHMENT - ATTACHMENT A_Bright Futures Org Chart.pdf)

(ATTACHMENT - ATTACHMENT B_Process Documents.pdf)

(ATTACHMENT - ATTACHMENT C_Cost Proposal_Budget Breakdown.pdf)

(ATTACHMENT - ATTACHMENT D_Acknowledgement Form.pdf)

Presented by: Carmen Warfield, Chief Deputy Clerk; Lance Waring, Commissioner

MOTION by Kris Holstrom to approve Bright Futures to continue the administration of the San Miguel County Early Childhood Care and Education Fund aka Strong Start. Bright Futures was the only applicant. An agreement will be prepared for final approval by the Board of County Commissioners at their June 21, 2023, meeting. **SECONDED** by Anne Brown. **PASSED 3-0.**

13) MANAGER MATTERS

Presented by: Mike Bordogna, County Manager

1. Update on the building improvements in Telluride.
2. Attendance at the CCI Summer Conference.
3. Broadband is completed and the redundant broadband project is linked to the Town of Telluride.
4. Update on upcoming meetings.

14) **COMMISSIONER UPDATES:**

Mike Bordogna Request - WEEDC is Enterprise Zone and will be renewing their designation. WEEDC has requested a letter of support from the County. Mike has drafted a letter of support and is requesting the board if he could sign it and send it. The board gave staff direction to proceed.

Kris Holstrom - Region 10 meeting

Anne Brown - Introductory 101 meetings with the Directors and Elected officials, Town of Norwood, CCI Legislative Update

Lance Waring- San Miguel Regional Housing Authority

Mike Bordogna, County Manager-

There is a vacancy in the Colorado Middle Income Housing Authority Board due to the resignation of Commissioner Hilary Cooper.

MOTION by Kris Holstrom to approve the appointment of Lance Waring to the Middle Income Housing Authority board. **SECONDED** by Anne Brown. **PASSED 3-0.**

Exploring Proposition 123

8) **PARKS AND OPEN SPACE MATTERS**

8.a) 10:00 am Public Hearing: Consideration of the 2023 Noxious Weed Management Plan /MOTION

(ATTACHMENT - MEMO for SMC Weed Management Plan.docx.pdf)

(ATTACHMENT - SMC Weed Management Plan- Redline without comments.pdf)

(ATTACHMENT - SMC Weed Management Plan- Redline with comments.pdf)

(ATTACHMENT - SMC Weed Managment Plan Clean Draft_Final.pdf)

Presented by: Janet Kask, Parks and Open Space Director; Julie Kolb and Hannah Jiminez, Vegetation Control and Management; Ryan Righetti, Road and Bridge Superintendent

10:03 a.m. The Public Hearing was Opened.

10:17 a.m. The Public Hearing was Closed.

MOTION by Anne Brown to approve the adoption of the 2023 San Miguel County Weed Management plan with the amendment as stated by Rachel Allen [Assistant County Attorney, as stated "Whenever possible due to schedules and weather issues, the County Department and Vegetation Management will work together to maintain roadsides in the County by limiting roadside disturbance,

eliminating noxious weeds, and reseeded disturbed roadsides". **SECONDED** by Kris Holstrom. **PASSED 3-0.**

Note: Kris Holstrom and Anne Brown rescinded their 1st motion due to the Public Hearing was not addressed prior to the 1st motion.

MOTION by Anne Brown to approve the adoption of the 2023 San Miguel County Weed Management plan with the amendment as stated by Rachel Allen [Assistant County Attorney, as stated "Whenever possible due to schedules and weather issues, the County Department and Vegetation Management will work together to maintain roadsides in the County by limiting roadside disturbance, eliminating noxious weeds, and reseeded disturbed roadsides". **SECONDED** by Kris Holstrom. **PASSED 3-0.**

9) PLANNING MATTERS

- 9.a) 10:15 am Public Hearing: Consideration of an application for a Subdivision Exemption for Lot Line Adjustments to modify the boundary line between Lots P-11 and P-12/ MOTION

(ATTACHMENT - BOCC Packet Materials Lots P11 and P12 Idarado Legacy Subdivision LLA 6.7.23.pdf)

Presented by: John Huebner, Senior Planner; Kaye Simonson, Planning Director; Herb McHarg and Tom Kennedy, Attorneys representing the applicant

10:18 a.m. The Public Hearing was Opened.

10:25 a.m. The Public Hearing was Closed.

MOTION by Anne Brown to approve the proposed Subdivision Exemption for Lot Line Adjustments to adjust the property line between Lots P-11 and P-12, Idarado Legacy Subdivision as presented, to authorize the Chair's signature on the corresponding final plat, and to adopt the corresponding Board of County Commissioner Resolution No. 2023-25, finding that the proposed Subdivision Exemption for Lot Line Adjustments application is in compliance with all applicable Land Use Code standards in Section 5-1203, Lot Line Adjustments, including the submission of a final plat that complies with the final plat submission contents required in Land Use Code. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT I - Resolution 2023-25)

10:27 a.m. Recessed.

11:33 a.m. Reconvened.

- 9.b) Consideration of an application for a Sketch Plan Subdivision, the "La Sal Vista Subdivision", a 14.64-acre parcel, aka 41923 State Highway 145, located west of the Town of Norwood across from the San Miguel County Fairgrounds, in the Wrights Mesa (WM) zone district / MOTION

(ATTACHMENT - BOCC Packet Materials La Sal Vista Sketch Plan SUBD 6.7.23.pdf)

Presented by: John Huebner, Senior Planner; Kaye Simonson, Planning Director; Morgan Rummel, Applicant; Patti Grafmyer, Town of Norwood

Public Who Addressed the Board:
Rich Grimes, Norwood resident

MOTION by Anne Brown to approve the Board of Commissioners Resolution 2023-28, approving the La Sal Vista Sketch Subdivision, based on the findings that the Sketch Plan is consistent with the San Miguel County Comprehensive Development Plan, and the relevant Land Use Policies as set forth in Article 2 of the San Miguel County Land Use Code, with the following conditions:

1. The applicant shall address all relevant Referral Agency comments in the application for Preliminary Subdivision.
 2. Investigate the provision of an all-weather walking path from the property with a highway crossing at a location to be determined, and work with CDOT regarding necessary safe crossing improvements.
 3. Increase road width to 11' lanes per LUC Figure 5C-1C.
 4. Provide a wildlife management plan that addresses how construction impacts on 14 raptors and prairie dogs will be mitigated.
 - ~~5. Continue to work with Norwood Sanitation District to determine feasibility of serving the property instead of using onsite wastewater treatment systems (OWTS).~~
 6. Provide Draft Covenants outlining permitted uses and include on the draft plat. Should the Land Use Code be amended to allow Accessory Dwelling Units in the WMLI, the subdivision shall not prohibit such use.
 7. Incorporate Dark Sky principles.
 8. Ensure existing irrigation ditches are protected, with all necessary easements established, and coordinate construction so as to not impact delivery of water..
- SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT II - Resolution 2023-28)

- 9.c) 11:35 am Public Hearing: Consideration of amendments to the Land Use Code Sections 5-704 - Signs; 5-711 - Storage Sheds; and 5-20 - Transportation Requirements for Developments in the Telluride R-1 School District/MOTION

(ATTACHMENT - BOCC packet Sheds Transport Signs 060723.pdf)

(ATTACHMENT - Aldasoro Ranch Letter Re Proposed Changes to LUC 5-20.pdf)

(ATTACHMENT - VLucarelli 041923.pdf)

(ATTACHMENT - PBennett 041823.pdf)

(ATTACHMENT - BOCC Resolution 2023-26 Sheds Transport Signs LUC Amendment revised.pdf)

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

11:53 a.m. Public Hearing was Opened.
12:08 p.m. Public Hearing was Closed.

Public Who Addressed the Board:
Shellie Duplan, Aldasoro Ranch

MOTION by Kris Holstrom to approve the amendments to San Miguel County Land Use Code Section 5- 704 – Signs; Section 5-711 – Storage Sheds; and Section 5-20 – Transportation Requirements for Developments in the Telluride R-1 School District, and adopt BOCC Resolution No. 2023-26, based on the finding that the proposed amendments comply with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and are consistent with Land Use Code Section 1-4, Purposes of the Land Use Code. **SECONDED** by Lance Waring. **PASSED 3-0.**

(ATTACHMENT III - Resolution 2023-26)

- 9.d) Consideration to amend a Logging Special Use Permit (SUP) for New Beginnings Ranch in the Forestry, Agriculture, and Open (F) Zone District / MOTION

(ATTACHMENT - BOCC PACKET MATERIALS -New Beginnings Logging SUP 6.7.23.pdf)

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

MOTION by Anne Brown to approve an extension to the Logging Special Use Permit (SUP) for ALC, Inc. and its contractor, to conduct forest health improvement project on certain portions of their property, aka New Beginnings Ranch, and to adopt Resolution No. 2023-29, based on the finding that the proposed use is consistent with the Land Use Policies in LUC Section 2-16, Gunnison Sage Grouse Habitat, and complies with the Land Use Code review standards in Section 5-407 Wildlife Habitat Areas; Section 5-10, Special Uses; and Section 5-17, Logging, and subject to 5 the following specific terms and conditions:

1. The Special Use Permit is issued to the Applicant, ALC, Inc., and does not run with the Land.
2. All written representations of the applicant, in the original submittal and all supplements including emails, are deemed to be conditions of approval except to the extent modified by this approval.
3. ALC, Inc. shall comply with the terms and conditions of the Colorado State Forest Service Project Scope of Work for New Beginnings Ranch 2023, and associated Plan of Operations, except to the extent modified by this approval.
4. This approval is for an extension to the Special Use Permit with project

activities starting October 1, 2023 to February 29, 2024.

5. Warning signs shall be placed on County Road 35N to warn motorists, bikers, and hikers of the logging and hauling activity. All logging trucks shall comply with the posted speed limits on county roads.

6. Follow all wildfire prevention best practices including but not limited to use of spark arrestors, having water and equipment on site to fight fires, limitations on smoking and observance of red flag warnings and all fire restrictions.

7. Obtain and comply with all conditions of County Road & Bridge Excess Hauling Permit for the proposed hauling.

8. Contact the Planning Department, Road and Bridge Department and County Sheriff's Office prior to mobilization of and start of logging activities.

9. Provide a list of onsite contacts for ALC, Inc., Colorado State Forest Service personnel and the logging contractor and logging hauler to Planning Department, Road and Bridge Department, Sheriff's Office within 15 days of approval.

10. Provide a final project report to County Planning Department.

11. This permit shall be valid for activities starting October 1 2023, to February 29, 2024 unless it is extended following a BOCC review and approval of extension request submitted by the Applicant.. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

12:21 p.m. Recessed.

12:47 p.m. Reconvened.

(Resolution 2023-29 was never processed. The Special Use permit will be coming back to the board for reconsideration)

10) **Lunch**
12:20 p.m. - 12:45 p.m.

11) **PUBLIC HEALTH AND ENVIRONMENT**

11.a) Consideration of a Proclamation declaring June 2023 as Immigrant Heritage Month./MOTION

(ATTACHMENT - Proclamation Declaring June 2023 as Immigrant Heritage Month.pdf)

Presented by: Mitzi Ayala, Tri County Health Network

MOTION by Kris Holstrom to approve the Chair's signature on Proclamation 2023-03. **SECONDED** by Anne Brown. **PASSED 3-0.**

(ATTACHMENT IV - Proclamation 2023-03)

11.b) West Central Public Health Partnership and San Miguel County 2022 Health Assessment - Final Report - Spring 2023.

(ATTACHMENT - Abbreviated WCPHP and SMC Health Assessment - Stakeholders Presentation.pdf)

Presented by: Grace Franklin, Public Health Director

Public Who Addressed the Board:
Douglas Tooley, County resident

12) PLANNING MATTERS, Continued

- 12.a) Consideration of an appeal of the November 21, 2022, Planning Director Determination of Employee Housing Impact Fees for 385 Juniper Village Drive.

(ATTACHMENT - Wells Impact Fee Reduction Resolution.DRAFT(clean)053123.docx)

(ATTACHMENT - BOCC Packet 385 Juniper Village 021523.pdf)

(ATTACHMENT - Wells.Second Supplement to Notice of Appeal (impact fees).pdf)

Presented by: Kaye Simonson, Planning Director; Chris Bryan, Attorney representing appellant; Rachel Allen, Assistant County Attorney

MOTION by Kris Holstrom to approve the Resolution 2023 -30 with the additional whereas [as stated "WHEREAS, on January 13, 2022, Owner was issued Development Permit No. 2022003 for the construction of a single-family dwelling on the Property. Owner revised the design plans for the Property on August 25, 2022, and Development Permit No. 2022003 was reissued and backdated, in error, to the original permit issuance date of January 13, 2022. This Resolution is not precedent setting and exists due to a unique scrivener's error. WHEREAS, on November 18, 2022, Owner requested an administrative determination from the Planning Director regarding the Affordable Housing Mitigation Fee calculation Owner received from the county's building department staff. The Planning Director responded to Owner's representative on November 21, 2022, indicating that the calculated fee was correct, as of November 21, 2022, based on the floor area represented in Owner's Building Permit application"]. **SECONDED** by Lance Waring. **PASSED 3-0.**

(ATTACHMENT V - Resolution 2023-30)

- 12.b) Consideration of an appeal of the November 21, 2022, Planning Director Determination of Employee Housing Impact Fees for 101 Victoria Point Lane.

(ATTACHMENT - BOCC Packet 101 Victoria Point 021523.pdf)

(ATTACHMENT - Seifert Residence - Basement Plans.PDF)

(ATTACHMENT - Three-K-Nine.Second Supplement to Notice of Appeal (impact fees).pdf)

Presented by: Kaye Simonson, Planning Director; Rachel Allen, Assistant County Attorney; Chris Bryan, Attorney representing the appellant

MOTION by Anne Brown to deny the appeal concerning the Housing Impact fee. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

Manager Matters - Continued

Presented by: Mike Bordogna, County Manager

1. Continued update on CCI Summer Conference

15) COUNTY HOUSING MATTERS

- 15.a) Consideration to reclassify the Pinion Park 3-bedroom units as 2-bedroom units changing the Pinion Park guidelines./MOTION

(ATTACHMENT - Redline Version Pinion Park.pdf)

(ATTACHMENT - Norwood Pinion Park Bedroom Classification Update 6.7.2023.pdf)

(ATTACHMENT - Redline version Bedroom assignment.pdf Redline)

Presented by: Paul Major, Rural Homes; Lois Major, representing SMRHA

Public Who Addressed the Board: Douglas Tooley, County resident

MOTION by Kris Holstrom to approve the amendment to the Pinion Park Guidelines, Appendix B, page 36 to reclassify all 3-bedroom units to 2-bedroom units. **SECONDED** by Anne Brown. **PASSED 3-0.**

- 15.b) Discussion and review of the Deed Restriction Covenant: Template Update of "on-going requirements".

(ATTACHMENT - Covenant Template Update BOCC_Memo May_2023.pdf)

Presented by: Lois Major, Special Council to the San Miguel Regional Housing Authority; Courtney McEleney, San Miguel Regional Housing Authority

MOTION by Anne Brown to approve proceeding with the amendments to the Covenant and LUC, where pertinent, and direct staff to prepare documents for review and final adoption, as follows: Clarify and adopt new work hour minimum requirements for occupants as stated above, including on-going minimum monthly requirements. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- 15.c) Discussion and review of the deed restriction on Multi-Family Housing Covenant.

(ATTACHMENT - Multi-family Covenant BOCC_Memo May_2023.pdf)

Presented by: Lois Major, Special Counsel to the San Miguel Regional Housing Authority; Courtney McEleney, SMRHA

Note: Staff direction was given for this item and will be continued to a future meeting.

3:05 p.m. Recessed.

3:07 p.m. Reconvened.

16) ATTORNEY MATTERS

- 16.a) Potential Executive Session: Discussion with an attorney regarding Aldasoro ADU Deed Restriction, citation 24-6-402 CRS (4)(b). - Continued from May 17, 2023.

Nancy Willis left the meeting 3:07 p.m.

MOTION by Kris Holstrom to go into executive session, to discuss with an attorney regarding Aldasoro ADU Deed Restriction, citation 24-6-402 CRS (4) (b). **SECONDED** by Lance Waring. **PASSED 2-0.**

Presented by: Rachel Allen, Assistant County Attorney; Kaye Simonson, Planning Director; Lois Major, Special Counsel to the San Miguel Regional Housing Authority

Anne Brown, recused herself and stepped out of the meeting.

3:13 p.m. Recessed.

3:38 p.m. Reconvened.

MOTION by Kris Holstrom to come out of executive session, only one item stated was discussed. **SECONDED** by Lance Waring. **PASSED 2-0.**

Anne Brown returned to the meeting.

MOTION by Kris Holstrom to approve the attorney recommendation and direct staff to move forward with the language as stated by Rachel Allen, Assistant County Attorney - direction to staff was to move forward.
Language Regarding the recommendation:

Refund of impact fees collected in the last two-years from date of discovery. A refund of impact fees collected between April 5, 2021 to April 5, 2023 captures the two-year statute of limitations from the date Aldasoro brought this issue to our attention on April 5, 2023.

8% Interest of refunded fees between April 5, 2021 to April 5, 2023. Per C.R.S. § 5-12-102(1)(b), interest shall be at a rate of eight percent (8%) per annum compounded annually.

Refunds to go to the property owners. Refunds will be provided to the original owners who were the responsible parties at the time the fee was collected. It is not recommended that any refunds be sent to a trust account managed by the HOC to be distributed as requested in the May 22, 2023 letter from Aldasoro Ranch Homeowners Company.

Notification. Notification will be made to current property owners with ADU deed restrictions clarifying that the Aldasoro 15% deed-restriction of "Local's

Lots” within the Aldasoro PUD was intended to be employee housing mitigation exempting them from the ADU deed restriction, and a corresponding document regarding terminating all remaining ADU deed restrictions to be recorded on their property in their favor.

ADU Buyout Refund. A refund to the one property owner who paid a fee in lieu of deed restriction will be made in the amount of \$80,000, without interest, as a matter of good faith.

ADU Termination Fees - After 2007, three known Property Owners paid impact fees in lieu of deed-restricted ADU. Refunds to be provided to these original Property Owners who paid this fee, without interest.

Owner Claims. If any property owners, from 2007 to April 5, 2023, outside of those known would like to inquire as to whether they should be considered for any reimbursement, the County will create a 90-day application process in the County Attorney’s Office for owners to submit information for the County to consider.

. **SECONDED** by Lance Waring. **PASSED 2-0.**

- 16.b) Continued from May 3, 2023 - Request for Termination of the Accessory Dwelling Unit Deed Restriction for Lot 134, Aldasoro Ranch PUD Filing 2, 140 W. Serapio Drive/MOTION

(ATTACHMENT - BOCC packet 140 W Serapio ADU termination 050323.pdf)

(ATTACHMENT - Comment Letter To SMC.pdf)

Presented by: Kaye Simonson, Planning Director

MOTION by Kris Holstrom to approve the termination of the Deed Restriction on Lot 134, Aldasoro Ranch PUD, filing 2 and authorize the Chair to sign the termination form once prepared. **SECONDED** by Lance Waring. **PASSED 3-0.**

- 16.c) Executive Session: Discussion with an Attorney on the San Miguel Water Conservancy Case, citation (4)(b).

Presented by: Mark Hamilton, Water Attorney representing the County; Rachel Allen, Assistant County Attorney; Mike Bordogna, County Attorney

MOTION by Kris Holstrom to go into executive session, to discuss with an Attorney the San Miguel Water Conservancy Case, citation (4)(b). **SECONDED** by Anne Brown. **PASSED 3-0.**

3:50 p.m. Recessed.

4:24 p.m. Reconvened.

MOTION by Kris Holstrom to come out of executive session, only the one item stated was discussed. **SECONDED** by Anne Brown. **PASSED 3-0.**

Note: Item 16.a., 16.b., and 16.c. (ATTACHMENT VI - Executive Session Minutes Attest)

The County Attorney requested that the above items not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and Chair is attached.

17) **ADJOURNMENT**

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

4:26 p.m. Recessed.



Respectfully submitted,

Approved *Carmen Warfield* Carmen warfield

SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS

Lance Waring
Lance Waring

ATTEST:

Mike Bordogna
Mike Bordogna

**RESOLUTION OF THE BOARD OF COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
GRANTING A SUBDIVISION EXEMPTION FOR LOT LINE ADJUSTMENTS
BETWEEN LOT P-11 AND LOT P-12, IDARADO LEGACY SUBDIVISION**

Resolution 2023-25

WHEREAS, Herb McHarg, Attorney, on behalf of P-11 Partners LLC (Applicant), owner of Lot P-11, Idarado Legacy Subdivision, 405 Pandora Lane, Telluride, and on behalf of Tom Kennedy, Attorney, for Idarado P12 LLC (Applicant), owner of Lot P-12, Idarado Legacy Subdivision, 425 Pandora Lane, Telluride, the ("Property"), more specifically described in Exhibit A, Legal Description, submitted an application for a Subdivision Exemption for Lot Line Adjustments seeking to adjust the common property boundary between these two parcels to better fit existing landscape and hardscape features. Lots P-11 and P-12 are .8 acres and .88 acres respectively and zoned Mobile Home (MH). The lots are located approximately 1.0 mile east from the Town of Telluride off East Highway 145 Spur;

WHEREAS, a Subdivision Exemption for Lot Line Vacation is a One-Step Board of County Commissioner Review pursuant to Land Use Code Sections 3-501 B.I.b. and 5-1203 Lot Line Adjustments;

WHEREAS, the application was referred to the County Attorney, County Manager, County Surveyor, and Idarado Legacy Subdivision Homeowners Association Board for review and comment;

WHEREAS, the Applicant sent Notice of the application and the Board of County Commissioners (BOCC) public hearing to be held on June 7, 2023 to all property owners within 500 feet of the subject parcel, and a sign was posted on the property noticing the proposed adjustment of lot lines and the BOCC meeting to be held on June 7, 2023;

WHEREAS, a Public Hearing Notice for the proposed Lot Line Vacation application and the Board of County Commissioners meeting to be held on June 7, 2023 was published in the Norwood Post and the Telluride Daily Planet on May 17, 2023;

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

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing held in Telluride and on-line on Wednesday, June 7, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves the proposed Subdivision Exemption for Lot Line Adjustments to adjust the property line between Lots P-11 and P-12, Idarado Legacy Subdivision, finding the proposed lot line adjustment is in compliance with all applicable Land Use Code standards in Section 5-1203, Subdivision Exemption, for a Lot Line Adjustments including submission of a

revised final plat that complies with final plat submission contents listed in Land Use Code Section 4-5.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on June 7, 2023.

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

By: Lance Waring
Lance Waring, Chair

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

ATTEST:

By: Carmen Warfield
Carmen Warfield, Chief Deputy Clerk



EXHIBIT "A" Legal Description

EXHIBIT "B" Plat

EXHIBIT "C" Public Hearing Record

EXHIBIT "A"

Legal Description

LOT P-11, IDARADO SUBDIVISION EXEMPTION PLAT AND PLAN FOR CLUSTER DEVELOPMENT LOTS, SUBDIVISION EXEMPTION PLAT FOR EMPLOYEE HOUSING PARCEL AND SUBDIVISION EXEMPTION PLAT FOR ASSOCIATION PARCEL RECORDED FEBRUARY 10, 2004 IN PLAT BOOK 1 AT PAGE 3238, AS MODIFIED BY FIRST AMENDMENT RECORDED NOVEMBER 1, 2004 IN PLAT BOOK 1 AT PAGE 3368, THE SECOND AMENDMENT RECORDED AUGUST 18, 2005 IN PLAT BOOK 1 AT PAGE 3508, AND THE THIRD AMENDMENT RECORDED JUNE 5, 2006 IN PLAT BOOK 1 AT PAGE 3662, AND THE SITE CONSTRAINTS MAP RECORDED FEBRUARY 10, 2004 IN PLAT BOOK 1 AT PAGE 3247 AND FIRST AMENDMENT TO SITE CONSTRAINTS MAP RECORDED NOVEMBER 1, 2004 IN PLAT BOOK 1 AT PAGE 3378, AND THE SECOND AMENDMENT TO SITE CONSTRAINTS MAP RECORDED AUGUST 18, 2005 IN PLAT BOOK 1 AT PAGE 3519, AND THE THIRD AMENDMENT TO SITE CONSTRAINTS MAP RECORDED JUNE 5, 2006 IN PLAT BOOK 1 AT PAGE 3671, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

PARCEL A:

LOT P-12, IDARADO SUBDIVISION EXEMPTION PLAT AND PLAN FOR CLUSTER DEVELOPMENT LOTS, SUBDIVISION EXEMPTION PLAT FOR EMPLOYEE HOUSING PARCEL AND SUBDIVISION EXEMPTION PLAT FOR ASSOCIATION PARCEL RECORDED FEBRUARY 10, 2004 IN PLAT BOOK 1 AT PAGE 3238, AS MODIFIED BY FIRST AMENDMENT RECORDED NOVEMBER 1, 2004 IN PLAT BOOK 1 AT PAGE 3368, THE SECOND AMENDMENT RECORDED AUGUST 18, 2005 IN PLAT BOOK 1 AT PAGE 3508, AND THE THIRD AMENDMENT RECORDED JUNE 5, 2006 IN PLAT BOOK 1 AT PAGE 3662, AND THE SITE CONSTRAINTS MAP RECORDED FEBRUARY 10, 2004 IN PLAT BOOK 1 AT PAGE 3247 AND FIRST AMENDMENT TO SITE CONSTRAINTS MAP RECORDED NOVEMBER 1, 2004 IN PLAT BOOK 1 AT PAGE 3378, AND THE SECOND AMENDMENT TO SITE CONSTRAINTS MAP RECORDED AUGUST 18, 2005 IN PLAT BOOK 1 AT PAGE 3519, AND THE THIRD AMENDMENT TO SITE CONSTRAINTS MAP RECORDED JUNE 5, 2006 IN PLAT BOOK 1 AT PAGE 3671, AND THE INSUBSTANTIAL AMENDMENT FOR LOT P12 RECORDED AUGUST 8, 2019 UNDER RECEPTION NO. 459480, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

PARCEL B:

THOSE EASEMENT RIGHTS CREATED BY INSTRUMENT RECORDED APRIL 6, 2005 UNDER RECEPTION NO. 373803 AND INSTRUMENT RECORDED APRIL 8, 2005 UNDER RECEPTION NO. 373846 AND AS AMENDED IN INSTRUMENT RECORDED NOVEMBER 21, 2005 UNDER RECEPTION NO. 379697, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

P-41 Permit JLC & CO LLC 681 Piedmont Lane, Teaneck, NJ 07659	Lot P-410 and Lot P-420 Municipal Ordinance Chapter 140-11 for Cluster Development/Lots 520 1/2 Cdn. Reapproved
4-00-0020	 BULSON SURVEYING
00223	

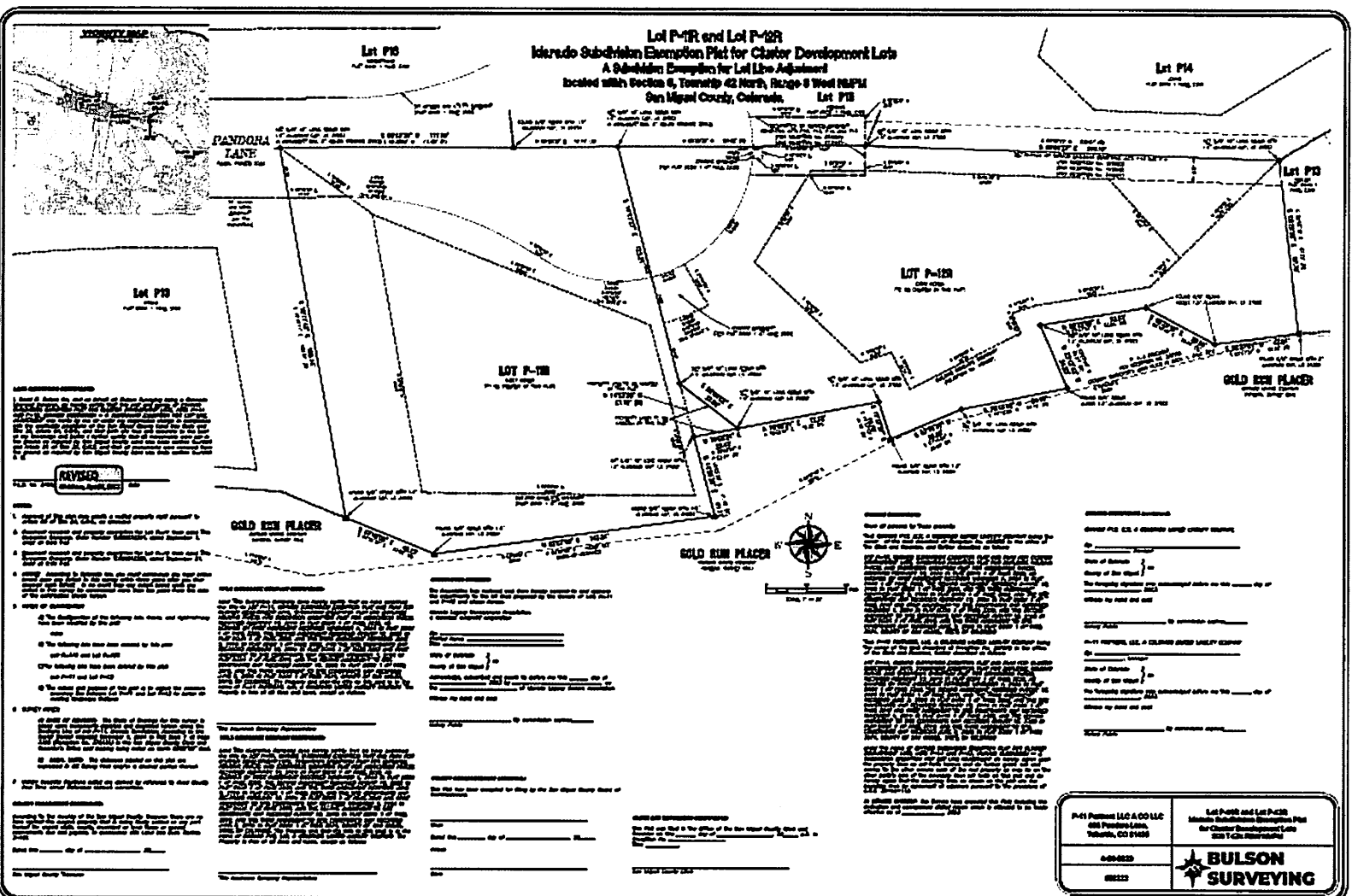


EXHIBIT "C"

Public Hearing Record

San Miguel County Board of Commissioners

Application: P-11 Partners LLC and Idarado P12 LLC, Herb McHarg
Subdivision Exemption for Lot Line Adjustments: Lots P-11 and P-12, Idarado
Legacy Subdivision

Date: June 7, 2023

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of County Commissioners from John Huebner, Senior Planner dated June 7, 2023.
4. Draft Resolution 2023-25 of the County Board of Commissioners, San Miguel County, Colorado, Granting a Subdivision Exemption for a Lot Line Adjustments for Lots P-11 and P-12, Idarado Legacy Subdivision.
5. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on Wednesday, May 17, 2023.
6. Application submitted by Herb McHarg, Attorney, on behalf of P-11 Partners LLC, owner of Lot P-11, Idarado Legacy Subdivision, and Tom Kennedy, Attorney, for Idarado P12 LLC, owner of Lot P-12, Idarado Legacy Subdivision, received March 30, 2023.
7. "Applicant's Certification of Compliance with the Public Noticing Requirements" of the San Miguel County LUC Section 3-9 and of C.R.S. § 24-65.5-103(1) dated May 15, 2023.

AGENCY COMMENTS

8. Email from John Huebner, Senior Planner, to Referral Agencies dated August 20, 2022.
9. Letter from J David Foley, County Surveyor, to John Huebner, Senior Planner dated April 21, 2023.

PUBLIC COMMENT

None received

**Re-recorded to strike the condition #5

481363
Page 1 of 7
SAN MIGUEL COUNTY, CO
STEPHANIE VAN DAMME, CLERK-RECORDER
06-26-2023 12:52 PM Recording Fee \$0.00

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
APPROVING A SKETCH PLAN FOR
SUBDIVISION OF LA SAL VISTA FOR MJRUMMEL INVESTMENTS LLC**

Resolution 2023-28

WHEREAS, MJRummel Investments LLC, hereafter "Applicant," is the owner a certain tract of land ("La Sal Vista"), hereafter "Property," in the Wright's Mesa (WM) Zone District, more particularly described as shown on Exhibit A, Legal Description; and

WHEREAS, Morgan Rummel, on behalf of the Applicant has submitted an Application ("Application") for Sketch Plan for Subdivision for the Property, in accordance with San Miguel County Land Use Code Section 5-319 Wright's Mesa (WM) Zone District, and Land Use Code Section 5-319 Wright's Mesa Light Industrial Zone District; and

WHEREAS, Applicant is seeking approval of the La Sal Vista Subdivision Sketch Plan that consists of the platting of certain Lots on the Property, as shown on Exhibit C, Site Plan; and

WHEREAS, the Application was referred to the County Attorney, County Manager, County Assessor, County Building Official, County Natural Resources Director, County Parks and Open Space Director, County Road and Bridge Director, County Sheriff, County Environmental Specialist, County Surveyor, County Treasurer, Colorado Geological Survey (CGS), Colorado Parks and Wildlife District Manager (CPW), Colorado Division of Water Resources (CDWR), Colorado Department of Transportation (CDOT), Black Hills Energy, San Miguel Power Association, San Miguel Authority for Regional Transportation (SMART), Norwood Fire Protection District Marshal, Town of Norwood, Norwood Sanitation District, and the Norwood Water Commission for review and comment; and

WHEREAS, on or about March 7, 2023, the Applicant sent Notice of the application and the Planning Commission (CPC) Public Hearing to be held on Thursday, April 20, 2023 to all property owners within 500 feet of the subject parcel, and signs were posted on the property on or about March 7, 2023 noticing the proposed use and the CPC meeting to be held on April 20, 2023; and

WHEREAS, a Public Hearing Notice for the proposed Sketch Plan Subdivision and the Planning Commission meeting to be held on April 20, 2023 was published in the Norwood Post and the Telluride Daily Planet on March 29, 2023; and

WHEREAS, a Public Meeting Notice for the proposed Sketch Plan Subdivision and the Board of Commissioners meeting to be held on June 7, 2023 was published in the Norwood Post and the Telluride Daily Planet on May 17, 2023; and

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

WHEREAS, the County Planning Commission considered this application, along with relevant evidence and testimony, at a public hearing on Thursday, April 20, 2023.

WHEREAS, at its hearing held on Thursday, April 20, 2023, following its consideration of the proposed Sketch Subdivision Plan Application, the CPC by a 5-0 vote recommended approval of the Preliminary PUD Plan and Subdivision and adopted CPC Resolution No. 2023-04; and

NOW, THEREFORE, BE IT RESOLVED that the San Miguel County Board of Commissioners approves the La Sal Vista Sketch Subdivision and adopts BOCC Resolution 2023-28, based on the findings that the Sketch Subdivision Plan is consistent with the San Miguel County Comprehensive Development Plan and more specifically, the Wright's Mesa Master Plan planning area, the relevant Land Use Policies as set forth in Article 2 of the San Miguel County Land Use Code, with the following conditions:

1. The applicant shall address all relevant Referral Agency comments in the application for Preliminary Subdivision.
2. Investigate the provision of an all-weather walking path from the property with a highway crossing at a location to be determined, and work with CDOT regarding necessary safe crossing improvements.
3. Increase road width to 11' lanes per LUC Figure 5C-1C.
4. Provide a wildlife management plan that addresses how construction impacts on raptors and prairie dogs will be mitigated.
5. ~~Continue to work with Norwood Sanitation District to determine feasibility of serving the property instead of using on-site wastewater treatment systems (OWTS).~~
6. Provide Draft Covenants outlining permitted uses and include on the draft plat.
7. Incorporate Dark Sky principles.
8. Ensure existing irrigation ditches are protected, with all necessary easements established, and coordinate construction so as to not impact delivery of water.

BE IT FURTHER RESOLVED that all written representations of the applicant in the original submittal and all supplements, letters and emails are deemed to be conditions of approval, except to the extent modified by this review process.

BE IT FURTHER RESOLVED that pursuant to Land Use Code Section 3-702B, this Sketch Plan approval shall be valid for a period of one (1) year.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on June 7, 2023.

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

By: Lance Waring
Lance Waring, Chair

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

ATTEST:

By: Carmen Warfield
Carmen Warfield, Chief Deputy Clerk



EXHIBIT "A" Legal Description
EXHIBIT "B" Public Meeting Record list
EXHIBIT "C" Site Plan

EXHIBIT "A" LEGAL DESCRIPTION

E2SE4SE4 SEC 21 T45 R13 LESS TR OF LAND DESC AS FOLL BEG AT PT N
89DEG 51MIN W 30 FT AND N 0DEG 09MIN E 30 FT FROM SE COR SECT 21 TH N
89DEG 51MIN W 621.73 FT TH N 0DEG 09MIN E 264 FT THS 89DEG 51MIN E
621.73 FT TH S 0DEG 09MIN W 264 FT TO POB 14.64A

EXHIBIT "B"

PUBLIC MEETING RECORD

San Miguel County Board of Commissioners

Application: MJRummel Investments Inc La Sal Vista Subdivision Sketch Plan

Date: June 7, 2023

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of County Commissioners from John Huebner, Senior Planner dated June 7, 2023.
4. Draft Resolution 2023-28 of the County Board of Commissioners, San Miguel County, Colorado, Approving a Sketch Plan for Subdivision of La Sal Vista for MJRummel Investments LLC.
5. Draft Minutes for County Planning Commission Meeting April 20, 2023.
6. Memorandum to the County Planning Commission from John Huebner, Senior Planner dated April 20, 2023.
7. Application submitted by Morgan Rummel, on behalf of MJRummel Investments Inc for La Sal Vista property, dated February 5, 2023.
8. "Applicant's Certification of Compliance with the Public Noticing Requirements" of the San Miguel County LUC Section 3-9 and of C.R.S. § 24-65.5-103(1) dated March 7, 2023.
9. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on Wednesday, March 29, 2023.
10. Public Meeting Notice published in the Norwood Post and Telluride Daily Planet on Wednesday, May 17, 2023.

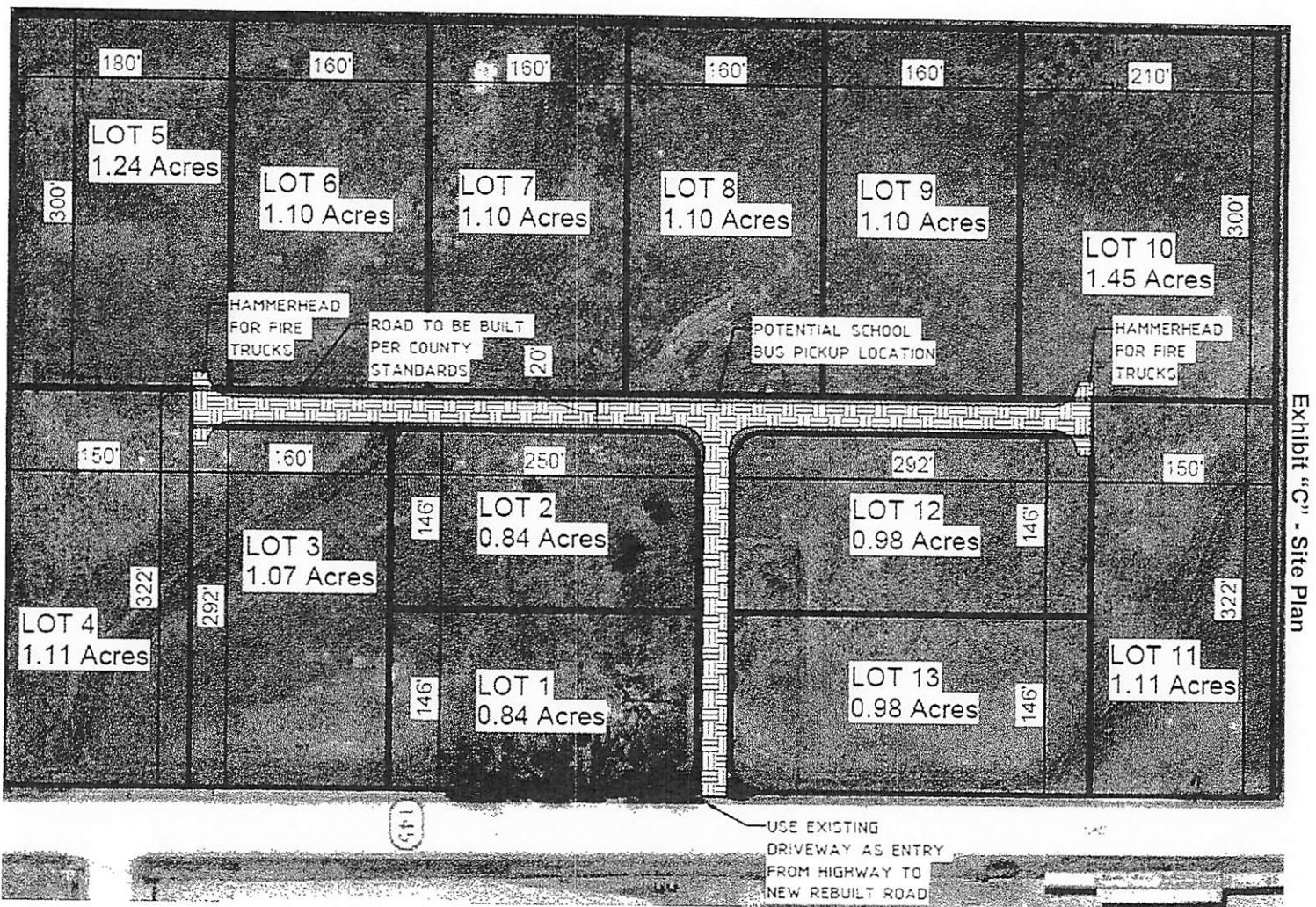
AGENCY COMMENTS

11. Email from John Huebner, Senior Planner, to Referral Agencies dated February 21, 2023.
12. Email from Donald Green, Black Hills Energy, to John Huebner, Senior Planner dated February 22, 2023.
13. Email from Randee Relder, Colorado Department of Transportation, to John Huebner, Senior Planner dated February 21, 2023.
14. Email from Gregory Powers, Colorado Division of Water Resources, to John Huebner, Senior Planner dated February 22, 2023.

15. Letter from Ryan Righetti, County Road and Bridge Department, to John Huebner, Senior Planner dated March 7, 2023.
16. Letter from Mark W. Caddy, Colorado Parks and Wildlife, to John Huebner, Senior Planner dated March 15, 2023.
17. Letter from Norwood Water Commission Board to Planning Commission dated March 15, 2023.
18. Letter from Norwood Sanitation District Board of Directors to Planning Commission dated March 14, 2023.
19. Letter from Town of Norwood Board of Trustees to Planning Commission dated March 16, 2023.
20. Letter from J David Foley, San Miguel County Surveyor, to John Huebner, Senior Planner dated March 16, 2023.
21. Letter from Jill Carlson, Colorado Geological Survey, to John Huebner, Senior Planner dated March 17, 2023.
22. Email from Janet Kask, County Open Space and Parks, to John Huebner, Senior Planner dated March 21, 2023.

PUBLIC COMMENT

23. Letter from neighbors Richard and LeeAnn Grimes, Terri Hatfield, Tom and Lana Oliver, Julie Thorneycroft, Nancy Browning, and Kenneth Read, to Planning Commission dated March 23, 2023.
24. Letter from Marvin and Sylvia Souther, Souther Ranch, to Planning Department dated March 25, 2023.



**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
APPROVING AN AMENDMENT TO LAND USE CODE SECTION 5-704 SIGNS,
SECTION 5-711 STORAGE SHEDS, AND SECTION 5-20 TRANSPORTATION
REQUIREMENTS FOR DEVELOPMENTS IN THE TELLURIDE R-1 SCHOOL
DISTRICT**

Resolution 2023-26

WHEREAS, pursuant to LUC Section 5-1802, Amendments to the Land Use Code may be initiated by County staff; and

WHEREAS, the Planning Director has identified certain areas within the Land Use Code needing clarification or correction and prepared a draft Land Use Code Amendment to Section 5-704 Signs, Section 5-711 Storage Sheds, and Section 5-20, Transportation Requirements for Developments in the Telluride R-1 School District; and

WHEREAS, the draft amendment was referred to the County Attorney; County Manager; County Road and Bridge Director; County Natural Resources Director; County Building Official; Town of Telluride; Town of Mountain Village; Town of Ophir; and Town of Sawpit; and

WHEREAS, at its meeting held on Thursday, April 20, 2022, following its consideration of the proposed LUC Amendment, the County Planning Commission (CPC) on a 4-1 vote 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 and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code; and

WHEREAS, a Public Hearing Notice for the proposed Land Use Code Amendment and the Board of County Commissioners meeting to be held on June 7, 2023 was published in the Norwood Post and the Telluride Daily Planet on May 17, 2023; 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, June 7, 2023.

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, Section 5-704 Signs:

(Additions are shown with underline. Deletions are shown with ~~strike-through~~.)

5-704 F. Permits

- II. For all sign permits required, a fee ~~of one dollar per square foot of surface area~~ determined by the Board of County Commissioners pursuant to Section 3-1410 shall be charged to cover the costs of administration.

BE IT FURTHER RESOLVED, LUC Section 5-711 Storage Sheds is added in its entirety:

5-711 Storage Sheds

5-711 A. Accessory Storage Shed Standards

- I. Accessory Storage Shed Standards for all Zone Districts.
The following accessory storage shed standards shall apply in all county zone districts.
 - a. Development permits are required for sheds two hundred (200) square feet or larger in unincorporated San Miguel County (unless classified as agricultural and being used for agricultural purposes).
 - b. One (1) exempt shed less than two hundred (200) square feet may be constructed on a property prior to establishment or construction of the principal use, provided the shed is used solely for storage, does not have utilities and is not placed on a permanent foundation. Exempt sheds may only be used for the storage of equipment and cannot be occupied.
 - c. Storage containers are considered accessory structures, as defined herein, and are subject to the requirements of the Code.

BE IT FURTHER RESOLVED, LUC Section 5-20, Transportation Requirements for developments in the Telluride R-1 School District is amended as follows:

(Additions are shown with underline. Deletions are shown with ~~strike-through~~.)

5-2001 B. Requirements in the Affordable Housing Planned Unit Development, Low Intensity Industrial, Low Density, Medium Density, ~~and High Density~~, Low Density Residential, Community Housing, and Mixed Use Development Zone Districts

Prior to final subdivision approval, each subdivision including lands proposed for development under the Affordable Housing Planned Unit Development, Low Intensity Industrial, Low Density, Medium Density, High Density, Low Density Residential, Community Housing, and/or the Mixed Use Development Zone Districts shall:

5-2002 C. Deep Creek Mesa Link

Any development on Deep Creek Mesa with lands proposed for development under the Affordable Housing Planned Unit Development, Low Intensity Industrial, Low Density, Medium Density, and/or the High Density, Low Density Residential, Community Housing, and/or the Mixed Use Development Zone Districts will be required to develop an alternate transportation link to the Telluride R-1 School District alternate transportation system and guarantee implementation of the link.

BE IT FURTHER RESOLVED, this resolution is adopted based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments, and is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on June 7, 2023.

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

By: Lance Waring
Lance Waring, Chair

Vote:	Anne Brown	☒ Aye	☐ Nay	☐ Abstain	☐ Absent
	Kris Holstrom	☒ Aye	☐ Nay	☐ Abstain	☐ Absent
	Lance Waring	☒ Aye	☐ Nay	☐ Abstain	☐ Absent

ATTEST:

By: Carmen Warfield
Carmen Warfield, Chief Deputy Clerk



EXHIBIT A – Public Hearing Record list

**EXHIBIT A
PUBLIC HEARING RECORD**

Board of County Commissioners

Application: Amendment to the San Miguel County Land Use Code - Section 5-704 – Signs;
Section 5-711 – Storage Sheds; and Section 5-20 – Transportation
Requirements for Developments in the Telluride R-1 School District

Date: June 7, 2023

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only)
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only)
3. Memorandum to the San Miguel County Board of Commissioners from Kaye Simonson, Planning Director, dated June 7, 2023
4. Draft BOCC Resolution No. 2023-26
5. Memorandum to the San Miguel County Planning Commission from Kaye Simonson, Planning Director, dated April 20, 2023
6. County Planning Commission Minutes, April 20, 2023
7. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on May 17, 2023

AGENCY COMMENTS

8. Email from John Huebner to Referral Agencies dated March 14, 2023
9. Agency Referral documents
10. Email from Amy Markwell, County Attorney dated March 20, 2023
11. Email From Matt Gonzales, County Building Official dated March 29, 2023
12. Email from Mike Bordogna, County Administrator dated March 17, 2023

PUBLIC COMMENT

13. Email from Pam Bennett dated April 18, 2023
14. Letter from Shellie Duplan, Aldasoro Ranch Homeowners Company, to Kaye Simonson dated April 19, 2023
15. Email from Virginia Lucarelli dated April 19, 2023

OTHER

None

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO, DECLARING JUNE 2023 AS
IMMIGRANT HERITAGE MONTH**

Proclamation 2023-⁰⁰³_____

WHEREAS, immigrants have vastly diversified and enriched the cultural tapestry of our Nation throughout its history;

WHEREAS, immigrants have bolstered our Nation and made it stronger, more innovative, and more prosperous since the country's inception; and,

WHEREAS, the United States, because of the Constitution, is a beacon of hope for people all over the globe seeking a better life and peaceful future; and,

WHEREAS, we join people around the globe in commemorating Word Refugee Day, a day when we recognize, honor, and uplift the strength, courage, and humanity of millions forced to flee violence, persecution, and war; and,

WHEREAS, the San Miguel County BOCC honors the dignity of all county residents, regardless of nationality, and recognizes the importance of their many contributions to the social, cultural, and economic life of the county; and,

WHEREAS, San Miguel County recognizes the dependence of its vital food supply on the continuous hard labor performed by a largely immigrant agricultural workforce; and,

WHEREAS, immigration enhances San Miguel County's cultural diversity, adding a variety of abilities, perspectives, languages, customs, traditions, values, and cuisines that benefit the residents of our county;

NOW, THEREFORE, BE IT PROCLAIMED, that during this month designated as Immigrant Heritage Month, the San Miguel County BOCC proclaims that **June 2023 shall be designated Immigrant Heritage Month in San Miguel County, Colorado**, and call this observance to the attention of all our citizens to encourage them to learn more about the social and economic impact of immigrants to our community and state.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, at a duly noticed public meeting held in Telluride, Colorado, on June 7, 2023.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

Lance Waring

Lance Waring, Chair

ATTEST:



Carmen Warfield

Carmen L. Warfield, Chief Deputy Clerk to the Board

VOTE:

Anne Brown	x	Aye	Nay	Abstain	Absent
Kris Holstrom	x	Aye	Nay	Abstain	Absent
Lance Waring	x	Aye	Nay	Abstain	Absent

ATTACHMENT

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO
APPROVING A PARTIAL REDUCTION OF EMPLOYEE HOUSING IMPACT FEE
PURSUANT TO SECTION 5-1303(G)(XII)**

Resolution #2023 - 30

WHEREAS, pursuant to Resolution 2022-031, the San Miguel County Board of County Commissioners ("BOCC") adopted Land Use Code amendments to implement an amended residential development employee housing mitigation fee method and fee schedule (the "Impact Fee Regulations") that went into effect July 15, 2022.

WHEREAS, the BOCC made further changes to the Impact Fee Regulations under Resolution 2023-09.

WHEREAS, the Priscilla W. Wells Revocable Trust (the "Owner") owns the property located at 385 Juniper Village Drive in unincorporated San Miguel County (the "Property").

WHEREAS, on January 13, 2022, Owner was issued Development Permit No. 2022003 for the construction of a single-family dwelling on the Property. Owner revised the design plans for the Property on August 25, 2022, and Development Permit No. 2022003 was reissued and backdated, in error, to the original permit issuance date of January 13, 2022. This Resolution is not precedent setting and exists due to a unique scrivener's error.

WHEREAS, on November 18, 2022, Owner requested an administrative determination from the Planning Director regarding the Affordable Housing Mitigation Fee calculation Owner received from the county's building department staff. The Planning Director responded to Owner's representative on November 21, 2022, indicating that the calculated fee was correct, as of November 21, 2022, based on the floor area represented in Owner's Building Permit application.

WHEREAS, Owner paid, under protest, employee housing mitigation fees as calculated under the new Impact Fee Regulations in the amount of \$70,046.00.

WHEREAS, on December 5, 2022, Owner submitted a Notice of Appeal pursuant to sections 5-1303(G)(XII) and 1-1903 regarding the amount of employee housing mitigation fees owed for the Property.

WHEREAS, a meeting before the BOCC regarding Owner's Notice of Appeal was held on February 15, 2023, and continued to May 3, 2023.

WHEREAS, based on changes the BOCC made to the Impact Fees Regulations under Resolution 2023-09, Owner's fees were reduced from \$70,046.00 to \$26,656 and a refund for \$43,390 was processed on or about March 13, 2023.

WHEREAS, at the meeting held on May 3, 2023, the BOCC listened to the statements made by County staff, Owner's representative, and Owner, and reviewed all written submissions from both.

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

1. **Recitals.** The foregoing recitals are incorporated herein as findings of the BOCC.
2. **Partial Reduction of Employee Housing Mitigation Fees.** The BOCC hereby reduces the fees owed for the development of the Property pursuant to Permit No. 2022003 to \$15,800.00, which is the approximate median between the impact mitigation fees in effect in January 2022 for this property and the fees that would apply currently but for this compromise. County staff is directed to refund an additional \$10,856 of the previously-paid impact fee to Owner.

APPROVED AND ADOPTED this 7th day of June, 2023, at Telluride, Colorado.

**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



**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MEETING**

6/7/2023

Date of Meeting

Executive Session Minutes Attest

I, Rachel Allen, Assistant County Attorney attest that the 6/7/2023

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.

Rachel Allen

Rachel Allen, Assistant County Attorney

I, Lance Waring, Chair of the San Miguel County Board of
Commissioners attest that the 6/7/2023

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.

Lance Waring

Chair