SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES
THURSDAY, JANUARY 15, 2015
REGULAR MEETING
Meeting Room, Telluride Fire House, 131 W Columbia Avenue
Telluride, Colorado

Present: Chair Joan May
Vice-Chair Elaine R.C. Fischer
Commissioner Art Goodtimes

Staff Present: County Administrator Lynn Black
County Attorney Steve Zwick
Chief Deputy Clerk John Huebner

1. Call to order.
   2:03 p.m.
2. Review of Agenda.
3. PLANNING MATTERS:
   a. **2:00 p.m. PUBLIC HEARING**: Consideration of applications submitted by San Miguel Valley Corporation, Alley Oop Holdings, LLC, Boomerang Holdings, LLC and Genesee Properties, Inc. c/o Thomas Kennedy, Attorney, for a Preliminary Plan Subdivision and Planned Unit Development of the "Mill Creek Parcel", containing approximately 121 acres, located west of the Town of Telluride and north of West Colorado Ave. ("The Spur") with Mill Creek running through a portion of the property and adjacent to the Hillside Subdivision on the west and surrounds the Brown Homestead parcel, and of the "Deep Creek Mesa Parcel", containing approximately 91 acres, located on Deep Creek Mesa south of Airport Road and Aldasoro Ranch subdivision and adjacent to Meadows At Deep Creek Subdivision and the Last Dollar Subdivision (Items continued from October 21, 2014 and December 10, 2014)
   b. **2:00 p.m. PUBLIC HEARING**: Consideration to Rezone the Mill Creek Parcel and the Deep Creek Mesa Parcel from Planned Unit Development Reserve (PUDR) to the Low Density Residential (LDR) Zone District (Items continued from October 21, 2014 and December 10, 2014)

2:06 p.m. Chair Opened the Public Hearing.

Mike Rozycki, County Planning Director entered certain documents into the record. (ATTACHMENT I – List) (EXHIBIT A – Documents)

Those who presented:
Mike Rozycki, County Planning Director
Tom Kennedy, Attorney for Applicant
David Oyster, Telluride resident
Linda Miller, Telluride resident
Eric Jacobsen, Telluride resident
Douglas Tooley, Mountain Village resident
Bryan Miller, County resident
Chris Cummins, Water rights Attorney for Applicant
Skip Edwards, County resident
Gordon McPhee, County resident
Steve Zwick, County Attorney
Lucy Kurutz, Telluride resident
Leigh Robertson, Sheep Mountain Alliance Director
Bill Lamphere, Eider Creek resident
Bracken Raleigh, Telluride resident
Steve McComb, Telluride resident
Jim Bedford, Lawson Hill resident
George Hoffman, Brown Homestead resident
Alise Bank, Brown Homestead resident

Marybeth Tuckman, Hillside of Telluride resident
Peter Jamar, Land Planner of Applicant
Dana Ivers, Telluride resident
Michael Saftler, Telluride resident
Bob Erie, Telluride resident
Pete Dahl, Telluride resident
Jenny Patterson, Telluride Town Council
Drew Ludwig, Telluride resident
Banks Brown, Telluride resident
Tom Potterton, Telluride resident
Kris Holstrom, County resident

Others present: Karen Henderson, County Associate Planner; Chris Hazen, San Miguel Conservation Foundation; Rick Thompson, Nicole Champine, SMVC President; Danny Craft, Telluride resident; Brian Connolly, Attorney for Applicant; Norm Aufderheide, Buckhorn Geotech, Project Engineer for Applicant; David Bulson, Foley & Associates, Surveyor for Applicant; Carly Shaw, Applicant representative

Mike Rozycki, County Planning Director shared a PowerPoint presentation providing an overview of the planning process regarding the land use applications submitted by San Miguel Valley Corporation. (EXHIBIT B – County Planning Presentation)

5:09 p.m. Chair Closed the Public Hearing.

MOTION 1 by Fischer to approve the Rezoning of the Mill Creek Parcel from PUDR to the LDR Zone District finding that the rezoning meets the standards of LUC Section 5-322 LDR Zone District and also meets the standards for Rezoning as set forth in LUC Section 5-1803; specifically finding that the proposed rezoning is consistent with the San Miguel County Comprehensive Development Plan (Telluride Regional Area Master Plan) and the identified "alternative density" of One S.F. dwelling unit per 6-8 gross acres, is compatible with surrounding Zone Districts and land uses, based on the relatively low density it does not exceed the capacity of existing public services, and will not result in significant adverse impacts to the natural environment.
This approval is conditioned upon compliance with the standards and requirements for the Low Density Residential Zone District (LDR) as set forth in LUC Section 5-322 including the proposed maximum house sizes and proposed maximum building heights as presented in the preliminary subdivision and PUD plan and as identified in the Site Specific Reviews set forth in Volume Two of the application with respect to the site reviews for the Mill Creek lots and as modified in the Second and Third Supplements to the Preliminary Plans including revised site reviews for Lots 17, 18 and 19 of the Mill Creek Parcel, noting certain proposed additional screening in the form of "required landscaping" within the Landscape Screening Zones depicted on Lots 17, 18 and 19 of the Mill Creek Parcel, reducing the maximum building height from 35 feet to 28 feet and the reducing the maximum square footage from 7,000 s.f. to 6,000 s.f. on Lot 19, and shifting the eastern access road to the north to create a landscape buffer zone between West Colorado Ave (the Spur) and the access road. This requested rezoning from PUDR to LDR to include the site specific Area & Bulk standards shall not take effect until such time as the Final Subdivision and PUD plat is approved and the Final Plat and accompanying documents and agreements applicable to the subdivision and PUD approvals have been recorded. **SECONDED** by May. **PASSED 3-0**. (ATTACHMENT II – Resolution #2015-1)

MOTION 2 by Fischer to approve the Mill Creek Preliminary Plan PUD and Subdivision and related land use applications noted in the application finding that: (1) the preliminary plan materials submitted by the Applicant showing detailed layouts of lots, parcels, infrastructure complies withal relevant sections of the County Land Use Code including without limitations with Land Use Section 4-4 Preliminary Plan Subdivision review standards, Section 5-14 Planned Unit Development (PUD) procedures, the applicable policies in Sections 2-1 to 2-33 Land Use Policies, Section 5-13 Affordable Housing, Section 5-14 Planned Unit Development, Section 5-316

Scenic Foreground and Scenic View Plane, Section 5-20 Transportation, Section 5-21 Scenic Quality, Section 5-22 Wetland Areas, Section 5-1203 Subdivision Exemption for a Lot Line Adjustment to vacate the platted property boundary lines and ROW dedications arising in connection with the Town of San Miguel, and Section 5-317 Planned Unit Development Reserve (PUDR) Zone District, and the Telluride Regional Area Master Plan (2) that the proposed density of approximately one single-family dwelling per six gross acres is consistent with the "Alternative Density" and the Low Density Residential "LDR" classification identified in the Regional Area Master Plan; and (3) the preliminary plan materials demonstrate an ability of the Applicant to appropriately address applicable standards in Sections 5-4 to 5-9 (including Floodplain Hazard Areas, Geologic Hazard Areas, Historic and Archaeological Resource Areas, and Wildlife Habitat Areas. The proposed PUD plan is in general conformity with the County's TRAMP as required by the Colorado PUD Act of 1972. (24-67-104(1)(f), C.R.S.). This approval is conditioned upon the following:

1. Deeding a 50-foot right-of-way for existing CR 67L (Mill Creek Road) to the County through the Applicant's property to San Miguel County. Obtaining a County Road & Bridge Driveway Access Permits for the Mill Creek Subdivision access roads off Mill Creek Road.
2. Prior to construction of infrastructure, Applicant must obtain a Road & Bridge Special Construction Permit to address off-site County road impacts during construction.
3. Obtaining an Access Permit for the access of the subdivision roads from West Colorado Ave. from the Town of Telluride prior to submittal of a Final Plat to the county. This permit should also coordinate with the Town of Telluride to lower the existing water line and realigning of the pedestrian/bike path.
4. Prior to Final Plat submission and approval, the Applicant is to demonstrate a legal and physical water supply, sufficient to serve the development to the satisfaction of the Colorado Division of Water Resources and the San Miguel County Board of County Commissioners.
5. Prior to submitting the Final PUD and Subdivision Plan for the Mill Creek parcel, the County will require the applicant to obtain a final decree from the water court for the pending water court case (case no. 09CW190). Once a final decree is obtained the County will re-refer this proposal to the Colorado Division of Water Resources for an opinion on the adequacy of the final water supply plan.
6. The applicant shall comply with the Revised and Updated Mill Creek Parcel Onsite Wastewater Systems Treatment Guidelines Report dated August 2012 by Buckhorn Geotech, as may be supplemented or amended with County approval.
7. The approximate 1.0 acre Public Park Dedication on the Mill Creek Parcel as presented in the Preliminary Subdivision Plan for Mill Creek shall be transferred to San Miguel County upon recordation of the Final Subdivision and PUD Plat.
8. The applicant has identified an approximately 3.2-acre parcel on the east end of the Mill Creek Parcel which shall be designated as the Housing Parcel on the Final Subdivision and PUD Plat and conveyed to the County not later than the initial conveyance of a Mill Creek lot or Deep Creek Mesa lot to a third party purchaser. The Housing Parcel shall be conveyed to San Miguel County for the use and development of an employee housing project that will fulfill the applicant's employee housing mitigation requirement. In addition San Miguel Valley Corporation will participate in the completing and/or sharing in the cost of necessary improvement as identified in the infrastructure and related improvement costs for this parcel as identified on the Conceptual Estimate of Probable Construction costs submitted by the applicant as part of the Preliminary Plan application, which will be undertaken and completed as provided for in the Subdivision Improvement Agreement for the Mill Creek Parcel.
9. The perimeter fencing of the Mill Creek Parcel will be removed prior to the initiation of site improvements for the subdivision.

10. No fencing of the property shall occur outside of the designated building envelopes, all other fencing shall be "wildlife friendly" fencing pursuant to the Land Use Code with the exception of a small fenced area adjacent to a residence within the designated building envelope.
11. Dogs will be allowed in the Mill Creek PUD subject to the terms and provisions of the proposed Dog/Pet Control Regulations and Policies being adopted as private covenants and will apply and be enforced by the PUD with the understanding that the owners with lots with dogs shall comply with the terms and provisions of these regulations and policies. In addition the dog control regulations of the private covenant are enforceable by San Miguel County in its discretion.
12. The applicant will implement the Mill Creek Design Guidelines as submitted in the Preliminary Subdivision and PUD Plan and the First Supplement and Second Supplement to the Application for the Mill Creek Preliminary PUD Plan Review and any approved amendments.
13. San Miguel County will review/approve visual impact mitigation/scenic quality screening measures for residences located on Lots 17, 18, and 19, that are to be submitted to the DRB, prior to issuance of residence development permit.
14. The irrigation pipe to be installed north of Lot 8 will be surveyed after the irrigation line is installed and an irrigation easement will be document on the Final Subdivision and PUD Plat.
15. Add a Note to the Final Subdivision Plat referencing the Buckhorn Geotech Floodplain and debris flow analysis and those recommendations for general mitigation measures that need to be implemented and maintained.
16. Add a Note to the Final Subdivision Plat regarding the requirement that some of the lots may require a booster pump to comply with the minimum pressure requirement of the fire code, unless an exception is approved by the Telluride Fire Protection District. Applicant shall meet all Telluride Fire Protection District comments.
17. Add a Note to the Final Subdivision Plat referencing the Buckhorn Geologic Hazards Report and referencing the Geotechnical Comments on the Modified Lot 12 Building Envelope and those recommendations for general mitigation measures that need to be implemented and maintained.
18. A Colorado State Stormwater Permit will need to be applied for prior to commencement of any site construction of subdivision improvements.
19. The applicant shall provide the County with certain documents as part of the Final Plat application (see List of Documents attached as Exhibit A).
20. All pump houses shall be screened with native vegetation and/or berms to reduce visibility.
21. The Mill Creek community water tank shall be painted an acceptable U.S. Forest Service or BLM color to further reduce visibility.
22. The Mill Creek Sketch Plan application, amendments and documents are considered part of the Public Hearing Record by Reference.
23. All written representations of the applicant, in the original submittal and all supplements, letters and emails, for both the Sketch Plan and Preliminary Plan are deemed to be conditions of approval, except to the extent modified by this Motion.
24. The BOCC encourages the Applicant to continue a good faith effort to work with the Town of Telluride to connect the Mill Creek Parcel to the Town water and sewer system.
25. There will be no diversions of Mill Creek based on months and stream flows to be determined in winter months.

SECONDED by May. **PASSED 3-0**. (ATTACHMENT III – Resolution #2015-2) (ATTACHMENT IV – List of Documents attached as Exhibit A)

MOTION 3 by Fischer to approve the Rezoning of the Deep Creek Mesa Parcel from Planned Unit Development Reserve (PUD) to the Low Density Residential Zone District finding that the rezoning meets the standards of LUC Section 5-322 LDR Zone District and also meets the standards for Rezoning as set forth in LUC Section 5-1803; specifically finding that the proposed rezoning is consistent with the San

Scenic Foreground and Scenic View Plane, Section 5-20 Transportation, Section 5-21 Scenic Quality, Section 5-22 Wetland Areas, Section 5-1203 Subdivision Exemption for a Lot Line Adjustment to vacate the platted property boundary lines and ROW dedications arising in connection with the Town of San Miguel, and Section 5-317 Planned Unit Development Reserve (PUDR) Zone District, and the Telluride Regional Area Master Plan (2) that the proposed density of approximately one single-family dwelling per six gross acres is consistent with the "Alternative Density" and the Low Density Residential "LDR" classification identified in the Regional Area Master Plan; and (3) the preliminary plan materials demonstrate an ability of the Applicant to appropriately address applicable standards in Sections 5-4 to 5-9 (including Floodplain Hazard Areas, Geologic Hazard Areas, Historic and Archaeological Resource Areas, and Wildlife Habitat Areas. The proposed PUD plan is in general conformity with the County's TRAMP as required by the Colorado PUD Act of 1972. (24-67-104(1)(f), C.R.S.). This approval is conditioned upon the following:

1. Deeding a 50-foot right-of-way for existing CR 67L (Mill Creek Road) to the County through the Applicant's property to San Miguel County. Obtaining a County Road & Bridge Driveway Access Permits for the Mill Creek Subdivision access roads off Mill Creek Road.
2. Prior to construction of infrastructure, Applicant must obtain a Road & Bridge Special Construction Permit to address off-site County road impacts during construction.
3. Obtaining an Access Permit for the access of the subdivision roads from West Colorado Ave. from the Town of Telluride prior to submittal of a Final Plat to the county. This permit should also coordinate with the Town of Telluride to lower the existing water line and realigning of the pedestrian/bike path.
4. Prior to Final Plat submission and approval, the Applicant is to demonstrate a legal and physical water supply, sufficient to serve the development to the satisfaction of the Colorado Division of Water Resources and the San Miguel County Board of County Commissioners.
5. Prior to submitting the Final PUD and Subdivision Plan for the Mill Creek parcel, the County will require the applicant to obtain a final decree from the water court for the pending water court case (case no. 09CW190). Once a final decree is obtained the County will re-refer this proposal to the Colorado Division of Water Resources for an opinion on the adequacy of the final water supply plan.
6. The applicant shall comply with the Revised and Updated Mill Creek Parcel Onsite Wastewater Systems Treatment Guidelines Report dated August 2012 by Buckhorn Geotech, as may be supplemented or amended with County approval.
7. The approximate 1.0 acre Public Park Dedication on the Mill Creek Parcel as presented in the Preliminary Subdivision Plan for Mill Creek shall be transferred to San Miguel County upon recordation of the Final Subdivision and PUD Plat.
8. The applicant has identified an approximately 3.2-acre parcel on the east end of the Mill Creek Parcel which shall be designated as the Housing Parcel on the Final Subdivision and PUD Plat and conveyed to the County not later than the initial conveyance of a Mill Creek lot or Deep Creek Mesa lot to a third party purchaser. The Housing Parcel shall be conveyed to San Miguel County for the use and development of an employee housing project that will fulfill the applicant's employee housing mitigation requirement. In addition San Miguel Valley Corporation will participate in the completing and/or sharing in the cost of necessary improvement as identified in the infrastructure and related improvement costs for this parcel as identified on the Conceptual Estimate of Probable Construction costs submitted by the applicant as part of the Preliminary Plan application, which will be undertaken and completed as provided for in the Subdivision Improvement Agreement for the Mill Creek Parcel.
9. The perimeter fencing of the Mill Creek Parcel will be removed prior to the initiation of site improvements for the subdivision.

10. No fencing of the property shall occur outside of the designated building envelopes, all other fencing shall be "wildlife friendly" fencing pursuant to the Land Use Code with the exception of a small fenced area adjacent to a residence within the designated building envelope.
11. Dogs will be allowed in the Mill Creek PUD subject to the terms and provisions of the proposed Dog/Pet Control Regulations and Policies being adopted as private covenants and will apply and be enforced by the PUD with the understanding that the owners with lots with dogs shall comply with the terms and provisions of these regulations and policies. In addition the dog control regulations of the private covenant are enforceable by San Miguel County in its discretion.
12. The applicant will implement the Mill Creek Design Guidelines as submitted in the Preliminary Subdivision and PUD Plan and the First Supplement and Second Supplement to the Application for the Mill Creek Preliminary PUD Plan Review and any approved amendments.
13. San Miguel County will review/approve visual impact mitigation/scenic quality screening measures for residences located on Lots 17, 18, and 19, that are to be submitted to the DRB, prior to issuance of residence development permit.
14. The irrigation pipe to be installed north of Lot 8 will be surveyed after the irrigation line is installed and an irrigation easement will be document on the Final Subdivision and PUD Plat.
15. Add a Note to the Final Subdivision Plat referencing the Buckhorn Geotech Floodplain and debris flow analysis and those recommendations for general mitigation measures that need to be implemented and maintained.
16. Add a Note to the Final Subdivision Plat regarding the requirement that some of the lots may require a booster pump to comply with the minimum pressure requirement of the fire code, unless an exception is approved by the Telluride Fire Protection District. Applicant shall meet all Telluride Fire Protection District comments.
17. Add a Note to the Final Subdivision Plat referencing the Buckhorn Geologic Hazards Report and referencing the Geotechnical Comments on the Modified Lot 12 Building Envelope and those recommendations for general mitigation measures that need to be implemented and maintained.
18. A Colorado State Stormwater Permit will need to be applied for prior to commencement of any site construction of subdivision improvements.
19. The applicant shall provide the County with certain documents as part of the Final Plat application (see List of Documents attached as Exhibit A).
20. All pump houses shall be screened with native vegetation and/or berms to reduce visibility.
21. The Mill Creek community water tank shall be painted an acceptable U.S. Forest Service or BLM color to further reduce visibility.
22. The Mill Creek Sketch Plan application, amendments and documents are considered part of the Public Hearing Record by Reference.
23. All written representations of the applicant, in the original submittal and all supplements, letters and emails, for both the Sketch Plan and Preliminary Plan are deemed to be conditions of approval, except to the extent modified by this Motion.
24. The BOCC encourages the Applicant to continue a good faith effort to work with the Town of Telluride to connect the Mill Creek Parcel to the Town water and sewer system.
25. There will be no diversions of Mill Creek based on months and stream flows to be determined in winter months.

SECONDED by May. **PASSED 3-0**. (ATTACHMENT III – Resolution #2015-2)

MOTION 3 by Fischer to approve the Rezoning of the Deep Creek Mesa Parcel from Planned Unit Development Reserve (PUD) to the Low Density Residential Zone District finding that the rezoning meets the standards of LUC Section 5-322 LDR Zone District and also meets the standards for Rezoning as set forth in LUC Section 5-1803; specifically finding that the proposed rezoning is consistent with the San Miguel County Comprehensive Development Plan (Telluride Regional Area Master

Plan) and the identified "alternative density" of One S.F. dwelling unit per 6-8 gross acres, is compatible with surrounding Zone Districts and land uses, based on the relatively low density it does not exceed the capacity of existing public services, and will not result in significant adverse impacts to the natural environment.
This approval is conditioned upon compliance with the standards and requirements for the Low Density Residential Zone District (LDR) as set forth in LUC Section 5-322 including the proposed maximum house sizes and proposed maximum building heights as presented in the preliminary subdivision and PUD plan and as identified in the Site Specific Reviews set forth in Volume Three of the application relating to the site reviews for each of the Deep Creek Mesa lots and Volume Four of the application relating to the Deep Creek Mesa Parcel Ridgeline Compliance Report.

This requested rezoning from PUDR to LDR to include the site specific Area & Bulk standards shall not take effect until such time as the Final Subdivision and PUD plat is approved and the Final Plat and accompany documents and agreements applicable to the subdivision and PUD approvals have been recorded. **SECONDED** by May. **PASSED 3-0**. (ATTACHMENT IV – Resolution #2015-3)

MOTION 4 by Fischer to approve the Deep Creek Mesa Preliminary Plan PUD and Subdivision and related land use applications noted in the application finding that (1) the preliminary plan materials submitted by the Applicant showing detailed layouts of lots, parcels, infrastructure complies with all relevant sections of the County Land Use Code including without limitations Land Use Section 4-4 Preliminary Plan Subdivision review standards, Section 5-14 Planned Unit Development (PUD) procedures, the applicable policies in Sections 2-1 to 2-33 Land Use Policies, Section 5-13 Affordable Housing, Section 5-14 Planned Unit Development, Section 5-20 Transportation, Section 5-21 Scenic Quality including Ridgeline Standards, Section 5-22 Wetland Areas and Section 5-317 Planned Unit Development Reserve (PUDR) Zone District, and the Telluride Regional Area Master Plan, (2) the proposed density of approximately one single-family dwelling per six gross acres is consistent with the "Alternative Density" and the Low Density Residential "LDR" classification identified in the Regional Area Master Plan; and (3) the preliminary plan materials demonstrate an ability for the Applicant, as part of the Preliminary PUD Plan review stage, to appropriately address applicable standards in Sections 5-4 to 5-9 (including Floodplain Hazard Areas, Geologic Hazard Areas, Historic and Archaeological Resource Areas, Wildlife Habitat Areas and 5-418 Telluride Regional Airport). The proposed PUD plan is in general conformity with the County's TRAMP as required by the Colorado PUD Act of 1972. (24-67-104(1)(f), C.R.S.). This motion is conditioned upon the following:

1. As part of the recordation of the Final Plat, deeding San Miguel County a 60-foot right-of-way (30'on either side of the existing centerline) for CR T60 (Airport Road) through the SMVC property.
2. Prior to construction of infrastructure, Applicant must obtain a County Road & Bridge Special Construction Permit to address off-site County road impacts during infrastructure construction.
3. Obtaining a County Road & Bridge Access Permit for access off CR T60.
4. If the ownership of the water mains on Deep Creek Mesa is to be dedicated to the Aldasoro Ranch HOC, appropriate easements are necessary.
5. Prior to recordation of Final Plat, Applicant is to provide evidence satisfactory to the County and the Colorado Division of Water Resources that the project has a legal and physical water supply to serve the project in compliance with the Colorado Department of Public Health and Environment (CDPHE) requirements. Any pumping required to provide the water service must be demonstrated to the County.
6. Obtaining well permits for the augmentation decree used to supply the subdivision before final plat. Adequacy of the proposed water supply by recent well production test of ARHOC well CDWR needs test numbers from the well(s).
7. The applicant shall comply with the Revised and Updated Deep Creek

Parcel Onsite Wastewater Systems Treatment Guidelines Report dated August 2012 by Buckhorn Geotech, as may be supplemented or amended with County approval.

8. If the Mill Creek Preliminary PUD Plan is not approved, then the appropriate Park Dedication will be located on the Deep Creek Mesa Parcel.
9. The applicant implementing measures aimed at protecting the Remine Creek cemetery gravesites.
10. The applicant has identified an approximately 3.2 acre parcel on the east end of the Mill Creek Parcel which shall be conveyed to San Miguel County as provided for in the Mill Creek Preliminary PUD approval for the use and development of an employee housing project that will fulfill the applicant's employee housing mitigation requirement for the Deep Creek Mesa Parcel. In addition San Miguel Valley Corporation will participate in the completing and/or sharing in the cost of necessary improvements as identified in the infrastructure and related improvement costs for this parcel as identified on the Conceptual Estimate of Probable Construction Costs submitted by the applicant as part of the Preliminary Plan application and provided for in the Mill Creek Subdivision Improvements Agreement.
11. The Applicant will provide notice and disclosure to potential purchasers of the Deep Creek Mesa lots that they are located close to an airport and they may be subject to impacts from flights and airport operations.
12. The applicant will implement the Deep Creek Mesa Design Guidelines as submitted in the Preliminary Subdivision and PUD Plan and the First Supplement and Second Supplement to Applications for the Deep Creek Mesa Preliminary PUD Plan Review and any approved amendments.
13. Dogs will be allowed in the Deep Creek Mesa PUD subject to the terms and provisions of the proposed Dog/Pet Control Regulations and Policies being adopted as private covenants and will apply and be enforced by the PUD with the understanding that the owners with lots with dogs shall comply with the terms and provisions of these regulations and policies. In addition the dog control regulations of the private covenant are enforceable by San Miguel County in its discretion.
14. A Plat Note shall be added requiring each site to provide site specific test pit, soil profiles and percolation rate to allow a custom OWTS design for each lot as constructed.
15. A Plat Note shall be added stating there are a number of geohazard mitigation measures with a reference to the subdivision covenants and geohazards report.
16. A Colorado State Stormwater Permit will need to be applied for prior to commencement of any construction.
17. The applicant shall provide the County with certain documents as part of the Final Plat application (see List of Documents attached as Exhibit A).
18. All pump houses shall be screened with native vegetation and/or berms to reduce visibility.
19. The Deep Creek Mesa Sketch Plan application, amendments and documents are considered part of the Public Hearing Record by reference.
20. All written representations of the applicant, in the original submittal and all supplements, letters and emails, for both the Sketch Plan and Preliminary Plan are deemed to be conditions of approval, except to the extent modified by this Motion.

SECONDED by May. **PASSED 3-0**. (ATTACHMENT V – Resolution #2015-4)

4. Adjournment.
   5:30 p.m.

Audio MP3 20150115-BOCC-Audio.

Respectfully submitted,

John Huebner
Chief Deputy Clerk

APPROVED February 4, 2015.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

Joan May, Chair

ATTEST:

Lynn M. Black
County Administrator

EXHIBITS A AND B FILED IN CABINET DRAWER MARKED "EXHIBITS" OR STORED IN COUNTY CLERK'S OFFICE.

ATTACHMENT I

Public Hearing Record - Board of County Commissioners

Application: **San Miguel Valley Corporation:**
Preliminary PUD and Subdivision: Deep Creek Mesa and Mill Creek and
Rezoning: Deep Creek Mesa and Mill Creek

Date: **January 15, 2015 (continued from Dec. 10, 2014 and Oct. 21, 2014)**

Items submitted/added since the December 10, 2014 Public Hearing:

1. Memorandum to the Board of County Commissioners from Planning Department Staff dated January 15, 2015.
2. Letter from Thomas Kennedy, P.C. to the Board of County Commissioners dated January 8, 2015.
3. Letter from Thomas Kennedy, P.C. to Mike Rozycki, Planning Director dated March 11, 2014.
4. Dog Control Regulation update submitted by the applicant received January 7, 2015.
5. Public Hearing Notice published in the Norwood Post on December 31, 2014 and the Telluride Daily Planet on January 4, 2015.
6. Email from David Oyster to BOCC dated December 10, 2014.
7. Map of proposed housing lots submitted by George Greenbank dated December 10, 2014.
8. Email from Jim Pettegrew to BOCC dated December 11, 2014.
9. Petition from Gordon Mc Phee.
10. Information provided by George Greenbank received January 2, 2015.
11. Email from Chris Cummins, Felt, Monson & Culichia, LLC to Mike Rozycki dated January 5, 2015.
12. Email from Leigh Robertson, Director Sheep Mtn. Alliance, to Karen Henderson dated January 6, 2015.
13. Email from Ben Jackson to Art Goodtimes dated January 7, 2015.
14. Letter from Lou Kissling, President Brown Homestead HOA, to BOCC dated January 8, 2015.
15. Email from Max Cooper, San Miguel Bike Alliance President, to Mike Rozycki dated January 14, 2015.
16. Email from Jolana Vanek to Joan May dated January 15, 2014.
17. Email from Jim Lucarelli, President Association of Realtors to BOCC dated January 15, 2015.
18. Email from George Hoffman, Brown Homestead to BOCC dated January 15, 2015.
19. Telluride Daily Planet article submitted by Gordon McPhee on January 15, 2015.
20. Photos of Mill Creek submitted by Bryan Miller on January 15, 2015.

Items submitted/added since the October 21, 2014 Public Hearing:

21. Second Updated Memorandum to the San Miguel County Board of County Commissioners from the San Miguel County Planning Department Staff dated December 10, 2014.
22. Memorandum to the San Miguel County Board of County Commissioners from the San Miguel County Planning Department Staff dated December 10, 2014.

23. Memorandum to the San Miguel County Board of County Commissioners from the San Miguel County Planning Department Staff dated October 21, 2014.
24. BOCC minutes from October 21, 2014.
25. Public Hearing Notice published in the Norwood Post on November 26, 2014 and in the Telluride Daily Planet on November 27, 2014.
26. Third Supplement to Applications for Mill Creek Preliminary PUD Plan Review and Deep Creek Preliminary PUD Plan Review and Related Matters dated November 18, 2014.
27. Memorandum submitted by Peter Jamar dated November 17, 2014.
28. List of Documents to be completed at Final Plat for Mill Creek and Deep Creek Mesa.
29. Email from Diane Castillo, Buckhorn Geotech to Bruce Honish, Goff Engineering, dated October 23, 2014.
30. Email from Bryan Miller to BOCC dated October 28, 2014.
31. Letter Mike Rozycki to Tom (Kennedy), Peter (Jamar), and Eric (Bikis) dated November 4, 2014.
32. Letter from Eric Bikis, Bikis Water Consultants, to Thomas Kennedy dated October 9, 2014.
33. Email from Kelly Crane, Colorado Parks & Wildlife, to Karen Henderson dated December 1, 2014.
34. Applicants map of areas where dogs are allowed contiguous to Mill Creek Parcel.
35. Memorandum from Steven Zwick, County Attorney, to SMC Planning dated December 1, 2014.
36. Petitions submitted by Gordon McPhee received December 3, 2014 (By Reference).
37. Land Use Code Section 3-14 Vested Property Rights.
38. Land Use Code Section 5-322 Low Density Residential (LDR) Zone District.
39. Web article "From Telluride to Winter Park: Average Rent in 17 ski towns" submitted by Gordon McPhee received December 4, 2014.
40. Local Voices commentary "What's wrong in Paradise 81435?" submitted by Gordon McPhee received December 4, 2014.
41. Email from Paul Ruud to Greg Clifton and Mike Rozycki dated December 6, 2014.
42. Email from Steven Zwick to Mike Rozycki, Tom Kennedy, Peter Jamar and Karen Henderson dated December 8, 2014 (Dog Control Regulations, SMC).
43. Email from Edwin Schlapfer to BOCC and staff dated December 8, 2014.
44. Letter from Nicole Champine, San Miguel Valley Corporation to the BOCC dated December 8, 2014.
45. Letter from Hilary Cooper, Sheep Mountain Alliance, to the BOCC and Mike Rozycki dated December 8, 2014.
46. Email from Bryan Miller to Joan May, County Commissioner, dated December 9, 2014.

Items Submitted for the October 21, 2014 Public Hearing:

47. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).

48. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).

49. Memorandum to the San Miguel County Board of County Commissioners from the San Miguel County Planning Department Staff dated October 21, 2014.

50. Public Hearing Notice published in The Norwood Post on September 24, 2014 and in the Telluride Daily Planet on September 26, 2014.

51. July 23, 2014 County Planning Commission draft minutes.

52. June 11, 2014 County Planning Commission minutes.

53. San Miguel Valley Corporation and related entities Applications received April 17, 2014 (by reference only).
Volume One: Mill Creek Preliminary PUD Plan Review and Deep Creek Mesa Preliminary PUD Plan Review and Related Matters (including Rezoning of the Mill Creek Parcel and Deep Creek Mesa Parcel
Volume Two: Mill Creek Parcel Site Reviews
Volume Three: Deep Creek Mesa Site Reviews
Volume Four: Deep Creek Mesa Ridgeline Compliance Report

54. First Supplement to Applications for Mill Creek Preliminary PUD Plan and Deep Creek Mesa Preliminary PUD Plan and Related Matters, (with Exhibits by reference only).

55. Second Supplement to Applications for Mill Creek Preliminary PUD Plan and Deep Creek Mesa Preliminary PUD Plan and Related Matters Dated October 10, 2014.

56. Written Application For Mill Creek Sketch PUD Plan Review and Deep Creek Mesa Sketch PUD Plan Review and Related Matters dated April 2, 2012 and all Supplements thereto ("Sketch Plan Application") submitted by Thomas G. Kennedy on behalf of the property owner, together with all exhibits consisting of all correspondence, studies, reports and plans appended to the Sketch Plan Application and Supplements and further including all testimony provided at the public meetings of the County Planning Commission and the BOCC concerning the Sketch Plan Application. (By reference only – Copies are on file in the Planning Department)

57. All memorandums prepared by the County Staff addressing the Sketch Plan Application and presented to the County Planning Commission and the BOCC. (By reference only – Copies are on file in the Planning Department)

58. All referral comments provided to the County addressing the Sketch Plan Application. (By reference only – Copies are on file in the Planning Department)

59. All public correspondence provided to the County addressing the Sketch Plan Application. (By reference only – Copies are on file in the Planning Department)

60. BOCC Resolution 2013-2 approving a Sketch Plan for Planned Unit Development and subdivision of the Deep Creek Mesa Parcel for San Miguel Valley Corporation and Related Entities and BOCC Resolution 2013-3 approving a Sketch Planned Unit Development and subdivision of the Mill Creek Parcel for San Miguel Valley Corporation and Related Entities (by reference only).

61. District Court, Water Division 4, Colorado, approved Application for surface Water Rights, Surface Water Storage rights, Underground Water Rights and for Approval of Plan for Augmentation as amended, filed by San Miguel Valley Corporation with Co-Applicant Aldasoro Ranch Home Owners Company (by reference only).

62. District Court, Water Division 4, Colorado, Second Amendment to Application for Correction of Point of diversion, for Change of Conditional Surface Water Rights, for Change of Conditional Ground Water Rights, and for Amendment of Plan for Augmentation.

63. Applicant's Certification of Compliance with the Public Noticing Requirements of C.R.S. § 24-65.5-103(1) and County Land Use Code Section 3-9 (by reference only).

64. Email from Lee Taylor, CPC member, tot CPC and Karen Henderson, dated July 15, 2014.

65. Letter from the San Miguel County Open Space Commission dated July 15, 2014.

66. Letter from Kelly Crane, Colorado Parks & Wildlife dated May 27, 2014.

67. Letter from Renzo Del Piccolo, Colorado Parks & Wildlife dated June 25, 2012.

68. Letter from Susan St. Onge to County Planning Commission and Mike Rozycki, dated July 15, 2014.

69. Letter from Rick Thompson dated July 16, 2014.

70. Letter from the Town of Telluride dated June 9, 2014 to the CPC.

71. Letter from Linda Miller on behalf of Sheep Mountain Alliance, dated June 11, 2014.

72. Application Amendment received June 30, 2014 including:
Response to Goff Engineering Mill Creek Parcel and Deep Creek Mesa Parcel review comments from Buckhorn Geotech received June 30, 2014, and the Mill Creek Parcel and Deep Creek Mesa Parcel Drainage Reports dated June 23, 2014.

73. Email from Eric Bikis, Bikis Water, dated July 2, 2014.

74. Email from Dave Schneck dated August 28, 2012.

75. Email from the Brown Homestead Homeowners Association to Karen Henderson & the County Planning Department, dated July 22, 2014.

76. Memorandum from Bruce Honish, Goff Engineering & Surveying, to Mike Rozycki, dated July 21, 2014.

77. Email from George Hoffman, Brown Homestead Condominiums to Karen Henderson, dated July 22, 2014.

78. Email from Hilary Cooper, Sheep Mountain Alliance, to Mike Rozycki dated July 22, 2014.

79. Email from Mike Rozycki to BOCC and County staff dated July 25, 2014.

80. Letter from Hilary Cooper, Sheep Mountain Alliance, to Telluride Mayor Stu Fraser and Telluride Town Council dated August 1, 2014.

81. Letter from Commissioner Art Goodtimes to Stuart Fraser, Telluride Mayor, and Telluride Town Council dated August 5, 2014.

82. Letter from the Telluride Mountain Club to the Board of County Commissioners dated August 20, 2014.

83. Email from Tor Anderson, Telluride Mountain Club, to Commissioner Joan May dated September 4, 2014.

84. Email from Mike Rozycki to the Board of County Commissioners dated September 11, 2014.

85. Email from Paul Ruud, Telluride Public Works, to Tome Kennedy dated September 26, 2014.

86. Letter from Megan Sullivan, P.E., Colorado Division of Water Resources to Karen Henderson, Associate Planner, dated October 9, 2014.

87. Email from Commissioner Joan May to Hilary Cooper, Linda Miller, KOTO news, Telluride Daily Planet, and the Watch newspapers dated October 9, 2014.

88. Email from Bruce Honish, P.E., Goff Engineering to Mike Rozycki, dated October 14, 2014.

89. Email from Mike Rozycki to Telluride Mountain Club dated October 14, 2014.

90. Emails from Mike Rozycki to Bruce Honish, Hilary Cooper, Renzo DelPiccolo, Kelly Crane, Jay Raible, Dirk dePagter, Banks Brown, Meredith Muller, Peter Wagner, the BOCC, and County staff, dated October 13, 2014.

91. Letter from Gordon McPhee to the BOCC dated October 15, 2014.

92. Email from Meredith Mueller, Brown Homestead Representative to Karen Henderson dated October 20, 2014.

93. Email from Susie St. Onge to the BOCC dated October 20, 2014.

ATTACHMENT II

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, APPROVING THE REZONING OF THE MILL CREEK PARCEL FROM PLANNED UNIT DEVELOPMENT RESERVE (PUDR) TO LOW DENSITY RESIDENTIAL (LDR)

Resolution 2015-1

WHEREAS, San Miguel Valley Corporation (SMVC), Alley Oop Holdings, LLC, and Boomerang Holdings LLC (collectively, the "Applicant") submitted both a Sketch Plan and Preliminary Plan and Rezoning application for a proposed Planned Unit Development (PUD) and Subdivision for the Mill Creek tract of land, "Mill Creek Parcel", they own in the Telluride Region that is zoned Planned Unit Development Reserve (PUDR). In addition to submitting the Sketch and Preliminary Plan applications the owners proposed a Land Use Code Amendment to create a new zone district, the Low Density Rural Cluster (LDRC) Zone District which was then amended through the review process to the Low Density Residential (LDR) Zone District, Land Use Code Section ("LUC") 5-322, which was approved by the Board of County Commissioners (BOCC) in March of 2013. The PUDR Zone District is intended to define maximum long-term development potential of specific large parcels in the Telluride Region. The PUD Reserve status provides a transition between designation under the County Master Plan and final zoning. The Telluride Regional Area Master Plan ("TRAMP") and PUDR Zoning contemplated that development at the "Alternative Density" would be accomplished by rezoning property to the Low Density (LD) Zone District and processing a specific development application through the County's PUD review process. In 1995 the County's LD Zone District was amended to state that "The LD Zone District applies to areas so zoned already..". Since the LD Zone District is no longer available to implement the "Alternative Density" contemplated for this property by the TRAMP, the Applicant proposed the new LDR Zone District;

WHEREAS, the LDR zone district states that all development proposed within the Low Density Residential Zone, except for proposed development of uses allowed by right, shall be reviewed pursuant to the Planned Unit Development (PUD) procedure to establish permitted uses and Area and Bulk Requirements. The new zone district allows a density of one Single-family Residence per six to eight acres through the PUD process, similar to the LD Zone District, and includes specific Area & Bulk and Development Standards that are more detailed than those contained in the LD Zone District. The PUDR Zone District applies only to existing parcels so zoned in the Telluride Region and shall not be applied to additional parcels. The LDR Zone District only applies to parcels located in the PUDR Zone District;

WHEREAS, in the case of applications seeking multiple land use approvals LUC Section 3-8 Consolidation of Applications states that the various review requests shall be consolidated so that the different requests for approvals are considered comprehensively by the decision making bodies. The County Planning Commission and the Board of County Commissioners have considered the Rezoning, Sketch Plan PUD and Subdivision and Preliminary Plan PUD and Subdivision applications in accordance with the applicable LUC procedural requirements;

WHEREAS, Rezoning applications are a Two-step County Planning Commission and Board of County Commissioner review process pursuant to Land Use Code Section 5-1803;

WHEREAS, notice of the Public Hearing on the Applicant's rezoning application before the Board of County Commissioners was posted as follows:

1. Public Hearing Notice published in the Norwood Post on December 31, 2014 and the Telluride Daily Planet on January 4, 2015.
2. Public Hearing Notice published in the Norwood Post on November 26, 2014 and in the Telluride Daily Planet on November 27, 2014.
3. Public Hearing Notice published in The Norwood Post on September 24, 2014 and in the Telluride Daily Planet on September 26, 2014;

WHEREAS, in addition Public Hearing Notice Signs were posted on the properties and Notice to Property Owners was mailed on September 29, 2014 for the Oct.21, 2014 meeting, Public Hearing Notice Signs were posted on the properties on December 4, 2014 for the Dec. 10, 2014 meeting, and Public Hearing Notice Sign were posted on the properties on December 29, 2014 for Jan. 15, 2015 meeting;

WHEREAS, at its July 23, 2014 special meeting the County Planning Commission recommended approval (4-0 Bald, Kell, Holstrom and Ahern voting in favor) of the rezoning of the Mill Creek Parcel proposed to be subdivided and approved as a PUD from Planned Unit Development Reserve (PUD) to the Low Density Residential (LDR) Zone District;

WHEREAS, the Board of Commissioners of San Miguel County Colorado considered the application for the Rezoning and Preliminary Plan PUD, along with relevant evidence and testimony from the public, at duly noticed and held Special Public Hearings on October 21, 2014, December 10, 2014 and January 15, 2015;

WHEREAS, in taking this action, the Board of County Commissioners of San Miguel County, Colorado, reviewed and considered all correspondence included in the Public Hearing Record, including the summaries, discussions, findings and determinations of the County Planning Department, as noted in its memorandums dated October 21, 2014, December 10, 2014 and January 15, 2015, a copy of which listing of the Public Hearing Record is attached to Board of County Commissioner Resolution 2015-2;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners based upon the relevant and competent evidence included in the public hearing record compiled for the Application, as identified in the public hearing, approves the Rezoning of the Mill Creek Parcel from PUDR to the LDR Zone District finding that the rezoning meets the standards of LUC Section 5-322 LDR Zone District and also meets the standards for Rezoning as set forth in LUC Section 5-1803; specifically finding that the proposed rezoning is consistent with the San Miguel County Comprehensive Development Plan (Telluride Regional Area Master Plan) and the identified "alternative density" of One S.F. dwelling unit per 6-8 gross acres, is compatible with surrounding Zone Districts and land uses, based on the relatively low density it does not exceed the capacity of existing public services, and will not result in significant adverse impacts to the natural environment.

BE IT FURTHER RESOLVED, this approval is conditioned upon compliance with the standards and requirements for the Low Density Residential Zone District (LDR) as set forth in LUC Section 5-322 including the proposed maximum house sizes and proposed maximum building heights as presented in the preliminary subdivision and PUD plan and as identified in the Site Specific Reviews set forth in Volume Two of the application with respect to the site reviews for the Mill Creek lots and as modified in the Second and Third Supplements to the Preliminary Plans including revised site reviews for Lots 17, 18 and 19 of the Mill Creek Parcel, noting certain proposed additional screening in the form of "required landscaping" within the Landscape Screening Zones depicted on Lots 17, 18 and 19 of the Mill Creek Parcel, reducing the maximum building height from 35 feet to 28 feet and the reducing the maximum square footage from 7,000 s.f. to 6,000 s.f. on Lot 19, and shifting the eastern access road to the north to create a landscape buffer zone between West Colorado Ave (the Spur) and the access road.

BE IT FURTHER RESOLVED, this requested rezoning from PUDR to LDR, including the site specific Area & Bulk standards, shall not take effect until such time as the Final Subdivision and PUD plat is approved and the Final Plat and accompanying documents and agreements applicable to the subdivision and PUD approvals have been recorded.

BE IT FINALLY RESOLVED that all written representations of the Applicant, in the original submittal and all supplements, are deemed to be conditions of approval, except to the extent modified by this Resolution.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, on February 18, 2015.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

By: Joan May
Joan May, Chair

Vote:					
	Elaine R.C. Fischer	Aye	Nay	Abstain	Absent
	Joan May	Aye	Nay	Abstain	Absent
	Art Goodtimes	Aye	Nay	Abstain	Absent

ATTEST:
John Huelsner
Chief Deputy Clerk

COUNTY CLERK — CO — SAN MIGUEL

[text/smvc/mc.rezoning.reso]

ATTACHMENT III

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, APPROVING THE PRELIMINARY PLAN PUD AND SUBDIVISION, AND RELATED LAND USE APPLICATIONS CONTAINED IN THE CONSOLIDATED LAND USE APPLICATIONS CONCERNING THE "MILL CREEK PARCEL"

Resolution 2015-2

WHEREAS, San Miguel Valley Corporation (SMVC), Alley Oop Holdings, LLC, Boomerang Holdings, LLC and Genesee Properties, Inc. (collectively, the "Applicant") have submitted Preliminary Plan applications for a proposed Planned Unit Development (PUD) and Subdivision for the "Mill Creek Parcel" and the "Deep Creek Mesa Parcel" , which are tracts of land they own in the Telluride Region that are zoned Planned Unit Development Reserve (PUDR). A third parcel, known as the Society Turn Parcel, requires an update in the in the Telluride Regional Area Master Plan (TRAMP) before development could be considered and, therefore, was not included as part of the application. The Applicant is proposing to develop the "Mill Creek Parcel" and the "Deep Creek Mesa Parcel" at the "Alternate Density" of one (1) Single-family dwelling unit per 6-8 gross acres as specified in the Telluride Regional Area Master Plan (TRAMP);

WHEREAS, the "Mill Creek Parcel" is approximately 121 acres fronting on and located north of West Colorado Ave/formerly known as the State Highway 145 spur; west of the Town of Telluride, with the Mill Creek Road running through a portion of the property and surrounding the Brown Homestead Development;

WHEREAS, the Preliminary Plan reviews encompassed the following reviews as required by the County Land Use Code ("LUC"): 1041 Geohazard Review, Floodplain, Wetland and Wetland Buffers, Wildlife, Scenic Foreground and Scenic Quality, School Site Dedication, Park Dedication, Transportation, Employee Housing Mitigation, individual site reviews for each lot as required by the Low Density Residential zone (LDR), vacation of the platted property boundary lines and ROW dedications arising in connection with Town of San Miguel, review and approval the engineering plans for the location and design of subdivision roads, utilities, driveways, drainage/stormwater management, OWTS Treatment Guidelines and the Mill Creek Community Water System and other infrastructure for the proposed Mill Creek Lots ("Subdivision Infrastructure"). In addition, to submitting these two Preliminary Plan applications the owners have applied to rezone both parcels from PUDR to Low Density Residential (LDR). These various applications are sometimes collectively referred to as the "Applications.";

WHEREAS, in the case of applications seeking multiple land use approvals LUC Section 3-8 Consolidation of Applications states that the various review requests shall be consolidated so that the different requests for approvals are considered comprehensively by the decision making bodies. While the Applicant has submitted separate Preliminary Plans for the Mill Creek Parcel and the Deep Creek Mesa Parcel proposed PUD's and subdivisions together, the Applicant requested that the County act separately in its review and consideration of the two plans and related, respective applications. The consideration of the proposed rezoning from PUDR to the

LDR Zone District was subject to a separate action and Public Hearing which was likewise held by the Board of County Commissioners (BOCC);

WHEREAS, a Subdivision and Planned Unit Development is subject to a five-step review procedure pursuant to Land Use Code Sections 3-701 and 3-702. Steps three and four are Planning Commission and Board of County Commissioner Preliminary Subdivision and PUD Review. Step Five is the BOCC review of the Final Subdivision plat and PUD Plan review;

WHEREAS, prior to the Applications being presented to the Board of County Commissioners, they were presented to the County Planning Commission during public meetings for a review and recommendation, which reviews occurred on June 11, 2014 and July 23, 2014 following the provision of requisite notice;

WHEREAS, notice of the Public Hearing for the Applications before the Board of County Commissioners was posted as follows:

1. Public Hearing Notice published in the Norwood Post on December 31, 2014 and the Telluride Daily Planet on January 4, 2015.
2. Public Hearing Notice published in the Norwood Post on November 26, 2014 and in the Telluride Daily Planet on November 27, 2014.
3. Public Hearing Notice published in The Norwood Post on September 24, 2014 and in the Telluride Daily Planet on September 26, 2014;

WHEREAS, in addition Public Hearing Notice Signs were posted on the Mill Creek Parcel and the Deep Creek Mesa Parcel and Notice to Property Owners was mailed on September 29, 2014 for the Oct.21, 2014 meeting, Public Hearing Notice Signs were later posted December 4, 2014 for Dec. 10, 2014 meeting, and Public Hearing Notice Signs posted December 29, 2014 for Jan. 15 meeting. In addition a "Mill Creek Walking Tour Map " was published on the County web page showing the layout of the lots, park, driveways, mitigation ponds, and employee housing parcel. Large copies of this map were also posted at separate locations on the Mill Creek property;

WHEREAS, the Applicant received Sketch Plan approval for the Deep Creek Mesa Parcel and the Mill Creek Parcel on March 12, 2013 (BOCC Resolutions 2013-2 and 2013-3). The BOCC also approved a new Low Density Residential (LDR) Zone District text amendment to the Land Use Code on March 12, 2013, (BOCC Resolution 2013-4);

WHEREAS, the Applicant submitted its complete Application, consisting of a written narrative and supporting plans, drawings and reports as required by the LUC, which were compiled in Four (4) volumes as identified and referenced in the Public Hearing Record. The Applicants have also submitted a First Supplement to the Applicant Preliminary PUD Application dated July 14, 2012, a Second Supplement to the Applicant Preliminary PUD Application dated October 10, 2014, and a Third Supplement dated November 18, 2014 as well as a summation letter dated January 8, 2015;

WHEREAS, the Applicant is required to provide a Public Park Dedication requirement of .96-acres, and proposed land dedications occurring on both Mill Creek and the Deep Creek Mesa parcels. At the request of the County Open Space and Parks Department, the Applicant is transferring the Public Park Dedication Requirement off of the Deep Creek Mesa parcel and consolidating it together with the Mill Creek Dedication on the Mill Creek parcel as part of an approximately one acre Public Park site. The Public Park site will be surrounded by private HOA open space which will be complementary to the potential uses and activities that could occur on the Public Park site. The County hereby accepts this proposal and does find and determine that it meets the applicable requirements of the LUC relative to the Public Park Dedication requirement;

WHEREAS, as a condition of approval of a final subdivision plat, the LUC requires the dedication of land, cash payment in lieu of land or a combination of land and cash, for the purpose of acquiring land for school sites to serve the proposed subdivision and future residents. The Applicant is proposing a cash payment in lieu of land dedication for the School Land Dedication requirement. Based on the density and number of lots proposed in these two Sketch Plans the School Land Dedication formula set out in LUC Section 5-804, which requires 525 sq. ft. per Single-family unit, would result in a .18 (7,000 sq. ft.) acre site for Deep Creek Mesa and a .24 (10, 454 sq. ft.) acre site for Mill Creek or a less than one-half acre site for the overall development, with the cash in lieu amount to be determined in accordance with LUC Section 5-804 F based upon the fair market value of the land dedication required as of Final Plat approval in accordance with §30-28-133(4)(a)(II), C.R.S.;

WHEREAS, developers of subdivisions in the Telluride R-1 School District are subject to specific requirements regarding transportation impact mitigation that must be met prior to final subdivision approval, LUC Section 5-20. Prior to final subdivision approval the developer shall provide alternate transportation capital, facilities and equipment necessary to serve the development and provide for continuing operation and maintenance costs through, for example, self-imposed real estate transfer assessments, lodging taxes and/or impact fees, on an equitable basis. In accordance with LUC Section 5-2001 B, the Applicant is proposing that a 0 .75% real estate transfer assessment will be collected for payment to the County on each conveyance of each lot for the benefit of the public transportation systems located in the Telluride R-1 School District;

WHEREAS, LUC Section 5-1303 C. requires that one of every three lots in a new residential Subdivision located within the Telluride R-1 School District shall be deed-restricted using the R-1 Housing deed restriction or as approved by the Board of County Commissioners. Rather than deed-restricting 12 of the lots (7 for the Mill Creek Parcel and 5 for the Deep Creek Mesa Parcel) the Applicant, at the request of the County, has agreed to transfer a 3.2 acre parcel in the area of the easterly portion of the Mill Creek Parcel to San Miguel County pursuant to LUC Section 5-1303 G. XI, which will be conveyed to the County at such time that the Applicant has conveyed its initial free market lot to a third party purchaser on either Mill Creek or Deep Creek Mesa The County hereby accepts this proposal and does hereby find and determine that it meets the applicable requirements of the LUC relative to the requirements for providing deed-restricted lots for the Mill Creek or Deep Creek Mesa;

WHEREAS, the Applicant has agreed to share in the cost of certain infrastructure development and geologic hazard mitigation that the County is expected to incur in connection with the development of the County Housing Parcel, as noted in the Application and Supplements;

WHEREAS, the Applicant has agreed to impose a Real Estate Transfer Assessment (RETA) on the sale of each lot, when collected the Applicant, or its successor in interest, agrees to pay the County .25% of the RETA funds collected for County regulated employee housing;

WHEREAS, the Development Plan for the Mill Creek Parcel has been designed to comply with the County standards for the preservation of Scenic Quality (LUC Section 5-21) and Scenic Foreground (LUC Section 5-316). The planning for the Mill Creek Parcel took into account the preservation of the scenic quality along the Spur through the careful siting of homes, restricted in certain building envelopes, the imposition of 200 foot building setbacks from Colorado Ave, landscape buffers and enhancements, berming similar to the adjacent Hillside Subdivision, and design elements that provide a compatible aesthetic appearance;

WHEREAS, the domestic water needs of each of the lots proposed for the Mill Creek Parcel, including fire suppression systems, will be served by a central community water system ("**Mill Creek Water System**") to be designed and constructed by Applicant to meet water quantity and quality measures required under applicable law as described in the Water Supply Plan prepared by Eric Bikis, Bikis Water Consultants, LLC for the Applicant, which was submitted as part of its Application. The Mill Creek Water System will be operated and maintained by the Homeowners Association. Applicant has filed an augmentation plan to fully and independently support the demands of the Mill Creek Water System that is currently pending before the Division Four Water Court. Prior to its submission of an application for Final Plat Review, the Applicant is required to secure an approval of the augmentation plan approving the use and development of the Mill Creek Water System from the Division Four Water Court and the Colorado Division of Water Resources shall review the Mill Creek Water System and water court decree and provide information to the County confirming that Applicant has demonstrated that it has a legal and physical water supply for the project;

WHEREAS, in addition to domestic water needs, the Applicant has proposed in its augmentation plan the placement of two 0.6-acre ponds and one 1.1 acre augmentation pond on the Mill Creek Parcel, together with 1.8 acres of irrigated landscaping and berming to serve the development on the Mill Creek Parcel, which water will come from surface water diversions from the Mill Creek in the manner proposed in its augmentation plan;

WHEREAS, the Third Supplement to the Application included additional information prepared by Applicant's Water Attorney, Chris Cummins, and Mr. Bikis to address questions and concerns that were raised during the public review process concerning water usage and potential impacts to Mill Creek. As a part of this Third Supplement the Applicant modified its Water Supply Plan to include a provision and commitment agreeing not to divert any of its Junior surface water rights of 14.90 cfs for pond freshening if there is less than 1.0 cfs in Mill Creek. In addition the Applicant has provided a Drought Management Plan that would be implemented if dry conditions continue into the summer and flows in Mill Creek are lower than the expected demand. As part of the public discussion during the Public Hearing on the preliminary PUD and

subdivision plan there were discussions concerning Applicant not diverting water from Mill Creek during the winter months. The suggestion from the Applicant and the direction from the BOCC is that this issue of diversions from Mill Creek during winter months or the "non-irrigation" season is to be presented in more detail and evaluated by the BOCC in its consideration of the Development Agreement between the Applicant and the Board of County Commissioners at the Final Plan review stage;.

WHEREAS, each of the Mill Creek lots are proposed to be served by Onsite Wastewater Systems (OWS) designed by a profession engineer to meet both the basic design criteria and standards routinely applied by state and county regulations for all OWS as well as additional or "heightened" design standards and criteria as reflected in the OWTS Treatment Guidelines submitted by the Applicant as part of its Application. The "heightened standards" would exceed State Regulations and would attain similar levels measured and found acceptable to the current standards of the regional sewage treatment facility;

WHEREAS, the Applicant included a statement in their Second Supplement to the application advising that they have discussed the possibility of connecting the Mill Creek lots to the Town of Telluride's Municipal Water & Sewer System and the Deep Creek Lots to the Town's Municipal Sewer and these discussions are ongoing. During the Public Hearings, the Applicant reiterated its position that they remain confident that their proposed means of addressing water and sewage issues respectively using the Mill Creek Community Water System and OWTS consistent with the OWTS Treatment Guidelines met applicable law, nevertheless, the Applicant agreed to pursue connections to the Town Municipal Water and Sewerage Treatment Facilities, to the extent reasonable and feasible;

WHEREAS, the Applicant requested that dogs be allowed on the Mill Creek Lots, subject to the adherence to certain Rules, Regulations, Policies and Procedures Of The Mill Creek Community (Dog/Pet Control Regulations And Policies), which were prepared and submitted to the County by the Applicant and which would be primarily enforceable by the Homeowners Association, and the County (if the Homeowners Association failed to do so). The Applicant's wildlife biologist provided evidence and testimony supporting this request. The Colorado Division of Parks and Wildlife made certain recommended changes to the Dog/Pet Control Regulations and Policies, which were agreeable to the Applicant and were reflected in the revised final draft submitted by Applicant;

WHEREAS, the Applicant, responding to requests by the County and public did agree in its Second Supplement to grant a public recreational trail easement to the County to accommodate multiple use non-motorized trails in the vicinity of the proposed Mill Creek Water tank site, contingent upon approval by the USFS for a trail over its property and subject to other conditions and restrictions as noted by the Applicant in its Second Supplement;

WHEREAS, the Planning Commission at its July 23, 2014 Special meeting recommended conditional approval of the preliminary plans for both the Deep Creek and Mill Creek PUD and subdivisions and also approved the requested rezoning of these two proposed subdivisions from PUDR to LDR;

WHEREAS, the Applicant has proposed to defer the installation of the Subdivision Infrastructure until the earlier to occur of either (a) ten years from the recordation of the Final Subdivision Plat for Mill Creek; or (b) the sale and transfer of a lot to a third party purchaser, the details of which are to be addressed in the Subdivision Improvements Agreement and the Development Agreement between the Applicant and the Board of County Commissioners and recorded with the Final Subdivision Plat for Mill Creek;

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, at its special Public Hearings on October 21, 2014, December 10, 2014 and January 15, 2015 conducted a review of the Mill Creek Preliminary Plan PUD and Subdivision and related land use applications noted in the application finding that: (1) the preliminary plan materials submitted by the Applicant showing detailed layouts of lots, parcels, infrastructure complies withal relevant sections of the County Land Use Code including without limitations with Land Use Code ("LUC") Section 4-4 Preliminary Plan Subdivision review standards, Section 5-14 Planned Unit Development (PUD) procedures, the applicable policies in Sections 2-1 to 2-33 Land Use Policies, Section 5-13 Affordable Housing, Section 5-14 Planned Unit Development, Section 5-316 Scenic Foreground and Scenic View Plane, Section 5-20 Transportation, Section 5-21 Scenic Quality, Section 5-22 Wetland Areas, Section 5-1203 Subdivision Exemption for a Lot Line Adjustment to vacate the platted property boundary lines and ROW dedications arising in connection with the Town of San Miguel, and Section 5-317 Planned Unit Development Reserve (PUDR) Zone District, and the Telluride Regional Area Master Plan (2) that the proposed density of approximately one single-family dwelling per six gross acres is consistent with the "Alternative Density" and the Low Density Residential "LDR" classification identified in the Regional Area Master Plan; and (3) the preliminary plan materials demonstrated that the Applicant was able to appropriately address applicable standards in Sections 5-4 to 5-9 (including Floodplain Hazard Areas, Geologic Hazard Areas, Historic and Archaeological Resource Areas, and Wildlife Habitat Areas. The proposed PUD plan is in general conformity with the County's TRAMP as required by the Colorado PUD Act of 1972. (24-67-104(1)(f), C.R.S.);

WHEREAS, in taking this action, the Board of County Commissioners of San Miguel County, Colorado, hereby adopts and incorporates the summaries, discussions, findings and determinations of the County Planning Department, as noted in its memorandums dated October 24, 2014, December 10, 2014 and January 15, 2015.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners, based upon the relevant and competent evidence included in the public hearing record (Exhibit B attached) compiled for the Application, including the record of the Sketch Plan PUD and Subdivision application for the Mill Creek Parcel hereby approves the Preliminary Plan PUD and Subdivision application as well as the companion applications presented by the Applicant for the Mill Creek Parcel subject to the following conditions:

1. Deeding a 50-foot right-of-way for existing CR 67L (Mill Creek Road) to the County through the Applicant's property to San Miguel County. Obtaining a County Road & Bridge Driveway Access Permits for the Mill Creek Subdivision access roads off Mill Creek Road.

2. Prior to construction of infrastructure, Applicant must obtain a Road & Bridge Special Construction Permit to address off-site County road impacts during construction.
3. Obtaining an Access Permit for the access of the subdivision roads from West Colorado Ave. from the Town of Telluride prior to submittal of a Final Plat to the county. This permit should also coordinate with the Town of Telluride to lower the existing water line and realigning of the pedestrian/bike path.
4. Prior to Final Plat submission and approval, the Applicant is to demonstrate a legal and physical water supply, sufficient to serve the development to the satisfaction of the Colorado Division of Water Resources and the San Miguel County Board of County Commissioners.
5. Prior to submitting the Final PUD and Subdivision Plan for the Mill Creek parcel, the County will require the Applicant to obtain a final decree from the water court for the pending water court case (case no. 09CW190). Once a final decree is obtained the County will re-refer this proposal to the Colorado Division of Water Resources for an opinion on the adequacy of the final water supply plan.
6. The Applicant shall comply with the Revised and Updated Mill Creek Parcel Onsite Wastewater Systems Treatment Guidelines Report dated March, 2014 by Buckhorn Geotech, as may be supplemented or amended with County approval.
7. The approximate 1.0 acre Public Park Dedication on the Mill Creek Parcel as presented in the Preliminary Subdivision Plan for Mill Creek shall be transferred to San Miguel County upon recordation of the Final Subdivision and PUD Plat.
8. The Applicant has identified an approximately 3.2-acre parcel on the east end of the Mill Creek Parcel which shall be designated as the Housing Parcel on the Final Subdivision and PUD Plat and conveyed to the County not later than the initial conveyance of a Mill Creek lot or Deep Creek Mesa lot to a third party purchaser. The Housing Parcel shall be conveyed to San Miguel County for the use and development of an employee housing project that will fulfill the Applicant's employee housing mitigation requirement. In addition the Applicant will participate in the completing and/or sharing in the cost of necessary improvement as identified in the infrastructure and related improvement costs for this parcel as identified on the Conceptual Estimate of Probable Construction costs submitted by the Applicant as part of the Preliminary Plan application, which will be undertaken and completed as provided for in the Subdivision Improvement Agreement for the Mill Creek Parcel.
9. The perimeter fencing of the Mill Creek Parcel will be removed prior to the initiation of site improvements for the subdivision.
10. No fencing of the property shall occur outside of the designated building envelopes, all other fencing shall be "wildlife friendly" fencing pursuant to the Land Use Code with the exception of a small fenced area adjacent to a residence within the designated building envelope.
11. Dogs will be allowed in the Mill Creek PUD subject to the terms and provisions of the proposed Dog/Pet Control Regulations and Policies being adopted as private covenants and will apply and be enforced by the PUD with the understanding that the owners with lots with dogs shall comply with the terms and provisions of these regulations and policies. In addition the dog control regulations of the private covenant are enforceable by San Miguel County in its discretion.

12. The Applicant will implement the Mill Creek Design Guidelines as submitted in the Preliminary Subdivision and PUD Plan and the First Supplement and Second Supplement to the Application for the Mill Creek Preliminary PUD Plan Review and any approved amendments.
13. San Miguel County will review/approve visual impact mitigation/scenic quality screening measures for residences located on Lots 17, 18, and 19, that are to be submitted to the DRB, prior to issuance of residence development permit.
14. The irrigation pipe to be installed north of Lot 8 will be surveyed after the irrigation line is installed and an irrigation easement will be document on the Final Subdivision and PUD Plat.
15. Add a Note to the Final Subdivision Plat referencing the Buckhorn Geotech Floodplain and debris flow analysis and those recommendations for general mitigation measures that need to be implemented and maintained.
16. Add a Note to the Final Subdivision Plat regarding the requirement that some of the lots may require a booster pump to comply with the minimum pressure requirement of the fire code, unless an exception is approved by the Telluride Fire Protection District. Applicant shall meet all Telluride Fire Protection District comments.
17. Add a Note to the Final Subdivision Plat referencing the Buckhorn Geologic Hazards Report and referencing the Geotechnical Comments on the Modified Lot 12 Building Envelope and those recommendations for general mitigation measures that need to be implemented and maintained.
18. A Colorado State Stormwater Permit will need to be applied for prior to commencement of any site construction of subdivision improvements.
19. The Applicant shall provide the County with certain documents as part of the Final Plat application (see List of Documents attached as Exhibit A).
20. All pump houses shall be screened with native vegetation and/or berms to reduce visibility.
21. The Mill Creek community water tank shall be painted an acceptable U.S. Forest Service or BLM color to further reduce visibility.
22. The Mill Creek Sketch Plan application, amendments and documents are considered part of the Public Hearing Record by Reference.
23. The BOCC encourages the Applicant to continue a good faith effort to work with the Town of Telluride to connect the Mill Creek Parcel to the Town's water and sewer system

BE IT FURTHER RESOLVED, the Applicant is to curtail its diversion of its Junior surface water rights from Mill Creek during a winter period, based on winter months and stream flows, as determined by the BOCC in its consideration of a more detailed proposal from the Applicant that is to be submitted for the County's review and approval as part of the Board's consideration of a Development Agreement between the Applicant and the BOCC at the Final Plan review stage.

BE IT FINALLY RESOLVED all written representations of the Applicant, in the original submittal and all supplements, letters and emails, for both the Sketch Plan and Preliminary Plan are deemed to be conditions of approval, except to the extent modified by this Resolution. The

approvals granted herein shall remain valid for one year from the date that this Resolution is executed and recorded, unless extended by the BOCC upon a request by the Applicant.

DONE AND APPROVED by the San Miguel County Board of Commissioners on February 18, 2015.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

By: Joan May
Joan May, Chair

VOTE:

Art Goodtimes	Aye	Nay	Abstain	Absent
Elaine R.C. Fischer	Aye	Nay	Abstain	Absent
Joan May	Aye	Nay	Abstain	Absent

ATTEST:

By: John Huebner
John Huebner, Chief Deputy Clerk

[text/mc.preliminary.reso]

COUNTY CLERK CO SAN MIGUEL COUNTY

EXHIBIT A

LIST OF DOCUMENTS TO BE COMPLETED AT FINAL PLAT

MILL CREEK PARCEL

1. Final PUD Plan/Subdivision Plat
2. PUD Agreement, including the following attachments:
   a. Site Reviews
   b. OWTS Regulations
3. Subdivision Improvement Agreement
4. CCR's, which shall include County Enforceable Restrictions for:
   a. Restrictions against development outside of Building Envelopes
   b. Restrictions on uses occurring on open space parcels
   c. Provisions to maintain berming/landscaping in Scenic Foreground
   d. DRB Review Requirements (including compliance with Design Guidelines and Site Reviews)
   e. OWTS Regulations
   f. Dog Regulations
   g. Geologic Hazard Mitigation requirements
   h. RETA provisions, including collecting/paying to County 0.75% for transportation and 0.25% for employee housing
5. Design Guidelines
6. Public ROW Easement for Mill Creek Road
7. Recreational Trail Easement for Mill Creek
8. Vacation of San Miguel Townsite lots and streets
9. Site Constraints Map

EXHIBIT B

Public Hearing Record - Board of County Commissioners

Application: **San Miguel Valley Corporation:**
Preliminary PUD and Subdivision: Deep Creek Mesa and Mill Creek and
Rezoning: Deep Creek Mesa and Mill Creek

Date: **January 15, 2015 (continued from Dec. 10, 2014 and Oct. 21, 2014)**

Items submitted/added since the December 10, 2014 Public Hearing:

1. Memorandum to the Board of County Commissioners from Planning Department Staff dated January 15, 2015.
2. Letter from Thomas Kennedy, P.C. to the Board of County Commissioners dated January 8, 2015.
3. Letter from Thomas Kennedy, P.C. to Mike Rozycki, Planning Director dated March 11, 2014.
4. Dog Control Regulation update submitted by the applicant received January 7, 2015.
5. Public Hearing Notice published in the Norwood Post on December 31, 2014 and the Telluride Daily Planet on January 4, 2015.
6. Email from David Oyster to BOCC dated December 10, 2014.
7. Map of proposed housing lots submitted by George Greenbank dated December 10, 2014.
8. Email from Jim Pettegrew to BOCC dated December 11, 2014.
9. Petition from Gordon Mc Phee.
10. Information provided by George Greenbank received January 2, 2015.
11. Email from Chris Cummins, Felt, Monson & Culichia, LLC to Mike Rozycki dated January 5, 2015.
12. Email from Leigh Robertson, Director Sheep Mtn. Alliance, to Karen Henderson dated January 6, 2015.
13. Email from Ben Jackson to Art Goodtimes dated January 7, 2015.
14. Letter from Lou Kissling, President Brown Homestead HOA, to BOCC dated January 8, 2015.
15. Email from Max Cooper, San Miguel Bike Alliance President, to Mike Rozycki dated January 14, 2015.
16. Email from Jolana Vanek to Joan May dated January 15, 2014.
17. Email from Jim Lucarelli, President Association of Realtors to BOCC dated January 15, 2015.
18. Email from George Hoffman, Brown Homestead to BOCC dated January 15, 2015.
19. Telluride Daily Planet article submitted by Gordon McPhee on January 15, 2015.
20. Photos of Mill Creek submitted by Bryan Miler on January 15, 2015.

Items submitted/added since the October 21, 2014 Public Hearing:

21. Second Updated Memorandum to the San Miguel County Board of County Commissioners from the San Miguel County Planning Department Staff dated December 10, 2014.
22. Memorandum to the San Miguel County Board of County Commissioners from the San Miguel County Planning Department Staff dated December 10, 2014.

23. Memorandum to the San Miguel County Board of County Commissioners from the San Miguel County Planning Department Staff dated October 21, 2014.
24. BOCC minutes from October 21, 2014.
25. Public Hearing Notice published in the Norwood Post on November 26, 2014 and in the Telluride Daily Planet on November 27, 2014.
26. Third Supplement to Applications for Mill Creek Preliminary PUD Plan Review and Deep Creek Preliminary PUD Plan Review and Related Matters dated November 18, 2014.
27. Memorandum submitted by Peter Jamar dated November 17, 2014.
28. List of Documents to be completed at Final Plat for Mill Creek and Deep Creek Mesa.
29. Email from Diane Castillo, Buckhorn Geotech to Bruce Honish, Goff Engineering, dated October 23, 2014.
30. Email from Bryan Miller to BOCC dated October 28, 2014.
31. Letter Mike Rozycki to Tom (Kennedy), Peter (Jamar), and Eric (Bikis) dated November 4, 2014.
32. Letter from Eric Bikis, Bikis Water Consultants, to Thomas Kennedy dated October 9, 2014.
33. Email from Kelly Crane, Colorado Parks & Wildlife, to Karen Henderson dated December 1, 2014.
34. Applicants map of areas where dogs are allowed contiguous to Mill Creek Parcel.
35. Memorandum from Steven Zwick, County Attorney, to SMC Planning dated December 1, 2014.
36. Petitions submitted by Gordon McPhee received December 3, 2014 (By Reference).
37. Land Use Code Section 3-14 Vested Property Rights.
38. Land Use Code Section 5-322 Low Density Residential (LDR) Zone District.
39. Web article "From Telluride to Winter Park: Average Rent in 17 ski towns" submitted by Gordon McPhee received December 4, 2014.
40. Local Voices commentary "What's wrong in Paradise 81435?" submitted by Gordon McPhee received December 4, 2014.
41. Email from Paul Ruud to Greg Clifton and Mike Rozycki dated December 6, 2014.
42. Email from Steven Zwick to Mike Rozycki, Tom Kennedy, Peter Jamar and Karen Henderson dated December 8, 2014 (Dog Control Regulations, SMC).
43. Email from Edwin Schlapfer to BOCC and staff dated December 8, 2014.
44. Letter from Nicole Champine, San Miguel Valley Corporation to the BOCC dated December 8, 2014.
45. Letter from Hilary Cooper, Sheep Mountain Alliance, to the BOCC and Mike Rozycki dated December 8, 2014.
46. Email from Bryan Miller to Joan May, County Commissioner, dated December 9, 2014.

Items Submitted for the October 21, 2014 Public Hearing:

47. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).

48. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).

49. Memorandum to the San Miguel County Board of County Commissioners from the San Miguel County Planning Department Staff dated October 21, 2014.

50. Public Hearing Notice published in The Norwood Post on September 24, 2014 and in the Telluride Daily Planet on September 26, 2014.

51. July 23, 2014 County Planning Commission draft minutes.

52. June 11, 2014 County Planning Commission minutes.

53. San Miguel Valley Corporation and related entities Applications received April 17, 2014 (by reference only).
Volume One: Mill Creek Preliminary PUD Plan Review and Deep Creek Mesa Preliminary PUD Plan Review and Related Matters (including Rezoning of the Mill Creek Parcel and Deep Creek Mesa Parcel
Volume Two: Mill Creek Parcel Site Reviews
Volume Three: Deep Creek Mesa Site Reviews
Volume Four: Deep Creek Mesa Ridgeline Compliance Report

54. First Supplement to Applications for Mill Creek Preliminary PUD Plan and Deep Creek Mesa Preliminary PUD Plan and Related Matters, (with Exhibits by reference only).

55. Second Supplement to Applications for Mill Creek Preliminary PUD Plan and Deep Creek Mesa Preliminary PUD Plan and Related Matters Dated October 10, 2014.

56. Written Application For Mill Creek Sketch PUD Plan Review and Deep Creek Mesa Sketch PUD Plan Review and Related Matters dated April 2, 2012 and all Supplements thereto ("Sketch Plan Application") submitted by Thomas G. Kennedy on behalf of the property owner, together with all exhibits consisting of all correspondence, studies, reports and plans appended to the Sketch Plan Application and Supplements and further including all testimony provided at the public meetings of the County Planning Commission and the BOCC concerning the Sketch Plan Application. (By reference only – Copies are on file in the Planning Department)

57. All memorandums prepared by the County Staff addressing the Sketch Plan Application and presented to the County Planning Commission and the BOCC. (By reference only – Copies are on file in the Planning Department)

58. All referral comments provided to the County addressing the Sketch Plan Application. (By reference only – Copies are on file in the Planning Department)

59. All public correspondence provided to the County addressing the Sketch Plan Application. (By reference only – Copies are on file in the Planning Department)

60. BOCC Resolution 2013-2 approving a Sketch Plan for Planned Unit Development and subdivision of the Deep Creek Mesa Parcel for San Miguel Valley Corporation and Related Entities and BOCC Resolution 2013-3 approving a Sketch Planned Unit Development and subdivision of the Mill Creek Parcel for San Miguel Valley Corporation and Related Entities (by reference only).

61. District Court, Water Division 4, Colorado, approved Application for surface Water Rights, Surface Water Storage rights, Underground Water Rights and for Approval of Plan for Augmentation as amended, filed by San Miguel Valley Corporation with Co-Applicant Aldasoro Ranch Home Owners Company (by reference only).

62. District Court, Water Division 4, Colorado, Second Amendment to Application for Correction of Point of diversion, for Change of Conditional Surface Water Rights, for Change of Conditional Ground Water Rights, and for Amendment of Plan for Augmentation.

63. Applicant's Certification of Compliance with the Public Noticing Requirements of C.R.S. § 24-65.5-103(1) and County Land Use Code Section 3-9 (by reference only).

64. Email from Lee Taylor, CPC member, tot CPC and Karen Henderson, dated July 15, 2014.

65. Letter from the San Miguel County Open Space Commission dated July 15, 2014.

66. Letter from Kelly Crane, Colorado Parks & Wildlife dated May 27, 2014.

67. Letter from Renzo Del Piccolo, Colorado Parks & Wildlife dated June 25, 2012.

68. Letter from Susan St. Onge to County Planning Commission and Mike Rozycki, dated July 15, 2014.

69. Letter from Rick Thompson dated July 16, 2014.

70. Letter from the Town of Telluride dated June 9, 2014 to the CPC.

71. Letter from Linda Miller on behalf of Sheep Mountain Alliance, dated June 11, 2014.

72. Application Amendment received June 30, 2014 including:
Response to Goff Engineering Mill Creek Parcel and Deep Creek Mesa Parcel review comments from Buckhorn Geotechreceived June 30, 2014, and the Mill Creek Parcel and Deep Creek Mesa Parcel Drainage Reports dated June 23, 2014.

73. Email from Eric Bikis, Bikis Water, dated July 2, 2014.

74. Email from Dave Schneck dated August 28, 2012.

75. Email from the Brown Homestead Homeowners Association to Karen Henderson & the County Planning Department, dated July 22, 2014.

76. Memorandum from Bruce Honish, Goff Engineering & Surveying, to Mike Rozycki, dated July 21, 2014.

77. Email from George Hoffman, Brown Homestead Condominiums to Karen Henderson, dated July 22, 2014.

78. Email from Hilary Cooper, Sheep Mountain Alliance, to Mike Rozycki dated July 22, 2014.

79. Email from Mike Rozycki to BOCC and County staff dated July 25, 2014.

80. Letter from Hilary Cooper, Sheep Mountain Alliance, to Telluride Mayor Stu Fraser and Telluride Town Council dated August 1, 2014.

81. Letter from Commissioner Art Goodtimes to Stuart Fraser, Telluride Mayor, and Telluride Town Council dated August 5, 2014.

82. Letter from the Telluride Mountain Club to the Board of County Commissioners dated August 20, 2014.

83. Email from Tor Anderson, Telluride Mountain Club, to Commissioner Joan May dated September 4, 2014.

84. Email from Mike Rozycki to the Board of County Commissioners dated September 11, 2014.

85. Email from Paul Ruud, Telluride Public Works, to Tome Kennedy dated September 26, 2014.

86. Letter from Megan Sullivan, P.E., Colorado Division of Water Resources to Karen Henderson, Associate Planner, dated October 9, 2014.

87. Email from Commissioner Joan May to Hilary Cooper, Linda Miller, KOTO news, Telluride Daily Planet, and the Watch newspapers dated October 9, 2014.

88. Email from Bruce Honish, P.E., Goff Engineering to Mike Rozycki, dated October 14, 2014.

89. Email from Mike Rozycki to Telluride Mountain Club dated October 14, 2014.

90. Emails from Mike Rozycki to Bruce Honish, Hilary Cooper, Renzo DelPiccolo, Kelly Crane, Jay Raible, Dirk dePagter, Banks Brown, Meredith Muller, Peter Wagner, the BOCC, and County staff, dated October 13, 2014.

91. Letter from Gordon McPhee to the BOCC dated October 15, 2014.

92. Email from Meredith Mueller, Brown Homestead Representative to Karen Henderson dated October 20, 2014.

93. Email from Susie St. Onge to the BOCC dated October 20, 2014.

ATTACHMENT IV

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, APPROVING THE REZONING OF THE DEEP CREEK MESA PARCEL FROM PLANNED UNIT DEVELOPMENT RESERVE (PUDR) TO LOW DENSITY RESIDENTIAL (LDR)

Resolution 2015-3

WHEREAS, San Miguel Valley Corporation (SMVC), Alley Oop Holdings, LLC, and Genesee Properties, Inc. (collectively, "Applicant") submitted both a Sketch Plan and Preliminary Plan and Rezoning application for a proposed Planned Unit Development (PUD) and Subdivision for the Deep Creek Mesa tract of land, "Deep Creek Mesa Parcel", they own in the Telluride Region that is zoned Planned Unit Development Reserve (PUDR). In addition to submitting the Sketch and Preliminary Plan applications the owners proposed a Land Use Code Amendment to create a new zone district, the Low Density Rural Cluster (LDRC) Zone District which was then amended through the review process to the Low Density Residential (LDR) Zone District, Land Use Code Section 5-322, which was approved by the Board of County Commissioners (BOCC) in March of 2013. The PUDR Zone District is intended to define maximum long-term development potential of specific large parcels in the Telluride Region. The PUD Reserve status provides a transition between designation under the County Master Plan and final zoning. The Telluride Regional Area Master Plan ("TRAMP") and PUDR Zoning contemplated that development at the "Alternative Density" would be accomplished by rezoning property to the Low Density (LD) Zone District and processing a specific development application through the County's PUD review process. In 1995 the County's LD Zone District was amended to state that "The LD Zone District applies to areas so zoned already..". Since the LD Zone District is no longer available to implement the "Alternative Density" contemplated for this property by the TRAMP, the Applicant proposed the new LDR Zone District;

WHEREAS, the LDR zone district states that all development proposed within the Low Density Residential Zone, except for proposed development of uses allowed by right, shall be reviewed pursuant to the Planned Unit Development (PUD) procedure to establish permitted uses and Area and Bulk Requirements. The new zone district allows a density of one Single-family Residence per six to eight acres through the PUD process, similar to the LD Zone District, and includes specific Area & Bulk and Development Standards that are more detailed than those contained in the LD Zone District. The PUDR Zone District applies only to existing parcels so zoned in the Telluride Region and shall not be applied to additional parcels. The LDR Zone District only applies to parcels located in the PUDR Zone District;

WHEREAS, in the case of applications seeking multiple land use approvals LUC Section 3-8 Consolidation of Applications states that the various review requests shall be consolidated so that the different requests for approvals are considered comprehensively by the decision making bodies. The County Planning Commission and the Board of County Commissioners have considered the Rezoning, Sketch Plan PUD and Subdivision and Preliminary Plan PUD and Subdivision applications in accordance with Land Use Code procedural requirements;

WHEREAS, Rezoning applications are a Two-step County Planning Commission and Board of County Commissioner review process pursuant to Land Use Code Section 5-1803;

WHEREAS, notice of the Public Hearing on the Applicant's rezoning application before the Board of County Commissioners was posted as follows:

1. Public Hearing Notice published in the Norwood Post on December 31, 2014 and the Telluride Daily Planet on January 4, 2015.
2. Public Hearing Notice published in the Norwood Post on November 26, 2014 and in the Telluride Daily Planet on November 27, 2014.
3. Public Hearing Notice published in The Norwood Post on September 24, 2014 and in the Telluride Daily Planet on September 26, 2014;

WHEREAS, in addition Public Hearing Notice Signs were posted on the properties and Notice to Property Owners was mailed on September 29, 2014 for the Oct.21, 2014 meeting, Public Hearing Notice Signs were posted on the properties on December 4, 2014 for the Dec. 10, 2014 meeting, and Public Hearing Notice Sign were posted on the properties on December 29, 2014 for Jan. 15, 2015 meeting;

WHEREAS, at its July 23, 2014 special meeting the County Planning Commission recommended approval (4-0 Bald, Kell, Holstrom and Ahern voting in favor) of the rezoning of the Deep Creek Mesa Parcel proposed to be subdivided and approved as a PUD from Planned Unit Development Reserve (PUD) to the Low Density Residential (LDR) Zone District;

WHEREAS, the Board of Commissioners of San Miguel County Colorado considered the application for the Rezoning and Preliminary Plan PUD, along with relevant evidence and testimony from the public, at duly noticed and held Special Public Hearings on October 21, 2014, December 10, 2014 and January 15, 2015;

WHEREAS, in taking this action, the Board of County Commissioners of San Miguel County, Colorado, reviewed and considered all correspondence included in the Public Hearing Record, including the summaries, discussions, findings and determinations of the County Planning Department, as noted in its memorandums dated October_21, 2014, December 10, 2014, and January 15, 2015, a copy of which listing of the Public Hearing Record is attached to Board of County Commissioner Resolution 2015-2;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners based upon the relevant and competent evidence included in the public hearing record compiled for the Application, as identified in the public hearing approves the Rezoning of the Deep Creek Mesa Parcel from Planned Unit Development Reserve (PUD) to the Low Density Residential Zone District finding that the rezoning meets the standards of LUC Section 5-322 LDR Zone District and also meets the standards for Rezoning as set forth in LUC Section 5-1803; specifically finding that the proposed rezoning is consistent with the San Miguel County Comprehensive Development Plan (Telluride Regional Area Master Plan) and the identified "alternative density" of One S.F. dwelling unit per 6-8 gross acres, is compatible with surrounding Zone Districts and land uses, based on the relatively low density it does not exceed the capacity of existing public services, and will not result in significant adverse impacts to the natural environment.

BE IT FURTHER RESOLVED, this approval is conditioned upon compliance with the standards and requirements for the Low Density Residential Zone District (LDR) as set forth in LUC Section 5-322 including the proposed maximum house sizes and proposed maximum building heights as presented in the preliminary subdivision and PUD plan and as identified in the Site Specific Reviews set forth in Volume Three of the application relating to the site reviews for each of the Deep Creek Mesa lots and Volume Four of the application relating to the Deep Creek Mesa Parcel Ridgeline Compliance Report.

BE IT FURTHER RESOLVED, this requested rezoning from PUDR to LDR, including the site specific Area & Bulk standards, shall not take effect until such time as the Final Subdivision and PUD plat is approved and the Final Plat and accompanying documents and agreements applicable to the subdivision and PUD approvals have been recorded.

BE IT FINALLY RESOLVED that all written representations of the Applicant, in the original submittal and all supplements, are deemed to be conditions of approval, except to the extent modified by this Resolution.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, on February 18, 2015.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

By: Joan May
Joan May, Chair

Vote:					
	Elaine R.C. Fischer	Aye	Nay	Abstain	Absent
	Joan May	Aye	Nay	Abstain	Absent
	Art Goodtimes	Aye	Nay	Abstain	Absent

ATTEST:
John Huelsner
Chief Deputy Clerk

[text/smvc/dcm.rezoning.reso]

COUNTY CLERK SAN MIGUEL CO

ATTACHMENT V

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, APPROVING THE PRELIMINARY PLAN PUD AND SUBDIVISION, AND RELATED LAND USE APPLICATIONS CONTAINED IN THE CONSOLIDATED LAND USE APPLICATIONS CONCERNING THE "DEEP CREEK MESA PARCEL"

Resolution 2015-4

WHEREAS, San Miguel Valley Corporation (SMVC), Alley Oop Holdings, LLC, Boomerang Holdings, LLC and Genesee Properties, Inc. (collectively, the "Applicant") have submitted Preliminary Plan applications for a proposed Planned Unit Development (PUD) and Subdivision for the "Mill Creek Parcel" and the "Deep Creek Mesa Parcel", which are tracts of land they own in the Telluride Region that are zoned Planned Unit Development Reserve (PUDR). A third parcel, known as the Society Turn Parcel, requires an update in the in the Telluride Regional Area Master Plan (TRAMP) before development could be considered and, therefore, was not included as part of the application. The Applicant is proposing to develop the "Mill Creek Parcel" and the "Deep Creek Mesa Parcel" at the "Alternate Density" of one (1) Single-family dwelling unit per 6-8 gross acres as specified in the Telluride Regional Area Master Plan (TRAMP);

WHEREAS, the "Deep Creek Parcel" is approximately 91 acres in size and is located on Deep Creek Mesa east of the Telluride Airport, fronting on and lying south of Airport Road and the Aldasoro Ranch subdivision and is adjacent to the Meadows at Deep Creek and the Last Dollar subdivisions. The Deep Creek Mesa Parcel is proposed to be subdivided into 15 Single-family Residential lots;

WHEREAS, the Preliminary Plan reviews encompassed the following reviews as required by the County Land Use Code ("LUC"): 1041 Geohazard Review, Floodplain, Wetland and Wetland Buffers, Wildlife, Ridgeline, School Site Dedication, Park Dedication, Transportation, Employee Housing Mitigation, as well as individual site reviews for each lot required by the Low Density Residential zone (LDR), review and approval of the engineering plans for the location and design of subdivision roads, utilities, driveways, drainage/stormwater management, OWTS Treatment Guidelines and the Mill Creek Community Water System and other infrastructure for the proposed Lots ("Subdivision Infrastructure"). In addition, to submitting these two Preliminary Plan applications the owners have applied to rezone both parcels from PUDR to Low Density Residential (LDR). These various applications are sometimes collectively referred to as the "Applications.";

WHEREAS, in the case of applications seeking multiple land use approvals LUC Section 3-8 Consolidation of Applications states that the various review requests shall be consolidated so that the different requests for approvals are considered comprehensively by the decision making bodies. While the Applicant has submitted separate Preliminary Plans for the Mill Creek Parcel and the Deep Creek Mesa Parcel proposed PUD's and subdivisions together, the Applicant

requested that the County act separately in its review and consideration of the two plans and related, respective applications. The consideration of the proposed rezoning from PUDR to the LDR Zone District was subject to a separate action and Public Hearing which was likewise held by the Board of County Commissioners (BOCC);;

WHEREAS, a Subdivision and Planned Unit Development is subject to a five-step review procedure pursuant to Land Use Code Sections 3-701 and 3-702. Steps three and four are Planning Commission and Board of County Commissioner Preliminary Subdivision and PUD Review. Step Five is the BOCC review of the Final Subdivision plat and PUD Plan review;

WHEREAS, prior to the applications being presented to the Board of County Commissioners, they were presented to the County Planning Commission during public meetings for a review and recommendation, which reviews occurred on June 11, 2014 and July 23, 2014 following the provision of requisite notice;

WHEREAS, notice of the Public Hearing for the Applications before the Board of County Commissioners were provided as follows:

1. Public Hearing Notice published in the Norwood Post on December 31, 2014 and the Telluride Daily Planet on January 4, 2015.
2. Public Hearing Notice published in the Norwood Post on November 26, 2014 and in the Telluride Daily Planet on November 27, 2014.
3. Public Hearing Notice published in The Norwood Post on September 24, 2014 and in the Telluride Daily Planet on September 26, 2014;

WHEREAS, in addition Public Hearing Notice Signs were posted on the Mill Creek Parcel and the Deep Creek Mesa Parcel and Notice to Property Owners was mailed on September 29, 2014 for the Oct.21, 2014 meeting, Public Hearing Notice Signs were later posted December 4, 2014 for Dec. 10, 2014 meeting, and Public Hearing Notice Signs posted December 29, 2014 for Jan. 15 meeting;

WHEREAS, the Applicant received Sketch Plan approval for the Deep Creek Mesa Parcel and the Mill Creek Parcel on March 12, 2013 (BOCC Resolutions 2013-2 and 2013-3). The BOCC also approved a new Low Density Residential (LDR) Zone District text amendment to the Land Use Code on March 12, 2013, (BOCC Resolution 2013-4);

WHEREAS, the Applicant submitted its complete Application, consisting of a written narrative and supporting plans, drawings and reports as required by the LUC, which were compiled in four (4) volumes as identified and referenced in the Public Hearing Record. The Applicants have also submitted a First Supplement to the Applicant Preliminary PUD Application dated July 14, 2012, a Second Supplement to the Applicant Preliminary PUD Application dated October 10, 2014, and a Third Supplement dated November 18, 2014 as well as a summation letter dated January 8, 2015;

WHEREAS, the Applicant is required to provide a Public Park Dedication requirement of .96-acres, and proposed land dedications occurring on both Mill Creek and the Deep Creek Mesa parcels. At the request of the County Open Space and Parks Department, the Applicant is transferring the Public Park Dedication Requirement off of the Deep Creek Mesa parcel and consolidating it together with the Mill Creek Dedication on the Mill Creek parcel as part of an approximately one acre Public Park site. The Public Park site will be surrounded by private HOA open space which will be complementary to the potential uses and activities that could occur on the Public Park site. The County determined that this approach was acceptable and fulfilled Applicant's requirements with respect to the Public Park Dedication requirement;

WHEREAS, as a condition of approval of a final subdivision plat, the LUC requires the dedication of land, cash payment in lieu of land or a combination of land and cash, for the purpose of acquiring land for school sites to serve the proposed subdivision and future residents. The Applicant is proposing a cash payment in lieu of land dedication for the School Land Dedication requirement. Based on the density and number of lots proposed in these two Sketch Plans the School Land Dedication formula set out in LUC Section 5-804, which requires 525 sq. ft. per Single-family unit, would result in a .18 (7,000 sq. ft.) acre site for Deep Creek Mesa and a .24 (10, 454 sq. ft.) acre site for Mill Creek or a less than one-half acre site for the overall development; the amount of the Applicant's cash in lieu of land payment shall be determined by the fair market value of the required land dedication as of the final plat approval date in accordance with §30-28-133(4)(a)(II), C.R.S.;

WHEREAS, developers of subdivisions in the Telluride R-1 School District are subject to specific requirements regarding transportation, LUC Section 5-20, that must be met prior to final subdivision approval. Prior to final subdivision approval the developer shall provide alternate transportation capital, facilities and equipment necessary to serve the development and provide for continuing operation and maintenance costs through, for example, self-imposed real estate transfer assessments, lodging taxes and/or impact fees, on an equitable basis, in accordance with LUC Section 5-2001 B. The Applicant is proposing that a 0 .75% real estate transfer assessment will be collected for payment to the County on each conveyance of each lot for the benefit of the public transportation systems located in the Telluride R-1 School District. The County has determined that 0.75% real estate transfer assessment for public transportation is adequate and fulfills the Applicants public transportation impact mitigation;

WHEREAS, LUC Section 5-1303 C. requires that one of every three lots in a new residential Subdivision located within the Telluride R-1 School District shall be deed-restricted using the R-1 Housing deed restriction or as approved by the Board of County Commissioners. Rather than deed-restricting 12 of the lots (7 for the Mill Creek Parcel and 5 for the Deep Creek Mesa Parcel) the Applicant, at the request of the County, has agreed to transfer a 3.2 acre parcel in the area of the easterly portion of the Mill Creek Parcel to San Miguel County pursuant to LUC Section 5-1303 G. XI, which will be conveyed to the County at such time that the Applicant has conveyed its initial free market lot to a third party purchaser on either Mill Creek or Deep Creek Mesa. The

County accepts this proposal and determines that it meets the applicable requirements of the LUC relative to the requirements for providing deed-restricted lots for the Mill Creek or Deep Creek Mesa;

WHEREAS, the Applicant has agreed to share in the cost of certain infrastructure development and geologic hazard mitigation that the County is expected to incur in connection with the development of the County Housing Parcel, as noted in the Application and Supplements;

WHEREAS, the Applicant has agreed to impose a Real Estate Transfer Assessment (RETA) on the sale of each lot, when collected the developer, or their successors in interest, agrees to pay the County .25% of the RETA funds collected for County regulated employee housing, which is hereby found and determined to be acceptable employee housing impact mitigation;.

WHEREAS, the domestic water needs of each of the lots proposed for the Deep Creek Mesa Parcel, including fire suppression systems, will be served by a connection to the central community water system serving the Aldasoro Ranch Subdivision, pursuant to agreements between the Applicant and Aldasoro Ranch. Prior to its submission of an application for Final Plat Review, the Applicant shall secure final water decrees from the Water Court supporting such usage and the Colorado Division of Water Resources shall review the Mill Creek Water System and water court decree and provide information to the County confirming that Applicant has demonstrated that it has a legal and physical water supply for the project;

WHEREAS, in addition to domestic water needs, the Applicant has proposed the use of surface water diversions from Mill Creek, Sheep Creek, the East Fork of Deep Creek, and the San Miguel River to support irrigation activities occurring on the Deep Creek Mesa Parcel;

WHEREAS, each of the Deep Creek Mesa Lots will be served by Onsite Wastewater Systems (OWS) designed by a Colorado registered professional engineer to meet both the basic design criteria and standards routinely applied by state and county regulations for all OWS as well as additional or "heightened" design standards and criteria as reflected in the OWTS Treatment Guidelines submitted by the Applicant as part of its Application. The "heightened standards" would exceed State Regulations and would attain similar levels measured and found acceptable to the current standards of the regional sewage treatment facility;

WHEREAS, the Applicant has included a statement in their Second Supplement to the application advising that they have discussed the possibility of connecting the Mill Creek lots to the Town Municipal Water & Sewer System and the Deep Creek Lots to the Town's Municipal Sewer and that these discussions are ongoing. During the Public Hearings, the Applicant reiterated its position that they remain confident that their proposed means of addressing water and sewage issues respectively using the Deep Creek Mesa/Aldasoro Ranch Community Water System and OWTS consistent with the OWTS Treatment Guidelines met applicable law, nevertheless, the Applicant agreed to pursue connections to the Town Municipal Sewerage Treatment Facilities, to the extent reasonable and feasible, which connections, if mutually agreed to by the Applicant and the Town are hereby found and determined to also be acceptable;

WHEREAS, the Applicant has provided a Notice which will be recorded on each of the Deep Creek Mesa lots advising owners of the proximity of the Deep Creek Parcel to the Telluride Regional Airport and the potential for the use and enjoyment of their lot to be impacted by operations at the Telluride Regional Airport (eg. Noise, overflights, etc.);

WHEREAS, the Applicant has provided a site-specific plan, including maximum square footage and height, as well as berming requirements, for each lot to reduce and restrict the potential for ridgeline impacts;

WHEREAS, the Applicant requested that dogs be allowed on the Deep Creek Mesa Lots, subject to the adherence to certain Rules, Regulations, Policies and Procedures Of The Deep Creek Mesa Community (Dog/Pet Control Regulations And Policies), which were prepared and submitted to the County by the Applicant and which would be primarily enforceable by the Homeowners Association, and the County (if the Homeowners Association failed to do so). The Applicant's wildlife biologist provided evidence and testimony supporting this request. The Colorado Division of Parks and Wildlife made certain recommended changes to the Dog/Pet Control Regulations and Policies, which were agreeable to the Applicant and were reflected in the revised final draft submitted by Applicant;

WHEREAS, the Applicant, responding to requests by the County and public did agree in its Second Supplement to grant a public recreational trail easement to the County to accommodate a multiple use non-motorized public trail over a portion of its Society Turn parcel and the Deep Creek Mesa Parcel, subject to certain conditions and restrictions as noted by the Applicant in its Second Supplement, such public recreational trail easements to be specifically described in the Applicant's final plat documents, with such easements to be granted to the County for the public's use and benefit as set forth in the final plat documents;

WHEREAS, the Planning Commission at its July 23, 2014 Special meeting recommended conditional approval of the preliminary plans for both the Deep Creek and Mill Creek PUD and subdivisions and also approved the requested rezoning of these two proposed subdivisions from PUDR to LDR;

WHEREAS, the Applicant has proposed to defer the installation of the Subdivision Infrastructure until the earlier to occur of either (a) ten years from the recordation of the Final Subdivision Plat for Mill Creek; or (b) the sale and transfer of a lot to a third party purchaser, the details of which are to be addressed in the Subdivision Improvements Agreement and the Development Agreement between the Applicant the Board of County Commissioners, which are to be considered by the BOCC at the Final Plan review stage and is to be recorded with the Final Subdivision Plat for Mill Creek;

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, at its Special Public Hearings on October 21, 2014, December 10, 2014 and January 15, 2015 conducted a review of the Mill Creek Preliminary Plan PUD and Subdivision and related land use applications noted in the application, finding that the Deep Creek Mesa Preliminary Plan PUD and Subdivision, and related land use applications noted in the application, (1) the preliminary plan materials submitted by the Applicant showing detailed layouts of lots, parcels,

infrastructure complies with all relevant sections of the County LUC including without limitations Land Use Section 4-4 Preliminary Plan Subdivision review standards, Section 5-14 Planned Unit Development (PUD) procedures, the applicable policies in Sections 2-1 to 2-33 Land Use Policies, Section 5-13 Affordable Housing, Section 5-14 Planned Unit Development, Section 5-20 Transportation, Section 5-21 Scenic Quality including Ridgeline Standards, Section 5-22 Wetland Areas and Section 5-317 Planned Unit Development Reserve (PUDR) Zone District, and the Telluride Regional Area Master Plan, (2) the proposed density of approximately one single-family dwelling per six gross acres is consistent with the "Alternative Density" and the Low Density Residential "LDR" classification identified in the Regional Area Master Plan; and (3) the preliminary plan materials demonstrate an ability for the Applicant, as part of the Preliminary PUD Plan review stage, to appropriately address applicable standards in Sections 5-4 to 5-9 (including Floodplain Hazard Areas, Geologic Hazard Areas, Historic and Archaeological Resource Areas, Wildlife Habitat Areas and 5-418 Telluride Regional Airport). The proposed PUD plan is in general conformity with the County's TRAMP as required by the Colorado PUD Act of 1972. (24-67-104(1)(f), C.R.S.);

WHEREAS, in taking this action, the Board of County Commissioners of San Miguel County, Colorado, hereby adopts and incorporates the summaries, discussions, findings and determinations of the County Planning Department, as noted in its memorandums dated October 21, 2014, December 10, 2014 and January, 15, 2015.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners, based upon the relevant and competent evidence included in the public hearing record compiled for the Application, including the record of the Sketch Plan PUD and Subdivision application for the Deep Creek Mesa Parcel hereby approves the Preliminary Plan PUD and Subdivision application as well as the companion applications presented by the Applicant for the Deep Creek Mesa Parcel subject to the following conditions:

1. As part of the recordation of the Final Plat, deeding San Miguel County a 60-foot right-of-way (30' on either side of the existing centerline) for CR T60 (Airport Road) through the Applicant property.
2. Prior to construction of infrastructure, Applicant must obtain a County Road & Bridge Special Construction Permit to address off-site County road impacts during infrastructure construction.
3. Obtaining a County Road & Bridge Access Permit for access off CR T60.
4. If the ownership of the water mains on Deep Creek Mesa is to be dedicated to the Aldasoro Ranch HOC, appropriate easements are necessary.
5. Prior to recordation of Final Plat, Applicant is to provide evidence satisfactory to the County and the Colorado Division of Water Resources ("CDWR") that the project has a legal and physical water supply adequate to serve the project in compliance with the Colorado Department of Public Health and Environment (CDPHE) requirements. Any pumping required to provide the water service must be demonstrated to the County.
6. Obtaining CDWR well permits for the augmentation decree used to supply the subdivision before final plat. Adequacy of the proposed water supply to be determined by recent well production test of ARHOC well and CDWR needs test

numbers from the well(s) to be provided by the Applicant.

7. The Applicant shall comply with the Revised and Updated Deep Creek Parcel Onsite Wastewater Systems Treatment Guidelines Report dated August 2012 by Buckhorn Geotech, as may be supplemented or amended with County approval.
8. If the Mill Creek Preliminary PUD Plan is not approved, then the appropriate Park Dedication will be located on the Deep Creek Mesa Parcel.
9. The Applicant implementing measures aimed at protecting the Remine Creek cemetery gravesites.
10. The Applicant has identified an approximately 3.2 acre parcel on the east end of the Mill Creek Parcel which shall be conveyed to San Miguel County as provided for in the Mill Creek Preliminary PUD approval for the use and development of an employee housing project that will fulfill the Applicant's employee housing mitigation requirement for the Deep Creek Mesa Parcel. In addition San Miguel Valley Corporation will participate in the completing and/or sharing in the cost of necessary improvements as identified in the infrastructure and related improvement costs for this parcel as identified on the Conceptual Estimate of Probable Construction Costs submitted by the Applicant as part of the Preliminary Plan application and provided for in the Mill Creek Subdivision Improvements Agreement.
11. The Applicant will provide notice and disclosure to potential purchasers of the Deep Creek Mesa lots that they are located close to an airport and they may be subject to impacts from flights and airport operations.
12. The Applicant will implement the Deep Creek Mesa Design Guidelines as submitted in the Preliminary Subdivision and PUD Plan and the First Supplement and Second Supplement to Applications for the Deep Creek Mesa Preliminary PUD Plan Review and any approved amendments.
13. Dogs will be allowed in the Deep Creek Mesa PUD subject to the terms and provisions of the proposed Dog/Pet Control Regulations and Policies being adopted as private covenants and will apply and be enforced by the PUD with the understanding that the owners with lots with dogs shall comply with the terms and provisions of these regulations and policies. In addition the dog control regulations of the private covenant are enforceable by San Miguel County in its discretion.
14. A Plat Note shall be added requiring each site to provide site specific test pit, soil profiles and percolation rate to allow a custom OWTS design for each lot as constructed.
15. A Plat Note shall be added stating there are a number of required site specific geohazard mitigation measures with a reference to the subdivision covenants and geohazards report.
16. A Colorado State Stormwater Permit will need to be applied for prior to commencement of any construction.
17. The Applicant shall provide the County with certain documents as part of the Final Plat application (see List of Documents attached as Exhibit A).
18. All pump houses shall be screened with native vegetation and/or berms to reduce visibility.
19. The Deep Creek Mesa Sketch Plan application, amendments and documents are considered part of the Public Hearing Record by Reference.

BE IT FINALLY RESOLVED all written representations of the Applicant, in the original submittal and all supplements, letters and emails, for both the Sketch Plan and Preliminary Plan are deemed to be conditions of approval, except to the extent modified by this Resolution.

DONE AND APPROVED by the San Miguel County Board of Commissioners on February 15, 2015.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

By: Joan May
Joan May, Chair

VOTE:

Art Goodtimes	Aye	Nay	Abstain	Absent
Elaine R.C. Fischer	Aye	Nay	Abstain	Absent
Joan May	Aye	Nay	Abstain	Absent

ATTEST:

By: John Huebner
John Huebner, Chief Deputy Clerk

[text/dcm.preliminary.reso]

COUNTY CLERK SAN MIGUEL COUNTY CO

EXHIBIT A

LIST OF DOCUMENTS TO BE COMPLETED AT FINAL PLAT

DEEP CREEK MESA PARCEL

1. Final PUD Plan/Subdivision Plat, including conveyance to County of public recreational trail easements
2. PUD Agreement, including the following attachments:
   a. Site Reviews
   b. Ridgeline Compliance Requirements
   c. OWTS Regulations
3. Subdivision Improvement Agreement
4. CCR's, which shall include County Enforceable Restrictions for:
   a. Restrictions against development outside of Building Envelopes
   b. Restrictions on uses occurring on open space parcels
   c. Provisions to maintain berming/landscaping relating to Ridgeline Regulations
   d. DRB Review Requirements (including compliance with Design Guidelines and Site Reviews)
   e. OWTS Regulations
   f. Dog Regulations
   g. Geologic Hazard Mitigation requirements
   h. RETA provisions, including collecting/paying to County 0.75% for transportation and 0.25% for employee housing
5. Design Guidelines
6. Notice to Airport
7. Public ROW Easement for Airport Road (CR 64L)
8. Recreational Trail Easement for Deep Creek Mesa
9. Road Easement for Last Dollar Subdivision
10. County Release of Old Dave Wood Toll Road
11. Site Constraints Map