

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES
WEDNESDAY, FEBRUARY 4, 2015
REGULAR MEETING
Second Floor, Miramonte Building
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.
9:30 a.m.
2. Review of Agenda.
3. Calendar Review.
4. CONSENT AGENDA:
 - a. Acceptance of January 2015 Road Report.
 - b. Approval of five Advanced Life Support Ambulances Permits and Ambulance Service License for 2015 to Telluride Fire Protection District.
 - c. Approval of two Advanced Life Support Ambulances Permits and Ambulance Service License for 2015 to Norwood Fire Protection District.
 - d. Approval of Renewal of Retail Liquor Store License by Cynthia L McCluer, dba M&M Mercantile, 240 Front Street, Placerville, CO based on the County Clerk's Written Findings. (ATTACHMENT I – Written Findings)
 - e. Approval of a Renewal of Hotel and Restaurant Liquor License by Wick Hospitality Group LLC, dba The Angler Inn, 22332 Highway 145, Placerville, CO 81430. (ATTACHMENT II – Written Findings)
 - f. Approval of Chair's signature on Colorado Counties Inc. 2015 Steering Committee Proxy designating Carol Friedrich to the Health and Human Services as BOCC proxy.
 - g. Approval of Chair's signature on Impact Assistance Grant Application with Colorado Parks and Wildlife for tax year 2014 in the amount of \$8,222.55.
 - h. Approval of request for a waiver to County hiring freeze by the County Assessor to hire a replacement full-time position for Appraiser. (item moved to item 9.b.)
 - i. Approval of Minutes: December 17, 2014, January 7, 2015, January 15, 2015, January 21, 2015.
 - j. Ratification of Chair's signature on letter dated January 21, 2015 to County Sheriff regarding proposed detox center.
 - k. Approval to Award the Classification and Compensation Study Project to Evergreen Solutions, LLC in the amount of \$46,900.

Present: Lynn Black, County Administrator; Laura Kyriakakis, County Human Resources Manager

MOTION by Goodtimes to approve Consent Agenda as presented with the one addition, item 4.k. and removing item 4.h. **SECONDED** by Fischer. **PASSED 3-0.**

5. ADMINISTRATIVE MATTERS:
 - a. Presentation of Wilkinson (Telluride) Library 2014 Review and 2015 Budget.

Present: Sarah Landeryou, Wilkinson Library Director

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- c. Discussion of a funding request received from the Town of Ophir.

Present: Lynn Black, County Administrator; Randy Barnes, Ophir Town Manager

MOTION by Goodtimes to grant \$10,000 out of the capital fund as a match for the grant that Town of Ophir is seeking for broadband [from USDA] along with a letter of support. **SECONDED** by Fischer. **PASSED 3-0.**

- b. Consideration of county 2015 CCI membership.

Board Consensus to authorize the payment of 2015 dues to Colorado Counties Inc.

6. PLANNING MATTERS:

- a. **10:00 a.m. PUBLIC HEARING:** Consideration of an application submitted by Illium Commercial Ventures, LLC seeking a Subdivision Exemption for a Single-lot Split within an existing subdivision, to divide Lot 440, Lawson Hill PUD into five separate lots, and seeking an Insubstantial Plat and PUD amendment to the Lawson Hill PUD matrix to divide the existing zoned non-residential square footage and parking requirements between the five lots.

10:04 a.m. Chair Opened the Public Hearing.

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

Those who addressed the Board:

Mike Rozycki, County Planning Director
David Ballode, Applicant
Steve Zwick, County Attorney

Others present: Stephen Finger, Applicant; Karen Henderson, County Associate Planner; Mike Horner, County Road and Bridge Superintendent

10:21 a.m. Chair Closed the Public Hearing.

MOTION by Goodtimes to approve this as presented finding the proposed use consistent with County Land Use Code Sections 5-1209 Subdivision Exemption for Lot Line Adjustment and 5-1502 Insubstantial PUD Amendment in particular there is no change in zoning, use or density and the parcels will be served by basic water, sewer, and access in the existing condition; and include all six of the conditions as presented:

1. The inclusion of a plat note stating that the requested Major Highway Setback reduction as approved by the County Planning Commission is based on the proposed "site-specific" development plan submitted and if a purchaser or owner applies for development of a building and improvements that vary from the approved site-specific plan that has been considered by the Planning Commission in granting this reduction of the Major Highway Setback the applicant would need to submit a plan and application to demonstrate that the proposed change to the approved site-specific plan would conform to the standards in LUC Section 505 D.I. and would not result in a situation where the proposed building is more visible from State Highway 145.
2. These improvements must be completed and approved by the Illium Park Owner's Association prior to the recordation of the BOCC approved final plat and accepted by the Illium Park Owner's Association. The applicant providing a financial assurance and agreement acceptable to the County Attorney for completing the construction of the sewer line and the remaining unfinished drainage improvements and these improvements need to be accepted by the Illium Park Owner's Association prior to release of the financial assurance.

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3. Lot purchasers of Lots 440-1 thru 440-4 shall be required to pave each of their required parking spaces as a condition of obtaining a Development Permit for a structure on the lot.
4. The exterior of the new construction on all lots shall be similar to the existing buildings using non-reflective materials for siding and roofing in the Ilium Industrial Park.
5. The applicant shall submit a revised plat that addresses all County Surveyor review comments.
6. 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 the motion.

SECONDED by Fischer. **PASSED 3-0.** (ATTACHMENT IV – Resolution #2015-7)

- b. Other.
 1. Update regarding appointment to the Planning Commission.
 2. Amended and Restated Deed Restriction review by Lawson Hill and request will be scheduled for March 4th.

7. OPEN SPACE AND RECREATION MATTERS:

- a. Update with BLM Uncompahgre Field Office Manager and Discussion of Burn Canyon Travel Management decision.
 1. Hateful 8 filming on BLM lands.
 2. San Miguel River cleanup with the Watershed Coalition.
 3. Dolores River Partnership project.
 4. Tri-State Transmission line upgrades EA.
 5. Sage-grouse RMP.

Present: Barb Sharrow, BLM Uncompahgre Field Office Manager; Julie Jackson, BLM Travel Management Planner; Linda Luther, County Open Space and Recreation Coordinator; Mike Horner, County Road and Bridge Superintendent; Kelvin Verity, West End Bicycle Alliance / Norwood Parks and Recreation District; Dave Schneck, County Environmental Health Director; Rich Hamilton, County Parks Manager

- b. Consideration of a resolution authorizing the purchase of the O.A. Greagor Boy Scouts property with funds coming from the 2015 Open Space budget, and to authorize the Chair to execute the necessary documents.

Present: Linda Luther, County Open Space and Recreation Coordinator; Rich Hamilton, County Parks Manager

MOTION by Goodtimes to approve [the purchase of the O.A. Greagor Boy Scouts property] as presented. **SECONDED** by Fischer. **PASSED 3-0.** (ATTACHMENT IV – Resolution #2015-8)

11:07 a.m. Steve Zwick exited the meeting room.

8. SAN MIGUEL COUNTY HOUSING AUTHORITY MATTERS:

- a. Consideration of a request by Elyse Rothschild to own and occupy her Lawson Hill 302 9/10 unit and to not work the required number of hours for four additional years and to cure the violation of the County R-1 Housing Deed Restriction.

Present: Shirley Diaz, SMRHA Director; Lois Major, Attorney for San Miguel County Housing Authority; Elyse Rothschild, Applicant

MOTION by Goodtimes to approve this with the Motion 2. [To create an exception agreement between the SMCHA and Ms. Rothschild] with conditions a through e:

- a) The current part-time employment will be sufficient until the June 1, 2018 9 when the youngest child graduates from 8th grade;

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- b) The income from non-employment resources; rent, a trust, spousal/child support will not disqualify Ms. Rothschild through June 1, 2019, but after that date income from employment must be greater than the income from other resources, i.e. if wages are \$30,000 then income from other resources cannot exceed \$30,000;
- c) Ms. Rothschild will notify SMRHA of any changes in the household and any new renters will qualify in advance, before gaining occupancy in the unit;
- d) Ms. Rothschild will update SMRHA on January 15, 2020 to review progress toward qualifying under the definition of employee per the LUC;
- e) The County Attorney's Office has permission to execute an agreement with any additional language and/or terms deemed necessary, including remedies for default on this agreement. **SECONDED** by Fischer.

AMENDMENT TO MOTION by Goodtimes to amend condition a) to change year from 2019 to 2018. **ACCEPTED** by Goodtimes and Fischer.

VOTE ON MOTION: PASSED 3-0.

- b. Consideration of request by Robert Beer's tenant, Dean Davis to occupy Lawson Hill 1B as disabled and to cure the owner's violation of County R-1 Housing Deed Restriction.

Present: Shirley Diaz, SMRHA Director; Lois Major, Attorney for San Miguel County Housing Authority; Robert Beer and Dean Davis, Applicant(s)

MOTION by Fischer to approve request [to allow Mr. Dean Davis to occupy, as disabled, Lawson Hill 1B as his primary residence, thus curing the Mr. Beer's violation, and also, if Mr. Davis should move to another unit within unincorporated San Miguel County he is to be qualified to occupy that unit as disabled; and approve] fee waiver [of \$10 application fee]. **SECONDED** by Goodtimes. **PASSED 3-0.**

- c. Consideration of a request by Tova Davis to not occupy her Lawson Hill 213 unit until the summer of 2015 due to being incapacitated with a medical condition and upon her return to be considered qualified as disabled and to cure the violation of the San Miguel County R-1 Housing Deed Restriction.

Present: Shirley Diaz, SMRHA Director; Lois Major, Attorney for San Miguel County Housing Authority; Tova Davis, Applicant via phone

MOTION by Fischer to approve as presented [to create an Exception Agreement with Ms. Davis with the following conditions:

- a) Ms. Davis is granted a Leave of Absence through July 1, 2015;
- b) The unit may be rented to her son and qualified roommates, however any change in occupancy must be reported to SMRHA and any new roommates must qualify before they are allowed to move into the Lawson Hill unit;
- c) Ms. Davis upon her return will be considered disabled and not required to meet the definition of employee as long as she is considered disabled. Should she return to work, she will have 12 months to meet the definition of employee per the LUC § 5-1305 B. VII. inclusive of employment and income.
- d) Upon Ms. Davis' return the unit will become her sole and primary residence and any Leave of Absence greater than 4 weeks within 12 months will need to be presented to SMRHA for review regarding an exception.
- e) Ms. Davis will update SMRHA when she returns to her Lawson Hill home and provide any changes in her qualification as disabled;
- f) Should Ms. Davis desire to quit claim Lawson Hill 213 to one or both of her sons, Ajax Harrison Davis and Alexander Zaphod Davis, prior to the Quit Claim the new owner(s) must qualify through SMRHA first;
- g) The County Attorney's Office has permission to execute an agreement with any additional language and/or terms deemed necessary, including remedies for default on this agreement. **SECONDED** by Goodtimes. **PASSED 3-0.**

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11:38 a.m. Steve Zwick re-entered the meeting room.

9. ADMINISTRATIVE MATTERS:

- a. CO2 Reduction / Presentation of County Energy Plan update.

Present: Nina Kothe, County Commissioners Office; Kim Wheels, EcoAction Partners

- b. Approval of request for a waiver to County hiring freeze by the County Assessor to hire a replacement full-time position for Appraiser. (item moved from 4.h.)

Board Consensus to continue item to future meeting and direct staff to discuss with the Assessor how to prepare to fill position prior to employee giving notice.

10. COMMISSIONER AND PUBLIC DISCUSSION:

- a. ~~Public Discussion.~~
b. Update on Outside Meetings.
1. Elaine Fischer – Eco Action
2. Art Goodtimes – CCISteering
3. Joan May – EcoAction / 7thJudMeet / FACA / Local Resiliency
c. Website postings and press releases.
d. General Discussion.
1. Norwood Transfer Station operation agreement. **Board Consensus** to schedule discussion of recycling at Norwood Transfer Station item for March 4, 2015.

Present: Dave Schneck, County Environmental Health Director

2. Alpine Ranger Program final report.

Present: Linda Luther, County Open Space and Recreation Coordinator

11. ADMINISTRATOR'S REPORT:

- a. Update with County Administrator.
1. Intergovernmental (IG) housing meeting date and agenda.
2. Staff Meeting with Town of Telluride regarding Sunnyside Lot development partnership.
3. Update regarding Building Official and Human Resources open positions.

Present: Lynn Black, County Administrator

12. ATTORNEY MATTERS:

- a. Discussion of legal guidance regarding Quasi-Judicial decision process, Citation (4)(b).
b. Update on litigation
1. GHDC v. TSG and SMC BOCC, San Miguel County CO Court of Appeals Case No. 2014CA1296, Citation (4)(b).

Present: Steve Zwick, County Attorney

MOTION by Fischer to go into Executive Session to discuss legal guidance regarding Quasi-Judicial decision process, Citation (4)(b), and update on litigation: [GHDC v. TSG and SMC BOCC, San Miguel County CO Court of Appeals Case No. 2014CA1296, Citation (4)(b).] **SECONDED** by Goodtimes. **PASSED 3-0.**

Note: The County Attorney requested that items 12.a. and 12.b not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and chair is attached. (ATTACHMENT V)

12:42 p.m. Recessed.

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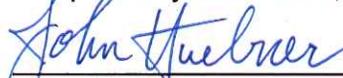
12:51 p.m. Reconvened.

Board only discussed the two items that were agendized.

13. Adjournment.
12:53 p.m.

Audio MP3 20150204-BOCC-Audio.

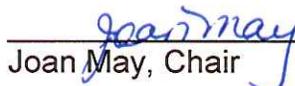
Respectfully submitted,



John Huebner
Chief Deputy Clerk

APPROVED March 25, 2015.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS


Joan May, Chair

ATTEST:



Lynn M. Black
County Administrator

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

OFFICE OF
SAN MIGUEL COUNTY CLERK

M. Kathleen Erie
P.O. Box 548
Telluride, Co 81435
(970) 728-3954

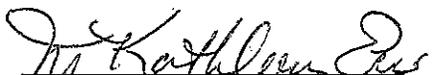
WRITTEN FINDINGS

Date: January 13, 2015

To: San Miguel County Board of Commissioners

Re: Renewal of Retail Liquor Store License for Cynthia L. McCluer
d/b/a M & M Mercantile
240 Front Street
Placerville, Colorado 81430

1. Application is complete.
2. All fees have been paid.
3. William Masters, Sheriff, gives his approval on this renewal.
4. Insurance attached.


M. Kathleen Erie, County Clerk


William Masters, Sheriff

OFFICE OF
SAN MIGUEL COUNTY CLERK

M. KATHLEEN ERJE

P.O. Box 548
Telluride, Co 81435
(970) 728-3954

WRITTEN FINDINGS

Date: January 13, 2015

To: San Miguel County Board of Commissioners

Re: Renewal of Hotel & Restaurant:

Wick Hospitality Group LLC
d/b/a The Angler Inn
22332 HWY 145
Placerville, CO 81430

1. Application is complete.
2. All fees have been paid.
3. William Masters, Sheriff, gives his approval on this renewal.
4. Insurance attached.


M. Kathleen Erie, County Clerk


William Masters, Sheriff

Public Hearing List: Lot 440, Lawson Hill PUD
Subdivision Exemption for a Single-lot Split in an Existing Subdivision
Insubstantial PUD Amendment: LHPUD Matrix

ATTACHMENT III

Date: February 4, 2015

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of Commissioners from the San Miguel County Planning Department Staff dated February 4, 2015.
4. Public Hearing Notice published in the Norwood Post on January 14, 2015 and in the Telluride Daily Planet on January 16, 2015.
5. Application submitted by David Ballode, Ilium Commercial Ventures, LLC, dated January 21, 2014.
6. Letter from David Ballode to Mike Rozycki, Planning Director, dated November 17, 2014.
7. Letter from Lionel Starr, Authorized Board Member, IPOA, to Mike Rozycki, dated January 23, 2015.
8. Email from Mike Horner to Karen Henderson dated December 8, 2014.
9. Letter from Jeremy Fox, SMPA, re: Lot 440, dated November 14, 2014.
10. Email from Dan Quigley, PE, Buckhorn Geotech, to Mike Rozycki, dated September 10, 2014.
11. Email from Mike Rozycki to Joe Solomon, IPOA, dated December 31, 2014.
12. Letter from J. David Foley, County Surveyor, to Karen Henderson, dated December 23, 2014.
13. Letter from David Ramirez, President, Ilium Park Owner's Association, to Mike Rozycki, dated September 18, 2014.
14. Email from David Ballode to Karen Henderson dated January 23, 2015.
15. Email from David Ballode to Karen Henderson dated January 26, 2015.
16. Letter from David Bulson, Foley Associates, to Karen Henderson dated February 2, 2015.

ATTACHMENT **IV**

**RESOLUTION OF THE BOARD OF COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
APPROVING A SUBDIVISION EXEMPTION
FOR A SINGLE-LOT SPLIT WITHIN AN EXISTING SUBDIVISION AND
AN INSUBSTANTIAL AMENDMENT TO THE ILIUM VALLEY PORTION OF THE
LAWSON HILL PUD MATRIX FOR LOT 440**

Resolution 2015-7

WHEREAS, David Ballode, on behalf of Ilium Commercial Venture, LLC (“applicant”), owner of Lot 440, Lawson Hill PUD, seeks a Subdivision Exemption for a Single-lot Split within an Existing Subdivision to divide Lot 440 into 5 lots. Lot 440 is a 3-acre lot, zoned Low Intensity Industrial (I), and is assigned 43,200 sq. ft. for industrial uses. This lot is currently used for outside storage. Lot 440 is located in the Ilium Valley portion of the Lawson Hill PUD south of State Highway 145, north of County Road CR 63L and is adjacent to and obtains access from South Park Road. Lot 440 was created by Telecam in 2006 through a Final Subdivision Plat and Substantial PUD amendment that involved multiple parcels within the Ilium Valley portion of the Lawson Hill PUD;

WHEREAS, at a Public Hearing on February 4, 2015 the Board of Commissioners (BOCC) approved a Subdivision Exemption for a Single-lot Split in an Existing Subdivision to divide Lot 440 into five parcels, Lots 440-1 through 440-5. The proposed Lots 440-1 through Lot 440-4 are smaller lots approximately 1/4 acre each and Lot 440-5 is slightly over 2 acres. This final plat and resolution was not recorded. The applicant had a request to create an additional ½ acre parcel from Lot 440-5 prior to recordation of the final Subdivision Exemption Plat. The applicant submitted an application to amend the February 4 approval to create an additional parcel from Lot 440-5 thus dividing Lot 440 into 6 lots. The new Lot 440-5 is approximately ½ acre and the new Lot 440-6 is approximately 1 ½ acres;

WHEREAS, in addition to this Subdivision Exemption the Applicant has also applied for a Major Highway Setback reduction for the proposed smaller Lots 440-1, 440-2, 440-3 and 440-4. In 2006 the BOCC approved a 7.2-acre addition to the Ilium Valley portion of the Lawson Hill PUD which included newly created Lot 440. When the final plat creating Lot 440 was approved the Board of County Commissioners (BOCC) indicated that the owner could in the future apply for a site-specific plan that would address scenic highway setbacks, scenic quality, parking, and lot coverage in accordance with applicable LUC standards. The final plat for Lot 440 depicted a 100-foot Major Highway Setback from SH 145 by utilizing the approximate 50-foot width of Open Space Tract 516, which is a Passive Open Space tract owned by the Ilium Park Owners Association, together with a 50-foot rear yard setback on Lot 440. The Major Highway Setback reduction request, reducing the rear yard setback on Lot 440 from 50 feet to 35 feet on a portion of the property was reviewed and approved by the County Planning Commission (CPC) in January 2015 per CPC Resolution 2015-1. This setback reduction was approved with a condition that a note be included on the final Subdivision Exemption plat that the reduction is based on the proposed “site-specific” development plan submitted to the Planning Commission and that if a purchaser or owner applies for the development of a building and/or improvements that vary from the site-specific plan approved by the CPC the Applicant would need to submit a

plan and application to the Planning Department demonstrating that the proposed change to the approved site-specific plan conforms to the standards in Land Use Code (LUC) Section 5-505 D. I. and would not result in a situation where the proposed building is more visible from State Highway 145 than the buildings shown on the plans submitted to the Planning Commission;

WHEREAS, the Applicant states that the size of Lot 440 has made it difficult to develop due to market conditions. Splitting the lot will allow small business owners to keep their capital in their own business and not rely on leasing land or trying to find a building that will suit their needs. Each lot purchaser can construct a building that is custom made for their business. The existing industrial square footage and required parking assigned to Lot 440 will be divided between the five lots. There is currently no zoned residential density or square footage assigned to Lot 440;

WHEREAS, as part of the proposed Subdivision Exemption for a Single-lot Split the Applicant is required to provide a drainage report and plan for handling storm water runoff from the State Highway and hillside above the lot to and through the property in a safe manner. The Applicant provided a drainage plan for their proposed subdivision of Lot 440 that was reviewed and approved on September 10, 2014 by Dan Quigley, P.E., Buckhorn Geotech. In October 2014 the Planning Department issued a Development Permit to construct a drainage ditch and berm on the Lawson Hill PUD Open Space parcel located between Lot 440 and the Highway right-of-way consistent with the approved drainage plan. It appears that the diversion berms have been completed on the adjoining Open Space parcel, however, the settlement basin on the east end of the property and the drainage ditches within the drainage easements along the individual lots have not been completed at this time;

WHEREAS, there is an existing water main in the north side of the South Park Road and each lot will be able to tap into the water main and install a curb stop as necessary and an existing gas main is located on both sides of the South Park Road. The sewer main ends at the eastern corner of Lot 440 and will need to be extended along South Park Road, a linear distance of approximately 500 feet, to serve the proposed six lots being created with this Subdivision Exemption plat. In a November 14, 2014 "will-serve" letter San Miguel Power Association states SMPA has sufficient capacity and the ability to provide electrical service to the proposed lots;

WHEREAS, Subdivision Exemptions for Single-lot Splits are one-step Board of County Commissioner reviews pursuant to Land Use Code Sections 3-501 B.I.iv. and 5-1209;

WHEREAS, in a December 8, 2014 email County Road Superintendent Mike Horner provided the following comments:

1. Future view screening or landscaping along CR 63L cannot encroach in the county road right-of-way especially along Lot 440-5 adjacent to CR 63L.
2. No additional access points or driveways will be authorized to connect to CR 63L adjacent to Lot 440-5.
3. He has no further comments regarding the drainage report approved by Norm Aufderheide, PD and Dan Quigley, PE, Buckhorn Geotech;

WHEREAS, in an April 7, 2015 letter County Surveyor J. David Foley provided five minor survey comments that need to be addressed;

WHEREAS, in a January 23, 2015 letter Lionel Starr, Authorized Board Member Ilium Property Owner's Association (IPOA), states the IPOA has reviewed the proposed application and due to the fact that there is no increase in total density, the IPOA acknowledges that the new lots will be serviced through the IPOA water and sewer systems and no increase to the current sewer and water plant capacity will be required. In an April 20, 2015 email John Howe, Manager of the IPOA, states the IPOA board has no objection to the proposed lot split with an understanding that the applicant will extend the sewer and water mains to the lot lines. The applicant has agreed to use Mountain Village construction standards for all improvements. The future lot owners of these lots will need to tap into the mains and extend their service lines as part of their construction costs;

WHEREAS, the IPOA will require that the sewer and water mains are constructed to the lot lines. The IPOA has also advised that the underground utilities can be constructed in accordance with the Town of Mountain Village standard specifications since there are no specific County standards for water and sewer utilities nor does the IPOA have specific standards for water and sewer systems. Future lot owners will need to tap into the (water & sewer) mains and extend their (individual) service lines to their buildings as part of their construction costs and pay tap fees according to the IPOA's adopted schedule;

WHEREAS, the IPOA signed the Development Permit as property owner of OS Tract 516 for the construction of the drainage berms above Lot 440 and acknowledge that there will be dedicated drainage easements on or with the Final Subdivision Plat that will allow the IPOA the right to access and maintain the drainage ditches as necessary;

WHEREAS, the IPOA acknowledges that the traffic impacts are acceptable due to the fact that there is no increase in the density. The new lots will be required to follow the signed traffic directions just like the rest of the public traffic. *When the Ilium Industrial Park was originally platted rather than providing a standard 60 foot ROW for South Park Road Telecom, the original developer, dedicated only a forty (40) foot ROW and as such South Park Road, which is a "private road" designated as a one-way street with a traffic flow from east to west which means to access these lots you have to loop through the entire Industrial Park.;*

WHEREAS, the IPOA will not bear any of the construction costs or permitting fees associated with the proposed improvements. The IPOA has stated that they support the Subdivision Exemption Plan put forth by Ilium Commercial Ventures LLC;

WHEREAS, the applicant will shall provide a Subdivision Improvements Agreement and Financial Commitment Guarantee for review and approval by the County Engineer and the County Attorney before the final plat can be recorded;

WHEREAS, Land Use Code Section 5-1209 Single-lot Split in an Existing Subdivision provides the following standards for application review:

5-1209 Single-lot Split in an Existing Subdivision

The Board of Commissioners may grant a Subdivision Exemption for the purpose of splitting an individual lot in an existing County approved Subdivision and/or Planned Unit Development under which such lot was approved for multiple units. Such exemption may be granted only for the purpose of creating separate parcels; no change of zoning, use, density, mass and scale and/or other applicable lot restriction may be considered. The lot split must meet all basic water system, sewage system, access, survey and final plat requirements set forth in the Land Use Code.

WHEREAS, Land Use Code Section 5-1502 Insubstantial Amendment provides the following standards for application review:

5-1502 Insubstantial Amendment

Insubstantial amendments to a final plat or a PUD are permitted. Refer to Section 3-4 for procedures and 4-6 for submission contents. An insubstantial amendment shall be limited to technical or engineering considerations first discovered during actual development, which could not reasonably have been anticipated during the approval process. The Planning Director shall compare the proposed amendment to the original approval, and, if any other amendments have been approved since the original approval, shall consider the cumulative impact of all approvals granted. The following shall not be considered an insubstantial amendment;

- 5-1502 A. A change in the use or character of the development.
- 5-1502 B. An increase by greater than three percent in the overall coverage of structures on the land.
- 5-1502 C. Any amendment that substantially increases trip generation rates of the proposed development, or the demand for public facilities.
- 5-1502 D. A reduction by greater than three percent of the approved open space.
- 5-1502 E. A reduction by greater than one percent of the off-street parking and loading space.
- 5-1502 F. A reduction in required pavement widths or rights-of-way for streets and easements.
- 5-1502 G. An increase of greater than two percent in the approved gross leasable floor area of commercial buildings.
- 5-1502 H. An increase of greater than one percent in the approved residential density of the proposed development.

WHEREAS, notice of the Public Hearing for the Lot 400 applications before the Board of County Commissioners was published in the Norwood Post on January 14, 2015 and the Telluride Daily Planet on January 16, 2015. Notice to surrounding property owners and a Public Hearing Notice Sign was posted on December 20, 2014. Whereas an addition notice of the Public Hearing for the Lot 440 amended applications before the Board of County Commissioners was published in the Norwood Post on April 15, 2015 and the Telluride Daily Planet on April 17, 2015. Notice to surrounding property owners and a Public Hearing Notice Sign was posted on

the property. Notice of the proposed application and meeting date was sent to surrounding property owners and to the Ilium Park Owners Association;

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a Public Hearing on May 6, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves the Subdivision Exemption for a Single-lot Split in an Existing Subdivision for Lot 440 Lawson Hill PUD to create six lots, finding it meets the standards of Land Use Code Section 5-1209 in particular there is no change in zoning, use or density and the parcels will be served by basic water, sewer, drainage improvements, and access in the existing subdivision and approves the Insubstantial Plat and PUD amendment to the PUD Land Use Matrix to divide the square footage and parking requirement between the six lots the finding it meets Land Use Code Section 5-1502.

BE IT FURTHER RESOLVED that this approval is subject to the following conditions:

1. The inclusion of a plat note stating that the requested Major Highway Setback reduction as approved by the County Planning Commission is based on the proposed "site-specific" development plan submitted and if a purchaser or owner applies for development of a building and improvements that vary from the approved site-specific plan that has been considered by the Planning Commission in granting this reduction of the Major Highway Setback the Applicant would need to submit a plan and application to demonstrate that the proposed change to the approved site-specific plan would conform to the standards in LUC Section 505 D. I. and would not result in a situation where the proposed building is more visible from State Highway 145.
2. The Applicant shall complete construction of the sewer line, the remaining unfinished drainage improvements, and the sediment catch basin to Lot 440-6 and shall obtain written acceptance of the improvements from the Ilium Park Owner's Association prior to recordation of the BOCC approved final plat or provide a financial assurance and improvements agreement acceptable to the County Attorney for completing the construction of the sewer line, access road and the remaining unfinished drainage improvements prior to recordation of the BOCC approved final plat.
3. Purchasers/owners of Lots 440-1 thru 440-6 shall be required to pave each of their required parking spaces as a condition of obtaining a Development Permit for a structure on the lot prior to receiving a Certificate of Occupancy.
4. The exterior of the new construction on all lots shall be similar to the existing buildings in the Ilium Industrial Park and shall use non-reflective materials for siding and roofing.
5. The Applicant shall submit a revised plat that addresses all County Surveyor review comments.
6. The industrial square footage and parking requirements shall be divided as shown on the Lawson Hill PUD Matrix attached as Exhibit A.
7. The applicant shall provide a copy of the Easement Agreement between Lots 440-5 and 440-6 for the access road through Lot 440-5 that addresses the maintenance and repair of the access road prior to recordation of the final plat.

8. All written representations of the Applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent as modified by the BOCC.

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, at its regular meeting on June 9, 2015.

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

By: Joan May
Joan May, Chair

Vote:	Elaine R.C. Fischer	<u>Aye</u>	Nay	Abstain	Absent
	Joan May	<u>Aye</u>	Nay	Abstain	Absent
	Art Goodtimes	<u>Aye</u>	Nay	Abstain	Absent

ATTEST:

By: John Huebner
John Huebner, Chief Deputy Clerk

[text/Lawson/lot.440.sls.reso]



EXHIBIT A
LAWSON HILL PUD DEVELOPMENT PLANT LAND USE MATRIX

TRACT OR LOT #	AREA (Acres)	ZONE DISTRIC T	ALLOWED USE	# OF UNITS	ZONED POP.	MIN RES FL SQ. FT. ⁸	MAX TOT. FL AREA	FRONT	SETBACKS ^{a, b, c} REAR	SIDE	HEIGHT LIMIT (Note J)	REQ'D PARKING	OTHER NOTES
400	1.181	I	Note e, ee, ff	0	0	0	30,450	0 Note h	N15	15	35 ft, Note m	61	Note u
400-1	0.220	I	Note e, ee, ff	0	0	0	4,250	0	N15	15	35 ft, Note m	9	Note u
400-2	0.270	I	Note e, ee, ff	0	0	0	4,550	0	N15	15	35 ft, Note m	9	Note u
400-3	0.300	I	Note e, ee, ff	0	0	0	6,000	0	N15	15	35 ft, Note m	12	Note u
400-4	1.578	I	Note e, ee, ff	0	0	0	30,450	0 Note h	S15 Note j	15	35 ft, Note m	61	Note u
400-15	0.468	I	Note e, ee, ff	0	0	0	6,600	0 Note h	N15	15	35 ft, Note m	15	Note u
400-25	1.010	I	Note e, ee, ff	0	0	0	24,500	0	N15	15	35 ft, Note m	49	Note u
404	0.251	I	Note i, ee, ff	1	3	600	3,850	0	5 ^b	15 ^b	26 ft, Note n	8	c, x, k, t
405	0.216	I	Note i, ee, ff	1	3	600	3,500	0	15 ^a	15 ^b	26 ft, Note n	7	c, x, k, t
406	0.220	I	Note i, ee, ff	2	6	600	3,500	0	5 ^b	15 ^b	26 ft, Note n	7	c, x, k, t
407	0.205	I	Note i, ee, ff	1	3	600	3,500	0	15 ^a	15 ^b	26 ft, Note n	7	c, x, k, t
410	0.470	I	Note i, ee, ff	3	9	2,800	7,000	0	5 ^b	15 ^b	26 ft, Note n	14	c, x, k, t
415	0.214	I	Note e, ee, ff	1	3	600	3,500	0	15 ^a	15 ^b	26 ft, Note n	7	c, x, k, t
417	0.201	I	Note i, ee, ff	1	3	600	3,150	0	15 ^a	15 ^b	26 ft, Note n	6	c, x, k, t
418	0.260	I	Note i, ee, ff	1	3	600	3,500	0	5 ^b	15 ^b	26 ft, Note n	7	c, x, k, t
421	0.131	I	Note i, ee, ff	1	3	600	2,450	0	15 ^a	15 ^b	26 ft, Note n	5	c, x, k, t
422	0.097	I	Note i, ee, ff	1	3	600	2,450	0	15 ^a note dd	15 ^b	26 ft, Note n	5	c, x, k, t
423	0.332	I	Note i, ee, ff	0	0	0	3,850	0	5 ^b	15 ^b	26 ft, Note n	8	c, x, k, t
424	0.931	I	Note i, ee, ff	0	0	0	5,950	0	5 ^b	15 ^b	26 ft, Note n	12	c, x, k, t
425-1	0.977	I	Note i, ee, ff	0	0	0	10,000	0	5	10	26 ft, Note n	20	ff, w
425-2	0.819	I	Note i, ee, ff	0	0	0	2,500	0	0	5	26 ft, Note n	5	w
425-3	1.723	I	Note i, ee, ff	0	0	0	2,500	5	0	5	26 ft, Note n	5	w
425-4	1.852	I	Note i, ee, ff	1	3	1,600	47,900	W 15	B 15	0	26 ft, Note n	99	w, t
440-1	0.210	I	Note aa, ee, ff, y	0	0	0	2,950	0	35	15	26 ft, Note n	7	c, x, gg, hh
440-2	0.180	I	Note aa, ee, ff, y	0	0	0	2,950	0	35	15	26 ft, Note n	6	c, x, gg, hh
440-3	0.180	I	Note aa, ee, ff, y	0	0	0	2,450	0	35	15	26 ft, Note n	5	c, x, gg, hh
440-4	0.230	I	Note aa, ee, ff, y	0	0	0	3,200	0	35	15	26 ft, Note n	7	c, x, gg, hh
440-5	0.530	I	Note aa, ee, ff	0	0	0	4,990	0	50	15	26 ft, Note n	10	c, x, cc, gg, hh
440-6	1.680	I	Note aa, ee, ff	0	0	0	17,660	0	50	15	26 ft, Note n	35	c, x, cc, gg, hh
441	0.250	I	Open Space										
442	0.390	I	Note bb, ee, ff	2	6	600	8,000	0	5	15	26 ft, Note n	16	x, k
443	0.500	I	Note aa, ee, ff			0	8,000	0	5	15	26 ft, Note n	16	c, x, k
444	0.740	I	Open Space										
Total 400's	18.819			16			266,100					535	

SMM
SMC

LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX

p. A property owner may exceed the lot's specified square footage for the purpose of constructing a mud room or attached storage structure contingent upon the following conditions:

<ol style="list-style-type: none"> 1. The addition must be 100 square feet or smaller. 2. If a request is made for both a mud room and a storage unit the total combined square footage may not exceed the 100 square feet allowed. 3. The addition must be unheated, non-habitable space. 4. The addition is subject to San Miguel County review and approval. 5. The addition must remain within a lot's setbacks as determined on the final plat or by the Uniform Building Code. 6. The addition must comply with any and all other applicable guidelines and codes previously established.
q. All building must be under not more than two roofs.
r. Units shall be designed in a manner so as not to create a "shadowing" of the roadway due to house height. See conceptual plan by Hurst or approval by Planning Department if different plan provided.
s. Lots Q2-Q35 are permitted to have garages up to 750 sq. ft. Such garage sq. ft. is not included in the maximum residential floor area. Garages do not satisfy required parking.
t. All uses allowed in the Affordable Housing Planned Unit Development (AH PUD) Zone District to include housing on a minimum of month-to-month term to transient employees in the region or their employers. For these purposes multi-family dwellings shall include dormitories and other transient type accommodations.
u. No more than 20% additional Floor Area may be allowed if such Floor Area meets the 1991 Uniform Building Code definition of Basement area.
v. No more than 25% additional Floor Area may be allowed if such Floor Area meets the 1991 Uniform Building Code definition of Basement area.
w. No more than 35% additional Floor Area may be allowed if such Floor Area meets the 1991 Uniform Building Code definition of Basement area.
x. No more than 40% additional Floor Area may be allowed if such Floor Area meets the 1991 Uniform Building Code definition of Basement area.
y. A Small Animal Veterinary Hospital which provides treatment for small animals including but not limited to, all breeds of dogs, cats, birds, reptiles and other "pocket pet" animals kept as domestic pets is an allowed use on specific lots within the Humm Park Industrial Park. This type of facility does not include large animals such as horses or cattle. The Small Animal Veterinary Hospital facility and its wellness and medical services shall be conducted indoors within a sound proof building where the noise and barking from the animals cannot be heard outside of the building. An enclosed outside dog run for supervised daytime exercise may be allowed as an accessory use to the indoor Small Animal Veterinary Hospital. A Development Permit will be required to allow this use and if the application and site plan include an outdoor run or exercise area the application will be referred to the Colorado Department of Parks and Wildlife to review the site specific plan and proposed mitigation measures to evaluate the potential impacts to wildlife. Prior to issuance of a Development Permit for a Small Animal Veterinary Hospital the applicant shall certify that the facility can and will be operated in accordance with the applicable Colorado statutory and regulatory requirements and provide documentation that either the applicant or an employee possess the required Colorado Veterinary license.
z. No more than 50% additional Floor Area may be allowed if such Floor Area meets the 1991 Uniform Building Code definition of Basement area.
aa. Uses include the following specified Uses: bulk landscaping materials; bulk recycling center; cemetery; commercial greenhouse; commercial growing nursery; dog pound; house moving contractor; kennel; seasonal vehicle storage; self-storage;. Uses also include all uses in the Heavy Commercial (HC) Zone District and the Low Intensity Industrial (I) Zone District, including Affordable Housing Accessory to a Principal Use for persons employed within the PUD; appliance and equipment rental, storage, and repair; auction houses; auto sales; automobile washing facilities; building supplies sales; business and professional offices; commercial bakeries; commercial laundries; computer product sales and service; construction contractors; Day Care Centers (on lots of at least one acre); dry cleaning plants; electrical and plumbing service shops; feed and seed stores; gasoline service stations and auto repair, subject to the standards and provisions of County Land Use Section 5-308 B, XII.; light industrial facilities; lumber yards; manufacturing and processing businesses; printing and publishing shops; research and development facilities; self-service laundries; telecommunications supply; utility service facilities; warehouses.
bb. All uses allowed in aa. and school buss maintenance and storage facility.
cc. Prior to development of Lot 440-5 and Lot 440-6, the record owner must obtain administrative approval from the San Miguel County Planning Department of specifications for a landscaping buffer that adequately screens development on the lot from County Road 63L.
dd. An Insubstantial PUD Amendment approved April 1, 2010 allows a portion of the proposed structure to encroach into the rear setback as shown on the approved site plan.

gm
B0cc

LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX

<p>ee. A Medical Marijuana Optional Premises Grow Facility and/or Medical Marijuana Infused Products Manufacturer. A Medical Marijuana Center as an Accessory Use to an Optional Premises Grow Facility or Infused Products Manufacturer as defined in Land Use Code Article 6 Definitions. Medical Marijuana Grow Facilities must be located within a building or a Substantial Greenhouse. All three uses will require Development Permit approval and compliance with State and Local Licensing.</p>
<p>ff. A Retail Marijuana Cultivation Facility, a Retail Marijuana Products Manufacturing Facility, a Retail Marijuana Testing Facility, and/or an Off Premises Storage of Retail Marijuana Facility as defined in the Local Licensing Standards as adopted by Board of County Commissioner Resolution 2013-15. Retail Marijuana Cultivation Facilities must be located within a building or a Substantial Greenhouse. All four uses will require Development Permit approval and compliance with State and Local Licensing.</p>
<p>gg. 1. Any impervious surface improvement shall require an on-site detention volume (in cubic feet) of .025 times the square footage of the impervious area. This detention volume may be constructed as a pond or drywell and said impervious improvement shall be directed to it.</p> <p>2. The exterior of the new construction shall be similar to the existing buildings in the Ilium Industrial Park and shall use non-reflective materials for siding and roofing.</p>
<p>hh. Lot owner shall pave the required parking spaces as a condition of obtaining a Development Permit for a structure on the lot and prior to obtaining a Certificate of Occupancy.</p>
<p>ii. Neighborhood commercial with work camp manager's unit, day care, meeting facility, convenience/liquor store, laundry, food service w/beer & wine, self-storage, swimming pool.</p>


Boec

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO,
AUTHORIZING THE CHAIR OF THE BOARD
TO EXECUTE ALL CLOSING DOCUMENTS REQUIRED TO EFFECT
THE ACQUISITION OF REAL PROPERTY FROM THE WESTERN COLORADO COUNCIL
OF BOY SCOUTS OF AMERICA, INC., LOCATED IN THE SW ¼ OF SECTION 17,
TOWNSHIP 43 NORTH, RANGE 13 WEST, NMPM, SAN MIGUEL COUNTY, COLORADO

Resolution No. 2015 - 8

WHEREAS, the Board of County Commissioners of San Miguel County (the "BOCC") desires to acquire the following described real estate (the "Property") in accordance with the terms and conditions of the agreement between San Miguel County, Colorado and the Western Colorado Council of Boy Scouts of America, Inc., dated July 7, 2014:

Parcel A: The Southwest ¼ of Section 17, Township 43 North, Range 13 West, New Mexico Principal Meridian, County of San Miguel, State of Colorado.

Parcel B: A Non-Exclusive Easement Described in the Quit Claim Deed recorded on June 4, 1999, under Reception No. 326967, in the San Miguel County Clerk and Recorder's Public Records.

WHEREAS, the BOCC hereby states that there are sufficient funds legally available and appropriated in the duly adopted San Miguel County Budget for 2015 to purchase the Property for the consideration of \$339,000, as cash due at closing, plus applicable buyer's closing costs.

WHEREAS, pursuant to section 30-11-101(1)(b), C.R.S., the BOCC, on behalf of San Miguel County, has the legal authority to purchase and hold real property.

WHEREAS, the BOCC finds it appropriate to designate the Chair or the Chair Pro-tem as the individuals authorized to execute any documents required to effect the acquisition of the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of San Miguel County, Colorado has funds legally available and appropriated to purchase the Property and hereby authorizes the Chair or the Chair Pro-tem to execute any and all documents related to the acquisition of the Property.

DONE AND APPROVED by the San Miguel County Board of County Commissioners at a duly noticed public meeting held in Telluride, Colorado on February 4, 2015.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

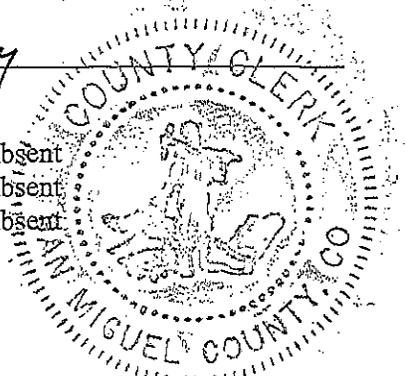
By: Joan May
Joan May, Chair

ATTEST:

Elaine R.C. Fischer
Art Goodtimes
Joan May

Aye Nay Abstain Absent
Aye Nay Abstain Absent
Aye Nay Abstain Absent

John Huelner
Chief Deputy Clerk to the Board

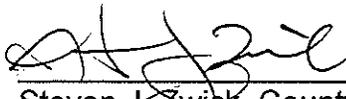


SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, FEBRUARY 4, 2015

ATTACHMENT VI

Executive Session Minutes Attest

I, Steven J. Zwick, County Attorney attest that the Wednesday, February 4, 2015 Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.



Steven J. Zwick, County Attorney

I, Joan May, Chair of the San Miguel County Board of Commissioners attest that the Wednesday, February 4, 2015 Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.



Joan May, Chair