

**SAN MIGUEL COUNTY PLANNING COMMISSION
MINUTES – REGULAR MEETING**

January 13, 2016

Miramonte Building, 333 West Colorado Ave., Second Floor Meeting Room, Telluride

Present: Lee Taylor, Chair
Pamela Hall, Vice-chair
Marty Schmalz, Secretary
Ian Bald, Regular Member
Kevin Kell, Regular Member
M.J. Schillaci, Sr. Alternate
Josselin Lifton-Zoline, Jr. Alternate

Planning Staff Present: Michael Rozycki, Planning Director
Karen Henderson, Associate Planner

Other County Staff Present: Steve Zwick, County Attorney
John Huebner, Chief Deputy Clerk

9:30 a.m. Called to Order.

Approval of Minutes

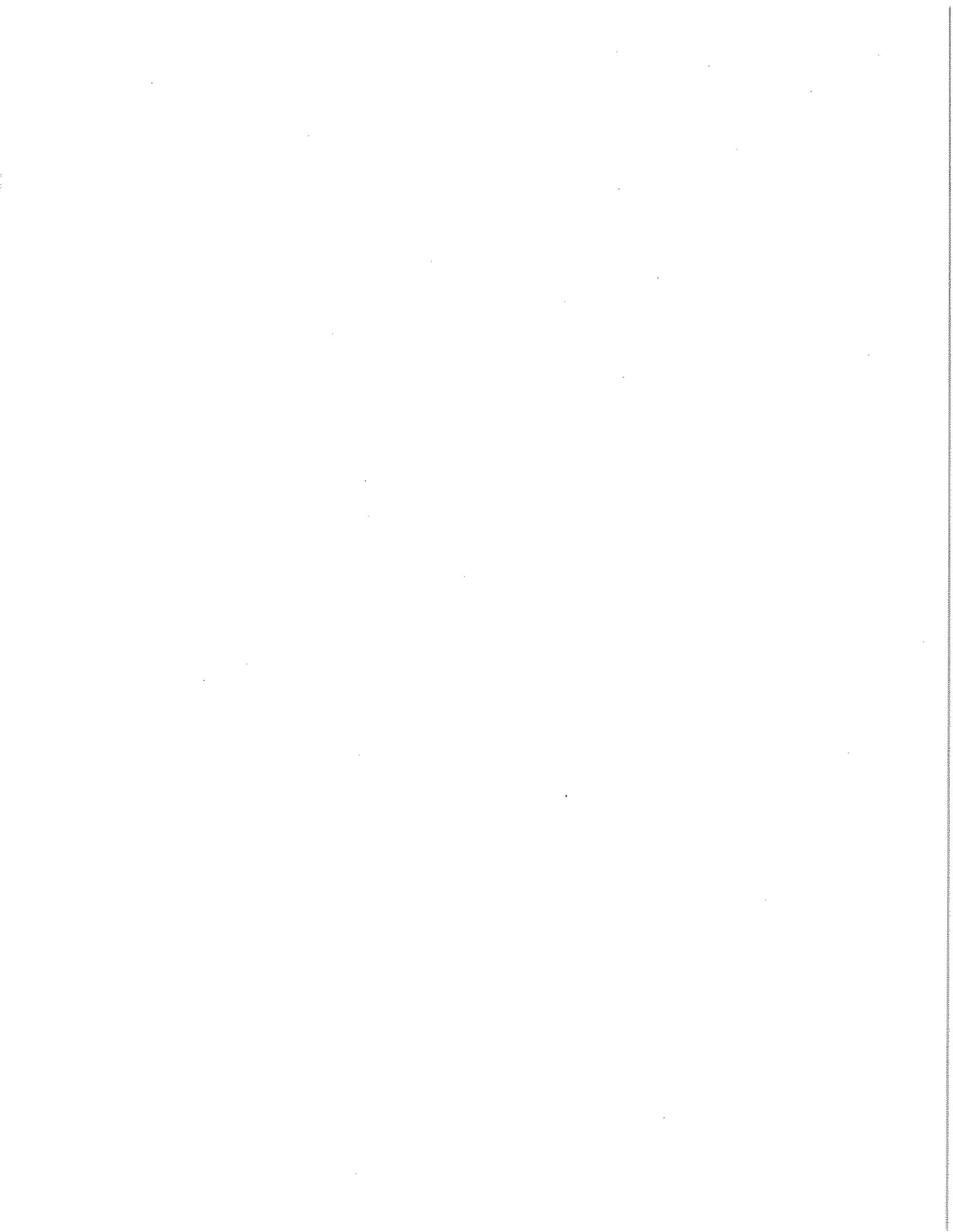
Kevin Kell made a **MOTION** to approve the minutes [from December 9, 2015 meeting.]
SECONDED by Ian Bald. **VOTE PASSED 6-0.**

Pamela Hall	<u>Aye</u>	Nay	<u>Abstain</u>	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

Planning Commission and Staff Comments

Michael Rozycki, County Planning Director, acknowledged Josselin Lifton-Zoline for her appointment as Junior Alternate to the Planning Commission and the moving up of Kevin Kell to Regular Member and M.J. Schillaci to Senior Alternate.

Mike stated the Wilson Peak Land Exchange has closed and the county participation is ongoing regarding comments on the environmental assessment of the BLM Tri-State powerline upgrade. He noted two existing CDOT highway access permits had been uncovered for 107 Stock Road (old “Texaco” building) located in Lower Placerville for which the Commission had approved a special use permit to Access in Motion last month. Mike commented that the San Miguel Valley Corp would be seeking to extend its Preliminary Approval for its Deep Creek and Mill Creek parcels.



Election of Officers for 2016

Marty Schmalz made a **MOTION** to nominate Lee Taylor as Chair [for Planning Commission meetings in 2016]. **SECONDED** by Pam Hall. **VOTE PASSED 7-0.**

Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Joselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

Kevin Kell made a **MOTION** to nominate Pam Hall as Vice Chair [for Planning Commission meetings in 2016]. **SECONDED** by M.J. Schillaci. **VOTE PASSED 7-0.**

Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Joselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

Lee Taylor made a **MOTION** to nominate Marty Schmalz as Secretary [for Planning Commission meetings in 2016]. **SECONDED** by Pam Hall. **VOTE PASSED 7-0.**

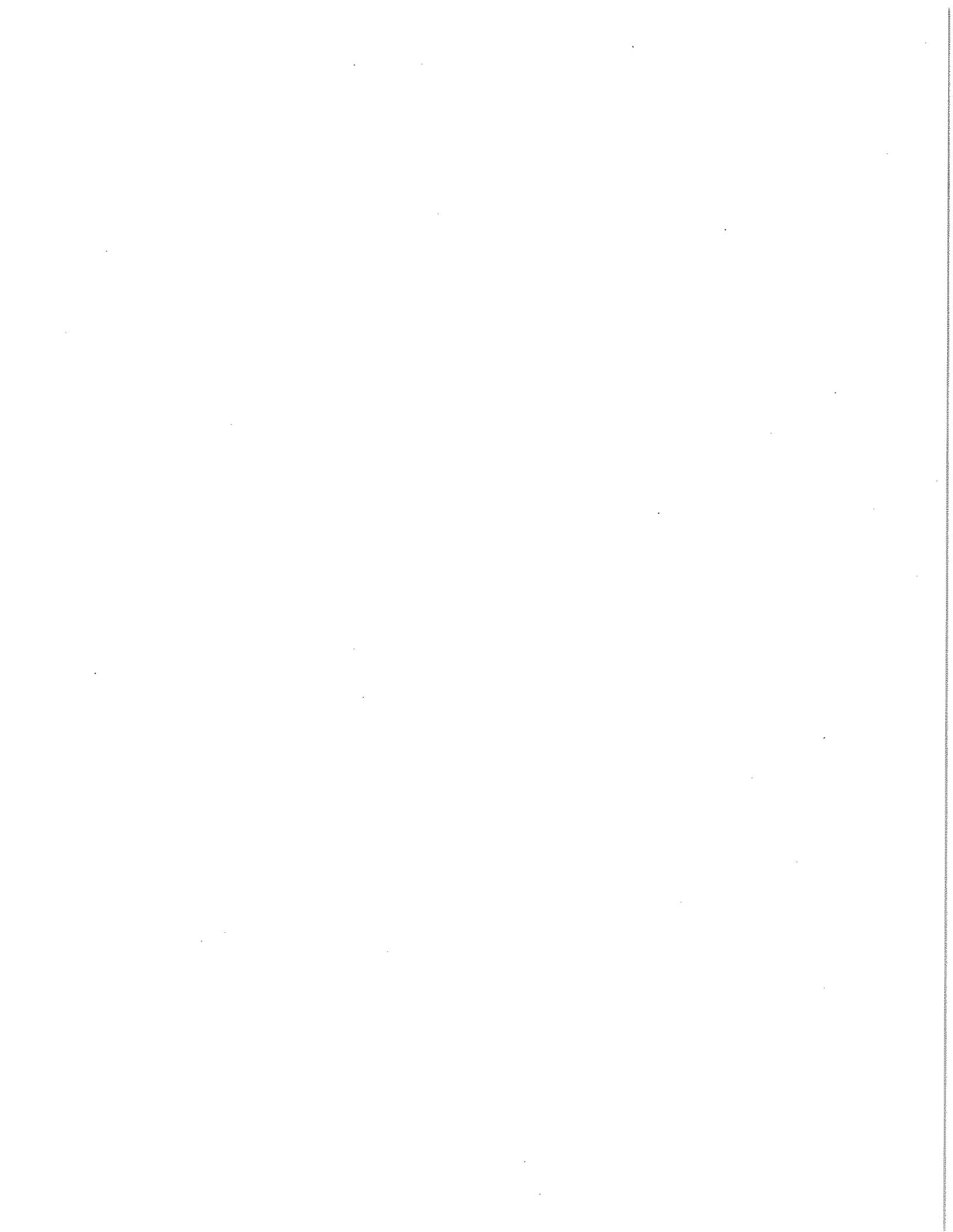
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Joselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

Substantial PUD Amendment: Aldasoro Ranch PUD to a) allow the presence of dogs in the Aldasoro Ranch, subject to adherence of certain Dog Control Regulations and Policies, (b) allow for aspen/elk management involving the use of limited protective fencing and caging of trees; and (c) discuss provision for an easement to accommodate public recreational trail

Mike Rozycki, County Planning Director, stated the documents the Planning Commission had received included: Planning staff memorandum dated January 13, 2016, Application submitted by the Aldasoro Ranch Homeowners Company, Wildlife Impact Assessment prepared by Rick Thompson (wildlife biologist), and public meeting record of items submitted (included 25 comment letters from Aldasoro Ranch property owners). Mike explained that the granting of a public recreational trail by the Aldasoro Ranch Home Owners Company is subject to the approval of the other amendments in this application.

Mike Rozycki, County Planning Director, delivered his presentation of the Substantial PUD Amendment application in a Power Point presentation (**Attachment I**) in addition to the written Planning staff memorandum dated January 13, 2016.

Rozycki stated that a good portion of Aldasoro Ranch property is located within Colorado Parks and Wildlife mapped wildlife habitat areas, including, winter severe range, elk calving areas, and migration corridors. The original approval of the PUD in 1990 prohibited dogs anywhere in Aldasoro Ranch and restricted fencing. He pointed out that the subdivisions and residential



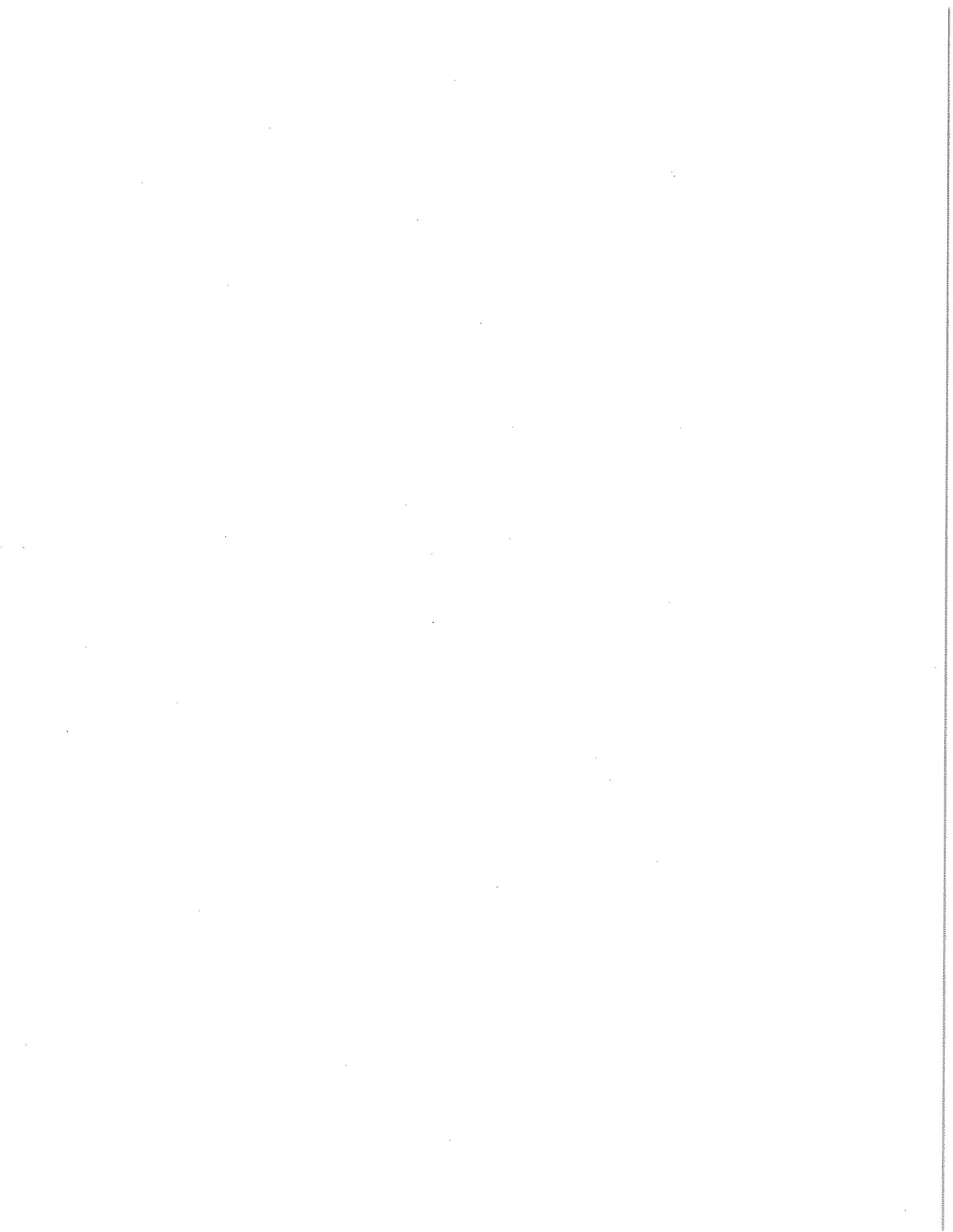
developments surrounding Aldasoro Ranch no longer have prohibitions on dogs. In 2013 the Board of County Commissioners approved an amendment to the County Land Use Code wildlife regulations that lifted the blanket prohibition on dogs in mapped wildlife habitat areas. Mike said the Commissioners did not lift the prohibitions placed on specific PUDs or subdivisions (including Aldasoro Ranch, Lawson Hill, and Skyfield North PUD's) during their development review process.

Rozycki said he'd received referral comments from Renzo Del Piccolo, Colorado Parks and Wildlife (CPW) Area Wildlife Manager and presented a summary of those in the Planning Staff memo. He read that "CPW continues to support the wildlife impact statements regarding the Aldasoro Ranch subdivision, which were submitted by their agency in the 1990's. By proposing this amendment CPW feels that the Aldasoro Ranch Home Owners Company will violate an agreed upon perpetual mitigation by making the proposed change. However, as written, the Wildlife Impact Mitigation, [which includes the dog control regulations and policies that are proposed, aspen regeneration program which proposes allowing fencing to keep elk out so aspen saplings can regenerate,] should adequately address the issues and impacts that may arise by an allowance of dogs in the subdivision and PUD." Mike noted that the CPW's original materials and letters are included in the Wildlife Habitat Assessment prepared by Rick Thompson, wildlife biologist for Applicant.

Rozycki added that he discussed his personal opinion on the phone, with Renzo, and explained that when there are significant or substantial changes in the circumstances it is appropriate to consider changes or amendments to a PUD. He related also that any amendment to a PUD with substantive changes will be done through a Two-step Review process at public meetings. He said that there have been a number of significant changes within the PUD that are addressed in the Planning Staff Memo and Rick Thompson's Wildlife Impact Assessment.

Rozycki spoke to the exception requests for dogs received in the Planning Office, notwithstanding the prohibitions on dogs in Lawson Hill and Aldasoro Ranch, under the American with Disabilities Act (ADA) and the Fair Housing Act (FHA). The county has been advised and takes the position that if an individual provides the county and homeowners company with a statement from a medical provider that they are disabled under ADA or FHA and includes information that demonstrates that by having a support animal or service animal that benefits or addresses their disability that it is a reasonable accommodation to allow that individual to have a dog. To date six exceptions to the dog prohibition have been granted to individuals in Aldasoro Ranch. Mike expressed his concern with the fairness and equity and enforceability of the two different standards on the prohibition on dogs.

Rozycki reported that the County Open Space Commission (OSC) and the Telluride Mountain Club (TMC) commented that the recreational connector trail proposed to be constructed on Aldasoro Ranch open space is a significant public benefit. The OSC expressed concerns that it may be difficult to enforce the proposed dog control regulations on the public using the trail. He stated that the Aldasoro Home Owners Company has on-site personnel, and have actively enforced the current dog prohibition, and is committed to enforce the proposed new regulations. Trail users would be required to keep their dog on a leash, and the trail would be closed during winter. Mike also reported that the OSC and TMC generally support the proposed alignment of



the trail. He explained the trail easement would be 10-foot wide and the county would be responsible for maintenance of the trail.

Rozycki expressed concern that there are no provisions in the proposed dog control regulations to allow for outside kenneling or fencing for dog containment. He said the applicant's rationale is to keep dog fencing and unleashed dogs from being seen outside. He explained the county, at its discretion, has the authority under the proposed Aldasoro Ranch dog control regulations to enforce the regulations if necessary if there is a problem dog. Also the Land Use Code and state law provide that if a dog chases wildlife the County Sheriff or CPW wildlife officer can detain or shoot the problem dog.

In review, Rozycki mentioned the 2013 Amendment to the Land Use Code that removed the "blanket" prohibition on dogs in specified Wildlife Habitat Areas and set required specific reviews of a development(s) to assess and mitigate potential impacts to wildlife if dogs were allowed. He also reiterated the approval of the Mill Creek and Deep Creek Mesa Preliminary Plans by the BOCC, which would allow dogs subject to dog control regulations. Mike concurred with Renzo del Piccolo's statement that, as written, the Wildlife Impact Statement should adequately address the issues [affecting wildlife and habitat in the subdivision] and impacts that may arise by an allowance of dogs and fencing in the subdivision. He stated that the original approvals for Aldasoro Ranch, which prohibited dogs, were not in perpetuity. He added that elk and aspen temporary fencing has been accomplished in other county locations in consultation with CPW.

Marty Schmalz, Planning Commission, asked if the proposed dog control regulations addressed whether a dog could be chained outside. Rozycki understands that dogs would only be allowed in the house or on leash with the owner. Mike said that Planning staff received nearly 25 comments from Aldasoro Ranch property owners, mostly in favor of allowing dogs. He added that if the CPC recommends approval and BOCC approved the proposed amendments, ARHOC would be granted one year to obtain members approval and to make the requisite changes to its documents, and would then be allowed two years to construct the proposed connector trail.

Banks Brown, Aldasoro Ranch Homeowners Company (ARHOC) President stated they began internal discussion in 2010 to allow dogs. He said they have worked closely with CPW on elk herd management, monitored the 2013 county repeal of the blanket dog prohibition, and the SMVC preliminary plan approvals allowing dogs. In 2014 the ARHOC in a nonbinding vote voted by supermajority of homeowners to authorize the commencement of the process to allow dogs.

Rick Thompson, wildlife biologist for Applicant, delivered his presentation titled Aldasoro Ranch PUD Amendment issues (a) Dogs, (b) Aspen Management, and (d) Public Trail Connection in a Power Point presentation (**Attachment II**) dated January 13, 2016. He noted that he worked on the original wildlife assessment with CPW District managers that enabled the Aldasoro PUD to go forward, and developed the strict dog control policy for the Mill Creek and Deep Creek Mesa preliminary plans.

Pam Hall, Planning Commission Vice-Chair, asked Rick asked how long protective aspen cages usually remain in place. Rick Thompson replied six to ten years.

MJ Schillaci, Planning Commission, asked what percentage of land could be fenced at one time. Rick answered that 96% of aspen in Aldasoro Ranch would be available and open at any time. Kevin Kell, Planning Commission, asked if the private property owners would be required to submit plans prior to installation of protective aspen cages. Rick said the intent is that the homeowner would contact the ARHOC regarding their interest and then receive feedback regarding the program. Tom Kennedy, Attorney for Applicant added the homeowner would be required to obtain a county development permit from the Planning Department for fencing aspen stands on Open Space and on private lots.

Josselin Lifton-Zoline, Planning Commission, asked if the protective fencing on Aldasoro open space would be perpetual. Rick answered it probably would be perpetual but depends on the forest's and elk's health.

MJ Schillaci stated that CPW requires reporting if an elk or deer are caught in a protective cage, and asked if it were a possibility for wildlife to be accidentally caught in a protective cage? Rick Thompson answered that it has occurred, but in the instance it did the cages weren't high enough. Tom Kennedy related that ARHOC would utilize taller cages to make fences higher, and would lift them to allow access to habitat for smaller mammals. He hoped this would keep elk from jumping in; however, the cages have gates that open to allow elk to escape if necessary. MJ commented that one of the worst case scenarios in the report if approved is if dogs get out then some wildlife would die every 8.1 years. Rick said that dogs chasing elk is an issue, but there is no deaths predicted by dog attack.

Ian Bald, Planning Commission, asked what increased pressure there would be on wildlife when Aldasoro is built out and each owner has two dogs and how the fluctuation of elk herd population in the future could also have an effect. Rick Thompson replied that a majority of property owners will probably have a dog, but that he does not anticipate a major change to the elk herd if the restricted dog regulations are adhered to. Rick said fluctuation to the elk herd population is normal, for example, a hard winter could eliminate up to fifty percent of those elk. He said that sixty-five elk are harvested annually (hunting) and the population is still increasing.

Pam Hall, Planning Commission, asked if there are homes within Aldasoro Ranch PUD that are vacation rentals. Tom Kennedy replied that most homes are owner occupied; some have tenants, but none are rented short term. He added that owners and/or tenants would be subject to the proposed dog regulations.

Kevin Kell asked if the growth and permanence of the elk herd located on Aldasoro Ranch is proof that the blanket prohibition on dogs worked. Rick Thompson replied yes and maybe because that argument doesn't hold up since Sunnyside subdivision and other surrounding properties in the same habitat conditions allow dogs. Tom Kennedy said that even if every homeowner had two dogs at full buildout of Aldasoro Ranch, there would only be 1 dog per 5 acres. Lee Taylor, Planning Commission, added that it could be 400 dogs though versus the 600 elk in the Aldasoro area. Mike Rozycki questioned if the increasing population of the herd

necessarily meant the herd is healthier or is it better having a number that is sustainable in the long term given the condition of the habitat.

Mike Rozycki asked if it made sense, especially in light of MJ's comments about dogs getting loose from home, to include a provision in the ARHOC dog control restriction to allow a small kennel and/or holding facility to keep dogs in for a period of time. Rick Thompson commented that it is a dog control measure contained in the SMVC's Deep Creek Mesa and Mill Creek subdivision approvals. Rick stated he had that effective measure in his original recommendation. Banks Brown, ARHOC President, said ARHOC has strict architectural standards and the thought had been it would not be aesthetically pleasing to have kennels or dog runs visible. Banks said that ARHOC would be amenable if that measure is a condition of approval and would accommodate it in their design regulations.

Mike Rozycki noted he has struggled with the dog issue since being approached in 2008 by the Aldasoro Ranch HOC about making changes to the blanket dog prohibition. He added he had been in favor of lifting the prohibition since the regulations had been unenforceable, and conferred with CPW to request that a wildlife assessment be done. An initial wildlife study done for Aldasoro Ranch in 2011-12 gave recommendations that were not supported by county staff and CPW. Mike said the time period during which the prohibition was passed the county contemplated that the unincorporated areas in the Telluride region would be high density developments with large populations. He stated that Aldasoro Ranch is a low density development, and the region did not develop in the way that triggered the blanket dog prohibition being applied to this PUD and added to the Land Use Code in the early 1990's. He also commented that he favors a situation where dogs are allowed if Aldasoro is able to amend its PUD governing documents and if they are able to commit the necessary resources and have the will to have onsite managers to enforce the dog control measures.

Steve Dawson, Aldasoro Ranch resident, complimented the deliberate process that the county has used to consider the application, and the actions of ARHOC in protecting the wildlife. He stated he is in favor of including a provision to allow for outside enclosures and confinement areas, but not kennels since they still need to be inside dogs. He stated his opposition to his homeowners company's plan to charge fees of dog owners in the subdivision.

Josselin Lifton-Zoline said she was concerned that allowing dogs in Aldasoro Ranch without a confined exterior space was unhealthy for dogs. She was also concerned that ADA service dogs or FHA support animals would have unfair exemptions from the ARHOC proposed dog control regulations. She asked how wildlife would be impacted by allowing unneutered, unspayed, pregnant, or dogs in heat that could potentially be more aggressive. Josselin stated that ARHOC process for dog incidents seemed to exclude tenants. Tom Kennedy said the ARHOC has a direct relationship with the homeowner but if an owner rents to a tenant any incident involving a tenant's dog also falls onto the property owner to pay the fines; it is the owner's responsibility to ensure compliance with regulations. Josselin commented that she didn't want the tenants removed from the process regarding incidents with dog. Tom clarified that tenants are not excluded from the process it is just that owners are brought into it. He stated that the regulations that are proposed are for Aldasoro Ranch homeowners. He said the application fee is to pay for staff involvement with compliance, and that fines escalate for non-compliance and could lead to

removal of the animal. Lee Taylor, asked if there was a distinction regarding enforcement of proposed regulations if a dog were registered as an ADA and FHA animal. Tom answered that it is the presumption of the ARHOC that all dogs would be required to comply with regulations, but that federal law would prevail if inconsistencies between federal law and the regulations exist.

Matt Mitchell, ARHOC Board, stated he was concerned with barking dogs if an owner leaves animal out for long period of time in an outside containment area and not under human control.

Jody Pinkert, Aldasoro Ranch ADA dog owner, said she scrutinized the proposed ARHOC regulations and did not observe any inconsistency with federal rules. Steve Dawson agreed with Jody's comment, but again stated that no dog registration fees should be charged by ARHOC. Lee Taylor clarified that the county does not have jurisdiction regarding potential dog registration fees charged by the homeowners association. Kevin Kell added the county does not desire to micromanage the internal HOA rules. Mike Rozycki stated that as part of the Aldasoro Ranch PUD approval process the BOCC required the developer to adopt private covenants prohibiting dogs and to also privately enforce them. The county is not the primary enforcement agent. The application submitted by ARHOC has written dog rules included. If the BOCC receives your recommendation and approves the application the ARHOC must still approve the amendment to their governing documents, or dogs will not be allowed in Aldasoro Ranch. Mike added that his understanding is that there will be one set of standards that apply to all dogs. He said, as part of a reasonable accommodation, to require that dogs be on a leash and not run loose and to comply with basic control standards is consistent with what is proposed in this application.

Pam Hall, inquired if the county will still have a process for property owners to qualify a service or support animal, or would it go through the ARHOC. Rozycki answered that if the dogs are allowed they would go through the ARHOC process. Pam asked what the enforcement of the no dog policy would be in Lawson Hill when the connector trail as proposed eventually links the Galloping Goose trail to Lawson hill. Rozycki said a recreational trail easement would be given to the county if the Aldasoro application is approved by the BOCC. Enforcement of the Lawson Hill subdivision's no dog policy would fall onto LH Property Owners Company for that portion of trail abutting their open space instead of the county.

Marty Schmalz asked if the Planning Commission was able to include a provision for exterior dog containment structures in its motion. Mike said yes and instructed the Commission to include a reference to the dog control measures allowing them in the Mill Creek and Deep Creek Mesa development approvals granted to San Miguel Valley Corporation. Kevin Kell noted that two letters received were in opposition to the application, and in fairness we should provide individuals in Aldasoro Ranch, who are opposed to this change that would potentially allow dogs, an opportunity to speak. He asked what assurances going forward would be offered that the dog regulations would be enforced. Tom Kennedy said dogs that had been identified by the HOC as violating the prohibition were removed. He added that the six ADA and FHA dogs that were approved in Aldasoro Ranch have complicated the environment. The expectation if the application is approved would be that a detailed and uniform set of standards would be enforced with no exceptions for certain classes of dogs. Tom also said the ARHOC would rely upon the

community (Telluride Mountain Club, San Miguel County) to assist with the enforcement of the dog control regulations by users of the public trail through Aldasoro.

Josselin Lifton-Zoline asked if requiring all dogs to be spayed and neuter would help wildlife. Rick Thompson answered he didn't know and was not sure of any negative effect it would have.

Ian Bald, Planning Commission, commented that he heard on the radio that the future county population was projected to increase by nearly twenty-five percent. He said that would increase recreational use of the public trail by persons and their dogs and would add to the pressure to mitigate that use that a blanket prohibition on dogs would remedy. Banks Brown stated that ARHOC had followed the letter of law in its governing documents regarding its enforcement of the prohibition. Its staff had been diligent and observant in its enforcement of the no dog policy.

Russ Montgomery, Aldasoro resident, stated he was opposed to allowing dogs and that he had emailed a comment letter to the Planning Department stating that. He added that dogs are already present in the subdivision and that more applications are being received for the use of service and support dogs. Russ, however, asked that the Planning Commission recommend approval to the BOCC of the application so that Aldasoro would have enforceable regulations.

Those present: Steven Dawson, Aldasoro Ranch resident; Carla Slate, Aldasoro Ranch resident; Craig and Kathy Schroers, Aldasoro Ranch residents; Elizabeth Tipton, Aldasoro Ranch resident; Stephen Farnish, Aldasoro Ranch resident; Jodi Pinkert, Aldasoro Ranch resident; Banks Brown, Aldasoro Ranch Home Owners Company (HOC) President; Tom Kennedy, Attorney for Aldasoro Ranch Home Owners Company; Matt Mitchell, Aldasoro Ranch HOC Board; Rick Thompson, Wildlife Biologist for Aldasoro Ranch Home Owners Company, Robert Kreisler, Aldasoro Ranch resident; Scott and Pam Bennett, Aldasoro Ranch residents; Russ Montgomery, Aldasoro Ranch resident; Dave Bulson, Foley & Associates, Surveyor for Aldasoro Ranch Home Owners Company

Marty Schmalz made a **MOTION** to recommend approval of the Aldasoro Ranch PUD Agreement amendments and acceptance of the trail easement as presented in the Planning staff Memo to the Planning Commission dated January 13, 2016, including analysis, findings and determinations regarding the proposed Amendment to the Aldasoro Ranch PUD, which includes finding that removing the prohibition on dogs within the Aldasoro PUD and replacing them with the proposed Dog Rules and Regulations will not adversely affect the wildlife in the subdivision. This recommendation is conditioned upon:

1. A Development Permit shall be obtained prior to installation of any fencing on the Aldasoro Ranch Open Space parcels and any private parcels;
2. ARHOC shall secure the requisite approval of its members and execute and record necessary and appropriate amendments to the Aldasoro Ranch governing documents reflecting the changes granted by the County in this PUD Amendment, which shall be obtained within one year of the date of the Board of County Commissioner (BOCC) approval and prior to recordation of the BOCC Resolution approving the Aldasoro Ranch PUD amendment.

3. In the event that the ARHOC has not been able to secure the requisite approvals and record the amendments to its governing documents within the one year period, the application will be referred back to the Board of County Commissioners for its consideration.
4. ARHOC shall execute and record the trail easement simultaneously with the recordation of the amendments to its governing documents.
5. ARHOC shall cause the trail improvements to be made within two years of the date of recordation of the Board of County Commissioner resolution approving the Aldasoro Ranch PUD Amendment.
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 this motion.
7. To add possible outdoor containment enclosures for dogs similar to the San Miguel Valley Corporation regulations concerning dog control provisions.

The above **MOTION** includes the Planning staff detailed recommendation as follows:

That the PUD Agreement restriction on animals and specifically the prohibition of dogs be amended to allow the presence of dogs on the Aldasoro Ranch under the dog control regulations presented, "Rules, Regulations, Policies and Procedures of Aldasoro Ranch, a Planned Unit Development (Dog/Pet Control Regulations and Policies)" ("Aldasoro Ranch Dog Regulations") based upon a finding that the 2015 Aldasoro Ranch Wildlife Report completed by Richard Thompson that analyzed the potential interactions and impacts of the existing and future development of Aldasoro Ranch from his 1990 wildlife report to the present and find agreement with Mr. Thompson's conclusion that properly controlled dogs would not harass wildlife. This recommendation is based upon the requirement that dog owners adhere to rules and regulations as set forth in the Aldasoro Ranch Dog Regulations, as monitored and enforced by the HOC. This recommendation also finds that the proposed application meets the standards of Land Use Code Section 5-1503 A. Substantial PUD Amendments, 5-1803 Rezoning, that the approval is consistent with the Aldasoro Ranch Sketch Plan as it pertains to the overall subdivision and final plat review, and 5-407 A. Wildlife Habitat General Standards I. through XIV. Planning staff also finds that this proposed amendment is compatible with uses on surrounding or neighboring properties. It is recommended that the PUD Agreement language for Section 11.1.1 be modified as follows (~~strikethrough~~ is deletion, underline is addition) and add new section 11.1.1.2 CONTROLLED DOGS:

11.1.1 RESTRICTION ON ANIMALS. No animals shall be kept on any Property which bother or constitute a nuisance to other owners. ~~Nothing to the contrary withstanding, no dogs shall be allowed anywhere in the Aldasoro Ranch at anytime.~~ No horse may be kept on any site. Horses will only be allowed on designated roadways, easements and portions of open/recreation space tracts. The owner of any horse kept or ridden within The Aldasoro Ranch shall immediately remove all horse droppings to a proper receptacle located on a Site owned by the responsible Owner. No horse may be kept or ridden within The Aldasoro Ranch without the written approval of the Homeowners Company.

11.1.1.2 CONTROLLED DOGS. Dogs may be permitted on The Aldasoro Ranch subject to compliance with the "Rules, Regulations, Policies and Procedures of Aldasoro

Ranch, a Planned Unit Development (Dog/Pet Control Regulations and Policies)” (“Aldasoro Ranch Dog Regulations”) and any amendments as approved by the Homeowners Company and San Miguel County.

Aspen/ Elk Management

The Planning staff recommends approval of the Aldasoro Ranch proposed PUD amendment to Section 11.4 of the PUD Agreement that does not authorize the HOC to undertake vegetation management, which will include placing of certain fencing, for forest management and improvement of wildlife habitat on the Aldasoro Ranch. It is recommended that that Section 11.4 of the PUD Agreement be amended to allow vegetation management as follows finding the aspen management would be beneficial to both elk habitat and long-term forest health based upon a finding that the 2015 Aldasoro Ranch Wildlife Report completed by Richard Thompson that states that the elk population on Deep Creek Mesa has doubled in size since the Aldasoro Ranch subdivision approval which has created damaging impacts to the aspen stands on the Ranch. Based upon Mr. Thompson’s findings, conclusions and recommendations in his 2015 report, the Planning staff finds that allowing certain fencing control measures will enhance the overall forest health and help maintain high quality elk and other wildlife habitat without damage to the elk herd or wildlife. **SECONDED** by M.J. Schillaci. **VOTE PASSED 4-1.**

Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

- 11:33 a.m. Recessed. Planning Commission members traveled to Norwood.
- 1:11 p.m. Reconvened. Planning Commission meeting re-opened in Norwood.

Norwood Community Center, 1670 Naturita Street, Norwood

Meeting Schedule for 2016

Marty Schmalz made a **MOTION** to adopt the second Wednesday of each month for regular Planning Commission meetings in 2016. **SECONDED** by Ian Bald. **VOTE PASSED 7-0.**

Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

Land Use Code Amendment: Consideration of Potential Amendments to Section 5-29 Medical and Retail Marijuana Facilities

Mike Rozycki, County Planning Director, updated the Planning Commission on Staff Memorandum dated January 13, 2016 and other meeting documents, regarding potential recommendations concerning changes to the Land Use Code (LUC) Amendment: Section 5-29 Medical & Retail Marijuana Facilities. He noted the Board of County Commissioners in February 2014 considered and adopted the current Land Use Code Amendment, that allowed

medical and retail marijuana facilities through a two-step review process, contained a number of restrictions and provisions because of issues with the original proposal in 2010 and 2014. He said Planning staff discussed proposed changes to these regulations at the October 14, 2015 Planning Commission meeting.

Mike Rozycki, County Planning Director, stated there was no great concern or objection raised at the October meeting with the three following proposed changes: (1) to eliminate the requirement, to have an approved and licensed medical or retail marijuana cultivation facility, the applicant must own a retail store within the county. He supposed that it could encourage more applications for grow facilities in the WM or WMRA and F zone districts, but added that the BOCC approved a cap in the Licensing Standards allowing only four licensed grow operations on Wrights Mesa. (2) To remove those provisions in Section 5-2901 B. General that requires manufacturing of infused products to only be allowed as an Accessory Use to a marijuana grow facility. (3) To replace the previous outdated definitions in LUC Section 5-29 with the most recent ones from the state Marijuana Enforcement Division based upon recent rule changes.

Mike Rozycki said the other proposed changes to the LUC were more controversial and generated more differing opinions. (4) To allow changes to the ½ mile buffer zone around designated Residential Areas by the BOCC. (5) to allow marijuana facilities and establishments (grow and infused products not retail stores) in the Wright's Mesa Light Industrial Zone District which is located entirely within the Norwood Future Land Use Plan area. Mike read a letter received that morning from the Town of Norwood Board of Trustees commenting about the proposed changes. The town expressed its concerns about the inclusion of the WMLI area into those areas allowing marijuana facilities and establishments given its proximity to town, stated its support of the five acre minimum lot size requirement and the hard cap of four licensed facilities allowed on Wrights Mesa, and requested the county to also hold an evening meeting in Norwood. He responded that the WMLI zone district made some sense for marijuana use because there were other light industrial uses, and it is located close to town. He stated that he as county staff was willing to back off from this proposed change unless property owners and residents in the WMLI area come forward and state they support having the area designated and want the ability to make applications.

Rozycki said this amendment does not amend the cap of four facilities allowed on Wrights Mesa. (6) He stated the five acre lot area requirement for grow facilities on county mesas and Wrights Mesa is not changed. He continued and said a change regarding minimum lot size requirement modification may apply to potential retail store on Front Street in Placerville or to infused product manufacturing inside a building.

Rozycki said the (7) building size limitation is proposed to increase from a maximum of 3,000 to 5,000 sq. ft. and to continue to allow up to three buildings on a 35-acre parcel if the applicable requirements are met by the applicant. He said he included language to allow the use of an existing building larger than 5,000 sq. ft. through the same two-step special use permit process. (8) He said that the 50 foot setback requirement is retained for grow facilities but could be increased depending on site requirements or reduced to meet a specific zone district requirement i.e. Placerville. (9) He said he proposed that an applicant be encouraged to maintain irrigation and agricultural uses on the property as a review standard.

Marty Schmalz, Planning Commission, remarked that many of the comments received regarded potential location of marijuana facilities in the light industrial area. She asked if any break-ins or security issues have been reported with the facilities located in Ilium Valley. Mike Rozycki replied there was an electrical fire at one of the facilities, but he has not heard of any formal complaints, break-ins or substantive issues regarding the grow facilities in Ilium. He said there are occupied live-work units with residents, though, located in the Ilium industrial area, which has developed as mostly light industrial. The Wrights Mesa Light Industrial District master plan recommended light industrial development but is a mixture of residences, vacant land, and is a transitional area.

Josselin Lifton-Zoline, Planning Commission, inquired if an applicant could use water that had been historically used for irrigation on an agricultural property. Mike Rozycki answered the water could potentially be used. He said that the issue regarding water isn't the physical supply; marijuana is not a water intensive crop and many of the grow operations re-use water. He added the challenge has been obtaining or proving legal authority to use it whether it be a well permit or ditch company water. Mike said each applicant is required to submit water reports that the county sends out to be reviewed by the State Department of Water Resources. Lee Taylor asked if the Division of Water Resources staff had reviewed reports for marijuana water use submitted by other parts of the state. Rozycki answered he didn't think so and that San Miguel had been progressive and required a water review in its Standards.

Josselin Lifton-Zoline asked if an election similar to Ouray County's 5% excise tax on recreational marijuana sales would fit into a time frame so that a question could potentially appear on a county ballot this fall. Mike Rozycki deferred the question to Steve Zwick, County Attorney. He explained that the state currently imposes a 2.9% sales tax, 10% special marijuana sales tax and 15% excise tax on wholesale transfers of marijuana. Mike added that a local excise tax ballot question is required to be voted on county-wide. Pam Hall, Planning Commission, asked how the potential revenue generated from an excise tax would be designated. Mike and Steve Zwick, County Attorney, said the revenue could be used county-wide for a variety of county services or improvements. Zwick said the ballot measure can only be on the ballot during odd years so 2017 is the soonest available election.

Marty Schmalz asked if it would be an option to distinguish between marijuana uses in a Zone District for example only permitting medical marijuana operations in the Wrights Mesa Zone District since folks seem more comfortable allowing medical marijuana there. Mike Rozycki replied that the Planning Commission has a range of options available to be included in a recommendation.

Mike Rozycki commented that the larger grow facilities on Wrights Mesa are unlicensed, unregulated, do not pay taxes and their product is not tested. He said the governor signed legislation SB 15-014 that essentially restricts caregiver operations and places them under Department of Revenue enforcement effective January 1, 2017. Mike said caregivers who have been growing without licenses may be curtailed.

MJ Schillaci, Planning Commission, asked if the county had concerns that the four available grow operations would bump up against the caregivers on 1/1/17. Mike said the caregivers may need to make big changes to stay in business including applying for one of the four grow slots. Jerry Chestnut, Norwood resident, commented that removing the requirement of owning a retail store in San Miguel County would open the floodgates for grow operations in the county to service all of Colorado. Lee Taylor said the intention was to enable individual businesses that did not have to be vertically integrated. He pointed out that San Miguel at the time regulations were passed was one of only a few counties allowing marijuana, but how many counties allow it, and many have better growing conditions than here. Chestnut also said Commissioner Art Goodtimes had stated in 2014 that the county would not be a supplier of marijuana for the state.

Daniel Zemke, Attorney, said he helped draft this amendment to regulations because the requirement to own a retail marijuana outlet, currently only in Telluride was hugely cost prohibitive for prospective applicants. He reasoned that since the State had broken the vertical integration requirement in 2014 it was time to break that requirement in the county. Marijuana grow businesses need buildings larger than 3,000 sq. ft. to be cost efficient. He said it was possible that grow facility applicants could ship marijuana to Denver but not likely cause of the cost of transport. He said the growers in Ouray County were not ecstatic about the 5% excise tax recently passed, but it will keep revenues within that county. He suggested that the amendments to the county marijuana regulations could help create jobs and increase revenues in the county. He added that licensed, regulated, tax paying facilities were preferable to the lightly regulated non tax paying caregiver operations that already exist on Wrights Mesa.

Cheryl Story, Norwood property owner, said an illegal grow operation located adjacent to her mother's property was discovered by the Sheriff on a flyover. She said it used the area's water system and contributed no tax benefits to the region. She said she supports the new regulation

Thomas Clark, Norwood resident, stated he absolutely opposes the amendment to the marijuana regulations and said passing it would only bring in crime to the area. Raymond Snyder, Norwood resident, commented that the county should enforce its [marijuana] regulations already in place, and shouldn't attempt to increase the grow areas. He added that marijuana attracts a lower kind of person here.

Candy Meehan, Norwood resident, said there are no school matching funds available to Norwood, and that any additional monies collected would go to San Miguel County not to the Town of Norwood. Increasing the potential for grow facilities would attract a criminal element which would usurp the Town Marshall's resources and risk federal grant funding for the Norwood Water Commission's treatment plant. Illegal grow operations have been here and legalizing it will not benefit the community.

Carol Story-Buchanan, Norwood property owner, said her 87 year old mother wants to sell her property, and thinks that a commercial grow operation is viable on her property. She said she agrees with the proposed changes to county marijuana regulations and totally supports the change.

Candace Fjome, Town Board of Trustees, asked that a night meeting be scheduled so the remainder of Board could attend along with other working residents. Mike Rozycki said that if the proposed amendments go forward he will do his best to schedule a night meeting in Norwood. Marty Schmalz added that residents could submit written comments which are appreciated.

Kevin Kell, Planning Commission, asked Carol Story if her main interest among the proposed changes was concerning the retail store requirement tied to a grow operation. Carol Story confirmed it would assist the sale of her mother's Norwood property if the requirement was removed.

Cheryl Story, Norwood property owner, reasoned that if we change the marijuana rules on Wrights Mesa and enforce the regulations, the growing marijuana here would become a benefit instead of just a drain on the community water resources and transient visitors. She thinks it should be preferable to use existing buildings.

Thomas Clark, Norwood resident, commented that the kids in this community will be affected by a retail operation here selling marijuana. He stated that parents would buy it and give it to their kids. Lee Taylor asked what retail operation he was referring to. Thomas Clark revised his comment to if a retail operation is approved here. Lee answered retail operations are outlawed in the Town of Norwood and the county does not have authority over the Town. Rozycki explained that retail marijuana operations are not allowed in the unincorporated county area (including Wrights Mesa) and that Placerville is only area potentially being considered, and only after public meetings there. Thomas Clark stated it is one thing after another and the county is just trying to rolling stuff in, and if it's not this year it will be next year.

Linda Soucie, Norwood resident, stated she wanted to address what Carol and Cheryl Story were saying. She said that there is confusion over what is being discussed today, since it is has already legal since the land use code amendment was adopted by county in February 2014 to apply for a special use permit to operate a grow facility in the unincorporated areas of the county. She said the only changes being proposed are to allow marijuana facilities in the light industrial area in the entrance to Town of Norwood, eliminate the hard cap of four grow facilities on Wrights Mesa, eliminate the retail store ownership requirement, and to increase the allowable building sizes. Mike Rozycki stated the changes differently. He said the Story girls had remarked that they could make an application for a grow facility but that the requirement to have a licensed retail store is limiting the pool of buyers for their family ranch. He said there is no plan or proposal to remove the cap of four from the Licensing Standards at this time. He said in response to the Town of Norwood comments he is willing to back off of WMLI unless owners want to pursue it even though it is a good area. He added that as part of the Master Plan there is a 100 ft. or greater scenic highway setback requirement to site a business from HWY 145. He did agree there is a proposal to potentially enlarge building size, and to allow use of existing larger buildings.

Linda Soucie repeated her comment that allowing marijuana facilities in the light industrial area is inappropriate since it is the entrance to town. She said a fish hatchery on the Pearl property was denied because it was inappropriate for the entrance to the Town of Telluride. Linda

remarked that the odor emanating from the grow facility next to Telluride Tire is obnoxious and intrusive. She wondered why the county is putting the cart before the horse since no applications for grow facilities on Wrights Mesa have been received, and thought it would be better to wait till the caregiver legislation becomes effective January 1, 2017. Rozycki inserted that a real impediment for grow operations was the retail store requirement. Soucie stated she had changed her mind and said she doesn't have an objection to lifting the retail store ownership requirement; because if there would only be four grow operations on Wrights Mesa and who would care who owns them. Linda stated that the argument that tax revenues would increase is inconsequential because in her opinion County tax money is not spent here in the west end. Rozycki refuted that assertion. Linda encouraged putting the proposed changes on hold except for the retail requirement. Lee Taylor commented that the most significant change proposed is detaching the retail store requirement from operating a grow facility. He said another change was to consider the Light Industrial district for marijuana operations, but that if Mike wasn't going to recommend that the Planning Commission wouldn't. Mike added a caveat that he would consider the WMLI if a land owner wanted to. Lee Taylor said that if they received an application they would consider it on its merits at that time. Cheryl Story said she was an owner in that district but didn't support opening it up since the Town was against it.

Leslie Sherlock, Norwood resident adjacent to the WMLI, stated her support of the Town request to take off WMLI off table, although she was originally for this because it would have aided the economy. She hadn't seen in the proposed changes that the scenic highway setbacks would be 150-200 ft. which is necessary to protect the view corridor. She said a 50 ft. setback on CR 43 does not make a 10,000 sq. ft. building non-visible. Leslie asked if the building size proposed was 5,000 or 10,000. Mike answered that the building size that was proposed was 5,000 sf. maximum and that the 50 ft. highway setback was a minimum and could be increased during the special use permit application process, and the Master Plan recommends scenic highway setback standards. Leslie said that a 5,000 sq. ft. maximum building size is better. She said that none of the WMLI is ½ mile from residential. Mike said that was the reason it was proposed that the BOCC could amend the map for residential areas near the industrial area. He repeated that he was stepping back from the WMLI, and there would only be a relaxing of residential buffer areas around Placerville after a public meeting if it was determined that Front Street would be an appropriate location for any type of marijuana establishment. Leslie voiced her concern that the all cash marijuana businesses would attract a criminal nuisance.

An unidentified woman, Norwood resident, asked if there was a greater demand for marijuana at the four stores in Telluride than the current grow operations can supply, and although she is totally opposed to allowing grow facilities could the grow facilities be restricted to supply only San Miguel County operations and not Denver. Lee Taylor said it was up to voters to approve an excise tax on marijuana within the county. Geneva Chawnet, Alpine Wellness manager, stated that they produce more and sell outside of the county within the state. Geneva said she had been called to their store on three separate occasions because thunder shook the windows motion sensors and activated the security system. She added that the location in Ilium is well traveled and is very secure. Nolan Murphy, Alpine Wellness, said he was able to assist the Sheriff with thefts that occurred at Telluride Tire by providing film footage their security cameras had captured.

Kevin Kell commented that the Planning Commission want to be here and we understand the opposition to marijuana for some, however, we respond to changes in state laws, requests, and proposals; it is important to have these meetings and get your comments. He encouraged citizens to submit written comments, and said we really listen to and appreciate your comments. He gave as an example the vertical integration requirement removed from state law and the upcoming changes to caregiver requirements.

Thomas Clark, Norwood resident, said the smell emanating from the unlicensed grow operations on Z Road is similar to that from skunks.

Michael G Morlang, Norwood resident within the light industrial zone area, stated he is opposed to allowing marijuana growing operations in the WMLI Zone District and would hope the county would honor not allowing these near Norwood. He further asked why the caregivers are not regulated. Marty Schmalz stated that caregiver grows are not illegal. Mike Rozycki also said that caregiver and individual grows are legal, but that the number of plants allowed for caregiver grow operations can be exponentially larger. He also reasoned that it is an opportune time to modify regulations and controls now to hopefully encourage caretakers to become legally licensed Medical or Retail Marijuana operators.

An unidentified woman, Norwood resident, said the county represented during presentations of the original marijuana regulation approved in 2014 that revenues for the schools and towns would increase, but that not a dime has been brought into Norwood. An unidentified man replied that the Town of Telluride receives over \$10,000 monthly from the four dispensaries. Mike Rozycki explained that it is not just a Wrights Mesa issue; the Land Use Code applies to F (Forestry, Ag, and Open) and also includes Wrights Mesa. He added that the county did not allow applications for marijuana establishments within the Norwood Future Land Use Plan Area on Wrights Mesa in deference to comments received from the Town of Norwood and the public. He re-iterated that in his opinion the most effective way to control marijuana within the county is to regulate it.

Eugene Rummel, Norwood resident, asked if anyone had made application for a grow facility in the [Wrights Mesa] Light Industrial area that owns property. Mike Rozycki replied that he has received inquiries from property owners but no applications. He stated he is stepping back from recommending allowing grow operations in that area, because of the letter received from the Town of Norwood and since no owner has specifically requested it.

Phyllis Snyder, Norwood resident, commented that it seems to her the proposed changes to the marijuana regulations are like having the cart before the horse. She said the residents here are not ready to accept legal marijuana grow operations. She asked if the Wrights Mesa Master Plan had been changed since it was approved, and specifically the light industrial area. Mike Rozycki answered that there had not been any changes to the Wrights Mesa or Light Industrial District master plans since their approval in 2008. He clarified that the light industrial properties had been reclassified as appropriate for Wrights Mesa Light Industrial uses, but that only Ray Cossy had applied for and had his property rezoned to WMLI from Wrights Mesa. Phyllis then asked if Land Use Code Amendment 5-29 applies to the whole county. Mike explained it applies to the Wrights Mesa and the Forestry Zone Districts which includes the private land on Hasting,

Sunshine, Iron Springs, and Beaver Mesas. Phyllis stated that she would still prefer that the county step back from including Wrights Mesa in amending these regulations.

Mike Rozcyki made a suggestion to either continue the matter and schedule another Planning Commission meeting for further discussion, or to recommend approving the less contentious amendments that lifts the requirement for a retail store in order to have a grow facility, to change the section that only allows manufacturing of infused products if it is an accessory to a grow facility, and to change the definitions to the new definitions from the state and to make no other changes at this particular time until there is further review and consideration at a public meeting. Marty Schmalz asked if the building size would remain at 3,000 sq. ft. Mike clarified that at this time he would not recommend making other changes, only the ones he had not heard specific opposition to. Rozcyki then stated the language that was subsequently used in the following Planning Commission motion.

Marty Schmalz made a **MOTION** to lift the requirement(s) for a retail marijuana facility as a condition for applying a Special Use Permit, to [lift requirement that] only allow manufacturing of infused product as an accessory use to a grow facility, because that forces someone to have a grow facility that might not need one, to use the definitions that reflect what the State Department of Revenue is doing, and to step back from the other proposed changes until we can further evaluate them at a subsequent meeting, and to give the Planning Director more time to craft some adjustments or modifications to the other items. **SECONDED** by Pam Hall.

Dennis Wrestler, Placerville property owner, said he doesn't want to see delay in amending portions of regulations concerning Placerville because there is opposition from Wrights Mesa residents. Lee Taylor proposed scheduling a future meeting in Placerville sooner than later. Rozcyki added that the thought is to take the path of least resistance on certain items today. He proposed stepping away from recommending Marijuana facilities in the Wrights Mesa Light Industrial Zone District (WMLI), and scheduling a public Planning Commission or Board of County Commissioner meeting in Placerville before proceeding with changes affecting that community. Taylor iterated that a motion and a second were on the floor and recommended a recess be taken to allow the Planning Commission to craft a replacement motion. Marty Schmalz asked that further comments be allowed from those who might have disagreed with previous comments.

Davis Watson, Norwood resident, asked what the next procedure was if proposed changes were recommended for approval by the Planning Commission. Rozcyki explained he would present the recommendation to the Board of County Commissioners (BOCC) during a duly noticed public hearing.

- Carol Story Buchanan, Norwood property owner, asked if it eliminates the use of existing buildings as facilities. Rozcyki replied the issue has not been addressed yet but said existing buildings could be used if they fit the existing size requirements in the current Land Use Code.

Mike Rozcyki stated language to replace the original motion and it was moved as the motion. **AMENDMENT TO MOTION** by Schmalz. **ACCEPTED** by Schmalz and Hall.

(1) to remove the [requirement in the Land Use Code (LUC)] Section [5-2903 B. 2. General Requirements] that prohibits applicants from applying for a Special Use Permit unless they have a [licensed] retail store in San Miguel County [or within a municipality located within San Miguel County that is under the same ownership and licensing; (2) to remove the LUC provision in 5-2901 B. General that states that Medical Marijuana Infused Product Manufacturing and Retail Marijuana Product Manufacturing may only be allowed as an Accessory Use to a Medical Marijuana Optional Premises License or a Retail Marijuana Cultivation Facility, but rather that applications for infused product manufacturing facilities be allowed as a stand-alone use through a Special Use Permit (SUP) review process without having to have a cultivation business; and (3) to adopt the newest definitions that are promulgated by the Department of Revenue and Marijuana Enforcement Division not to include any changes to the County defined terms for Substantial Greenhouse or for Residential Areas or to the related maps. **VOTE PASSED 5-0.**

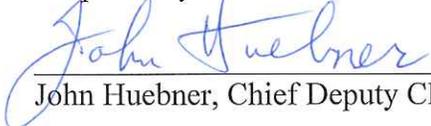
Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	Absent
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

Rozycki requested that all interested parties provide their contact information and he would notify them when the public hearing would be held by the Board of County Commissioners.

Others Present: John Ditton, Norwood resident; Doug Avery, Norwood resident; Laura Sherman, Norwood resident; Tim Lippert, Town of Norwood Public Works; Theron Pace, Norwood resident; Michael Wilkerson, Norwood Marshall; Tanya Moorlang, Norwood resident; Gary Valero, Norwood resident; Chuck Bazzell, Norwood resident; Gary Viditz-Ward, Telluride Green Room; Sue Reynolds, Norwood resident; Mont Snyder, Norwood resident; John Dotson, Norwood Chamber of Commerce; Patti Grafmyer, Town of Norwood Administrator; Billy Boyd, Norwood resident; Patrick Labrazzo, Rico resident; Joshua Nichols, Norwood resident; Shawn Fallon, Norwood resident

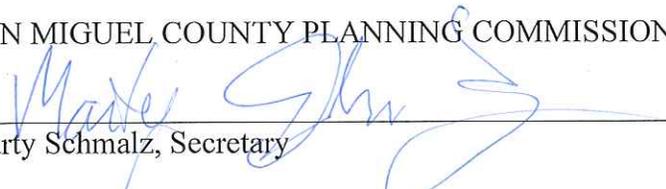
3:04 p.m. Adjourned.

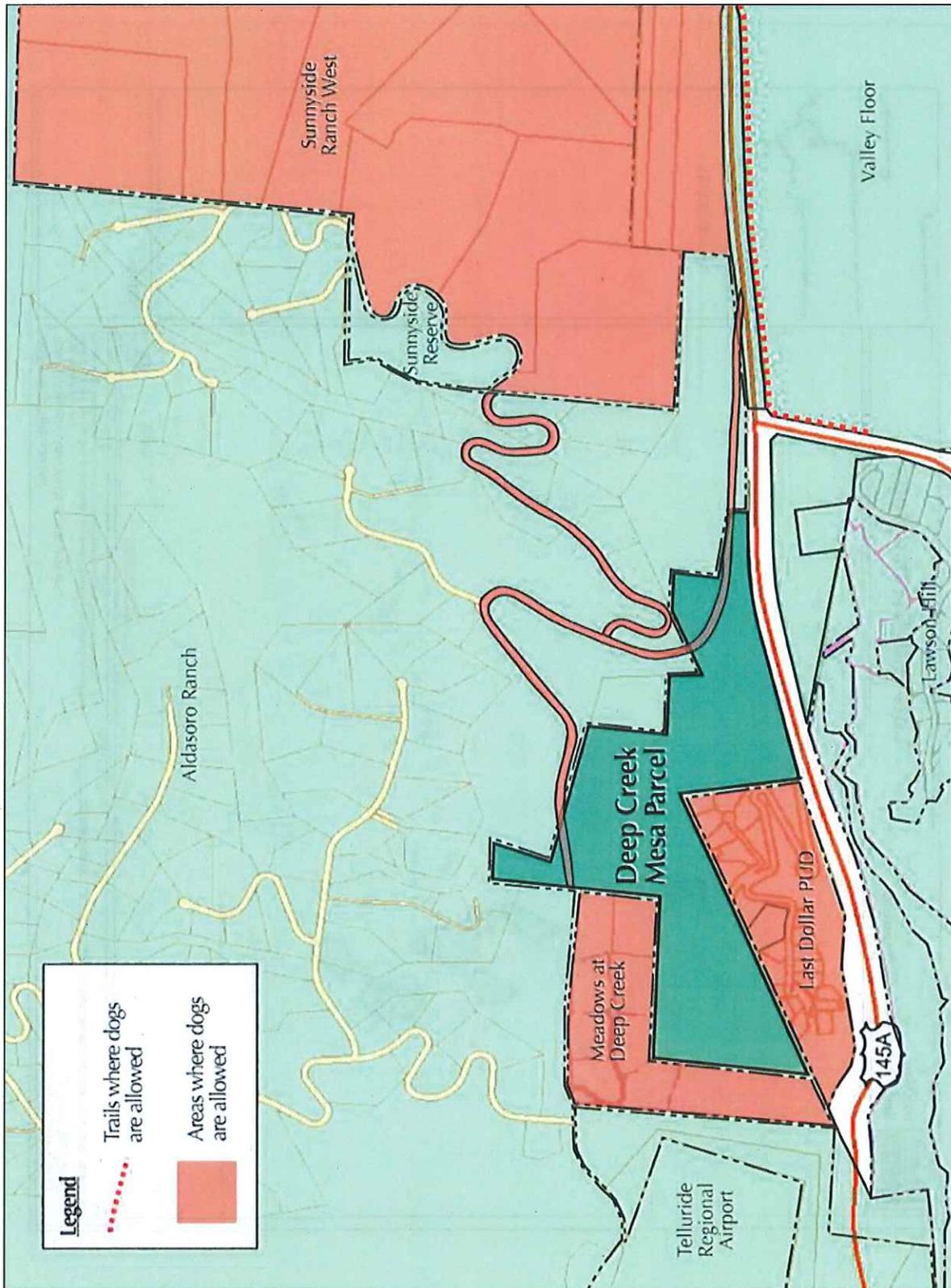
Respectfully Submitted,

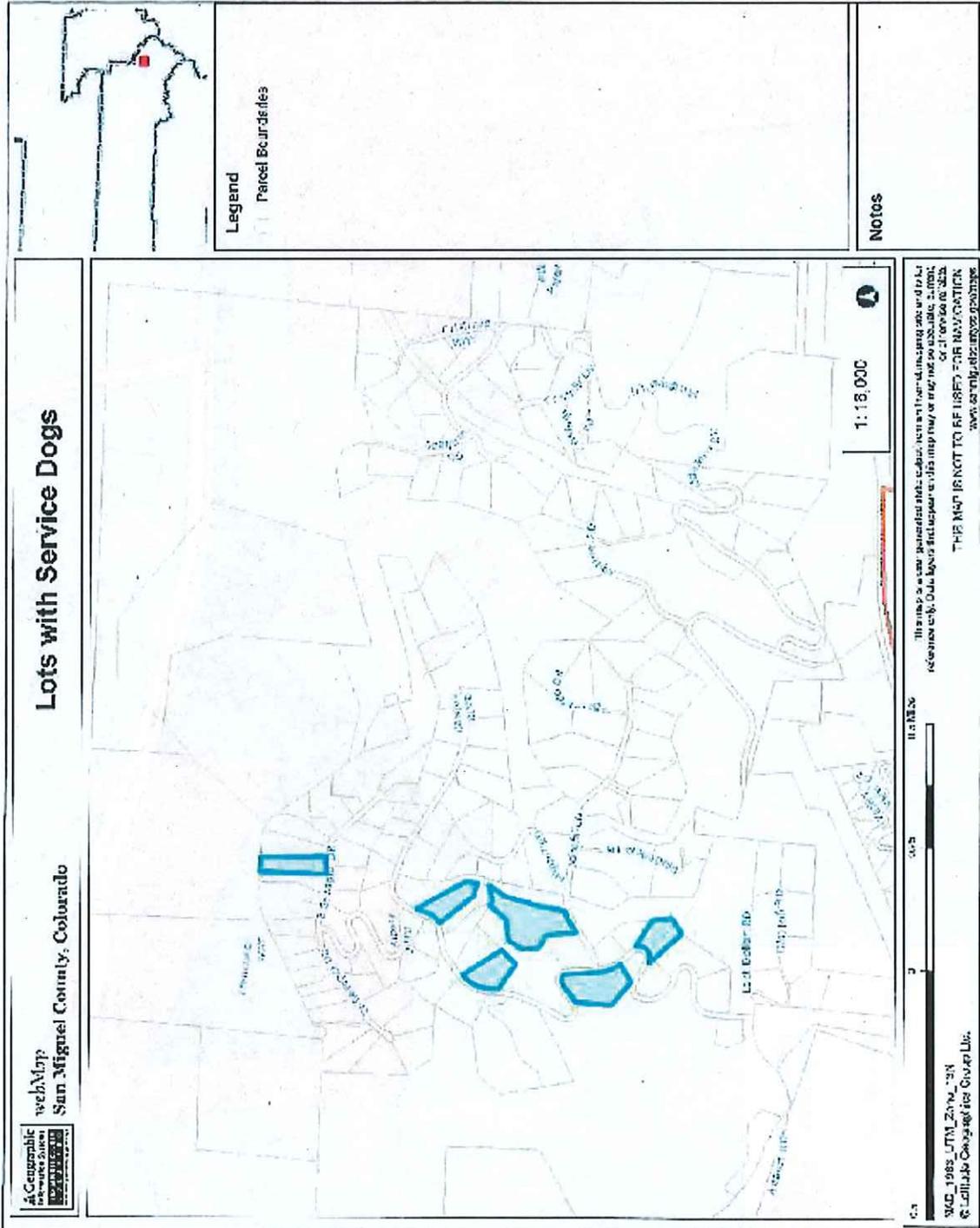

John Huebner, Chief Deputy Clerk

Approved on May 11, 2016.

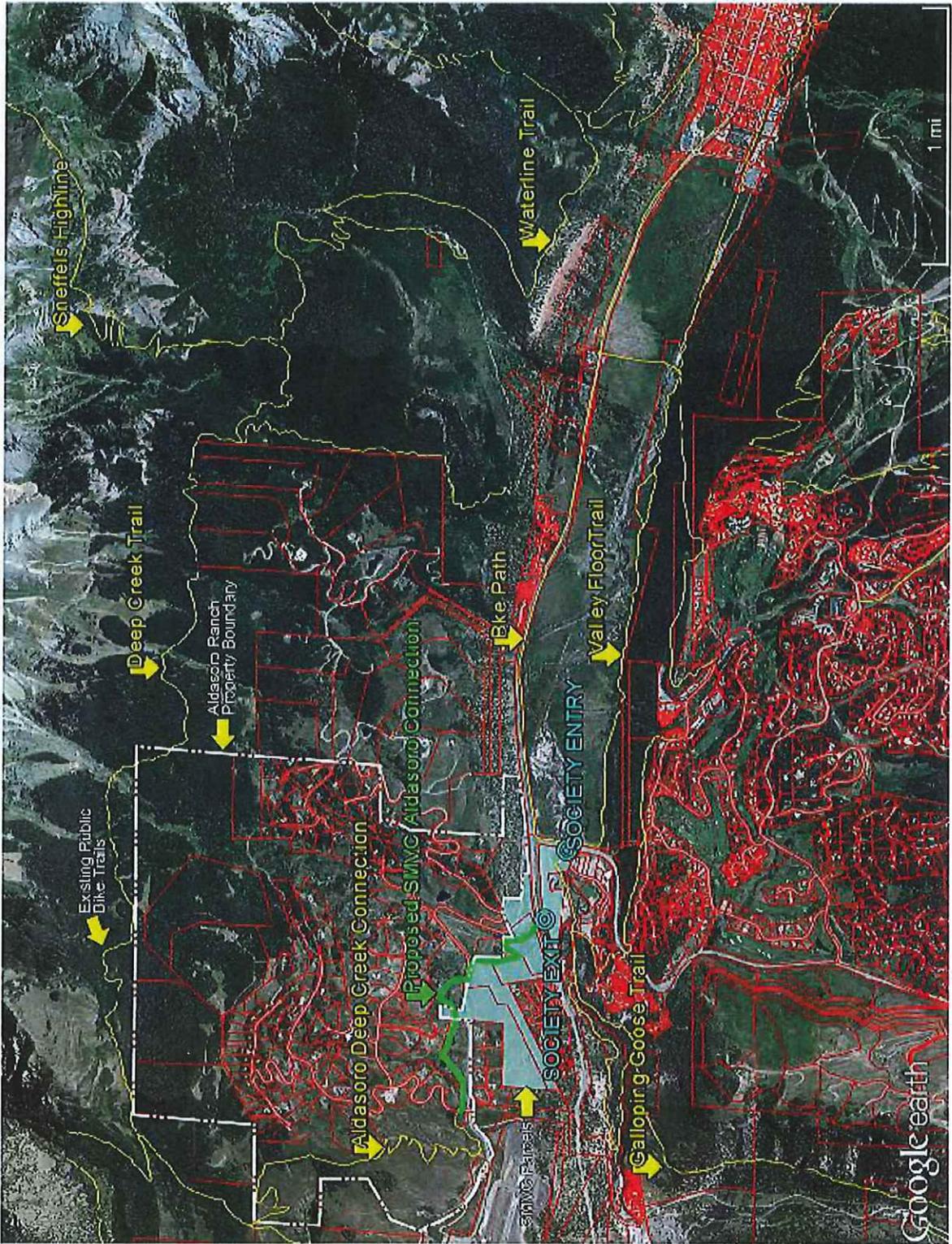
SAN MIGUEL COUNTY PLANNING COMMISSION


Marty Schmalz, Secretary





Regional Trail Map



SMVC / Aldasoro Trail Map



Aldasoro Ranch

PUD Amendment Issues:

1. Dogs
2. Aspen Management
3. Public Trail Connection

Aldasoro Ranch Characteristics

- 160 lots on 1,515 acres.
- Lots: 1.0 to 14.0 acres.
- 4 upper lots on 478 acres.
- 24 open space parcels totaling 681 ac. (45%).
- After 25 years, the property is 47% built out.
- 1/3 of the existing homes are occupied year-round.
- Year-round residences to E, S, & W, some w dogs.
- AR staff enforces the no dog policy.

PROJECT SETTING AND UPDATED ENVIRONMENTAL BASELINE

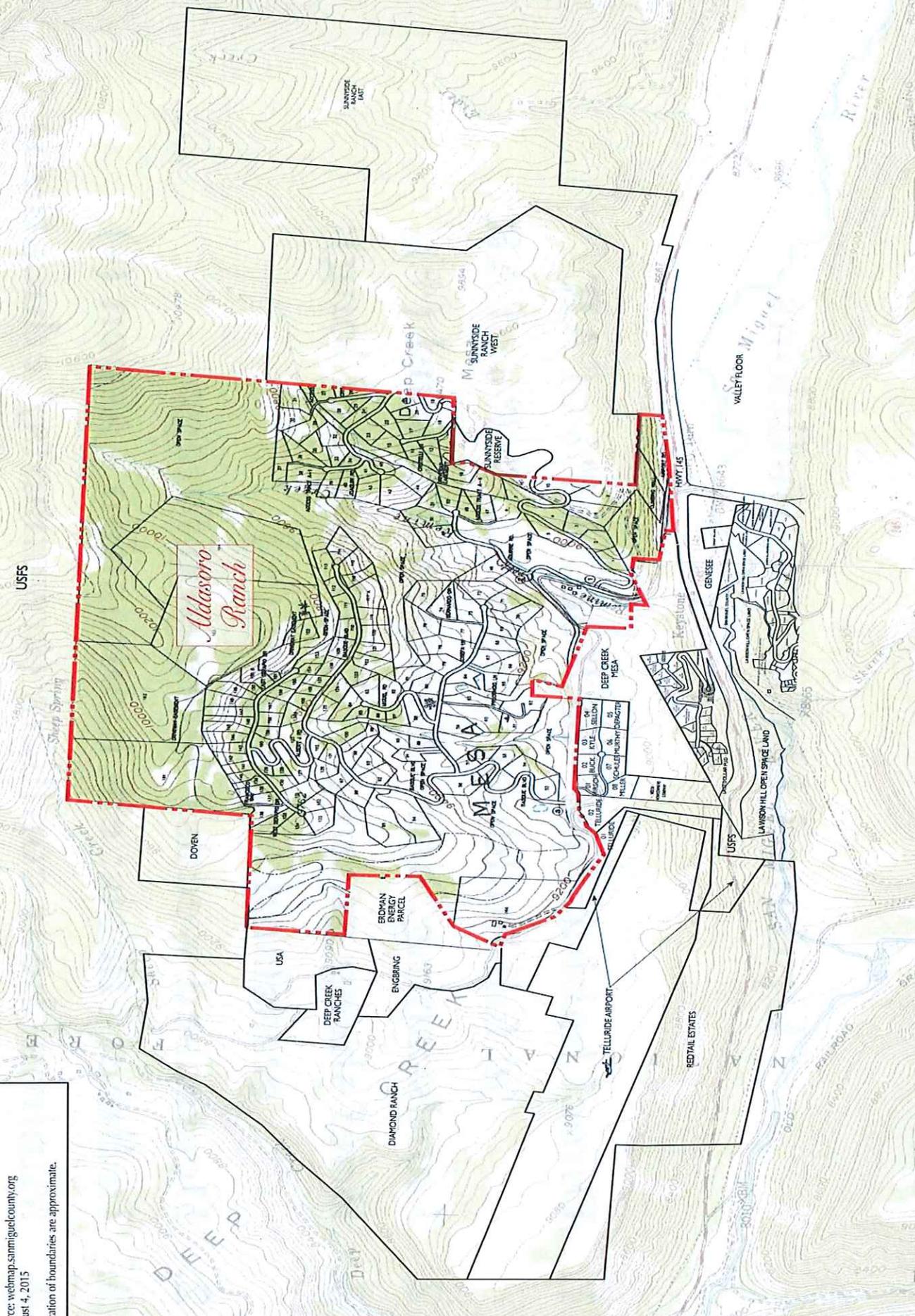
AldasoroRanch~Adjacent Properties



Property Boundary

Source: webmap.sanmiguelcounty.org
August 4, 2015

*Location of boundaries are approximate.



Updated Habitat Conditions

1. Direct habitat loss - 66.8 ac., 4.4% of AR
 @ full buildout - 110.8 ac., 7.3% of AR
2. Landscaping, limited irrigation, pond (+)
3. Brief sheep grazing (↓2,000 summer long):
 grassland (+), aspen (+)
2. Decreased weeds/ increased forage
3. Indirect effects: elk habituation - aspen (-)
4. Minimal bear conflicts (covenants/ education)

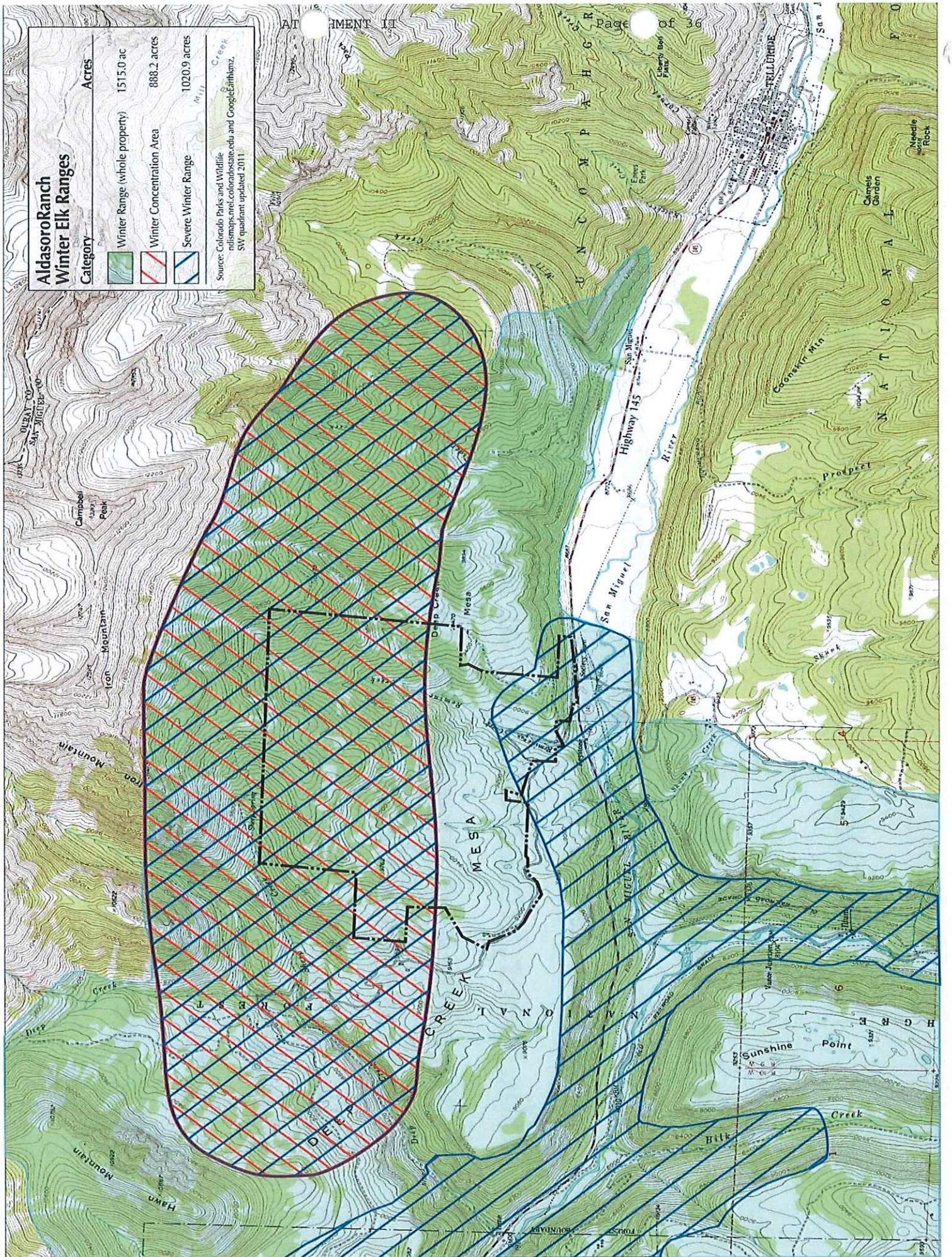
Updated Wildlife Conditions

1. AR has developed as proposed.
2. Wildlife response to residential development has occurred as anticipated.
3. Elk, deer, and bear use of the Ranch has ↑.
4. ↑ acreages of mapped wildlife areas on Ranch compared to 1990.
5. Elk: WR, WCA, SWR, Calving, Migr. Corridor, [Summer], Hwy. Crossing.
6. Elk use of Ranch has doubled since 1990 (300-600).
7. Elk are now resident and habituated to humans.

Aldasoro Ranch Winter Elk Ranges

Category	Acres
	Winter Range (whole property) 1515.0 ac
	Winter Concentration Area 888.2 acres
	Severe Winter Range 1020.9 acres

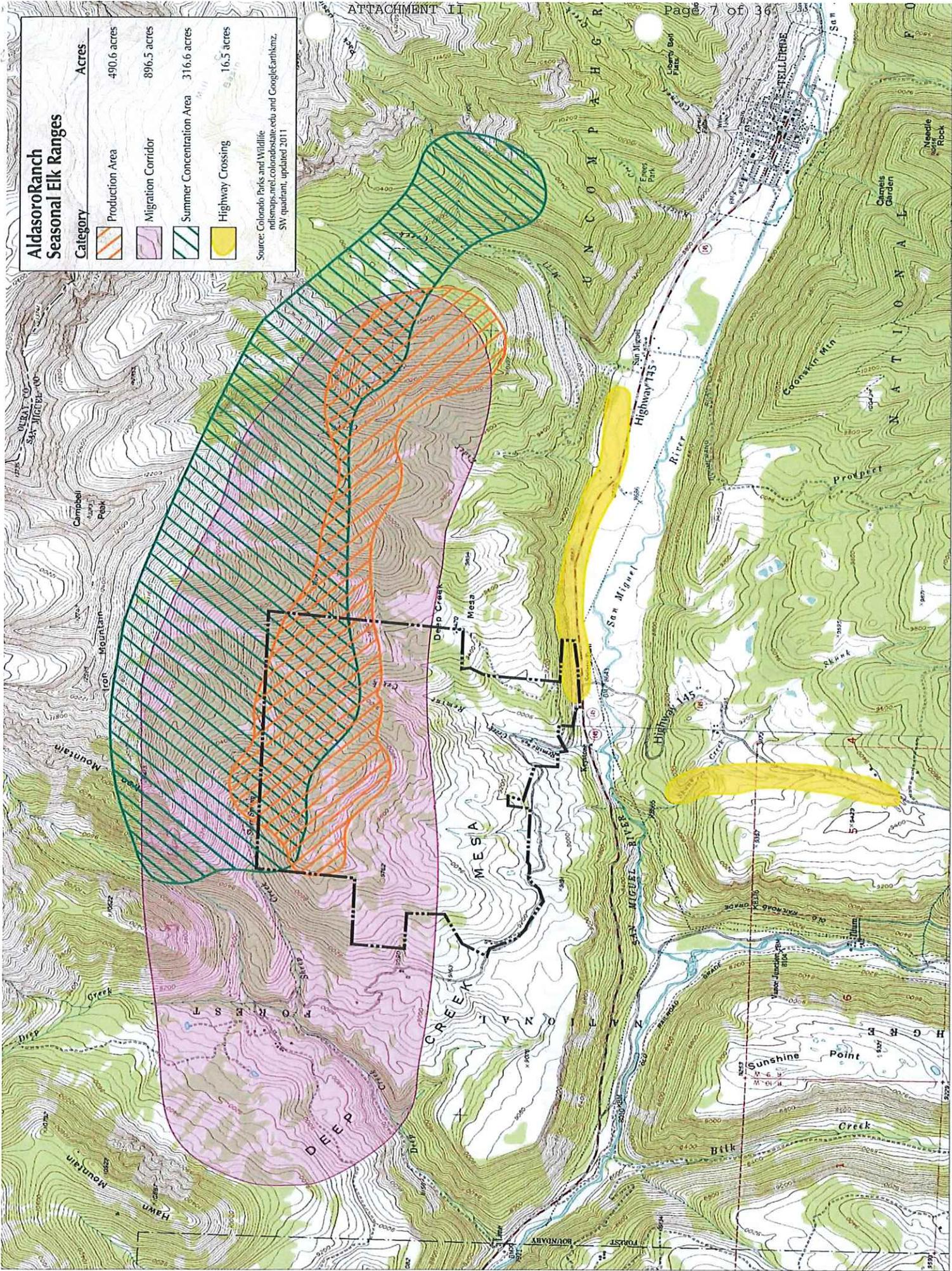
Source: Colorado Parks and Wildlife
nulsmaps.nrel.colostate.edu and Google Earth
 SW quadrant updated 2011



Aldasoro Ranch Seasonal Elk Ranges

Category	Acres
	490.6 acres
	896.5 acres
	316.6 acres
	16.5 acres

Source: Colorado Parks and Wildlife
 nde/maps/arc.coloboratele.com and GoogleEarth.knz
 SW quadrant, updated 2011



1. Dogs

1. History
2. Current Dog Status - 2 AR dog policies:
 - a. Dog prohibition for most lot owners.
 - b. ADA/FHA dogs allowed with basic control measures/ enforced by staff.

Changed Circumstances re: Dogs

1. Surrounding pvt. lands have developed where dogs are allowed.
2. Users of surrounding public lands are allowed to have dogs.
3. County no longer has a blanket dog prohibition in wildlife areas.
4. Service and support dogs are allowed.
5. 3, full time, on-site AR ranch managers.

6. Wildlife have proliferated on DCM with residential development and the presence of dogs.
7. Existing dogs have not presented wildlife conflicts on DCM with basic control measures and lax enforcement.
8. 94% of AR homeowners were in favor of allowing dogs on AR under strict dog control measures.
9. Effective dog measures have evolved.

Approach to the Dog Analysis

1. Assess dog incidents on Aldasoro Ranch.
2. Lit. Review of dog-wildlife conflicts.
3. Analysis of 4 Colorado subdivisions developed with relatively restrictive dog control provisions.
4. Consider current & future AR wildlife use
5. Consider CPW recommendations.
6. Develop restrictive dog control provisions.

Dog Incidents on Aldasoro Ranch

1. "Several" members of public escorted off AR who were hiking the existing public trail with a dog.
2. ~10-20 incidents - contractors attempting to bring their dogs onto AR, even w posted signs.
3. 2-3 residents fined for having dogs.
4. No known dog-wildlife conflicts, incl. ADA/FHA.
5. Enforcement key: On-site Staff.

Literature Review

1. Negative effects of “dogs” on wildlife?
 - Mortality/ predation
 - Chases/ harassment
 - mortality to increase heart rate
 - Displacement/ reduced HE
2. All “dogs” lumped together.
3. Dog categories:
 - Feral - wild
 - Stray - under partial or no human control/
out overnight
 - Domestic – house/ leashed dogs

Analysis of 4 Colorado Subdivisions

Required criteria shared with AR:

- Size, setting, important big game habitats.
- Lot size.
- Relatively strict dog control measures.
- $\geq 50\%$ built out (approx.).
- Habitation duration – wildlife response.
- ≥ 1 full time on-site ranch manager.

Phone interviews - ranch managers then CPW DWMs

Analysis of 4 Colorado Subdivisions - Σ

Table 4-2.

Characteristic	Subdivision	
	4 E Cty.	AR
Mean Subdivision age (yrs.)	20.25	25
Sum years subdivision occupancy	81	25
Sum approved homesites	1,209	166
Mean % buildout	69	47
Sum years Ranch Manager(s) onsite	49	25
Sum dogs present	±136	4
Sum documented resident's dog chasing wildlife	21-31? ^a	0
Sum documented resident's dog killing wildlife	0	0
Wildlife use of subdivision change - onsite dogs	N	N

Analysis of 4 Colorado Subdivisions - Σ

- 1. Fines for covenant violations need to be of a magnitude relevant to the income levels of residents.**
- 2. Dog control measures:**
 - a. only effective with enforcement,**
 - b. full time, on-site enforcement is best,**
 - c. enforcement only has “teeth” if there is a provision allowing for the removal of dogs from the property for multiple offenses.**
- 3. None of the 4 subdivisions have dog control or enforcement provisions approaching the stringent provisions being proposed on AR.**

CPW Opinion re: Proposed AR Dog Policy

Dec. 10, 2015 CPW Ltr.:

“As we are sure the county is well aware; by proposed this [dog] amendment we feel that the developer/subdivision will violate an agreed upon perpetual mitigation. However, as written, the Wildlife Impact Statement should adequately address the issues and impacts that may arise by an allowance of dogs in the subdivision.”

Proposed AR Dog Policy

1. Max. 2 dogs per owner/tenant (+2 dogs for 2 wks./yr.).
2. All dogs tagged and licensed (\$500. initial/\$50. annual)
3. All dogs under complete control, when outside.
4. Fines (\$500. increments) raised over time.
5. Training and removal of problem dogs.
6. On-site enforcement.
7. Most restrictive of any subdivision.

AR Dog Policy - Conclusion

As long as the strict dog control regulations are followed and enforced, there should be no meaningful conflicts between dogs, wildlife, and habitat use in Aldasoro Ranch.

2. Aspen Management

1. History:
 - no fences to avoid restricted movements.
 - all livestock fencing removed
2. Current situation:
 - a. Elk population has doubled since 1990.
 - b. Elk are resident, habituated, and numbers cannot be controlled by hunting.
 - c. Elk are negatively affecting aspen health and persistence – effect on carrying capacity.
 - d. Hunting effectiveness will ↓ with buildout.

Elk Effects

1. Browsing

- Suckers
- Foliage

2. Barking



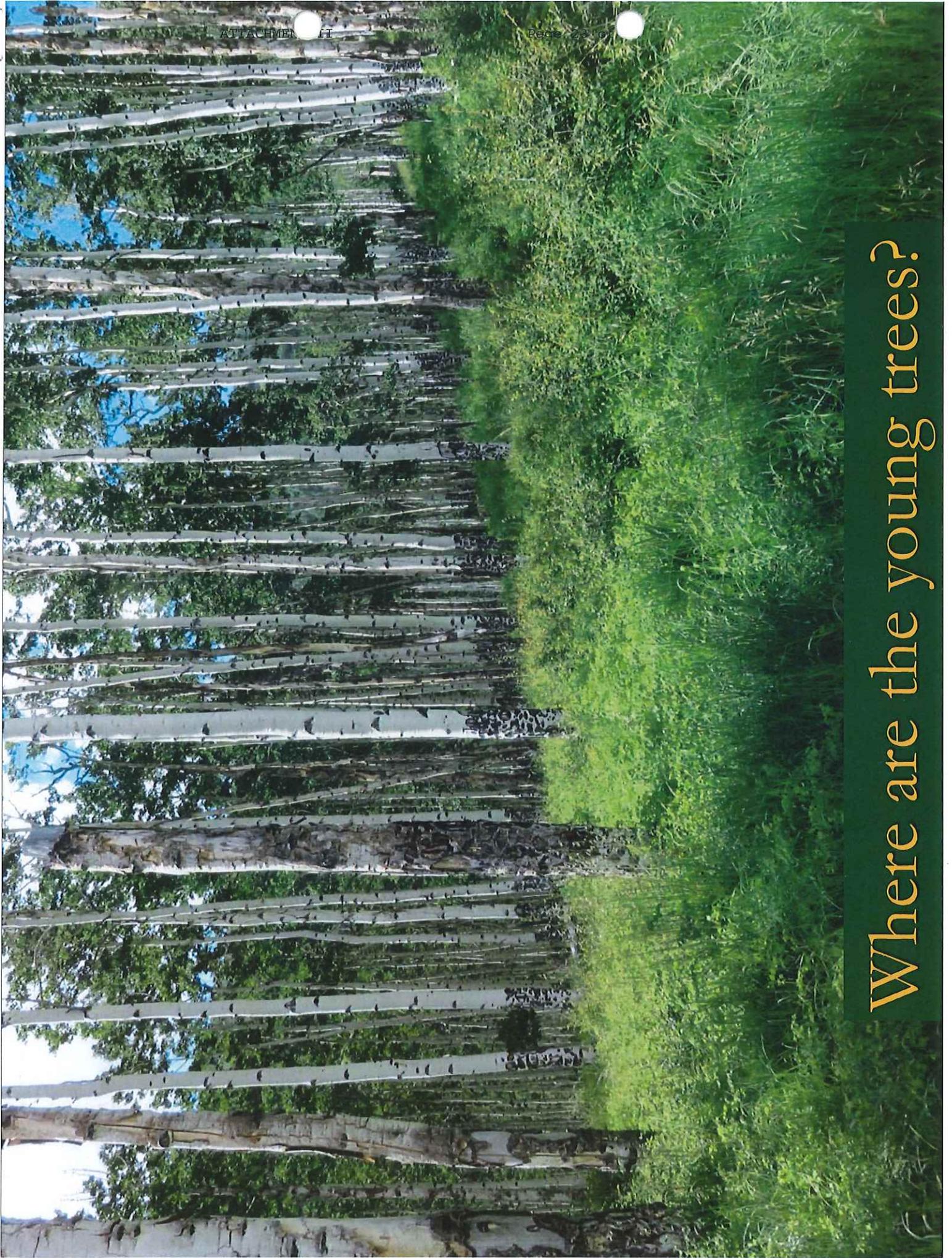
Elk Effects

1. Browsing

- Suckers
- Foliage

2. Barking

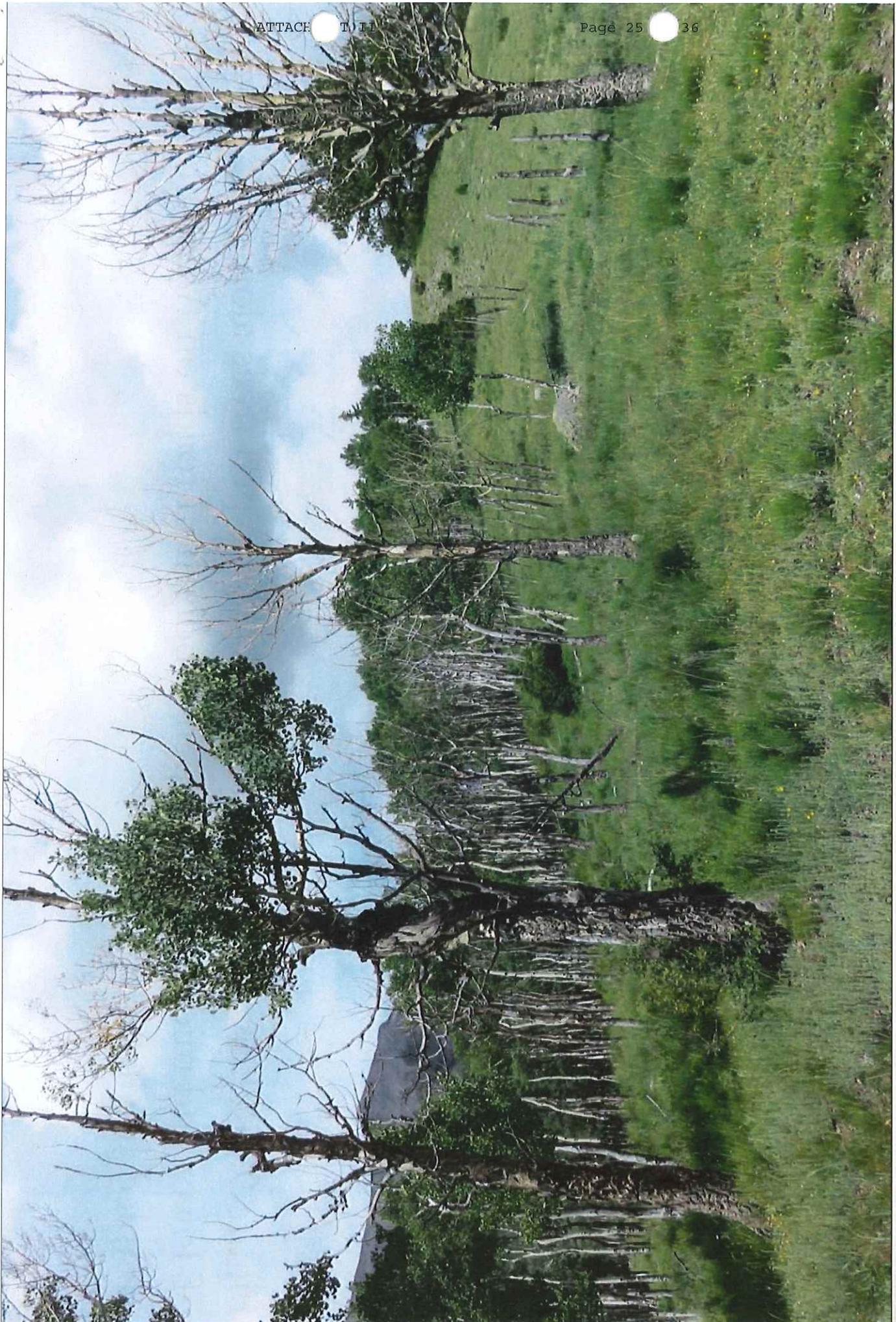




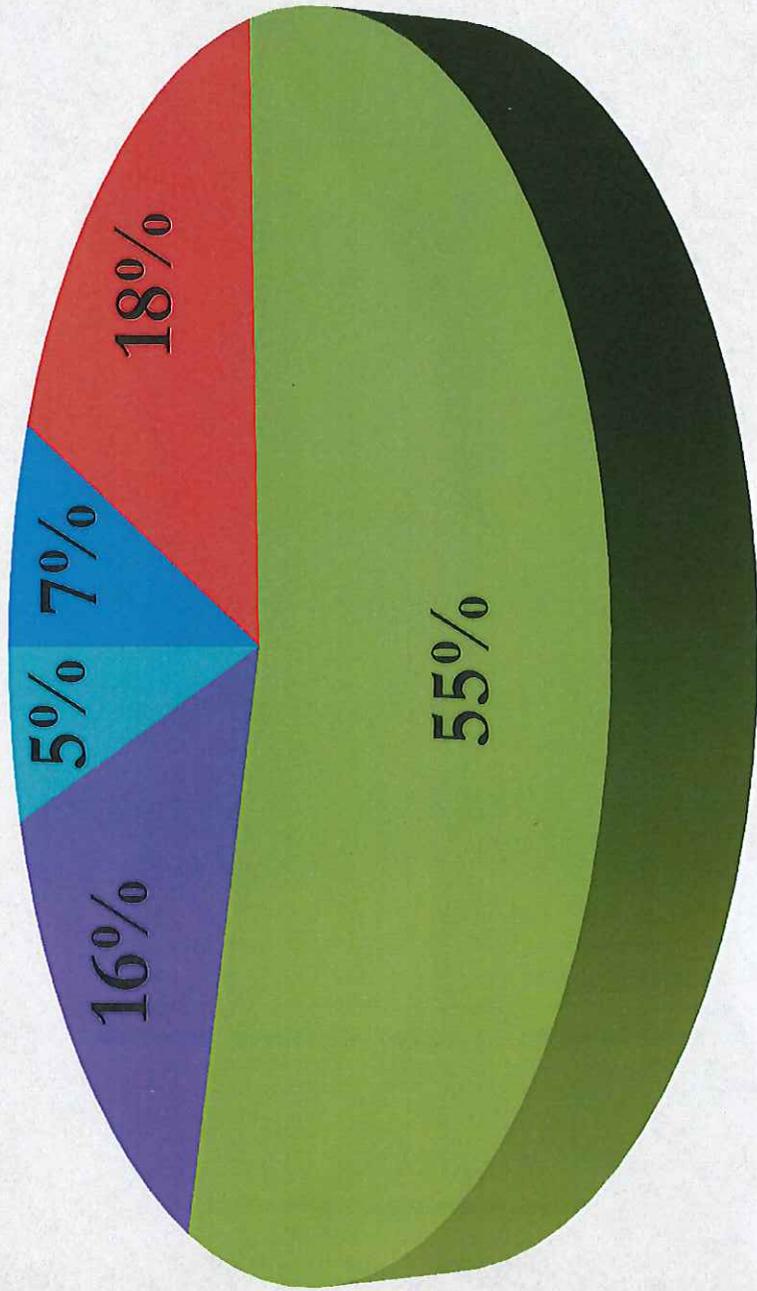
Where are the young trees?



Aug. 27, 1990



July 6, 2015



- None
- Light
- Medium
- High
- Decadent

Figure 9. Relative levels of elk barking on aspen trees along 4.35 miles of lower and mid-elevation, open subdivision roads on Aldasoro Ranch, sampled July 6 and 7, 2015.

Proposed Aspen Management

1. Continue maximum elk harvest.
2. Protect suckers/ saplings until leaders $>$ browsing reach of the tree's top leader (\pm 6-7 ft.) and \geq 4-5 inches dbh (6-10 yrs.).
 - a. Private lots - protective cages.
 - b. Open Space - exclusion fencing \neq restrict movements.

Private Lots

1. 6 criteria on p. 66 of report for private cages.
 - a. e.g., cages \leq 10-15 ft. dia.
 - b. cages do not restrict movements.
 - c. cages elevated to allow mammal access.

Open Space

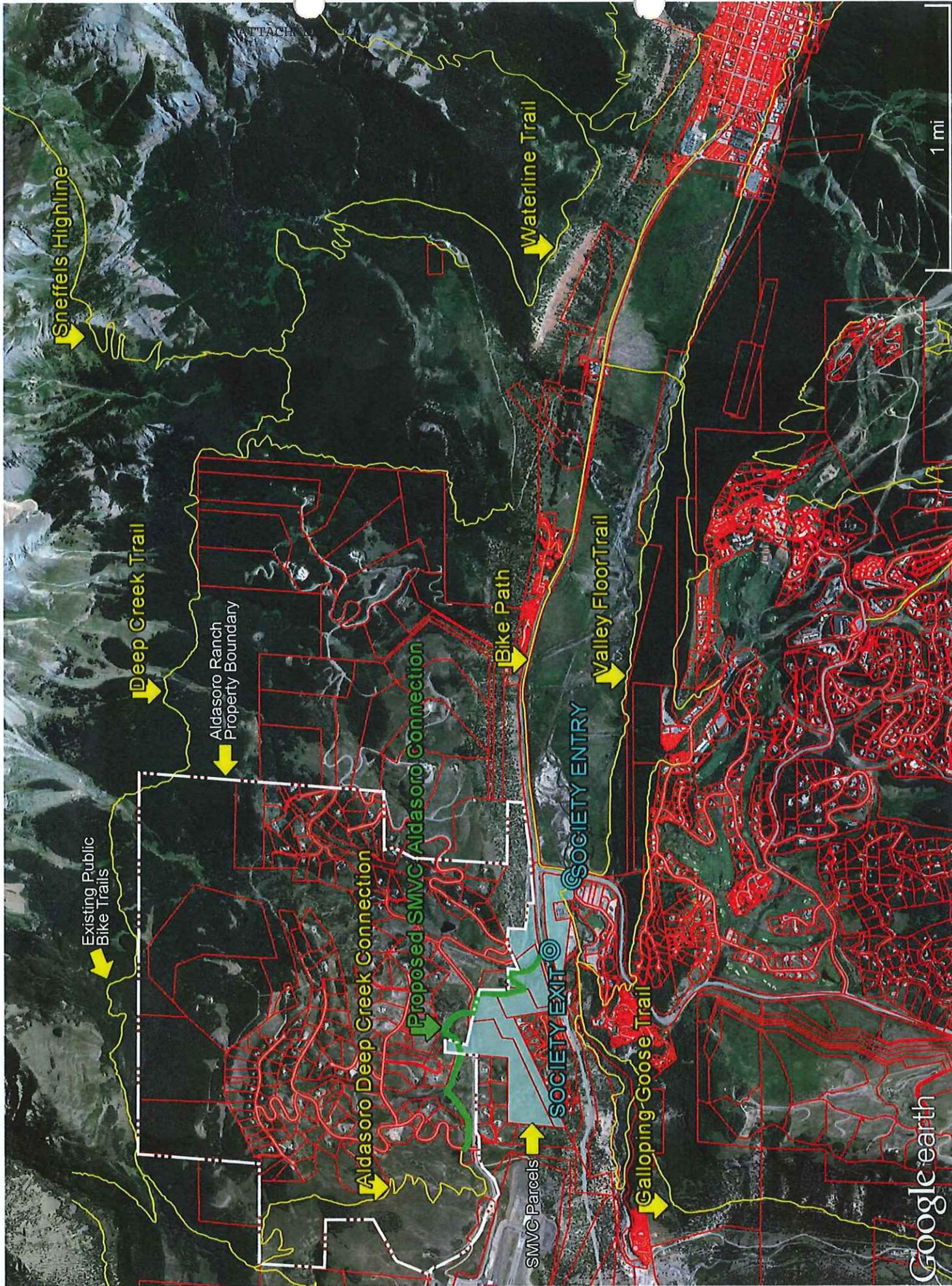
1. 6 criteria on p. 66 of report for OS fencing.
 - a. e.g., fencing temporary, but ongoing.
 - b. fenced areas <0.5-1.0 acres each.
 - c. fences do not restrict elk movements.
2. ARHOC will track the acreage of caged and fenced areas on private lots and open space.
3. Σ of all caged and fenced areas on private lots and open space will not exceed ~4% of all aspen on AR, 20 ac.* (corrob. W CPW)

Additional CPW Aspen Considerations

1. Cage/fence height adequate to exclude D & E.
2. Cages/ fences reg. checked for trapped wildlife.
3. Wildlife caught \neq released – contact CPW.
4. Injured/dead wildlife reported to CPW.
5. Work with CPW to resolve issues/ problems.

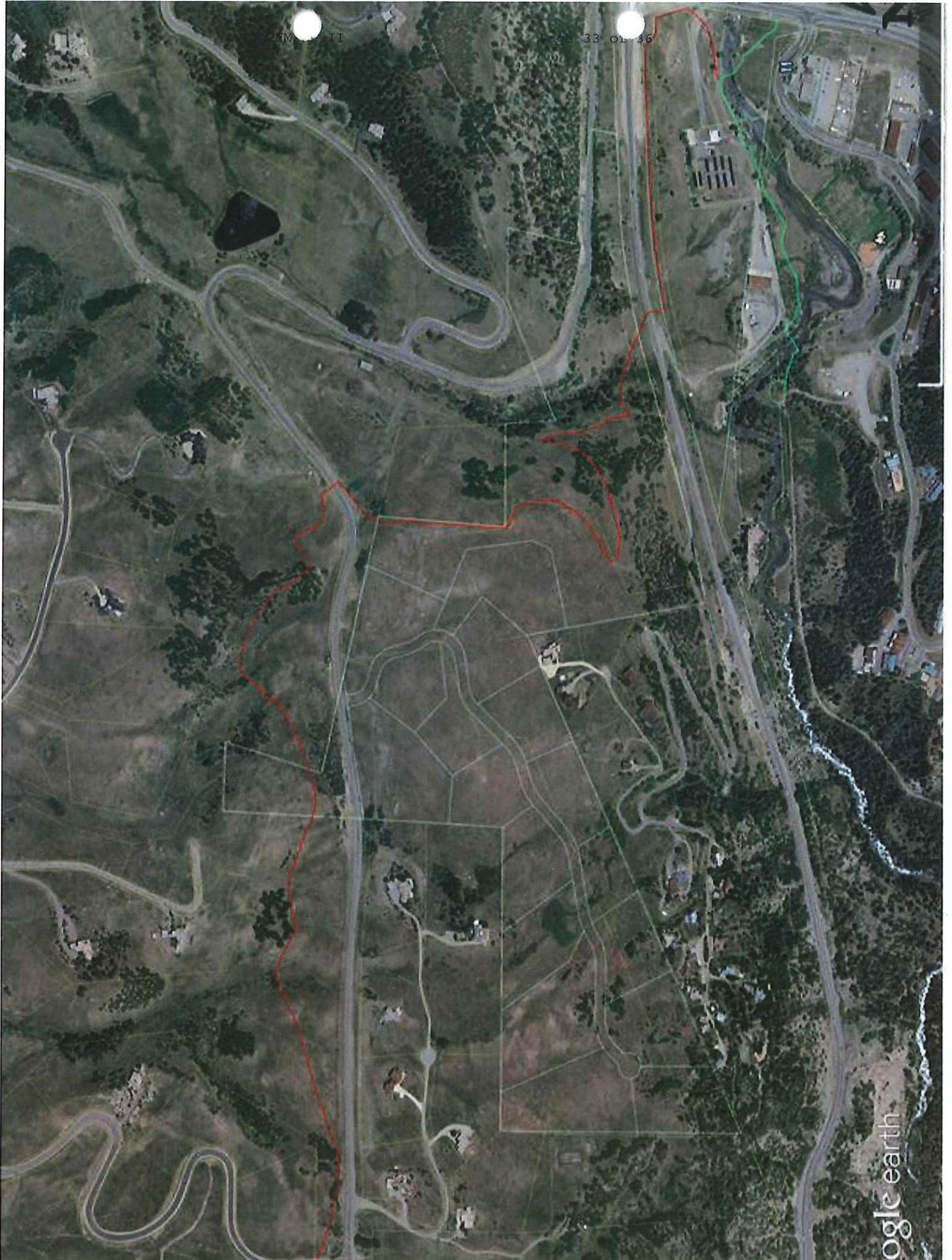
3. Public Trail Connection

1. Surveyed area & provided wildlife recommend.
e.g.,
 - winter closure – big game.
 - keep trail close to road.
 - avoid high value habitats, etc.
2. Public dogs on leashes will be an issue.
3. Should be no material change in wildlife use as a result of trail connection.



1 mi

Google earth

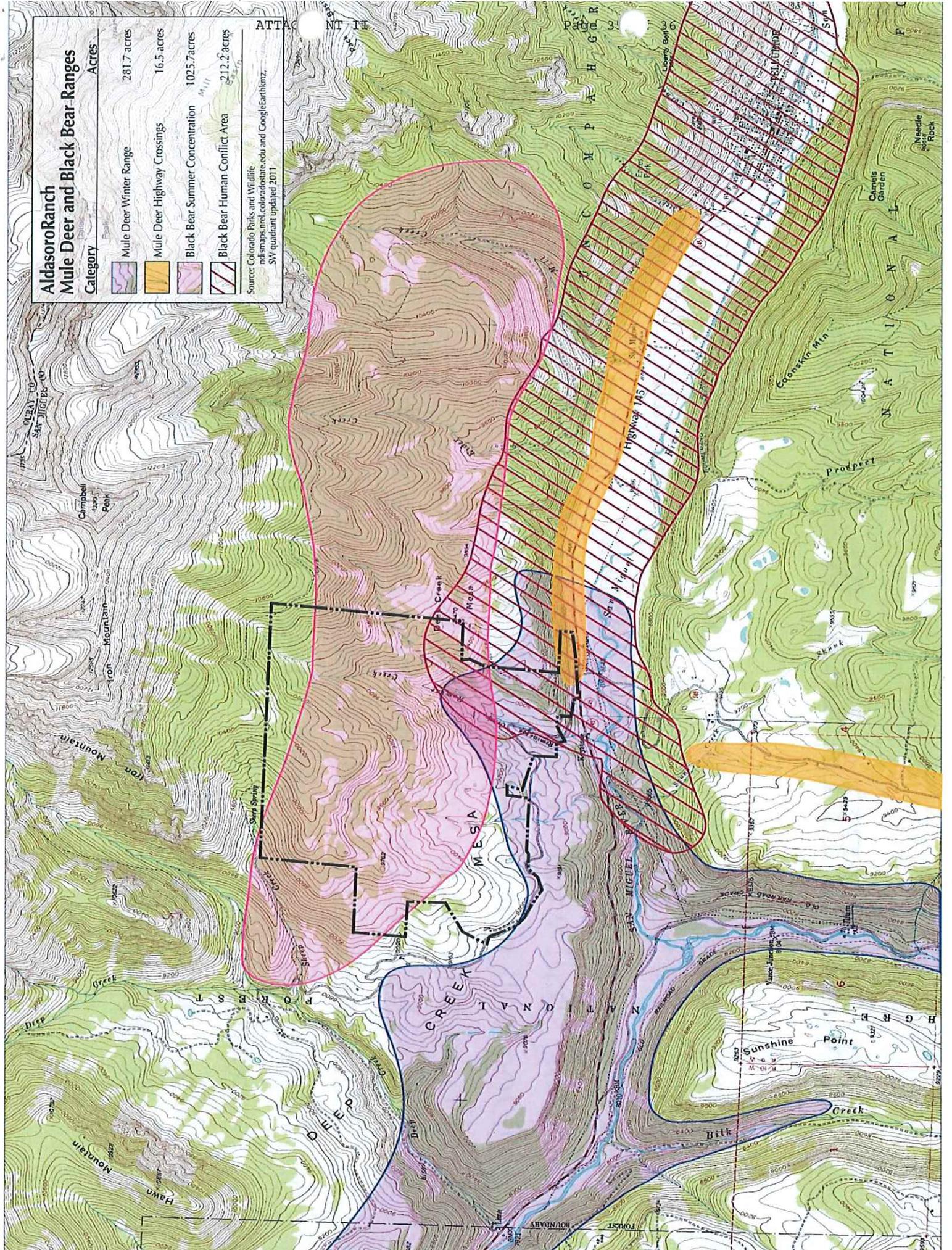


Supplemental Info

Aldasoro Ranch Mule Deer and Black Bear Ranges

Category	Acres
 Mule Deer Winter Range	281.7 acres
 Mule Deer Highway Crossings	16.5 acres
 Black Bear Summer Concentration	1025.7 acres
 Black Bear Human Conflict Area	212.2 acres

Source: Colorado Parks and Wildlife
naturesmaps.mel.coloradostate.edu and GoogleEarthkmz
 SW quadrant updated 2011



AR ADA/FHA Dog Waiver Provisions

- a. Dog under owner control at all times.
- b. Dog not permitted to chase any animals.
- c. Dog licensed as required by law.
- d. Dog shall wear at all times collar with tags.
- e. Dog will not be a public nuisance.
- f. Food will be stored in the residence.
- g. Dog shall be on leash when being walked.
- h. Vest recommended not mandatory.
- i. Must clean up after dog and put waste in proper containers.
- j. May not allow dog on another lot without owner's permission.