

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS**  
**MINUTES**  
**WEDNESDAY, FEBRUARY 17, 2016**  
**REGULAR MEETING**  
Second Floor, Miramonte Building  
Telluride, Colorado

Present: Chair Joan May  
Vice-Chair Art Goodtimes  
Commissioner Elaine R.C. Fischer (via telephone)

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

1. Call to order.  
9:32 a.m.
2. Review of Agenda.
3. Calendar Review.
4. CONSENT AGENDA:
  - a. Authorization of January 2016 Payroll and Vendor Payments. (ATTACHMENT I)
  - b. Acceptance of Building Department Monthly Report for January 2016.
  - c. Approval of Chair's signature on Task Order Amendment #1 to the Colorado Department of Public Health and Environment General Immunization Core Services Contract with the County Health and Environment Department modifying and replacing Exhibit A Section 3 regarding quarterly progress reports and compensation.
  - d. Approval of Chair's signature on Renewal for Hotel and Restaurant Liquor License with Optional Premises by Telski Food & Beverage Services LLC, dba Alpino Vino, 12100 Camels Garden Road, See Forever Ski Run (Lift 14 & 15), 565 Mountain Village Blvd, Telluride, CO 81435 based on the County Clerk's Written Findings. (ATTACHMENT II – Written Findings)
  - e. Approval of an Agreement of Services with QDS Communications for preventative annual maintenance work on Sheriff's VHF Emergency Communications system which includes Communications Center, Egnar Site, Raspberry Site and Gray Head Site.
  - f. Approval of Advanced Life Support Ambulance Permit and Ambulance Service License for 2016 to St. Mary's Care Flight.
  - g. Approval to authorize Coroner to purchase a new vehicle, a Toyota Tundra, from Bespoke Autos in Englewood in the amount of \$35,900 subject to approval by County Attorney of any necessary documents.
  - h. Approval of Minutes: January 6, 2016, January 20, 2016.
  - i. Ratification of Chair's signature as Board of Commissioners and as San Miguel County Housing Authority on Release and Termination of the First Amendment to Exemption Agreement and Affordable Housing Covenant, Equitable Servitude, and Real Covenants with Daniel B. Curtis, Unit S, La Jolla Condominium, located on Lot 212, Lawson Hill Subdivision/PUD.
  - j. Ratification of Chair's signature as Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Matthew J Kuzmich and Kristen Marna Craine, Lot 308-5, Lawson Hill Subdivision/PUD.
  - k. Ratification of Chair's signature on Proxy to appoint Jenny Russell as County representative for the Farmers Water Development Company Annual Meeting on February 16, 2016.
  - l. Ratification of Chair's signature on letter dated February 8, 2016 to Governor John Hickenlooper endorsing Keri Yoder for the vacant district court Judgeship in the Seventh Judicial District.
  - m. Ratification of Chair's signature on County Veterans Service Officer's January 2016 Report.
  - n. Ratification of Chair's signature on a Village Court Apartment Lease for an apartment unit for use by Authorized Employees of the San Miguel

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County Sheriff's Office in the amount of \$14,850 and a security deposit of \$1,766.

**MOTION** by Goodtimes to approve [Consent Agenda] as presented. **SECONDED** by Fischer. **PASSED 3-0.**

5. SAN MIGUEL COUNTY BOARD OF HEALTH & ENVIRONMENT:

a. Presentation of the SMC Public Health Improvement Plan.

7. ADMINISTRATIVE MATTERS:

b. Consideration to authorize the Chair's signature on EIAF #7853 Grant Agreement with Colorado Department of Local Affairs for partial funding of a joint County, Paradox Community Trust and Telluride Foundation for San Miguel County Broadband Infrastructure project subject to final approval by the County Administrator and County Attorney.

Present: Lynn Black, County Administrator; Steve Zwick, County Attorney

**MOTION** by Goodtimes to approve [Grant Agreement] as presented. **SECONDED** by Fischer. **PASSED 3-0.**

9. ADMINISTRATOR'S REPORT:

a. Update with County Administrator.

1. Update of the Idarado Mining meeting concerning Pandora Mill Building stabilization attended by Linda Luther and Lynn Black. **Board Consensus** to direct staff to schedule a worksession with Town of Telluride regarding zoning changes to accommodate mining reclamation requirements.
2. Discussion regarding the hiring of a part-time 4H Coordinator position and scheduling a meeting with the Fair Board.
3. **Board Consensus** to approve funding request received from Western State for sage-grouse conference in amount of \$300.
4. Update of Payment for Eco System (PES) project concerning soil health and carbon sequestration test sites (Art Goodtimes).

Present: Lynn Black, County Administrator

9:55 a.m. Recessed.

10:05 a.m. Reconvened.

6. PLANNING MATTERS:

a. **10:00 a.m. PUBLIC HEARING:** Consideration of an application submitted by the Aldasoro Ranch Home Owners Company seeking to amend the Aldasoro Ranch PUD Agreement to (a) allow the presence of dogs in the Aldasoro Ranch subdivision, located north of County Road T60 (Last Dollar Road) and north/east of the Telluride Regional Airport, subject to adherence to 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) provide an easement to accommodate a public recreational trail.

10:06 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

Tom Kennedy, Attorney for Applicant

Rick Thompson, Wildlife Biologist for Applicant

Banks Brown, Aldasoro Ranch Home Owners Company (ARHOC) President

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Steve Zwick, County Attorney  
Max Cooper, San Miguel Bicycle Alliance

Others Present: Dave Schneck, County Environmental Health Director; Stephen Farish, Aldasoro resident; Scott and Pamela Bennett, Aldasoro residents; Tor Anderson, Telluride Mountain Club; Heidi Lawterbach, Telluride Mountain Club; Nick Francie, ARHOC; Ken Grodberg, Telluride real estate broker; Christine Mitchell, Aldasoro resident; Truck Kreisler, Aldasoro resident; Craig and Kathy Schroers, Aldasoro resident; Carla Slate, ARHOC; Scott Lloyd, Aldasoro resident; Elizabeth Tipton, Aldasoro resident; Kevin Holbrook, Aldasoro resident

11:57 a.m. Chair closed the Public Hearing.

**MOTION** by Goodtimes to approve the amendment as presented [accepting the Planning Commission's recommendation as set forth in the Planning Memorandum dated February 17, 2016;] and including the changes that the Planning Director made at the close of the public hearing [requiring some sort of assurance to insure the completion of the trail acceptable to the County Attorney] and authorizing the Chair to sign the resolution to reflect this motion:

1. [That The Aldasoro Ranch 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 Control Regulations and Policies) (ATTACHMENT I to this Memo)" ("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 approval 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 Aldasoro Ranch Homeowners Company (ARHOC). This approval 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 approved that the PUD Agreement language for Section 11.1.1 be modified as follows (~~strike through~~ 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 Control Regulations and Policies)" ("Aldasoro Ranch Dog Regulations") and any amendments as approved by the Homeowners Company and San Miguel County;

2. Section 11.4 of the PUD Agreement 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. Section 11.4 of the PUD Agreement shall be amended to allow vegetation management

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as follows: finding that 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. The proposed modifications to Section 11.4 and 11.1.3 to allow these activities would be as follows (~~strikethrough~~ is deletion; underline is addition):

11.4 Vegetation Management. If in the future, it is determined necessary by Colorado Parks and Wildlife and Aldasoro, then from time to time Aldasoro and Colorado Parks and Wildlife shall agree upon a mutually acceptable vegetation management program intended to improve feed and forage for domestic animals and wildlife on the Ranch Aldasoro. The vegetation management program shall ~~only~~ also be carried on within the boundaries of the Sheep Ranch.

~~11.1.3 NO FENCES. No fences, walls or other barriers shall be permitted without the prior written approval of the Review Board and the Colorado Division of Wildlife.~~

11.1.3 FENCING. No fences, walls or other barriers shall be permitted without the prior written approval of the Homeowners Company. All fences within Colorado Parks and Wildlife mapped Wildlife Habitat Areas shall comply with LUC Sections 5-405 A. X. except for fencing authorized by CPW to exclude elk from areas within the Aldasoro Ranch to provide for aspen regeneration long enough for aspen saplings to grow to a point where they are less likely to be snapped off or deformed by a bull elk "horning" the tree during rut. The Homeowners Company may allow the use of cages (i.e., not fences) on private lots and cages and limited localized fencing on common open space to protect aspen regeneration from elk browsing and barking. No more than 4% of all aspen habitat or 20 acres of the total aspen habitat, which is estimated to be approximately 650 acres of the 1,515 acre Aldasoro Ranch property shall be fenced at any time. Fencing and cages shall be removed as soon as it is determined by The Aldasoro Ranch Home Owners Company in consultation with its Wildlife Biologist and Colorado Parks & Wildlife that the area has regenerated. A County Development Permit, which may be referred to CPW, is required for fencing of common areas and private lots to exclude Elk and promote aspen regeneration. The Homeowners Company will provide San Miguel County with a year end summary report concerning the nature and extent of the fencing and caging occurring on Aldasoro Ranch in connection with the vegetation regeneration program.;

3. That San Miguel County accept the applicants offer to grant an easement for a non-motorized, multi-use recreational trail as proposed by Aldasoro Ranch Homeowners Company on Aldasoro Ranch Open Space finding the proposed trail provides a public benefit as the proposed trail will provide a missing linkage for a regional trail that would connect trails emanating from the Town of Telluride and crossing the south Valley Floor and connecting to the newly expanded regional Galloping Goose Trail at Society Turn across the San Miguel Valley Corporation Society Turn parcel and Deep Creek Mesa parcel to the national forest. It is understood that the Aldasoro Ranch Homeowners Company's offer to grant this proposed public recreational trail is subject to specific restrictions and conditions that users of the trail will need to comply with to address wildlife issues as identified and provided by Rick Thompson in his 2015 Wildlife Report.

As part of this application Aldasoro Ranch acknowledges and agrees that it will incur the cost of constructing the segment of the public recreation trail located within the Aldasoro Ranch PUD common open space along the alignment proposed within the pending PUD application.

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The BOCC approves the proposed amendment to allow dogs within the AR PUD subject to adherence to the Dog Control Regulations and Policies that the grant of the easement(s) for the public recreation trail from Aldasoro Ranch would be presented for acceptance by the County along with the recordation of the Board of County Commissioner resolution approving the Aldasoro Ranch PUD Amendment, provided that the easement would be formally granted and recorded upon ARHOC securing lot owner approval for the amendments to its governing documents to reflect the modifications conditionally approved by the County. Staff has made similar arrangements with SMVC for the recordation of the public recreation trail easement over its holdings in the County approvals for the SMVC PUD application. That the approval be conditioned on AR completing their portion of the trail within the AR PUD within two years of the date of the final action by the county on the PUD Amendment application. The BOCC may grant an extension of time for up to 6 months for good cause. The rationale for the two year time frame is that it provides the AR HOC the opportunity to budget for this trail improvement;

4. This approval is conditioned upon:
  - i. A Development Permit shall be obtained prior to installation of any fencing on the Aldasoro Ranch Open Space parcels and any private parcels;
  - ii. 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 amendments.
  - iii. 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.
  - iv. ARHOC shall execute and record the trail easement simultaneously with the recordation of the amendments to its governing documents.
  - v. 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.
  - vi. 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.
5. That the Aldasoro Ranch Home Owners Company allow fenced enclosures adjacent to residences similar to the SMVC dog policy regulations.]

**SECONDED** by Fischer. **PASSED 3-0.** (ATTACHMENT IV – Resolution #2016-5)

11:59 a.m. Recessed.  
12:05 p.m. Reconvened.

7. ADMINISTRATIVE MATTERS:
  - a. Consideration to authorize San Miguel Power Association (SMPA) to apply for a Special Use Permit for a solar facility on the County Transfer Station site located west of the Town of Norwood.

Present: Mike Rozycki, County Planning Director, Brad Zavorski, SMPA Member Manager; Steve Zwick, County Attorney; Dave Schneck, County Environmental Director

**MOTION** by Goodtimes to approve as presented. **SECONDED** by Fischer.  
**PASSED 3-0.**

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- c. Other.
  - 1. Discussion to schedule a presentation by SMPA on 3/16/16 to debrief with other governments concerning the recent regional power outage and how to prevent a reoccurrence.

Present: Lynn Black, County Administrator; Brad Zaporski, SMPA Member Manager

8. ROAD AND BRIDGE MATTERS:

- a. Discussion of the repositioning of the closure gate authorized by Forest Service on Silver Pick Road, CR59H, approximately one mile north from previous location.

Present: Mike Horner, County Road and Bridge Superintendent; Mike Rozycki, County Planning Director; Lynn Black, County Administrator; Steve Zwick, County Attorney

**MOTION** by Goodtimes to send a letter to the Forest Supervisor protesting this action of the District Ranger regarding the change of the gating on this trail and to reference the Memorandum of Understanding regarding regional impacts and Road Maintenance Agreement concerning consultation on road issues between the County and Forest Service. **SECONDED** by Fischer. **PASSED 3-0.**

- b. Discussion of Scoping Letter regarding Snowmobile Base Camp proposal.

Present: Mike Horner, County Road and Bridge Superintendent; Steve Zwick, County Attorney; Mike Rozycki, County Planning Director; Dave Schneck, County Environmental Health Director; Cindy Farney, High Camp Hut owner; Linda Miller, Sheep Mountain Alliance

**Board Consensus** to direct staff to draft letter to the Forest Service regarding county concerns with the Snowmobile Base Camp proposal process and request that an environmental assessment be conducted.

10. COMMISSIONER AND PUBLIC DISCUSSION:

- d. General Discussion.
  - 3. Discussion of hiring a San Miguel Basin 4H Coordinator. **Board Consensus** to direct staff to coordinate with CJ Mucklow, CSUE concerning hiring a part-time San Miguel Basin 4-H staff person.
- a. Public Discussion.
- b. Update on Outside Meetings.
  - 2. Art Goodtimes – PLP / CCI Steering / CCI Non Profit
  - 3. Joan May – UniversalHealthCare / TelSki Industry / BLMTri-State powerline
- c. Website postings and press releases.
- d. General Discussion.
  - 1. IG Worksession – Tell Found Alternative Futures Study re-cap.
  - 2. Collins Worksession to be scheduled on Friday, March 11, 2016.

**Board Consensus** to appoint Craig Grother, County resident, to represent the county on the Public Land Partnership (PLP) Spruce Beetle Epidemic and Aspen Decline Management Response Project (SBEADMR) committee and to authorize the reimbursement of his out-of-county travel mileage and travel expenses incurred when working on the county's behalf.

**MOTION** by Goodtimes to send a county letter to ColoradoCare endorsing their proposal that would make Colorado first state to provide comprehensive health care. **SECONDED** by Fischer. **PASSED 3-0.**

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11. ATTORNEY MATTERS:

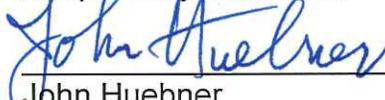
- a. Update regarding certain 2014 uncollectible possessory interest taxes.

Present: Steve Zwick, County Attorney

12. Adjournment.  
1:23 p.m.

Audio MP3 20160217-BOCC-Audio.

Respectfully submitted,

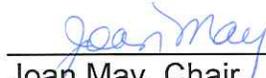


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John Huebner  
Chief Deputy Clerk

APPROVED March 30, 2016.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS



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Joan May, Chair

ATTEST:



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Lynn M. Black  
County Administrator

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

## FOR CONSENT AGENDA FEBRUARY 17TH 2016

APPROVAL OF JANUARY PAYROLLS &  
JANUARY 2016 VENDOR PAYMENTSCHECKS ISSUED JANUARY 1ST THRU JANUARY 31ST 2016  
FROM FUND/DISTRICT AS FOLLOWS:

<b>FUND</b>	<b>PAYROLL</b>	<b>SPECIAL REQUEST VENDOR</b>
GENERAL FUND - 101	\$554,547.85	\$511,238.31
ROAD & BRIDGE FUND - 102	\$136,116.78	\$405,006.86
SOCIAL SERVICES FUND - 103	\$31,413.39	\$173.62
SALES TAX CAPITAL FUND - 104	\$0.00	\$71,080.09
CAPITAL EXPENDITURES - 106	\$0.00	\$21,973.87
RETIREMENT FUND -107	\$34,586.30	\$0.00
PARKS/OPEN SPACE - 108	\$32,484.25	\$50,311.04
CONSERVATION TRUST FUND - 109	\$0.00	\$0.00
LODGING TAX - 110	\$0.00	\$9,111.20
VEGETATION MANAGEMENT - 111	\$0.00	\$3,409.99
PUBLIC HEALTH & ENVIRONMNT - 115	\$36,803.66	\$16,463.83
ENERGY FUND - 116	\$0.00	\$0.00
HOUSING AUTHORITY - 224	\$0.00	\$0.00
DISPOSAL DISTRICT - 226	\$0.00	\$4,956.41
<b>TOTALS</b>	<b>\$825,952.23</b>	<b>\$1,093,725.22</b>

OFFICE OF  
SAN MIGUEL COUNTY CLERK

M. KATHLEEN ERIE

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

WRITTEN FINDINGS

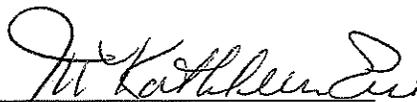
Date: January 29, 2016

To: San Miguel County Board of Commissioners

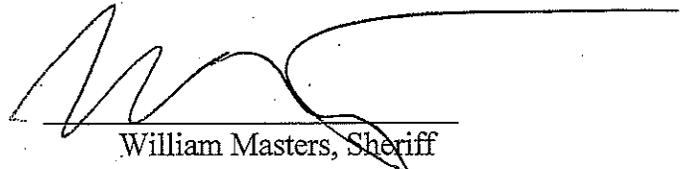
Re: Renewal of Hotel & Restaurant with Optional Premises for  
Telski Food & Beverage Services  
d/b/a Alpino Vino  
12100 Camels Garden Road  
Telluride, Colorado 81435

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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 Record

Application: Substantial PUD Amendment: Aldasoro Ranch PUD Agreement Amendment to Remove the Dog Prohibition; Allow Fencing for Aspen/Elk Management; to Consider Public Trail Easement

Date: February 17, 2016

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of County Commissioners from the San Miguel County Planning Department Staff dated February 17, 2016.
4. Draft January 13, 2016 County Planning Commission meeting minutes.
5. Application submitted by Thomas Kennedy, P.C., on behalf of Aldasoro Ranch PUD Homeowners Company, dated October 26, 2015.
6. Notice to Property Owners Certification dated December 22, 2015 and January 21, 2016 (By Reference Only).
7. Planning Commission Agenda published in the Norwood Post January 6, 2016 and the Telluride Daily Planet January 8, 2016.
8. Letter from Renzo DelPiccolo, Colorado Parks and Wildlife (CPW), to Karen Henderson, Associate Planner, dated December 15, 2015.
9. Email from Richard Thompson, Wildlife Biologist, Western Ecosystems, Inc. to Renzo DelPiccolo, CPW, dated December 18, 2015.
10. Email from Tom Kennedy, Applicant Representative, to Mike Rozycki, Planning Director, dated December 29, 2015.
11. Memorandum from Linda Luther, San Miguel County Open Space Commission OSR Coordinator, to Mike Rozycki and CPC, dated January 11, 2016.
12. Email from Rick Thompson to Mike Rozycki dated January 8, 2016.
13. Email from Renzo DelPiccolo to Rick Thompson, dated January 6, 2016.
14. Email from Dave Jemison to Karen Henderson, dated January 4, 2016.
15. Email from Russ Montgomery to Karen Henderson, dated January 4, 2015.
16. Email from Ken Roberts to Karen Henderson dated January 6, 2016.
17. Email from Joanne Young to Karen Henderson dated January 6, 2016 and February 8, 2016.
18. Letter from Marlene and Martin Silver to County Planning Department dated January 3, 2016.
19. Email from Allison Templin to Mike Rozycki, dated January 6, 2016.
20. Email from Brian Walsh to Karen Henderson dated January 6, 2016 and February 8, 2016.
21. Email from Aleja Herrick to Karen Henderson dated January 6, 2016.
22. Email from Oliver Simottel to Mike Rozycki dated January 6, 2016.
23. Email from Michael Gearon to Mike Rozycki dated January 6, 2016.
24. Email from Robert McMahon to Mike Rozycki dated January 6, 2016.
25. Email from Todd White to Mike Rozycki dated January 7, 2016.
26. Email from Alan Berger to Mike Rozycki dated January 7, 2016.
27. Email from Joan Pifer to Mike Rozycki dated January 7, 2016.

28. Email from Ritchie Beougher to Mike Rozycki dated January 7, 2016.
29. Email from Mark Winter to Mike Rozycki dated January 8, 2016.
30. Email from Lois and Howie Stern to Mike Rozycki dated January 8, 2016.
31. Email from Barbara Parish dated January 8, 2016.
32. Email from Christine and Matt Mitchell to Mike Rozycki dated January 8, 2016.
33. Email from Pamela Bennett, Angela Petersen & Christine Mitchell to Karen Henderson dated January 8, 2016.
34. Email from George Bennett to Mike Rozycki dated January 10, 2016.
35. Email from Stephen Farrish to Mike Rozycki dated January 10, 2016.
36. Email from Mick Francis to Mike Rozycki dated January 12, 2016.
37. Emails between Heidi Lauterbach, Telluride Mountain Club and Mike Rozycki dated January 13 through January 25, 2016.
38. Email from Tor Anderson, Telluride Mountain Club to Mike Rozycki dated January 20, 2016.
39. Email from Stan Kiersztyn to Mike Rozycki dated January 21, 2016.
40. Notice to Adjacent Property Owners Certification dated January 21, 2016.
41. Email from JoAnn Shernoff to Karen Henderson dated January 28, 2016.
42. Email from Elizabeth and Rell Tipton to BOCC dated January 28, 2016.
43. Letter from Shushana and Jack Castle to BOCC dated January 29, 2016.
44. Email from William and Bette Nowlin to BOCC dated February 1, 2016 and February 8, 2016..
45. Email from Brenda Colwell to Karen Henderson dated February 1, 2016.
46. Letter from David Lee to BOCC received February 1, 2016.
47. Letter from Poorti Riley, M.D. dated January 16, 2016.
48. Letter from Mick Francis received February 1, 2016.
49. Letter from Joel Gershenson to BOCC dated January 28, 2016.
50. Letter from Leslie Larson to BOCC dated January 28, 2016.
51. Email from Craig and Kathy Schroers to Karen Henderson dated February 8, 2016.
52. Email from Lydia Leonard to Karen Henderson dated February 8, 2016.
53. Email from Heidi and Jeff Koenig to Karen Henderson dated February 8, 2016.
54. Letter from Bruce and Dolores Sandler to BOCC dated February 8, 2016.
55. Email from Kelley Jemison dated February 8, 2016.
56. Email from Thomas & Janet Elrod dated February 8, 2016.
57. Email from Beth Schmidt dated February 8, 2016.
58. Letters from Joe Tigie dated February 9, 2016.
59. Email from Linda & Richard Hofer dated February 9, 2016.
60. Email from Joan and Phil Pifer dated February 9, 2016.
61. Email from Riley Sweat dated February 9, 2016.
62. Email from Jodi Pinkert date February 9, 2016.
63. Email from Lois and Howie Stern dated February 9, 2016.
64. Email from Mary Grace and Kevin Burke dated February 10, 2016.
65. Email from Mark Winter dated February 10, 2016.
66. Email from Ritchie Beougher dated February 10, 2016.
67. Email from Telluride Mountain Club dated February 16, 2016.

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO,  
APPROVING A SUBSTANTIAL PUD AMENDMENT TO REMOVE THE DOG  
PROHIBITION AND ALLOW FENCING OF ASPEN ON OPEN SPACE AND PRIVATE  
LOTS AND ACCEPTANCE OF A PUBLIC TRAIL EASEMENT**

**Resolution 2016-5**

**WHEREAS**, the Aldasoro Ranch Homeowners Company (“HOC - Applicant”) seeks to amend the Aldasoro Ranch Planned Unit Development (“PUD”) approval to (a) allow the presence of dogs in the Aldasoro Ranch, subject to adherence to 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) provide an easement to accommodate a public recreational trail. Aldasoro Ranch (“AR”), which lies north of County Road T60 (Last Dollar Road) and north/east of the Telluride Regional Airport, was granted Preliminary Plat & PUD approval in 1991 and was final platted in three phases (1991, 1993 and 1995). The approved PUD and final subdivision plats created 166 lots on approximately 1,500 acres in the Low Density (LD) Zone District;

**WHEREAS**, these proposed amendments to the Aldasoro Ranch PUD approval (a/k/a the PUD Agreement) are considered a Substantial Amendment in accordance with Land Use Code Section (LUC) 5-1503. Substantial PUD Amendments are subject to a Two-step Review process by the County Planning Commission and the Board of County Commissioners pursuant to Land Use Code Section 3-601 B. and 5-15 Substantial Plat and PUD Amendments. The review standards for Substantial PUD Amendments include LUC Sections 5-1503 A thru C, which refer to 5-1803 Rezoning and include Section 5-407 Wildlife Habitat Areas and 5-407 A. General Standards I. through XIV;

**WHEREAS**, In connection with its review and approval of the Aldasoro Ranch PUD in 1990, San Miguel County imposed a restriction on the development community, Section 11.1.1 of the PUD Agreement, which states “Nothing to the contrary withstanding, no dogs shall be allowed anywhere in the Aldasoro Ranch at any time.” This restriction was imposed based upon the recommendation of the Colorado Division of Wildlife (now Colorado Parks and Wildlife – “CPW”) and was accepted by Richard W. Thompson, the wildlife biologist retained by the Declarant 25 years ago;

**WHEREAS**, the Applicant states the much has changed in the past 25 years including:

1. Uses and activities in AR have matured as owners, have purchased lots, built homes, and settled into the community.
2. The HOC has evolved and is fully staffed whom oversee and manage the subdivision.
3. What were once vacation homes have become permanent or seasonal residences.
4. Family needs have changed, children, grandchildren and visitors want their dog to accompany them, and as owners become older they want the companionship and protection of a dog.
5. Private land surrounding the Aldasoro Ranch has developed and these owners are allowed to have dogs in these subdivisions and Developments.

6. Recreational users in the surrounding public lands are allowed to bring dogs with no limitations or controls in place.
7. The HOC is aware that the County has amended the Land Use Code altering or eliminating many of the restrictions that would limit or preclude dogs on property in certain mapped wildlife habitat areas.
8. Service and emotional support dogs have been allowed within the subdivision in recent years and have been well controlled and have had no apparent negative impact on wildlife in the community.
9. The lot owners have observed the interactions of dog owners with properly controlled dogs on adjacent lands and note that these exchanges do not appear to have negative impacts on wildlife.
10. The lot owners view an ever increasing proliferation of wildlife, primarily elk, in and about Aldasoro Ranch and other areas such as the Valley Floor, notwithstanding the surrounding development and presence of dogs.
11. The lot owners understand that Aldasoro Ranch has certain wildlife characteristics that perhaps adjoining lands may not experience, but at the end of the day, based upon information confirmed by various polling of the lot owners, a substantial majority of the owners would like to have the opportunity to allow dogs in their community, provided that all dogs are properly controlled and able to coexist with wildlife in a manner that does not threaten or endanger wildlife, particularly elk;

**WHEREAS**, the HOC retained Richard Thompson, Wildlife Biologist, to evaluate the community 25-years after completing his initial wildlife report and to provide his findings and conclusions to the HOC concerning the current status and condition of the Aldasoro Ranch and to offer guidance and direction concerning the feasibility of allowing dogs in the subdivision in a manner that would not negatively impact elk and other wildlife. Mr. Thompson met with the HOC a number of times and extensively toured the site, discussing his observations with the HOC on a number of occasions. Based upon his findings, Mr. Thompson shared with the HOC his belief that there should be an opportunity to have properly controlled dogs in the Aldasoro Ranch that would not negatively impact wildlife. Mr. Thompson prepared a report "Wildlife Impact Assessment for the Aldasoro Ranch, A Planned Unit Development, San Miguel County, Colorado" dated October 2015 - referred to as "Wildlife Report";

**WHEREAS**, the Wildlife Report reviewed and analyzed the potential interactions and impacts on wildlife of the existing and future development of Aldasoro Ranch. The report provides insight into the circumstances and conditions present on the Ranch in 1990 when the prohibition against dogs was established as a condition of the AR PUD approval. The Wildlife Report discusses the changed conditions and circumstances in and about the Aldasoro Ranch, as well as Countywide, which warranted the original findings, conclusions and recommendations integrated into the Aldasoro Ranch PUD approval. Mr. Thompson identified other similarly styled residential communities statewide which are located in less urbanized settings which share similar conditions and experiences with respect to wildlife interactions comparable to Aldasoro Ranch. Based upon his research Mr. Thompson was able to provide current information that supports the proposition that the mere presence of properly controlled dogs in the Aldasoro Ranch would not negatively impact elk. The reason for the initial prohibition on dogs was attributable to a concern that dogs would harass and negatively affect wildlife. Based upon the

findings and conclusions stated in the Wildlife Report, Mr. Thompson concluded that, as a general proposition, properly controlled dogs would not harass wildlife. Mr. Thompson concluded as follows:

“It is my professional judgement that with the adoption and enforcement of the strict dog control regulations proposed by the ARHOC, the presence of dogs on Aldasoro Ranch would not have a material negative impact on the local populations of elk, deer, or other wildlife or their habitat use. My opinion is based on the contents of this analysis, including:

1. The demeanor of domestic dogs (e.g. vs. feral dogs) that would be harbored in Aldasoro Ranch.
2. The relatively benign interactions between domestic dogs and wildlife observed by on-site Ranch managers and CPW personnel on four other Colorado subdivisions comparable to Aldasoro Ranch that have relatively strict dog control policies:
3. The habituated character of elk on the Ranch.
4. The proposed Aldasoro Ranch dog covenants that would be arguably the most stringent dog control measures of any residential subdivision in Colorado and which include the removal of “problem” dogs from the property.
5. The HOC has demonstrated consistently over the last 25 years their intent to enforce wildlife-related covenants. Enforcement effectiveness is facilitated by (1) resident education (via the Community website and quarterly newsletters), (2) resident self-enforcement, (3) three, full time, on-site/office Ranch managers detecting and enforcing covenants, and (4) the intent of HOC to enforce the covenants. This approach will continue, which should provide considerable assurance that potential conflicts between dogs and wildlife on the property would be minimized.
6. That 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.
7. This is not to say that dog-related issues will be absent. A 100% compliance rate over time is unlikely. However, the strict enforcement provisions should guarantee that conflicts associated with individual dogs are limited and that “problem” dogs would be removed from the community.
8. The current dog control policies in effect in Aldasoro Ranch cannot guarantee that dog-related wildlife incidents will be absent. The single, more stringent (i.e., than the current ADA/FHA regulations) proposed policy enforcement provisions would better insure compliance”;

**WHEREAS**, Mr. Thompson assisted the HOC in drafting certain Dog Control Regulations and Policies to regulate the presence of dogs in the Aldasoro Ranch. These Dog Control Regulations were modeled after certain dog rules/regulations approved by the County in connection with its review of land use applications made by San Miguel Valley Corporation (SMVC) including the SMVC Deep Creek Mesa property which adjoins Aldasoro Ranch. Mr. Thompson has stated that adherence to the Dog Regulations would result in the introduction of properly controlled dogs into Aldasoro Ranch which would not be expected to harass wildlife or have an unacceptable

impact on local wildlife. Based on Mr. Thompson's findings, determination and recommendations the ARHOC is requesting the County to amend the PUD and PUD Agreement to allow lot owners in the Aldasoro Ranch to have dogs within the ARPUD subject to the AR Dog Regulations;

**WHEREAS**, the Applicant states that as noted by Mr. Thompson in the Wildlife Report, the elk population on Deep Creek Mesa has doubled in size since the Aldasoro Ranch PUD was approved in 1990. Elk are prevalent on the Ranch and despite considerable effort elk numbers cannot be controlled by hunting which is a recommended course of action by the CPW. It is noted that hunting will decline over time as the subdivision builds out, thus other management practices need to be identified and implemented;

**WHEREAS**, the HOC and lot owners in the subdivision have been concerned about the ever increasing level and extent of elk browsing and barking of aspen on the property, particularly with respect to aspen regeneration, its implications to long-term health, and maintaining elk habitat values. Two aspects were investigated, elk barking, where elk rake the bark off live aspen trees with their incisors, and aspen browsing, where elk eat the leaves and stems of aspen suckers;

**WHEREAS**, to best manage these impacts and control the damaging impacts to the aspen stands in the Aldasoro Ranch, the HOC, based upon the findings, conclusions, and recommendations of Mr. Thompson, seek County authorization to introduce certain aspen/wildlife control measures aimed at enhancing the overall forest health and to minimize elk damage to residential landscaping;

**WHEREAS**, Section 11.4 of the PUD Agreement does not authorize the HOC to undertake vegetation management for wildlife on Aldasoro Ranch. In order for the HOC to undertake its proposed aspen/wildlife control measures, the County must agree to amend the PUD Agreement to authorize such efforts. This proposed amendment would state that the vegetation management program may be carried on within the boundaries of the Sheep Ranch and the Aldasoro PUD in consultation with Colorado Parks and Wildlife;

**WHEREAS**, Section 11.1.3 No Fences. of the PUD Agreement states that No fences, walls or other barriers shall be permitted without the prior written approval of the Review Board and the Colorado Division of Wildlife. The HOC is seeking an amendment to the fencing covenant in the PUD Agreement to allow the use of cages (i.e. not fences) on private lots and cages and limited, localized fencing on common open space to protect aspen regeneration from elk browsing and barking. The HOC management staff will employ adaptive management as necessary to identify and minimize cage and fence related conflicts with wildlife on individual lots and common open space;

**WHEREAS**, in connection with the County consideration of this application and the granting of the other amendments included in the application, the HOC is willing to grant a public recreational trail easement over certain Aldasoro Ranch open space parcels. With respect to the anticipated usage, as is commonplace in the Telluride region, the users of public trails are typically accompanied by their dogs. The HOC is aware of these circumstances and is willing to

accommodate this usage, with the understanding and agreement of the County that such users will need to comply with the Aldasoro Ranch Dog Regulations;

**WHEREAS**, Rick Thompson noted possible impacts to wildlife and is proposing certain restrictions and conditions concerning the trail placement and usage, which are summarized as follows:

- The trail would be a non-motorized, multi-use recreational trail.
- The type of trail and the form of the easement grant would be similar to the easement given by San Miguel Valley Corporation (SMVC) to the County for the extension of the Galloping Goose Trail recently constructed across a portion of SMVC's Society Turn Parcel.
- The following usage restrictions would apply to address wildlife issues:
  - Winter closure (Dec. 15 - Mar. 15, dates inclusive), during big game winter range occupancy.
  - Dusk to dawn closure (Mar. 16 - Dec. 14), to facilitate wildlife use of bisected habitats.
  - Dogs allowed only if leashed and otherwise compliant with the Aldasoro Ranch Dog Regulations.
  - Keep trail close to the Airport Road and residences as practicable, to minimize habitat fragmentation.
  - Avoid bisecting higher value habitats.
  - Keep the trail out of the Remine Creek riparian corridor.
  - Buffer (screen) the trail from residences with existing vegetative cover and topography.
  - Avoid tree removal;

**WHEREAS**, a map of this conceptual public recreation trail alignment is included as Exhibit E of the AR HOC application for these proposed PUD agreement amendments. Additionally, a supplement to the application dated December 29, 2015 confirms that Aldasoro Ranch HOC acknowledges and agrees that it will solely incur the cost of constructing the segment of this public recreational trail located within the Aldasoro Ranch PUD along the alignment proposed in the PUD amendment application:

**WHEREAS**, at its January 13, 2016 regular meeting the County Planning Commission (CPC) recommended approval (4-1 Bald opposed) of the proposed 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 the analysis, findings and determinations regarding the proposed Amendment to the Aldasoro Ranch PUD. This included a finding that removing the prohibition on dogs within the Aldasoro PUD and replacing the prohibition with the proposed Dog Rules and Regulations will not adversely affect the wildlife in the subdivision.

In addition the CPC recommended the following conditions:

- i. A Development Permit shall be obtained prior to installation of any fencing on the Aldasoro Ranch Open Space parcels and any private parcels.
- ii. ARHOC shall secure the requisite approval of its members and execute and record the 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.

- iii. 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.
- iv. ARHOC shall execute and record the trail easement simultaneously with the recordation of the amendments to its governing documents.
- v. 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.
- vi. 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.
- vii. The CPC recommends that the Aldasoro Ranch Home Owners Company allow fenced enclosures adjacent to residences similar to those allowed in the SMVC dog policy regulations;

**WHEREAS**, the PUD amendment application was referred to the County Attorney, the County Environmental Health Director, the County Open Space & Recreation Coordinator, Colorado Parks and Wildlife, Sheep Mountain Alliance, the U.S. Forest Service, Telluride Mountain Club, the Town of Telluride, the Town of Mountain Village, the San Miguel County Sheriff, and a representative of the Last Dollar Subdivision HOA on November 10, 2015;

**WHEREAS**, the applicant sent out notice of the proposed amendments and information regarding the date and place of the Board of County Commissioner Public Hearing to all property owners located within 500 feet of the Aldasoro Ranch PUD and posted signs regarding the upcoming meeting on the Aldasoro Ranch PUD. Notice of the Board of County Commissioner Public Hearing was published in the Telluride Daily Planet on February 5, 2016 and the Norwood Post on February 3, 2016. These proposed amendments to the PUD have been posted on the Aldasoro Ranch HOC website;

**WHEREAS**, in a December 10, 2015 letter responding to the proposed Aldasoro Ranch HOC PUD Amendments Colorado Parks and Wildlife (CPW) Area Wildlife Manager, Renzo DelPiccolo, Montrose, states that CPW continues to support the wildlife impact statements regarding the Aldasoro subdivision, which were submitted by their agency in 1990's. By proposing this amendment CPW feels that the developer/subdivision will violate an agreed upon perpetual mitigation. However, the Wildlife Impact Statement, as written, should adequately address the issues and impacts that may arise by an allowance of dogs in the subdivision;

**WHEREAS**, CPW also understands the need to allow limited exclusionary fencing on private lots and the public space to protect and help regenerate aspen stands from elk and makes the following recommendations:

- That no more than 1% of the total open space acres be enclosed at any one time.

- Fencing and cages used should be tall enough that mature elk and deer cannot gain access.
- Caged aspen clumps should be checked on a regular basis to prevent wildlife of any species from getting stuck within the cages.
- Any wildlife that is caught in the exclusionary fencing and/or cages which cannot be released without harming the animal should be immediately reported to CPW.
- Any animal found injured or dead due to the exclusionary fencing and/or cages should also be reported to the CPW so that CPW can work with the landowners to solve that issue;

**WHEREAS**, following receipt of the December 10, 2015 letter from Renzo Del Piccolo, Rick Thompson contacted Mr. Del Piccolo to discuss and provide additional information in response to the recommendation that the area of enclosed aspen habitat be no more than 1% of the total open space acres at one time. It was then proposed that no more than 3% of all aspen habitat or 20 acres of the total aspen habitat, which is estimated to be 650 acres of the 1,515 acre Aldasoro Ranch property shall be fenced at any one time. In a January 6, 2016 email to Rick Thompson, Mr. Del Piccolo indicated that he felt the parties have reached a reasonable number of acres of aspen to fence at any one time without impacting movements or other possible environmental concerns that arise with fences;

**WHEREAS**, the Planning office has received emails and comments from residents and property owners within the Aldasoro Ranch PUD advising that they are aware of and support the proposed amendments to the AR PUD to allow dogs subject to the proposed Dog Control Regulations and Policies; to allow fencing of certain areas to promote aspen regeneration; and to provide a public recreation trail easement and improvements on AR Open Space. The Planning office received one letter of opposition to these proposed amendments, specifically to allow dogs, from an owner in the AR PUD;

**WHEREAS**, the Planning office also received emails from representatives of the Telluride Mountain Club in support of the proposed public recreation trail together with a request that the proposed multi-use trail be bike friendly and work in conjunction with other (pending) trails in the area:

**WHEREAS**, the Board of County Commissioners does hereby find and determine, based upon substantial competent evidence received in the record at the February 17, 2016 public hearing, that the applicable requirements of section 24-67-106(3)(b), C.R.S., have been satisfied, and specifically, that the proposed PUD plan substantial modification, removal, or release is consistent with the efficient development and preservation of the entire planned unit development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of San Miguel County, Colorado, hereby unanimously approve a Substantial PUD Amendment finding the proposed amendments to the Aldasoro Ranch PUD Agreement and acceptance of the trail easement as presented in the February 17, 2016 Planning staff memorandum meets the

applicable Land Use Code Standards in LUC Sections 5-1503 Substantial Amendment Sections A thru C, which refer to 5-1803 Rezoning and include Section 5-407 Wildlife Habitat Areas and 5-407 A. General Standards I. through XIV and finding clear and convincing evidence that lifting the prohibition on dogs within the PUD will not adversely affect the wildlife in the subdivision.

**BE IT FURTHER RESOLVED** that the Aldasoro Ranch 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 as 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 do hereby find agreement with Mr. Thompson's conclusion that properly controlled dogs would not harass wildlife. This approval 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. In addition the Board of County Commissioners finds that this proposed amendment is compatible with uses on surrounding or neighboring properties. The PUD Agreement language for Section 11.1.1 be modified as follows (~~strike through~~ 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 are 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.

**BE IT FURTHER RESOLVED** that the BOCC in granting its approval to amend the PUD Agreement to allow dogs within Aldasoro Ranch subject to compliance to the AR Dog Control Regulations expressed concern with allowing "short-term" renters the ability to have dogs within the AR PUD and requested the applicant to amend the Dog Control Regulations so that a "short-term" renter would not be allowed to have a dog in the PUD. The applicant has provided the Planning Office with a revised Dog Control Regulation that defines the term "Tenant" which states in part that for the purposes of these Rules, a Tenant under a lease shorter than six months shall not be allowed to have a dog in the community;

**BE IT FURTHER RESOLVED**, 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, is hereby granted. Section 11.4 of the PUD Agreement is amended to allow vegetation management finding that 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 Board of County Commissioners hereby 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. Section 11.4 and 11.1.3 is hereby modified to allow these activities as follows (~~strike through~~ is deletion; underline is addition):

11.4 Vegetation Management. If in the future, it is determined necessary by Colorado Parks and Wildlife and Aldasoro, then from time to time Aldasoro and Colorado Parks and Wildlife shall agree upon a mutually acceptable vegetation management program intended to improve feed and forage for domestic animals and wildlife on the Aldasoro Ranch. The vegetation management program shall ~~only~~ also be carried on within the boundaries of the Sheep Ranch.

~~11.1.3 NO FENCES. No fences, walls or other barriers shall be permitted without the prior written approval of the Review Board and the Colorado Division of Wildlife.~~

11.1.3 FENCING. No fences, walls or other barriers shall be permitted without the prior written approval of the HOC. All fences within Colorado Department of Parks and Wildlife (CPW) mapped Wildlife Habitat Areas shall comply with LUC Sections 5-405 A. X. except for fencing authorized by CPW to exclude elk from areas within the Aldasoro Ranch to provide for aspen regeneration long enough for aspen saplings to grow to a point where they are less likely to be snapped off or deformed by a bull elk "horning" the tree during rut. The HOC may allow the use of cages (i.e., not fences) on private lots and cages and limited localized fencing on common open space to protect aspen regeneration from elk browsing and barking. No more than 4% of all aspen habitat or approximately 20 acres of the total aspen habitat, which is estimated to be approximately 475 acres of the 1,515 acre Aldasoro Ranch property shall be fenced at any time. Fencing and cages shall be configured and spatially located to avoid meaningful restriction of big game movements. Fencing and cages shall be designed to be of adequate height and sturdiness to exclude mature deer and elk from gaining access. The areas of fencing and cages shall be checked regularly to check on its status and condition and repaired if necessary to prevent wildlife from getting trapped within the fencing or caging. The HOC shall promptly release any such trapped wildlife that can be released without harming the animal and report the occurrence to the CPW and County. The HOC shall promptly notify CPW of any trapped wildlife that cannot be released without harming the animal. Any injured or dead wildlife shall be reported to the CPW and County so that the CPW can work with the HOC to address and avoid future circumstances leading to trapped or killed animals. Fencing and cages shall be removed as soon as it is determined by The Aldasoro Ranch Home Owners Company in consultation with its Wildlife Biologist and Colorado Parks & Wildlife that the area has regenerated and can withstand

elk access. A Development Permit, which may be referred to CPW, is required for fencing of common areas and private lots to exclude elk and promote aspen regeneration. The HOC will provide San Miguel County with a year-end summary report to San Miguel County concerning the nature and extent of the fencing and caging occurring on Aldasoro Ranch in connection with the vegetation regeneration program. The HOC will work with CPW and the County to resolve any issues or problems arising from the use of the proposed fencing and cages.

**BE IT FURTHER RESOLVED**, that San Miguel County accepts the applicant's offer to grant an easement for a non-motorized, multi-use recreational trail as proposed by Aldasoro Ranch Homeowners Company on Aldasoro Ranch Open Space finding the proposed trail provides a public benefit as the proposed trail will provide a missing linkage for a regional trail that would connect trails emanating from the Town of Telluride and crossing the south Valley Floor and connecting to the newly expanded regional Galloping Goose Trail at Society Turn across the San Miguel Valley Corporation (SMVC) Society Turn parcel and Deep Creek Mesa parcel to the national forest. It is understood that the Aldasoro Ranch Homeowners Company's offer to grant this proposed public recreational trail is subject to specific restrictions and conditions that users of the trail will need to comply with in order to address wildlife issues as identified and provided by Rick Thompson in his 2015 Wildlife Report.

**BE IT FURTHER RESOLVED**, that as part of this application approval, Aldasoro Ranch HOC acknowledges and agrees that it will solely incur the cost of constructing the segment of the public recreation trail located within the Aldasoro Ranch PUD common open space along the alignment proposed within the pending PUD application. The supplement to the AR application states that it's anticipated that the work would be completed within two years of the date of the final action by the county on the PUD Amendment application. The Board of County Commissioners may grant an extension of time for up to 6 months for good cause.

**BE IT FURTHER RESOLVED**, that the grant of the easement(s) for the public recreation trail from both Aldasoro Ranch and from SMVC would be prepared for acceptance and recording along with the BOCC Resolution approving these various PUD amendments.

**BE IT FURTHER RESOLVED**, that the BOCC approval of these amendments to the AR PUD Agreement is conditioned on the applicant providing a method of assurance for completion of the construction to the public recreation trail within Aldasoro Ranch acceptable to the County Attorney prior to recordation of this resolution approving the subject PUD amendments. In discussions between the applicant and County staff, rather than providing a financial commitment to guarantee completion of the required public trail improvements, it is agreed and understood that the applicant AR HOC shall cause the construction of the trail to be completed in a manner acceptable to the County prior to recordation of this BOCC Resolution memorializing the BOCC's approval of said amendments to the AR PUD Agreement. The submittal of the required As-built improvement Plan and finalization of the trail easement may occur after the recordation of this BOCC Resolution;

**BE IT FURTHER RESOLVED**, the approval of this application is conditioned on the Aldasoro Ranch HOC circulating and securing the requisite approval(s) of the lot owners to amend the applicable Aldasoro Ranch Governing Documents to effectuate these amendments to the Aldasoro Ranch PUD.

**BE IT FURTHER RESOLVED**, the Aldasoro Ranch Home Owners Company shall amend its governing documents within one year of BOCC approval as necessary to implement these amendments to the Aldasoro Ranch PUD Agreement. If the covenants are not amended with the one year time period the application will be referred back to the Board of County Commissioners for its consideration.

**BE IT FURTHER RESOLVED**, a Development Permit shall be obtained prior to installation of any fencing on the Aldasoro Ranch Open Space parcels and any private parcels;

**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 County Commissioners of San Miguel County, Colorado, on 4/20/16, 2016.

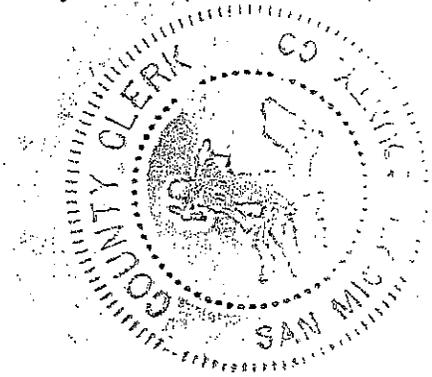
**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS**

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 Stuchler  
Chief Deputy Clerk



[text/aldasoro/dog.spa/dog.reso]