

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS**  
**MINUTES**  
**WEDNESDAY, MAY 6, 2015**  
**REGULAR MEETING**  
Second Floor, Miramonte Building  
Telluride, Colorado

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

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

1. Call to order.  
9:32 a.m.
2. Review of Agenda.
3. Calendar Review.
4. CONSENT AGENDA:
  - a. Acceptance of Public Trustee Report for First Quarter of 2015 January 1, 2015 through March 31, 2015. (ATTACHMENT I)
  - b. Approval of Chair's signature on Renewal of 3.2% Beer Liquor License for S M C S LLC, 1982 HWY 145, Telluride, CO based on the County Clerk's Written Findings. (ATTACHMENT II – Written Findings)
  - c. Approval of an Agreement for Services with Kipfer Construction for the Sheriff's Office Search and Rescue Barn Improvements project, located at the Norwood County shop, in the amount of \$30,000.
  - d. Approval of Amendment for Task Orders #2, Contract Routing #15 FHLA 78477 with Colorado Department of Public Health & Environment in the amount of \$1,500 to conduct and administer a component of the WIC Program by the County Department of Health and Environment.
  - e. Ratification of Exception Agreement and Affordable Housing Covenant, Equitable Servitude, and Real Covenants with Jeffery S Mertens, residential condominium Unit 14, San Bernardo as approved by the San Miguel Regional Housing Authority.
  - f. Ratification of Chair's signature on 2015 Colorado Department of Public Safety Division of Homeland Security Grant Program application and grant agreement on behalf of West All Hazard Emergency Management Region Board for communications based projects, payment for a grant coordinator and weather station for hazardous material response in the amount of \$187,204.

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

5. ADMINISTRATIVE MATTERS:
  - a. Interview Ted Wilson for a position on County Historical Commission.

Present: Ted Wilson, Applicant

- c. Update of the Dolores River Restoration Partnership.
- d. Consideration of Dolores River Restoration Partnership Memorandum of Understanding between The Nature Conservancy and multiple counties, federal and state agencies, schools and private organizations to implement Transition Plan for Monitoring and Maintenance as a means to improve and create self-sustaining healthy riparian habitat along the Dolores River and its major tributaries.

Present: Peter Mueller, The Nature Conservancy; Steve Zwick, County Attorney

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**MOTION** by Fischer to approve [Chair's signature on Dolores River Restoration Partnership Memorandum of Understanding] as presented. **SECONDED** by Goodtimes. **PASSED 3-0.**

- e. Other.
  - 1. Update of the Dolores River National Conservation Area.

Present: Peter Mueller, The Nature Conservancy; Steve Zwick, County Attorney

- b. Public Reading and Approval of County Proclamation proclaiming May 2015 Sexual Assault Awareness Month.

Present: Melanie Montoya, San Miguel Resource Center co-director

**MOTION** by Fischer to approve [County Proclamation proclaiming May 2015 Sexual Assault Awareness Month] as presented. **SECONDED** by Goodtimes. **PASSED 3-0.** (ATTACHMENT III – Proclamation #2015-1)

6. PLANNING MATTERS:

- 1) **10:00 a.m. PUBLIC HEARING:** Consideration of an application submitted by David Ballode, Ilium Commercial Ventures LLC, owner of Lot 440, Lawson Hill PUD, zoned Low Intensity Industrial (I) seeking a Subdivision Exemption for a Single-Lot Split to divide Lot 440-5 into two lots, Lot 440-5 and Lot 440-6 (Lot 440 received Board of County Commissioner approval to subdivide the lot into five parcels, Lots 440-1 to 440-5, on February 3, 2015)

10:13 a.m. Chair Opened the Public Hearing.

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

Those who addressed the Board:  
Mike Rozycki, County Planning Director  
David Ballode, Applicant  
Stephen Finger, Applicant

Others Present: Karen Henderson, County Associate Planner; Steve Zwick, County Attorney

10:22 a.m. Chair Closed the Public Hearing.

**MOTION** by Fischer to approve the [amended Subdivision Exemption] application as presented subject to the eight conditions in Planning Staff's report as follows:

- 1) The inclusion of a plat note stating the requested Major Highway Setback reduction as approved by the County Planning Commission is based on the proposed "site-specific" development plan submitted and if a purchaser or owner applies for development of a building or improvements that vary from the approved site-specific plan that has been considered by the Planning Commission in granting this reduction of the Major Highway Setback the Applicant would need to submit a plan and application to demonstrate that the proposed change to the approved site-specific plan would conform to the standards in LUC Section 505 D.I. and would not result in a situation where the proposed building is more visible from State Highway 145.
- 2) The Applicant shall complete construction of the sewer line, the remaining unfinished drainage improvements, the sediment catch basin, and the access road to Lot 440-6 and shall obtain written acceptance of the improvements from the Ilium Park Owner's Association prior to recordation of the BOCC approved final plat or provide a financial assurance and improvements agreement acceptable to the County Attorney for completing the construction of the sewer line, access road and the remaining unfinished drainage. The improvements

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agreement shall be submitted and approved prior to recordation of the BOCC approved final plat.

- 3) Purchasers/owners of Lot 440-1 through 440-6 shall be required to pave each of their required parking spaces as a condition of obtaining a Development Permit for a structure on the lot prior to receiving a Certificate of Occupancy.
- 4) The exterior of the new construction on all lots shall be similar to the existing buildings in the Ilium Industrial Park and shall use non-reflective materials for siding and roofing.
- 5) The Applicant shall submit a revised plat that addresses all County Surveyor review comments.
- 6) The industrial square footage and parking requirements shall be divided as shown on the Lawson Hill PUD Matrix attached as Exhibit A.
- 7) All written representations of the Applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent as modified by the BOCC.

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

- b. Consideration of request submitted by Peter Sante, on behalf of Gail Newman Trust, owner of Liberty Bell Lot 4, Idarado Subdivision, seeking an amendment to the Declaration of Covenants for “Stone House” located on Lot L-4 to remove a window on east façade and replace with a 3-foot wide sliding glass door.

Present: Mike Rozycki, County Planning Director; Peter Sante, Applicant representative; Shane Jordan, Applicant representative; Tom Kennedy, Attorney for Applicant; Chris Chaffin, Idarado Legacy HOA; Karen Henderson, County Associate Planner

**MOTION** by Fischer to approve the application as presented [in the applicants March 23, 2015 narrative] with the amended plans and with the restated Covenants and within the document “shall” will replace “may” [in the amendment proposed by the County Historical Commission to paragraph 1.4 in the Declaration of Covenants to read as follows:

It is anticipated that the Stone House will be attached or otherwise incorporated within other improvements being constructed on the Property. The attachment to the Stone House may shall only be made along the rear/north façade of the Stone House. All efforts shall be made to maintain the visibility of all four corners of the Stone House from East Colorado Avenue and the Interpretative Trail. All other terms and conditions contained in the Declaration shall continue to apply.]

All additional parties need to sign off to officially complete the document and to authorize the Chair to sign when all these matters are met. **SECONDED** by Goodtimes. **PASSED 3-0.**

- c. Consideration of Lawson Hill Property Owner’s Company’s (LHPOC) request that the County remove the Amended and Restated Deed Restriction and Covenant provision for applying a price cap in limited situations (Item continued from March 4, 2015).

Present: Mike Rozycki, County Planning Director; Lynn Black, County Administrator; Steve Zwick, County Attorney; Lois Major, Attorney for SMCHA; Julie McNair, LHPOC Board member; Bill De Alva, LHPOC Board President; Tom Kennedy, Attorney for LHPOC; Pam Hall, Manager for LHPOC, Karen Henderson, County Associate Planner; Dean Bubolu, Lawson Hill resident; Ingrid Lundahl, Lawson Hill resident; Chris Chaffin, county resident

**MOTION** by Goodtimes to accept the [option] number four [to amend the new County Deed Restriction by making the following change to Section 1.8 striking the following sentence 1.8 Price Appreciation Caps. Except for the limited circumstances stated in Section 11, The County will not enter into any agreement with the Subject Property Owner that imposes a Price Appreciation Cap on the Subject Property, unless the

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applicable Association(s) expressly agrees to such Price Appreciation Cap in writing.] and add a statement that says "This provision does not preclude San Miguel County, as an owner, from negotiating a profit sharing requirement or any other mechanism to recoup its expenditure of funds [during the resale of the Affordable Housing unit. Section 11 Rights Concerning the Exercise of Option to Purchase would be deleted in its entirety. **SECONDED** by Fischer. **PASSED 2-1.** (Fischer Opposed)

7. ADMINISTRATIVE MATTERS: (Continued)

- a. Discussion of County comments regarding scoping notice received from USDA Forest Service for Supplemental Draft Environmental Impact Statement to reinstate the North Fork Coal Mining Area exception of the Colorado Roadless Rule. **Board Consensus** to direct Environmental Staff to draft comment letter in opposition for 5/20/15 meeting.

Present: Dave Schneck, County Environmental Health Director

- b. Consideration of Approved Task Order Contract – Waiver #154, Contract Routing #16 FHLA 76460 with Colorado Department of Public Health and Environment in the amount of \$36,333 to promote and implement a minimum of two (2) tobacco-free workplace policies targeting 18-24 year old non-students and low socio-economic adult workers in San Miguel County by the Colorado Department of Health and Environment.

Present: June Nepsky, County Health and Environment Director; Lynn Black, County Administrator

**MOTION** by Goodtimes to not accept the grant. **SECONDED** by Fischer. **MOTION WITHDRAWN.**

**MOTION** by Fischer to approve as presented [Approved Task Order Contract – Waiver #154, Contract Routing #16 FHLA 76460 with Colorado Department of Public Health and Environment in the amount of \$36,333 to promote and implement a minimum of two (2) tobacco-free workplace policies targeting 18-24 year old non-students and low socio-economic adult workers in San Miguel County by the Colorado Department of Health and Environment.] **SECONDED** by Goodtimes. **PASSED 3-0.**

- c. Consideration of a request for a waiver to County hiring freeze from Health and Environment to hire a temporary part-time new position to coordinate project to implement a minimum of two (2) tobacco-free workplace policies targeting 18-24 year old non-students and low socio-economic adult workers in San Miguel County.

Present: June Nepsky, County Health and Environment Director; Lynn Black, County Administrator

**MOTION** by Fischer to approve waiving the [County] hiring freeze [to enable Health and Environment Department to hire a new temporary part-time position to coordinate project to implement a minimum of two tobacco-free workplace policies targeting 18-24 year old non-students and low socio-economic adult workers in San Miguel County. **SECONDED** by Goodtimes. **PASSED 3-0.**

8. ADMINISTRATOR'S REPORT:

- a. Update with County Administrator.
  1. Summer OHV Alpine Ranger program. **Board Consensus** to direct staff to participate with the Ouray Ranger District and Ouray County for a shared Alpine Ranger program this summer.
  2. Broadband activities update.
  3. New Human Resources Director to start work on 6/15/15.
  4. County will submit the Telluride Arts grant request to DOLA.

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5. Town of Telluride requested funds be released for pool project.
6. EcoAction green projects requested additional funding from county. **Board Consensus** to grant additional \$2,500 to KOTO in addition to \$7,500 already awarded to finish project, and to give additional \$500 for project, and to schedule for ratification at 5/20/15 meeting.

Present: Lynn Black, County Administrator

10. ATTORNEY MATTERS:

- a. Update on land negotiations, Citation (4)(a).
- b. Update on litigation.
  1. Discussion of San Miguel County C.R. S7 legal status, Citation (4)(b).

Present: Steve Zwick, County Attorney; Mike Horner, County Road and Bridge Superintendent

**MOTION** by Fischer to go into an Executive Session [for update on land negotiations, Citation (4)(a), and discussion of San Miguel County C.R. S7 legal status, Citation (4)(b).] **SECONDED** by Goodtimes. **PASSED 3-0.**

Note: Executive Session Minutes are confidential pursuant to 24-6-402(2) (d.5) (II)(A)(C), C.R.S. – Item 10.a.

Note: The County Attorney requested that item 10.b.1. not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and chair is attached. (ATTACHMENT VI)

12:35 p.m. Recessed.  
12:47 p.m. Reconvened.

**Board** only discussed the two items it had stated in Executive Session.

- c. Consideration regarding San Miguel County C.R. S7 legal status.

Present: Steve Zwick, County Attorney

**MOTION** by Fischer to authorize San Miguel County to commence litigation regarding the legal status of C.R. S7 the portion that crosses the Dufficy/Heizer parcel. **SECONDED** by Goodtimes. **PASSED 3-0.**

- d. Update on Dolores River Dialogue. **Board Consensus** to authorize a \$1,000 contribution from Attorney's budget toward paying legal fees of water attorney arguing in favor of creating National Conservation Area.

Present: Steve Zwick, County Attorney

9. COMMISSIONER AND PUBLIC DISCUSSION:

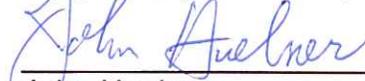
- a. ~~Public Discussion.~~
- b. Update on Outside Meetings.
  1. Elaine Fischer-
  2. Art Goodtimes – OffIndianAff / ForEcoSBEADMR / JailInspect
  3. Joan May – BLMSageGr / FACA
- c. ~~Website postings and press releases.~~
- d. ~~General Discussion.~~

11. Adjournment.  
1:20 p.m.

Audio MP3 20150506-BOCC-Audio.

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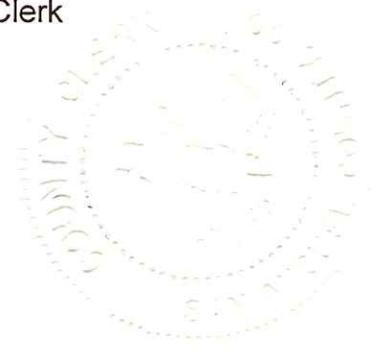
Respectfully submitted,



\_\_\_\_\_  
John Huebner  
Chief Deputy Clerk

APPROVED August 5, 2015.

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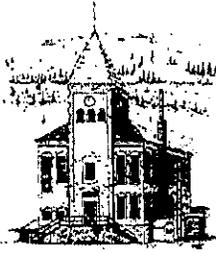
  
\_\_\_\_\_  
Joan May, Chair

ATTEST:



\_\_\_\_\_  
Lynn M. Black  
County Administrator

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



**PUBLIC TRUSTEE'S REPORT**  
**First Quarter 2015**  
**January 1, 2015 through March 31, 2015**

**Financial Report**

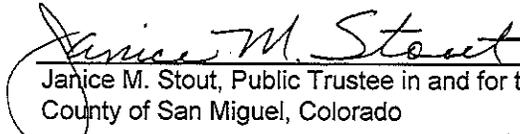
Revenue Source	1st Quarter 2015		1st Quarter 2014		\$ Change	
Release of Deeds of Trust	165	\$ 2,475.00	149	\$ 2,240.00	16	\$ 235.00
Foreclosure Fees	7	\$ 1,430.31	6	\$ 5,680.88	1	\$ (4,250.57)
Other Fees		\$ 170.00		\$ 225.00		\$ (55.00)
<b>Total Earnings</b>		<b>\$ 4,075.31</b>		<b>\$ 8,145.88</b>		<b>\$ (4,070.57)</b>

**Statistical Report**

Number of Foreclosures	1st Quarter 2015	1st Quarter 2014	% Change
Opened:	4	7	-43%
Withdrawn:	4	6	-33%
Filed Bankruptcy	0	1	100%
Cured:	1	0	100%
Sold:	3	0	300%
Redeemed:	0	0	no change
Deeds Issued:	1	0	100%

I, Janice M. Stout, Public Trustee in and for the County of San Miguel in the State of Colorado, hereby certify the preceding report is a true and correct report of the transactions of the office of Public Trustee in the County and State aforesaid for the First Quarter 2015.

WITNESS MY HAND AND OFFICIAL SEAL THIS 20th DAY OF APRIL, 2015

  
Janice M. Stout, Public Trustee in and for the  
County of San Miguel, Colorado



OFFICE OF  
SAN MIGUEL COUNTY CLERK

M. Kathleen Erie

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

WRITTEN FINDINGS

Date: April 21, 2015

To: San Miguel County Board of Commissioners

Re: Renewal of Retail Beer Liquor License for S M C S LLC  
d/b/a S M C S LLC  
37 Hillside Lane  
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

Proclamation of the Board of Commissioners of San Miguel County, Colorado,  
Proclaiming May 2015 Sexual Assault Awareness Month

Proclamation #2015- 1

**WHEREAS**, sexual assault affects everyone - men, women, children, families, and communities of all racial, cultural, and economic backgrounds; and

**WHEREAS**, one in four girls and one in seven boys will be sexually assaulted before they are old enough to vote; and

**WHEREAS**, sexual assault causes enormous psychological, emotional, and physical suffering, severely disrupting the quality of personal and community life and shattering dreams; and

**WHEREAS**, sexual assault affects each of us in San Miguel County - as a victim/survivor or as a friend, family member, significant other, neighbor or co-worker of a victim/survivor; and

**WHEREAS**, many citizens in San Miguel County are working to provide quality services and assistance to sexual assault survivors by serving as volunteer advocates and staffing the San Miguel Resource Center 24-hour crisis hotline, responding to emergency calls, and offering support, comfort, and advocacy during medical exams, criminal proceedings, and throughout the healing and recovery process; and

**WHEREAS**, it is vitally important that continued educational efforts to provide information about prevention and services for sexual assault be supported and enhanced; and

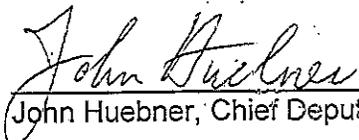
**WHEREAS**, it is critical to intensify public awareness of sexual assault, educate our communities about the need for citizen involvement in efforts to reduce sexual violence, and increase support for the agencies providing sexual assault services; and

**WHEREAS**, the San Miguel Resource Center requests public support and assistance as it continues to work toward a society where all women, children, and men can live in peace, free from violence and exploitation;

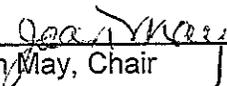
**NOW THEREFORE**, We the County Commissioners of San Miguel County do hereby proclaim the month of May 2015 as **Sexual Assault Awareness Month** in San Miguel County. We recognize that sexual assault victim/survivors in San Miguel County deserve the availability of quality services in our community; we support victim/survivors, their families and friends; and we honor the dedicated individuals who provide San Miguel County residents with crisis intervention, prevention education, and victim/survivor advocacy. We commend this observance to all citizens.

**APPROVED** this 6th day of May, 2015, by the San Miguel County Board of Commissioners of San Miguel County, Colorado, at a public meeting held in Telluride, Colorado.

ATTEST:

  
John Huebner, Chief Deputy Clerk

SAN MIGUEL COUNTY  
BOARD OF COMMISSIONERS

By:   
Joan May, Chair

Public Hearing List: Lot 440, Lawson Hill PUD  
Subdivision Exemption for a Single-lot Split in an Existing Subdivision  
Insubstantial PUD Amendment: LHPUD Matrix  
Date: May 6, 2015

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of Commissioners from the San Miguel County Planning Department Staff dated May 6, 2015.
4. Public Hearing Notice published in the Norwood Post on April 15, 2015 and in the Telluride Daily Planet on April 17, 2015.
5. Revised Plat submitted by David Ballode, Ilium Commercial Ventures, LLC, dated March 10, 2015.
6. Letter from County Surveyor, J. David Foley to Karaen Henderson dated April 7, 2015 Email submitted by David Bulson dated April 9, 2015.
7. Email from Dave Bulson to Karen Henderson and J. David Foley dated April 9, 2015 and from David Foley to Dave Bulson and Karen Henderson dated April 13, 2015.
8. Email from David Ballode dated April 20, 2015 and John Howe, Manager Ilium Park Owners Association, Inc. dated April 17, 2015.
9. Email from Mike Rozycki to David Ballode dated April 13, 2015.
10. Cost Estimate submitted by David Ballode dated April 7, 2015.
11. Email from Mike Rozycki to David Ballode dated April 21, 2015.
12. Email from Mike Rozycki to Joe Solomon, David Ballode and Steve Finger dated May 5, 2015.
13. Letter from John Howe, Manager Ilium Property Owner's Association, to Mike Rozycki dated April 20, 2015.
14. Updated Cost Estimate by Mountain View Enterprises, LLC from David Ballode received May 1, 2015
15. "Certification of Compliance with the Public Noticing Requirements" dated May 4, 2015.

16. Revised Subdivision Improvements Agreement dated May 6, 2015 from Uncompahgre Engineering, LLC.
17. Email from Mike Rozycki to Joe Solomon, David Ballode, and Steve Finger dated May 5, 2015.

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

**Resolution 2015-7**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**5-1209 Single-lot Split in an Existing Subdivision**

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

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

**5-1502 Insubstantial Amendment**

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

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

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

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

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

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

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

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

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

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

**DONE AND APPROVED** by the Board of Commissioners of San Miguel County, Colorado, at its regular meeting on June 9, 2015.

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

By: Joan May  
Joan May, Chair

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

ATTEST:

By: John Huebner  
John Huebner, Chief Deputy Clerk



**EXHIBIT A**  
**LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX**

TRACT OR LOT #	AREA (Acres)	ZONE DISTRIC T <sup>1</sup>	ALLOWED USE	# OF UNITS	ZONED POP.	MIN RES FL SQ. FT. <sup>2</sup>	MAX TOT. FL AREA	FRONT	SETBACKS <sup>3, 4, 5, 6</sup> REAR	SIDE	HEIGHT LIMIT (Note 1)	REQ'D PARKING	OTHER NOTES
400	1.181	I	Note e, ee, ff	0	0	0	30,450	0 Note h	N15	15	35 ft, Note m	61	Note u
400-1	0.220	I	Note e, ee, ff	0	0	0	4,250	0	N15	15	35 ft, Note m	9	Note u
400-2	0.270	I	Note e, ee, ff	0	0	0	4,550	0	N15	15	35 ft, Note m	9	Note u
400-3	0.300	I	Note e, ee, ff	0	0	0	6,000	0	N15	15	35 ft, Note m	12	Note u
400-4	1.578	I	Note e, ee, ff	0	0	0	30,450	0 Note h	S15 Note j	15	35 ft, Note m	61	Note u
400-15	0.468	I	Note e, ee, ff	0	0	0	6,600	0 Note h	N15	15	35 ft, Note m	15	Note u
400-25	1.010	I	Note e, ee, ff	0	0	0	24,500	0	N15	15	35 ft, Note m	49	Note u
404	0.251	I	Note i, ee, ff	1	3	600	3,850	0	5 <sup>b</sup>	15 <sup>b</sup>	26 ft, Note n	8	c, x, k, t
405	0.216	I	Note i, ee, ff	1	3	600	3,500	0	15 <sup>a</sup>	15 <sup>b</sup>	26 ft, Note n	7	c, x, k, t
406	0.220	I	Note i, ee, ff	2	6	600	3,500	0	5 <sup>b</sup>	15 <sup>b</sup>	26 ft, Note n	7	c, x, k, t
407	0.205	I	Note i, ee, ff	1	3	600	3,500	0	15 <sup>a</sup>	15 <sup>b</sup>	26 ft, Note n	7	c, x, k, t
410	0.470	I	Note i, ee, ff	3	9	2,800	7,000	0	5 <sup>b</sup>	15 <sup>b</sup>	26 ft, Note n	14	c, x, k, t
415	0.214	I	Note e, ee, ff	1	3	600	3,500	0	15 <sup>a</sup>	15 <sup>b</sup>	26 ft, Note n	7	c, x, k, t
417	0.201	I	Note i, ee, ff	1	3	600	3,150	0	15 <sup>a</sup>	15 <sup>b</sup>	26 ft, Note n	6	c, x, k, t
418	0.260	I	Note i, ee, ff	1	3	600	3,500	0	5 <sup>b</sup>	15 <sup>b</sup>	26 ft, Note n	7	c, x, k, t
421	0.131	I	Note i, ee, ff	1	3	600	2,450	0	15 <sup>a</sup>	15 <sup>b</sup>	26 ft, Note n	5	c, x, k, t
422	0.097	I	Note i, ee, ff	1	3	600	2,450	0	15 <sup>a</sup> note dd	15 <sup>b</sup>	26 ft, Note n	5	c, x, k, t
423	0.332	I	Note i, ee, ff	0	0	0	3,850	0	5 <sup>b</sup>	15 <sup>b</sup>	26 ft, Note n	8	c, x, k, t
424	0.931	I	Note i, ee, ff	0	0	0	5,950	0	5 <sup>b</sup>	15 <sup>b</sup>	26 ft, Note n	12	c, x, k, t
425-1	0.977	I	Note i, ee, ff	0	0	0	10,000	0	5	10	26 ft, Note n	20	ff, w
425-2	0.819	I	Note i, ee, ff	0	0	0	2,500	5	0	5	26 ft, Note n	5	w
425-3	1.723	I	Note i, ee, ff	0	0	0	2,500	5	0	5	26 ft, Note n	5	w
425-4	1.852	I	Note i, ee, ff	1	3	1,600	47,900	W 15	E 15	0	26 ft, Note n	99	w, t
440-1	0.210	I	Note aa, ee, ff, y	0	0	0	2,950	0	35	15	26 ft, Note n	7	c, x, eg, hh
440-2	0.180	I	Note aa, ee, ff, y	0	0	0	2,950	0	35	15	26 ft, Note n	6	c, x, eg, hh
440-3	0.180	I	Note aa, ee, ff, y	0	0	0	2,450	0	35	15	26 ft, Note n	5	c, x, eg, hh
440-4	0.230	I	Note aa, ee, ff, y	0	0	0	3,200	0	35	15	26 ft, Note n	7	c, x, eg, hh
440-5	0.530	I	Note aa, ee, ff	0	0	0	4,990	0	50	15	26 ft, Note n	10	c, x, cc, eg, hh
440-6	1.680	I	Note aa, ee, ff	0	0	0	17,660	0	50	15	26 ft, Note n	35	c, x, cc, eg, hh
441	0.250	I	Open Space										
442	0.390	I	Note bb, ee, ff	2	6	600	8,000	0	5	15	26 ft, Note n	16	x, k
443	0.500	I	Note aa, ee, ff			0	8,000	0	5	15	26 ft, Note n	16	c, x, k
444	0.740	I	Open Space										
Total 400's	18,819			16			266,100					535	

*SMC*

LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX

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

1. The addition must be 100 square feet or smaller.
  2. If a request is made for both a mud room and a storage unit the total combined square footage may not exceed the 100 square feet allowed.
  3. The addition must be unheated, non-habitable space.
  4. The addition is subject to San Miguel County review and approval.
  5. The addition must remain within a lot's setbacks as determined on the final plat or by the Uniform Building Code.
  6. The addition must comply with any and all other applicable guidelines and codes previously established.
- q. All building must be under not more than two roofs.
- r. Units shall be designed in a manner so as not to create a "shadowing" of the roadway due to house height. See conceptual plan by Hurst or approval by Planning Department if different plan provided.
- s. Lots Q2-Q35 are permitted to have garages up to 750 sq. ft. Such garage sq. ft. is not included in the maximum residential floor area. Garages do not satisfy required parking.
- t. All uses allowed in the Affordable Housing Planned Unit Development (AH PUD) Zone District to include housing on a minimum of month-to-month term to transient employees in the region or their employers. For these purposes multi-family dwellings shall include dormitories and other transient type accommodations.
- u. No more than 20% additional Floor Area may be allowed if such Floor Area meets the 1991 Uniform Building Code definition of Basement area.
- v. No more than 25% additional Floor Area may be allowed if such Floor Area meets the 1991 Uniform Building Code definition of Basement area.
- w. No more than 35% additional Floor Area may be allowed if such Floor Area meets the 1991 Uniform Building Code definition of Basement area.
- x. No more than 40% additional Floor Area may be allowed if such Floor Area meets the 1991 Uniform Building Code definition of Basement area.
- y. A Small Animal Veterinary Hospital which provides treatment for small animals including but not limited to, all breeds of dogs, cats, birds, reptiles and other "pocket pet" animals kept as domestic pets is an allowed use on specific lots within the Ilum Park Industrial Park. This type of facility does not include large animals such as horses or cattle. The Small Animal Veterinary Hospital facility and its wellness and medical services shall be conducted indoors within a sound proof building where the noise and barking from the animals cannot be heard outside of the building. An enclosed outside dog run for supervised daytime exercise may be allowed as an accessory use to the indoor Small Animal Veterinary Hospital. A Development Permit will be required to allow this use and if the application and site plan include an outdoor run or exercise area the application will be referred to the Colorado Department of Parks and Wildlife to review the site specific plan and proposed mitigation measures to evaluate the potential impacts to wildlife. Prior to issuance of a Development Permit for a Small Animal Veterinary Hospital the applicant shall certify that the facility can and will be operated in accordance with the applicable Colorado statutory and regulatory requirements and provide documentation that either the applicant or an employee possess the required Colorado Veterinary license.
- z. No more than 50% additional Floor Area may be allowed if such Floor Area meets the 1991 Uniform Building Code definition of Basement area.
- aa. Uses include the following specified Uses: bulk landscaping materials; bulk recycling center; cemetery; commercial greenhouse; commercial growing nursery; dog pound; house moving contractor; kennel; seasonal vehicle storage; self-storage. Uses also include all uses in the Heavy Commercial (HC) Zone District and the Low Intensity Industrial (I) Zone District, including Affordable Housing Accessory to a Principal Use for persons employed within the PUD; appliance and equipment rental, storage, and repair; auction houses; auto sales; automobile washing facilities; building supplies sales; business and professional offices; commercial bakeries; commercial laundries; computer product sales and service; construction contractors; Day Care Centers (on lots of at least one acre); dry cleaning plants; electrical and plumbing service shops; feed and seed stores; gasoline service stations and auto repair; subject to the standards and provisions of County Land Use Section 5-308 B, XII.; light industrial facilities; lumber yards; manufacturing and processing businesses; printing and publishing shops; research and development facilities; self-service laundries; telecommunications supply; utility service facilities; warehouses.
- bb. All uses allowed in aa. and school buss maintenance and storage facility.
- cc. Prior to development of Lot 440-5 and Lot 440-6, the record owner must obtain administrative approval from the San Miguel County Planning Department of specifications for a landscaping buffer that adequately screens development on the lot from County Road 63L.
- dd. An Insubstantial PUD Amendment approved April 1, 2010 allows a portion of the proposed structure to encroach into the rear setback as shown on the approved site plan.

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B0CC

LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX

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

  
 Boec

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
WEDNESDAY, MAY 6, 2015

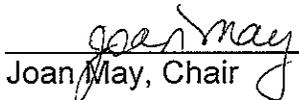
ATTACHMENT VI

Executive Session Minutes Attest

I, Steven J. Zwick, County Attorney attest that the Wednesday, May 6, 2015 Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

  
\_\_\_\_\_  
Steven J. Zwick, County Attorney

I, Joan May, Chair of the San Miguel County Board of Commissioners attest that the Wednesday, May 6, 2015 Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

  
\_\_\_\_\_  
Joan May, Chair