

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES**

WEDNESDAY, MAY 20, 2015

REGULAR MEETING

Second Floor, Miramonte Building
Telluride, Colorado

Present: Chair Joan May
Vice-Chair Elaine R.C. Fischer (arrived 10:01 a.m.)
Commissioner Art Goodtimes

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

1. Call to order.
9:37 a.m.
2. Review of Agenda.
3. Calendar Review.
4. CONSENT AGENDA:
 - a. Authorization of April 2015 Payroll and Vendor Payments.
(ATTACHMENT I)
 - b. Acceptance of April 2015 Road Report.
 - c. Acceptance of Building Department Monthly Report for April 2015.
 - d. Approval to appoint Ted Wilson to the San Miguel County Historical Commission for a two year term ending December 30, 2016.
 - e. Ratification of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Britt Markey, Lot P, Unit 28 Two Rivers Subdivision.
 - f. Approval of Chair's signature on Agreement for Services with Larry Scanlon, Telluride Landscaping Company to reclaim and re-vegetate disturbed lands on the Galloping Goose Connector trail between the Society Turn underpass and east end of Keystone George land parcel.
 - g. Ratification of Chair's signature on County Veterans Service Officer's April 2015 Report.
 - h. Approval of Chair's signature on Community Development Plan regarding down payment assistance and Rehabilitation loan funding per agreement with Delta Housing Authority.
 - i. Approval of Chair's signature on Memorandum of Understanding with the Bureau of Land Management and other interested parties regarding the Implementation of the Burn Canyon Travel Management Plan.
 - j. Approval of Chair's signature on Energy and Mineral Impact Assistance Grant Agreement with the Colorado Department of Local Affairs for partial funding in the amount of \$491,210 of a new Road & Bridge Maintenance Shop Facility near Norwood.
 - k. Approval of Chair's signature on Insubstantial Plat Amendment to modify building envelope on Lot 27 Elk Run Subdivision.
 - l. Approval of Minutes: March 25, 2015.
 - m. Acceptance of Open Space & Recreation Department April 2015 Monthly Report.
 - n. Approval of Intergovernmental Memorandum of Understanding with Town of Mountain Village concerning noxious weed management and control services in 2015.
 - o. Approval of Chair's signature on Social Services Department March 2015 Earned Revenue and Expenditures, April 2015 Check Register, April 2015 Expenditures through Electronic Benefit Transfers, April 2015 County Allocation / MOE report, March 2015 Balance Sheet, April 2015 Caseload Report.
 - p. Approval of USFS Collection Agreement 15-CO-11020405-030 for the high alpine country management of Black Bear, Ophir, and Imogene Pass roads for 2015 summer season.

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MOTION by Goodtimes to approve [Consent Agenda] as presented. **SECONDED** by May. **PASSED 2-0.**

5. ADMINISTRATIVE MATTERS:

- a. Consideration of a letter to US Senator Michael Bennet requesting he oppose and vote "No" on proposals that would override or undermine the Endangered Species Act (ESA).

MOTION by Goodtimes to approve that [letter with the amendment [adding a new paragraph after the 4th paragraph stating "Changes are needed to the ESA more flexibility to work with local governments and communities in order to address species needs short of listing. But the underlying framework with science base protections for threatened and endangered species needs to be preserved".

SECONDED by May. **PASSED 2-0.**

- b. Consideration of scoping comments opposing US Forest Service's Environmental Impact Statement to opening the North Folk Coal Mining Area to roads reinstating exception of the Colorado Roadless Rule.

Present: Leigh Robertson, Sheep Mountain Alliance Director; Dave Schneck, County Environmental Health Director

MOTION by Goodtimes to approve (county scoping comments opposing the Forest Service's Environmental Impact Statement to allow opening the North Folk Coal Mining Area to roads by reinstating exception of the Colorado Roadless Rule) as presented. **SECONDED** by May. **PASSED 2-0.**

6. OPEN SPACE AND RECREATION MATTERS:

- a. Consideration of request received from Norwood Fire Protection District to have use fees waived in the amount of \$70 for use of certain areas around County Fairgrounds on June 27, 2015 for Star Spangled Saturday event. (Note: Item continued to later in the meeting)

Present: Lynn Black, County Administrator; Ted Mueller, Chief Norwood Fire Department; Linda Luther, County Open Space and Recreation Coordinator

- b. Other.
 1. Discussion of a proposed Matterhorn Mill exterior and interior cleanup in cooperation with Forest Service contractor. **Board Consensus** to direct county staff to solicit a bid from the Forest Service's contractor to clean the interior of building while it cleans exterior

Present: Linda Luther, County Open Space and Recreation Coordinator

10. ADMINISTRATOR'S REPORT:

- a. Update with County Administrator.
 1. State Land Board Stewardship land designations update. **Board Consensus** to send a thank you letter to SLB.
 2. Staff coverage at June 9, 2015 BOCC meeting.
 3. CHP Health Pool representative designation for John Huebner.
 4. Letter of support for Ouray County CDOT Tiger grant requested.
 5. Lightning strike near the Glockson Building has damaged computer electronics housed there.

Present: Lynn Black, County Administrator; Leigh Robertson, Sheep Mountain Alliance

6. OPEN SPACE AND RECREATION MATTERS: (Continued)

- a. Consideration of request received from Norwood Fire Protection District to have use fees waived in the amount of \$70 for use of certain areas

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around County Fairgrounds on June 27, 2015 for Star Spangled Saturday event. (Item continued from earlier in the meeting)

Present: Ted Mueller, Chief Norwood Fire Department

MOTION by Goodtimes to approve the waiver in this special condition for the [Norwood] fire department only for this year. **SECONDED** by May. **PASSED 2-0.**

Board Consensus to direct Open Space staff to draft a policy to allow fee waiver for events hosted at Fairgrounds to essential services organizations like fire department.

10. ADMINISTRATOR'S REPORT: (Continued)

6. The focus group meetings for county salary study are completed.
7. Commissioner May is drafting a letter in support of the proposed Wilson Peak Land Exchange.

11. COMMISSIONER AND PUBLIC DISCUSSION:

- a. ~~Public Discussion.~~
- b. Update on Outside Meetings.
 1. Elaine Fischer –
 2. Art Goodtimes - PLP
 3. Joan May – Outdoor Alliance
- c. ~~Website postings and press releases.~~
- d. ~~General Discussion.~~

7. PLANNING MATTERS:

- a. **10:00 a.m. PUBLIC HEARING:** Consideration of an application submitted by Monet Ragsdale, on behalf of Summit Mountain Properties, seeking a Subdivision Exemption for a Lot Line Adjustment to adjust the lot line between Lots J1 and J2, Lawson Hill PUD and an Insubstantial PUD Amendment to amend the Lawson Hill PUD Matrix to show changes in lot size, square footage and parking requirements.

10:00 a.m. Chair Opened the Public Hearing.

Karen Henderson, County Associate Planner entered certain documents into the record. (ATTACHMENT II – List) (EXHIBIT A – Documents)

10:01 a.m. Commissioner Fischer entered the Meeting Room.

Those who addressed the Board:
Karen Henderson, County Associate Planner
Monet Ragsdale, Applicant representative

Others Present: Mike Rozycki, County Planning Director

10:05 a.m. Chair Closed the Public Hearing.

MOTION by Fischer to approve as presented [the amended Subdivision Exemption application finding it to be consistent with Land Use Code Section 5-1203 specifically because its purpose is not to create a new lot or one that is substantially different in size or dimensions and the proposed Lawson Hill PUD Amendment is consistent with Land Use Code Section 5-1502 which will bring the zoning, square footage and parking into compliance with the Matrix zoning criteria, and] with all survey comments being addressed [by applicant.] **SECONDED** by Goodtimes. **PASSED 3-0.**
(ATTACHMENT III – Resolution #2015-10)

- b. Other.
 1. County staff administrative approval of insubstantial amendment allowing animal hospital as an allowed use in Lower Ilium.

Present: Mike Rozycki, County Planning Director

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8. ADMINISTRATIVE MATTERS:

- a. Presentation of 2015 Wildland Fire Danger in the Uncompahgre National Forest.

Present: Eric Brantingham, Assistant Fire Management Officer Norwood Ranger District; Steve Zwick, County Attorney; Lynn Black, County Administrator; Dave Schneck, County Environmental Director; Halsey Landon, Sheep Mountain Alliance; Leigh Robertson, Sheep Mountain Alliance Director

9. SAN MIGUEL COUNTY HOUSING AUTHORITY MATTERS:

- a. Consideration of a request by Rebekah Newman, owner Lot 314-8, Lawson Hill, for an exception to Sections 5-1305.B. [Definitions], 5-1305.C. [Ownership, Use and Occupancy Regulations] 5-1305 F. [Procedure for Selling and Renting Affordable Housing] of the San Miguel County R-1 Deed Restriction.

Present: Shirley Diaz, Director SMRHA; Rebekah Newman, Applicant Lois Major, Attorney representing County

MOTION by Goodtimes to approve the recommendation number three [to grant a discretionary exception based upon the following compelling circumstance:] to support Ms. Newman's endeavor to further her education, [subject to the following conditions:

1. Ms. Newman is allowed to rent the property LH 314-8, to a qualified household for a rent not to exceed 30% of the applicant's net income at time of application as calculated by SMRHA and] the rent [will not change for the term of the lease] cannot exceed \$2,000;
2. All tenants must apply with SMRHA prior to leasing / occupying the unit and provide a letter from SMRHA verifying they are a qualified household;
3. The lease shall be for no less than 12 months, permitting a maximum of two leases while Ms. Newman is in school and she will provide a copy of the fully executed lease within five days to SMRHA;
4. The property will be leased by August 15, 2015 and occupied no later than September 1, 2015;
5. Ms. Newman will provide a copy of her enrollment and payment each semester until graduation and a copy of her degree;
6. Ms. Newman will have the unit appraised by a Colorado-certified appraiser, at her expense, before July 15, 2015. The appraisal shall be provided to SMRHA and shall be the initial asking price for the unit if Ms. Newman does not return in two years and provide employment with 60 days and then qualify within the next six months or if she selects to sell the unit prior to her return. The price of the unit may not exceed the appraised price and the appraised price is not a guarantee of actual sales price;
7. Ms. Newman has 60 days to provide employment information and eight months from her return to provide SMRHA with income and employment information and receive notification she is considered qualified;
8. The county is authorized to execute an exception agreement as prepared by the County Attorney's Office.] **SECONDED** by Fischer. **PASSED 3-0.**

b. Other.

1. SMCHA policy regarding rental of deed-restricted housing. **BOCC Consensus** to direct staff to draft a recommendation concerning conditions imposed for requests to rent deed-restricted homes.
2. Discussion of an upcoming exception request and information received by a commissioner.

Present: Shirley Diaz, Director SMRHA; Lois Major, Attorney representing County

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12. ATTORNEY MATTERS:

- a. Consideration of a request received from Herb McHarg, Attorney to waive the possible conflict of interest and allow him to represent a county taxpayer regarding a property tax matter.

Present: Steve Zwick, County Attorney; Herb McHarg, Attorney

MOTION by Goodtimes to approve the waiver [for Herb McHarg, Attorney to allow him to represent a county taxpayer regarding a property tax matter] as presented. **SECONDED** by Fischer. **PASSED 3-0.**

- b. Discussion regarding proposed Tri-State G&T Montrose-Nucla-Cahone Transmission Line project, BLM release of Draft EA to Cooperating Agencies.

Present: Steve Zwick, County Attorney; Dave Schneck, County Environmental Health Director; Mike Rozycki, County Planning Director

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

Present: Steve Zwick, County Attorney; Linda Luther, County Open Space and Recreation Coordinator; Dave Schneck, County Environmental Health Director; Mike Rozycki, County Planning Director; Earl Rhodes, Attorney representing County

MOTION by Fischer to go into Executive Session for an update on land negotiations, Citation (4)(a). **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 12.c.

Note: The County Attorney requested that item 12.d.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 IV)

11:45 a.m. Recessed.
12:10 p.m. Reconvened

Board only discussed the one item it stated and item 12.d.1. Discussion of San Miguel County C.R. S7 legal status, Citation (4)(b) in Executive Session.

11. COMMISSIONER AND PUBLIC DISCUSSION:

- b. Update on Outside Meetings.
 1. Elaine Fischer –
 2. Art Goodtimes - PLP
 3. Joan May – Outdoor Alliance / Corey Gardner phone-call
- c. ~~Website postings and press releases.~~
 - a. Public Discussion.
 1. Drone regulations information.

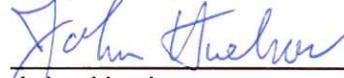
Present: Skip Edwards, County resident.

13. Adjournment.
12:26 p.m.

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Respectfully submitted,

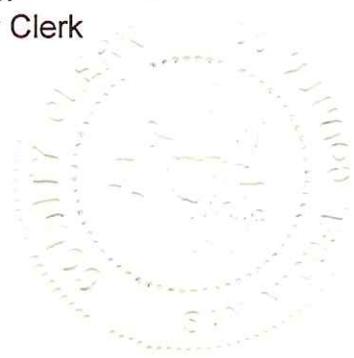


John Huebner
Chief Deputy Clerk

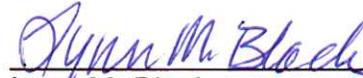
APPROVED August 5, 2015.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS


Joan May, Chair



ATTEST:



Lynn M. Black
County Administrator

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

FOR CONSENT AGENDA MAY 20TH, 2015

APPROVAL OF APRIL PAYROLLS &
APRIL 2015 VENDOR PAYMENTSCHECKS ISSUED APR 1ST THRU APR 30TH, 2015
FROM FUND/DISTRICT AS FOLLOWS:

FUND	PAYROLL	SPECIAL REQUEST VENDOR
GENERAL FUND - 101	\$502,254.38	\$162,514.29
ROAD & BRIDGE FUND - 102	\$125,027.76	\$334,341.46
SOCIAL SERVICES FUND - 103	\$27,306.38	\$354.08
SALES TAX CAPITAL FUND - 104	\$0.00	\$70,652.56
CAPITAL EXPENDITURES - 106	\$0.00	\$23,974.85
RETIREMENT FUND -107	\$31,144.50	\$0.00
PARKS/OPEN SPACE - 108	\$29,563.16	\$23,066.63
CONSERVATION TRUST FUND - 109	\$0.00	\$0.00
LODGING TAX - 110	\$0.00	\$2,984.89
VEGETATION MANAGEMENT - 111	\$0.00	\$4,227.87
PUBLIC HEALTH & ENVIRONMNT - 115	\$32,639.93	\$4,432.67
ENERGY FUND - 116	\$0.00	\$0.00
HOUSING AUTHORITY - 224	\$0.00	\$0.00
DISPOSAL DISTRICT - 226	\$0.00	\$5,006.23
TOTALS	\$747,936.11	\$631,555.53

Public Hearing Record

ATTACHMENT II

Application: Subdivision Exemption for a Lot Line Adjustment: Lot J1 and Lot J2, Lawson Hill PUD

Date: May 20, 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 20, 2015.
4. Public Hearing Notice published in The Norwood Post on April 29, 2015 and in the Telluride Daily Planet on May 1, 2015.
5. Application submitted by Monet Ragsdale, Leadership Circle LLC on behalf of Summit Mountain Properties, LLC dated April 13, 2015.
6. Certification of Compliance with the Public Noticing Requirements" dated May 13, 2015.
7. Email from Monet Ragsdale to Karen Henderson dated April 15, 2015.
8. Email from Pamela Hall, Lawson Hill Property Owners Co., to Karen Henderson dated May 12, 2015.
9. Letter from J. David Foley, County Surveyor, to Karen Henderson dated May 1, 2015.

ATTACHMENT III

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO,
APPROVING A SUBDIVISION EXEMPTION FOR A LOT LINE ADJUSTMENT FOR
AND AN INSUBSTANTIAL PUD AMENDMENT FOR
LOT J1 and LOT J2, LAWSON HILL PUD**

Resolution 2015-10

WHEREAS, Monet Ragsdale, on behalf of Summit Mountain Properties, LLC, owner of Lot J1 and J2, Lawson Hill PUD, seeks a Subdivision Exemption for a Lot Line Adjustment to move the lot line between Lot J1 and Lot J2 to move more square footage from Lot J1 to Lot J2, Lawson Hill PUD. Both lots are zoned Low Intensity Industrial (I) and are located in the upper Lawson Hill PUD between Alpine Lumber and the ball field on Tract 501W with access off the north side of Society Drive;

WHEREAS, Lot J1 is currently 0.5150 acres with 6,000 sq. ft. of industrial space and Lot J2 is currently 0.3430 acres with 4,000 sq. ft. of industrial space for a total of 10,000 sq. ft. of industrial space. Lot J1 has an existing 1,248 sq. ft. office building and Lot J2 has an existing 5,197 sq. ft. building currently being used as a cross-fit gym (previously used by Summit Roofing);

WHEREAS, the Lot Line Adjustment will decrease the size of Lot J1 and increase the size of Lot J2 which will allow an increase the amount of parking space on Lot J2. Lot J2 is currently approximately 1,100 sq. ft. over the zoned approval. The transfer of industrial square footage will bring Lot J2 into compliance with the zoned square footage allocated for the lot as stated on the Lawson Hill Land Use Matrix;

WHEREAS, the applicant is proposing to allocate 3,200 sq. ft. to Lot J1 and 6,800 sq. ft. to Lot J2. Lot J1 will have 8 assigned parking spaces, 3 spaces on Lot J1 and 5 spaces on Lot 501W and Lot J2 will have 5 spaces on Lot J2 and 10 spaces on Lot 501W. Lot 501W is the parking lot associated with the Lawson Hill ball fields. This parking arrangement on Lot 501W was finalized with an Insubstantial Plat and PUD Amendment to Lots J1 and J2 and Tract 501W in 2003;

WHEREAS, the applicant is not requesting any change in the allowed uses or increase in the assigned square footage;

WHEREAS, in a May 12, 2015 email, Pamela Hall, Lawson Hill Property Owners Board, states the Board has no issues with the proposed lot line adjustment and the transfer of the density;

WHEREAS, Subdivision Exemptions for a Lot Line Adjustment are one-step Board of County Commissioner reviews pursuant to Land Use Code Sections 3-501 B.I.v. and 5-1203;

WHEREAS, notice of the Public Hearing for Lot J1 and J2 application before the Board of County Commissioners was published in the Norwood Post on April 29, 2015 and the Telluride Daily Planet on May 1, 2015. Notice of the proposed applicant and meeting date was sent to

surrounding property owners and the Lawson Hill Property Owners Company and a Public Hearing Notice Sign was posted on the property;

WHEREAS, in a May 1, 2015 letter County Surveyor J. David Foley provided a list of 5 survey comments that need to be addressed;

WHEREAS, the Board of County Commissioners of San Miguel County Colorado considered this application, along with relevant evidence and testimony from the public, at a Public Hearing on May 20, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado unanimously approves of the Subdivision Exemption for a Lot Line Adjustment for Lots J1 and J2, Lawson Hill PUD finding the application to be consistent with Land Use Code Section 5-1203 specifically because its purpose is not to create a new lot or one that is substantially different in size or dimensions. The Board also finds that the proposed Lawson Hill PUD Matrix Amendment is consistent with Land Use Code Section 5-1502 which will bring the zoning, square footage and parking into compliance with the allowed uses in the PUD Land Use Matrix and will bring both lots into compliance with the Matrix zoning criteria.

BE IT FURTHER RESOLVED, this approval is contingent upon the applicant addressing all County Surveyor comments.

BE IT FINALLY RESOLVED that all representations made by the applicant in their application, both the original submittal and supplements, in writing shall be conditions of approval unless specifically modified by this resolution.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado on June 17, 2015.

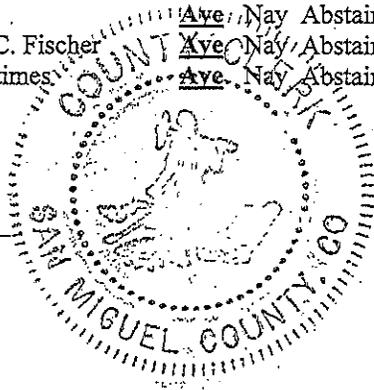
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

By: Joan May
Joan May, Chair

Joan May	<input type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Abstain	<input type="checkbox"/>	Absent
Elaine R.C. Fischer	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Abstain	<input type="checkbox"/>	Absent
Art Goodtimes	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Abstain	<input type="checkbox"/>	Absent

ATTEST:

By: John Hueber
Chief Deputy Clerk



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ATTACHMENT IV

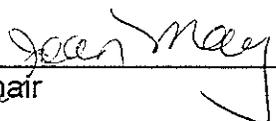
Executive Session Minutes Attest

I, Steven J. Zwick, County Attorney attest that the Wednesday, May 20, 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 20, 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