

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES**

Wednesday, July 8, 2020

Held Remotely - Via Zoom Join a Meeting, Zoom.us

Present: Hilary Cooper, Chair
Lance Waring, Vice Chair
Kris Holstrom, Commissioner

Staff Present: Mike Bordogna, County Manager
Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant
Carmen Warfield, Clerk to the Board

1. **CALL TO ORDER**

9:33 a.m.

2. **REVIEW OF AGENDA/CALENDAR REVIEW**

Lynn Padgett requested 6.a. continued to a later meeting.

3. **CONSENT AGENDA**

- a. Acceptance of the May 2020 Road Report
- b. Approval of Minutes: May 18, 2020, May 20, 2020, May 22, 2020, May 27, 2020, May 29, 2020, June 1, 2020, June 3, 2020, June 10, 2020, and June 17, 2020.
- c. Ratification of Chair's signature on an updated Designation of Representative to the County Health Pool to Chuck Tomlinson, Human Resource Manager.
- d. Ratification of the CC4CA 2020-2021 Policy Statement and approval of a Resolution of the Board of County Commissioners supporting the 2020-2021 Colorado Communities for Climate Action Policy Statement Update. (ATTACHMENT I – Resolution 2020-014)
- e. Approval of the re-appointment of Janie Goldberg to the Lone Tree Cemetery Board.
- f. Approval of Chair's signature on an Insubstantial Plat Amendment: Modify drainage easement for Lot 400-4, Lawson Hill Subdivision.
- g. Ratification of Commissioners' signature on the Burro Tunnel Mines Bureau of Land Management Tres Rios Field Office Scoping Letter

MOTION by Lance Waring to approve the consent agenda as presented. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

4. **ADMINISTRATIVE MATTERS**

- a. Update with Connie Clementson, BLM, Tres Rios Field Office.
 1. Update on the Dawson Vegetation.

Present: Ian Barrett and Connie Clementson, Bureau of Land Management

- b. Update on Tri-State Transmission Line Upgrade.

Present: Diana Leiker and Karl Myer, Tri-State; Ryan Righetti, Road and Bridge Superintendent

- c. Update with the Human Resources Manager.

Present: Chuck Tomlinson, Human Resources Manager

10:40 a.m. Recessed.

10:44 a.m. Reconvened.

- d. Update on the financial outcome concerning the De-Gallagherization efforts.

Present: Mike Bordogna, County Manager

MOTION by Kris Holstrom to notify the clerk that the County will be adding a Ballot measure to the November 3, 2020 ballot. **SECONDED** by Lance Waring. **PASSED 2-1.** Hilary Cooper opposed.

- e. Discussion with the Trust for Community Housing and Landing Locals - Long Term Rental Program.

Present: Amy Levek, Trust for Community Housing

- f. Consideration of submitting a grant to the Division of Local Affairs request for a planning grant to assist with Carbon accounting on the Sunnyside Housing Project.

Present: Kaye Simonson, County Planning Director; Todd Brown, Town of Telluride; Delanie Young, Town of Telluride

MOTION by Lance Waring to approve the submission of a planning grant to the Division of Local Affairs to assist with the Carbon accounting on the Sunnyside Housing Project. The Town of Telluride will provide the funding match. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

5. **PLANNING MATTERS**

- a. Continued discussion on dogs in Lawson Hill.

Present: Kaye Simonson, County Planning Director; Pam Hall, Lawson Hill HOA; Mike Bordogna, County Manager; Amy Markwell, County Attorney

- b. Consideration of Chair's signature on a variance application requesting a Driveway Exemption for Lot 44, Aldasoro Ranch PUD.

Present: Troy Hangen, Senior Planner; Kaye Simonson, County Planning Director; Stephanie Lord-Johnson, Berglund Architect representing the applicant

MOTION by Kris Holstrom to approve the proposed driveway exemption, specifically, allowing an exemption from the County's Driveway standards related to the internal radii of 22 feet that is less than the required 32 feet on the Engineered plans from Justin Yarnell of Yarnell Consulting & Civil Design, LLC, dated June 7, 2020 finding that such Exemption will not adversely affect public health, safety, and welfare, subject to the applicant meeting the conditions of approval set forth herein and is consistent with LUC 2-2201. This approval is subject to the following conditions:

1. The internal curve radius C-8 and C-19 of the submitted plans from Justin Yarnell, PE, dated 6-7-2020 for the driveway of Lot 44 of Aldasoro Ranch PUD will be built to 22'.
2. The driveway will be constructed to a 16-foot width that meets Telluride Fire Protection District's (TFPD) preferred standards as set forth in the County LUC. The applicant shall provide a copy of a stamped Engineered Plan that includes a cross-section of the proposed Driveway Improvements consistent with the representations on the submitted Plan and Profile, which is to also include the portion of the driveway reaching to the proposed building site on Lot 44. The Driveway Plan shall also identify the location of the building envelope on Lot 44.
3. The driveway will be improved per Mr. Yarnell's Plan and Profile and paved with asphalt to the identified building envelope on Lot 44 at a time agreed upon by the Aldasoro Ranch Owners Association and the owner of Lot 44; at a minimum these improvements shall be completed to the satisfaction of the TFPD prior to the County Building Department issuing a temporary or permanent Certificate of Occupancy (C/O) for a residence on Lot 44. The applicant shall also provide an Engineer's As-built Plan for this driveway prior to the issuance of a permanent C/O.
4. If another residential use is added to the driveway, upgrades to the driveway may be required to meet County Road Standards.
5. Compliance with all Telluride Fire Protection District Comments as set forth in the May 18, 2020, approved plan from James Boeckel, Fire Marshal.
6. The owner of Lot 44, Aldasoro Ranch PUD shall execute the Indemnity Agreement (if necessary) with the Telluride Fire Protection District (TFPD), and will incorporate fire suppression sprinkling elements into the design of a residence on Lot 44 as required by the TFPD. **SECONDED** by Lance Waring. **PASSED 3-0.** (ATTACHMENT II - Resolution 2020-013)

6. **GOVERNMENT AFFAIRS/NATURAL RESOURCES**

- a. Consideration of a comment letter to DORA (Colorado Department of Regulatory Affairs) regarding Docket # 20A-0059E: Notice of Application by Tri-State Generation

and Transmission Association, Inc. for Approval of the Retirement of the Nucla Station, and Request for Waiver of Rule 3103(d). Continued to a later meeting.

11:58 a.m. Recessed.

12:40 p.m. Reconvened.

8. **PUBLIC HEALTH AND ENVIRONMENT**

(Board of Commissioners sitting as the San Miguel County Board of Public Health and Environment)

- a. Consideration of the Chair's signature on a proclamation as the Board of Health showing our appreciation to the Telluride Medical Center through the COVID 19 outbreak.

Present: Mike Bordogna, County Manager

MOTION by Kris Holstrom to approve the proclamation as presented. **SECONDED** by Lance Waring. **PASSED 3-0.** (ATTACHMENT III – Proclamation 2020-003)

- b. Discussion and update with the San Miguel County Stakeholders concerning the COVID 19 outbreak.

Present: Mike Bordogna, County Manager, Grace Franklin, Public Health Director

Others Addressed and Updated the Stakeholders:

Laila Benitez – Telluride Mountain Village
Kim Montgomery – Telluride Mountain Village
Delanie Young – Town of Telluride
Todd Brown – Town of Telluride
Kieffer Parrino - Town of Norwood

- c. Update with Henry Mitchell, Emergency Manager.

Present: Henry Mitchell, County Emergency Manager; Dr. Diana Koelliker, M.D., Telluride Medical Center; Larry Mallard, Lodging; Dan Jansen, County resident

- d. Discussion on the Lodging Occupancy Threshold.

Present: Grace Franklin, Public Health Director; Mike Bordogna, County Manager; Kim Montgomery, Town of Mountain Village; Michael Martelon, MTI; Todd Brown, Town of Telluride

Note: The current Lodging Occupancy Threshold will remain the same and be looked at again on July 20, 2020.

- e. Decision on the Public health 3.0 concept.

Present: Grace Franklin, Public Health Director

No motion made. Board Consensus to move forward with Public Health 3.0 as presented.

9. **UPDATE WITH THE COUNTY MANAGER**

- a. Ratification of a Memorandum of Understanding related to the distribution of CARES Act Funds.

Present: Mike Bordogna, County Manager

MOTION by Kris Holstrom to approve as presented. **SECONDED** by Lance Waring. **PASSED 3-0.**

- b. Consideration of a Memorandum of Understanding concerning the Norwood Rural Housing development.

Present: Mike Bordogna, County Manager; Paul Major, Telluride Foundation

MOTION by Lance Waring to approve the MOU concerning the Norwood Rural Housing development with the clarification that the advisory board will be formed when necessary. In addition

the clarification of the committee will be advisory to the Board of County Commissioners and the Telluride Foundation. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- c. Other, as needed.
 - 1. Thank you to the Town of Telluride Fire District for assisting in the Courthouse Flag Replacement.
 - 2. Update on the Sheriff Office Facilities
 - 3. Additional Funding by Pitt
 - 4. Multi Motor Grant with CDOT
 - 5. Plowing occurring today on Black bear Pass

3:32 p.m. Recessed.
3:36 p.m. Reconvened.

10. COMMISSIONER UPDATES

- a. Other, as needed.
 - 1. Kris Holstrom - Telluride Foundation, Services with Egnar follow up, Local food Initiative
 - 2. Lance Waring - Egnar Physical addresses Egnar Water Supply, Egnar Police Presence; Lodging Oversight Committee
 - 3. Hilary - SBEADMR Field Trip, San Miguel Conservation District, Update on the Opioid Lawsuit

11. ATTORNEY MATTERS

(Any of these items may involve an Executive Session C.R.S 24-6-402)

- b. Update on Litigation.
 - 1. Update on Suncor Exxon.

- a. ~~Executive Session:~~ Discussion on the Campbell Land Conservation Easement and First Right of Refusal, citation 4(a).

No Executive Session. Board Consensus to direct staff to allow the recorded easement to continue to follow the land.

12. PUBLIC COMMENT FOR ITEMS ON THE AGENDA

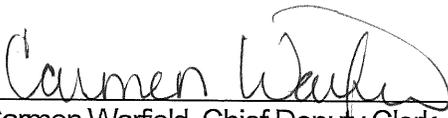
MOTION by Kris Holstrom to adjourn the meeting. **SECONDED** by Lance Waring. **PASSED 3-0.**

12. ADJOURNMENT

4:11 p.m.

20200708-BOCC-Audio

Respectfully submitted,


Carmen Warfield, Chief Deputy Clerk

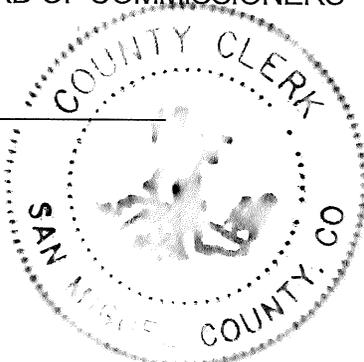
Approved August 5, 2020.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS


Hilary Cooper, Chair

ATTEST:


Mike Bordogna, County Manager



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO
SUPPORTING THE 2020-2021 COLORADO COMMUNITIES FOR CLIMATE ACTION
POLICY STATEMENT UPDATE

RESOLUTION #2020 - 014

WHEREAS, the Board of County Commissioners (BOCC), recognizes the significant impacts to our community and many others that are already taking place, and the likelihood that these impacts will continue to intensify in the coming years, including additional infrastructure costs, health impacts to community members, economic impacts to businesses, water supply and water quality challenges, and others;

WHEREAS, the Board of County Commissioners (BOCC), along with thirty-three other municipalities and counties in Colorado, have joined Colorado Communities for Climate Action ("CC4CA"), a coalition of local governments across the state which advocates for state and federal policies which support clean air, clean water, reduction of fossil fuel consumption and other contributors associated with greenhouse gas emissions; and

WHEREAS, an integral part of this system is the adoption of updates to CC4CA's Policy Statement, which guides the coalition's work; and

WHEREAS, the County of San Miguel desires to have an effective voice in the development of statewide energy and greenhouse gas reduction policies;

WHEREAS, the CC4A 2020-2021 Policy Statement Update is in alignment with San Miguel County.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

THAT, the County of San Miguel, supports the attached 2020-2021 update to the CC4CA Policy Statement.

DONE AND APPROVED by the Board of County Commissioners at a regular meeting held at Telluride, Colorado, on July 8, 2020.

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

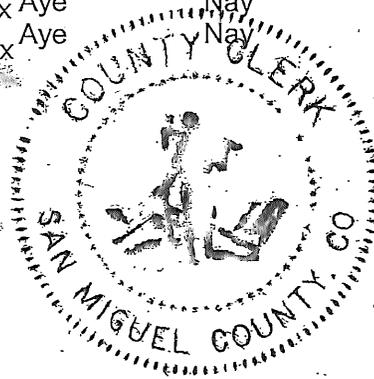
Hilary Cooper
Hilary Cooper, Chair

Vote: Hilary Cooper
Kris Holstrom
Lance Waring

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

ATTEST:

DocuSigned by:
Carmen Warfield
Carmen Warfield, Chief Deputy Clerk



CC4CA POLICY STATEMENT 2020-2021

ACTION TO BE CONSIDERED: Consideration to Support Updated CC4CA Policy Statement for 2020-2021

SUMMARY: The County of San Miguel is a member of Colorado Communities for Climate Action (CC4CA). As a member, the County has had the opportunity to weigh-in on the development of the CC4CA Policy Statement, which is updated on an annual basis to adjust the policy positions of the organization. CC4CA's 2020-2021 Policy Statement update reflects unanimous agreement among the coalition members on steps that should be taken at the state and federal level, often in partnership with local governments, to enable Colorado and its communities to lead in protecting the climate.

The proposed statements were developed through CC4CA committees, which solicited input from every member jurisdiction and then prepared updates to reflect that input. The County participated and provided input in these discussions.

CC4CA held its all-member annual retreat to review and finalize the Policy Statement on June 19, 2020. The retreat, and the many months of work by CC4CA's Policy Committee and Board of Directors (on which every member jurisdiction is represented) prior to the retreat, provided the opportunity for all members to share input on each of the policy positions and the statements were modified accordingly. CC4CA members did a significant amount of work to finalize the proposed statement based on the input of all member Councils and Boards and to gain the approval of all members present at the retreat. At this time, all members of CC4CA are asked to formally ratify the updated Policy Statement.

Most of the updates are non-substantive, and none of the substantive updates significantly alter any positions. The updates include:

- 1) The updated Policy Statement eliminates the "explanatory text" that has been part of the format in previous years. These were the paragraphs accompanying each specific policy position that provided additional details and examples. The result is a much more concise and manageable Policy Statement.
- 2) The most significant substantive changes compared to the 2019-2020 Policy Statement are all still only minor changes:
 - Position #7, which supports a public process for evaluating retail energy choice options for local jurisdictions, now supports such a process for evaluating both retail and wholesale energy choice options for local jurisdictions.
 - "Resilience" is more clearly called out in the first General Policy Principle and in policy positions #5 (calling to remove barriers allowing local governments to implement resilience-oriented strategies) and #26 (encouraging post-disaster recovery efforts to improve resilience to future disasters).
 - Position #24 adds "reuse" to "recycling and composting."
 - There is a new position (#25), which encourages the adoption of climate-positive innovations drawing from the lessons learned during the pandemic.
- 3) All of the other proposed changes are for grammatical purposes, to improve clarity, or maintain clarity when removing the explanatory text.

BUDGET IMPACT: There is no budget impact at this time.

**RESOLUTION OF THE BOARD OF COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
GRANTING A DRIVEWAY EXEMPTION
FOR LOT 44, ALDASORO RANCH PUD**

Resolution 2020-013

WHEREAS, Hans Berglund, on behalf of Tad Ihns, owner of Lot 44, Aldasoro Ranch PUD, ("Applicants") has applied for a Driveway Exemption for a reduced internal radii of the driveway to access Lot 44. Lot 44 is currently undeveloped; and

WHEREAS, as a part of this application for an Exemption to one of the County's Driveway standards, as set forth in LUC Section 5-502 DD the applicant has provided a Plan and Profile, prepared by Justin Yarnell, P.E. Yarnell Consulting & Civil Design, LLC, to decrease to the internal radii of the driveway from 32' to 22'. Mr. Yarnell's Driveway Plan identifies a typical 12-foot-wide asphalt (paved) travel lane with two-foot-wide gravel shoulders, for an overall minimum road width of 16 feet;

WHEREAS, the existing driveway proposal does not meet the County's Driveway standard in that interior turning radius of the access driveway coming off of Aldasoro Blvd is less than the minimum required 32 foot radius in two (2) locations; and

WHEREAS, the Home Owners Association (HOA) and Telluride Fire Protection District have approved the design of the internal radii reduction to 22' from the required 32'. Without the approval of the plan, substantial switch backing down the hillside would occur which would be highly visible throughout the subdivision and surrounding property, would involve significant grading along with cut/fill impacts and impacts to vegetation; this would also be very expensive; and

WHEREAS, County Land Use Policy 2-2201, states "It is the policy of the County to insure that new and upgraded roadways are designed, engineered and constructed to minimize environmental or aesthetic damage and future maintenance costs consistent with public safety needs. The County shall utilize flexible road standards to design roadways to adapt to the landscape rather than requiring significant changes to the landscape by strictly applying standard engineering practices"; and

WHEREAS, the application was referred to Jim Boeckel, the Telluride Fire Protection District Fire Marshal and approved on May 12, 2020; and

WHEREAS, County Road Exemptions are a One-step Board of County Commissioner (BOCC) review pursuant to Land Use Code (LUC) Section 5-501 B, and County Driveway Standards pursuant to LUC 5-502 DD, and the BOCC may grant an exemption from any standard in Section 5-501 or 5-502, provided the Board finds such exemption will not adversely affect public health, safety and welfare; and

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony from the public, at a public meeting in Telluride on July 8, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, does hereby approve the proposed driveway exemption, specifically, allowing an exemption from the County's Driveway standards related to the internal radii of 32 feet to 22 feet as depicted on the submitted engineer plans for the driveway prepared by Justin Yarnell, PE, Yarnell Consulting & Civil Design, LLC dated June 7, 2020, finding that such Exemption will not adversely affect public health, safety and welfare subject to the applicant meeting the conditions of approval set forth herein and is consistent with LUC Section 2-2201. This approval is subject to the following conditions:

1. The internal curve radius C-8 and C-19 of the submitted plans from Justin Yarnell, PE, dated 6-7-2020 for the driveway of Lot 44 of Aldasoro Ranch PUD will be built to 22'.
2. The driveway will be constructed to a 16-foot width that meets Telluride Fire Protection District's (TFPD) preferred standards as set forth in the County LUC. The applicant shall provide a copy of a stamped Engineered Plan that includes a cross-section of the proposed Driveway Improvements consistent with the representations on the submitted Plan and Profile, which is to also include the portion of the driveway reaching to the proposed building site on Lot 44. The Driveway Plan shall also identify the location of the building envelope on Lot 44.
3. The driveway will be improved per Mr. Yarnell's Plan and Profile and paved with asphalt to the identified building envelope on Lot 44 at a time agreed upon by the Aldasoro Ranch Owners Association and the owner of Lot 44; at a minimum these improvements shall be completed to the satisfaction of the TFPD prior to the County Building Department issuing a temporary or permanent Certificate of Occupancy (C of O) for a residence on Lot 44. The applicant shall also provide an Engineer's As-built Plan for this driveway prior to the issuance of a permanent C of O.
4. If another residential use is added to the driveway, upgrades to the driveway may be required to meet County Road Standards.
5. Compliance with all Telluride Fire Protection District Comments as set forth in the May 18, 2020 approved plan from James Boeckel, Fire Marshal.
6. The owner of Lot 44, Aldasoro Ranch PUD shall execute the Indemnity Agreement (if necessary) with the Telluride Fire Protection District (TFPD), and will incorporate fire suppression sprinkling elements into the design of a residence on Lot 44 as required by the TFPD.

BE IT FINALLY RESOLVED that all written representations submitted in the application and all supplements are considered conditions of approval unless modified by this review process.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on July 17, 2020.

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

DocuSigned by:
By: Hilary Cooper
EB1DDC2E8F0642A
Hilary Cooper, Chair

Vote:	Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
	Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent
	Lance Waring	<u>Aye</u>	Nay	Abstain	Absent

ATTEST:
DocuSigned by:
By: Carmen Warfield
BE2AF0C38C6340B...
Chief Deputy Clerk
[text/lot44.aldasoro.driveway.exemp.reso]



**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
PROCLAIMS WEDNESDAY, JULY 8, 2020, AS
TELLURIDE REGIONAL MEDICAL CENTER DAY
IN SAN MIGUEL COUNTY, COLORADO**

Proclamation #2020 – 003

This week San Miguel County pays honor to The Telluride Regional Medical Center as we honor their service to the citizens of San Miguel County Colorado, with this proclamation.

WHEREAS, leveraging local partnerships is in the mission of the Board of County Commissioners of San Miguel County; and

WHEREAS, The Telluride Regional Medical Center (TRMC) has been an integral partner in the fight against the spread of Covid-19 in San Miguel County; and

WHEREAS, The Board of Commissioners also sits as the San Miguel County Board of Health, tasked with ensuring the public safety and welfare; and

WHEREAS, with their help and coordination, San Miguel County was able to test over 5,400 residents with Covid-19 blood antibody tests; and

WHEREAS, over 1,100 people in San Miguel County have been able to receive PCR tests; and

WHEREAS, TRMC's staff and administration has borne significant expense to enable the continued ability to test patients with Covid-19 symptoms; and

WHEREAS, without the partnership and assistance they have provided, San Miguel County would have had great difficulty in providing the high levels of service and support which they have been able to offer; and

WHEREAS, due to their investments in infrastructure, processes and employees, TRMC has been able to significantly increase their testing abilities to meet the demands of the summer tourism season for the Telluride Region; and

WHEREAS, continued testing capacity is one of the key factors to enable the social and economic recovery of the region for the benefit of the citizens of San Miguel County; and

NOW, THEREFORE, let it be known that this Board of County Commissioners hereby expresses its sincere appreciation to TRMC for their exceptional service to San Miguel County and its residents.

DONE AND APPROVED by the Board of County Commissioners at a regular meeting held in Telluride, Colorado this 8th of July, 2020.

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

DocuSigned by:
Hilary Cooper
EB4DDC2E8F0642A
Hilary Cooper, Chair

Vote: Hilary Cooper
Kris Holstrom
Lance Waring

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



ATTEST:

DocuSigned by:
Carmen Warfield
BE2AF0C39C63400
Carmen Warfield, Chief Deputy Clerk