

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
APPROVING AN AMENDMENT TO THE SAN MIGUEL COUNTY LAND USE CODE
ARTICLE 2 AND SECTIONS 5-307, 5-314, 5-316, 5-319, 5-321, 5-322, 5-7, 5-10, 5-21, 5-26,
5-27 AND 5-29 REGARDING EXTERIOR LIGHTING**

Resolution 2021-18

WHEREAS, pursuant to Land Use Code Section 5-1802, the Norwood Dark Sky Advocates and West End Dark Sky Alliance (Nucla/Naturita) requested that San Miguel County update its exterior lighting standards to help facilitate the process to make the San Miguel River Basin a Dark Sky Reserve that will include all of San Miguel County and Montrose County west of the Plateau; and

WHEREAS, the draft amendment was referred to the County Attorney, County Manager, County Building Official, County Road and Bridge Director, County Site Inspector, County Sheriff, Norwood Dark Sky Advocates, West End Dark Sky Alliance, International Dark Sky Association, Town of Telluride, Town of Mountain Village, Town of Ophir, Town of Sawpit and Town of Norwood for review and comment; and

WHEREAS, at its regular meeting held on Thursday June 10, 2021 meeting, following its consideration of the proposed LUC Amendment, the referral comments provided, and public comments were received prior to and during the public meeting, the County Planning Commission (CPC) unanimously recommended approval of the Land Use Code Amendment, with recommendations for additional amendments, which are incorporated herein; and

WHEREAS, in making its recommendation to the Board of County Commissioners, the CPC made the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments; is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code; and

WHEREAS, the County Planning Commission's recommendation are set forth in the minutes from the June 10, 2021 CPC meeting; and

WHEREAS, a Public Hearing Notice for the proposed Land Use Code Amendment and the Board of County Commissioners meeting to be held on July 7, 2021 was published in the Norwood Post and the Telluride Daily Planet on June 16, 2021; and

WHEREAS, a list of the items included in the Public Hearing Record is attached to this resolution as Exhibit A; and

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this Land Use Code amendment, along with relevant evidence and testimony, at a public hearing on Wednesday, July 7, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves and adopts the amendment to San Miguel County Land Use Code Article 2, Sections 5-307, 5-314, 5-316, 5-319, 5-321, 5-322, 5-7, 5-10, 5-21, 5-26, 5-27 and 5-29 regarding Exterior Lighting, as follows:

(Additions are shown with underline. Deletions are shown with ~~strike through~~.)

SAN MIGUEL COUNTY LAND USE CODE

ARTICLE 2

LAND USE POLICIES

SECTION 2-39: PRESERVING THE DARK NIGHT SKY

2-3901

It is the policy of the County to protect the quality of starry nights and nocturnal environment, and to specifically protect the night sky for its scientific, natural, and educational values; cultural heritage; and/or public enjoyment.

2-3902

Ensure that all outdoor nighttime lighting in all county Zone Districts be designed wisely to minimize the harmful effects of light pollution. Lighting plans shall address the type, intensity, location, color, timing, and fixture design, as well as the specific needs of a property or facility's use.

ARTICLE 5

STANDARDS

5-307 Forestry, Agriculture and Open (F) (in part)

5-307 I. Hotel, Guest Ranch, and Bed and Breakfast Standards for the F Zone District. In addition to complying with the standards for special uses in Section 5-10, hotels shall comply with the standards in this section:

VII. ~~Exterior lighting must be shielded to prevent direct visibility of light bulbs from off-site. All exterior lighting shall be directed toward either the ground or the surface of a building. High-intensity sodium vapor and similar lighting shall be prohibited.~~ All exterior lighting shall comply with the standards of Section 5-710;

5-307 L. Single-family Dwellings over 12,000 sq. ft. of Floor Area on a minimum of 35 acres

- I. Such dwellings must include one Caretaker or Accessory Dwelling Unit (depending upon Zone District) subject to the County R-1 Housing Deed Restriction, as provided in Section 5-1302 B. II. g., of at least 800 sq. ft. but no greater than 2,000 sq. ft. for a Caretaker Unit and of at least 700 sq. ft. but no greater than 800 sq. ft. for an Accessory Dwelling Unit.
- II. Submission Requirements:
 - a. A Site plan shall be provided including:
 - i. building plan, including location and dimensions of structures;
 - ii. typical elevations/heights of buildings;
 - iii. topography;
 - iv. existing landscaping and proposed landscaping plan;
 - v. lighting plan; all exterior lighting shall comply with the standards of Section 5-710; and;
 - vi. existing structure and uses on adjacent parcels.
 - b. Applicant shall address Land Use Code Section 5-21 Scenic Quality Standards. Each developer shall describe in detail how the visual impact of the proposed development on neighboring developments and public use areas shall be mitigated.

5-314 Open Space (OS)

5-314 C. Use Allowed by Administrative Review:

The purpose of the County Planning Department Administrative Review is to provide staff an opportunity to work with an owner or developer to minimize the impacts of development on the environment, to ensure that the proposed development adequately avoids or mitigates natural and geologic hazards, to reduce the visual impacts associated with access roads, driveways, cut and fill areas, site and building lighting, and to ensure that the site improvements and the mass, scale and form of a residential structure is consistent with the Purpose of the OS Zone District. Visually overpowering building forms, where the mass and scale of the proposed structures are significantly larger and incompatible with the surrounding area, should be avoided.

- I. Single-family residences, including customary residential uses and underground utility service.
 - a. Buildings are to be placed in locations that minimize visibility. Avoid placing buildings at high points on the site or in other highly visible areas. In no case shall residential development occur above the 9050 foot elevation line in the OS Zone District.
 - b. To the greatest extent possible, cutting and filling of sloping areas

should be avoided but where it must occur, the visual impacts should be minimized. Use natural materials to minimize visual impacts. Buildings that cut into slopes are encouraged where they can help minimize the perceived mass and scale. Roof slopes that repeat the slope of the hillside are encouraged.

- c. Large picture windows of glass that reflect toward the Town of Telluride, State highway 145, Colorado Avenue, County Road K69, and public use areas are to be avoided.
- d. All exterior lighting fixtures shall ~~utilize recessed light sources, shielded fixtures, low intensity lighting, or other features to~~ minimize visual impact of light sources as seen from the Town of Telluride, public use areas, from other surrounding areas of the hillside. All exterior lighting shall comply with the standards of Section 5-710.
- e. Site plans. The following siting and design guidelines will be considered during the Administrative Review for a Development Permit or Building Permit by the Planning Department, which may be approved with or without conditions. The submitted plans should:
 1. Consider ways to minimize disturbances of natural topography and retain natural vegetation of substantial size, including trees, shrubs and other natural landscape features in place, or relocate them within the site. Include a landscaping plan. Use of natural plantings rather than non-native ornamental materials is encouraged.
 2. Minimize the height of walls and retaining devices and use natural materials to minimize visual impacts.
 3. Minimize the visual impact of a structure from the Town of Telluride, State Highway 145, Colorado Ave, County Road K69, and public use areas.
 4. Consider shared driveways and clustered parking areas to minimize disturbance to natural landscape.
 5. Include a lighting restriction plan. Position lighting to minimize visual impacts as seen from lower viewpoints that may affect the night character of the community.
 6. Visually overpowering building forms should be avoided. Low profile buildings are encouraged.
 7. Buildings that cut into slopes are encouraged where they can help minimize the perceived mass and scale.
 8. Step buildings down at hillside edges, to minimize visual impacts and reduce the apparent height.
 9. Roof forms that protect views of significant features and existing view corridors are encouraged.
 10. Designs that blend with the character of the natural hillside

in material, muted colors and texture are encouraged.

5-316 Scenic Foreground Overlay (SFO) and Scenic View Plane (SVP) (in part)

5-316 C. Development Standards - Subject to Planning Commission Review

Development within the SFO and SVP Zone District shall generally comply with the standards in this Section and shall be subject to review by the Planning Commission. Compliance with every standard is not required, but developments shall comply with the cumulative intent of these standards:

- VIII. ~~Shield exterior lighting to prevent direct visibility of light bulbs from off-site. All exterior lighting shall be directed toward either the ground or the surface of a building. High intensity sodium vapor and similar lighting shall be prohibited.~~ All exterior lighting shall comply with the standards of Section 5-710;

5-319 Wright's Mesa (WM) (in part)

5-319 K. Review Standards for all WM Zone District Special Uses

All special uses shall:

- VIII. ~~Be required to shield exterior lighting to prevent direct visibility of light bulbs from off-site. All exterior lighting shall be directed toward the ground or the surface of a building. High intensity sodium vapor and similar lighting shall be prohibited.~~ All exterior lighting shall comply with the standards of Section 5-710;

SECTION 5-319 WRIGHT'S MESA ZONE DISTRICTS (in part)

5-319 H. Use-Specific Standards

All uses are subject to the applicable use-specific standards set forth in the Section.

III. Public and Institutional

a. Community/Recreational Center

A community and/or recreation center shall comply with the following standards:

- i. Size: Structure shall not exceed 15,000 square feet of Gross Floor Area.
- ~~ii. Lighting: Lighting will be screened and downcast.~~
- ii. Noise: Building will be designed so that noise will not interfere with the surrounding uses. Noise shall not exceed 55 dBA at the lot line adjacent to a residential use or where residential uses are allowed by right.

- iii. Storage: Adequate provision shall be made in the design and/or location of building and loading areas for equipment and supplies, so that storage and service areas are screened from adjacent residential areas and the street.
- iv. Hours of Operation: Hours of operation shall be determined through special use review.
- v. Utilities: The facility shall connect and be served by the Norwood Water Commission and the Norwood Sanitation District.
- vi. Parking: Parking shall comply with Section 5-702. Parking shall be screened and sited to minimize visual impacts of the development.
- vii. Other: Alcohol may be served at private functions pursuant to a valid special events liquor license.

V. Industrial

b. Mini-Storage

Mini-storage units shall comply with the following standards:

- i. Size: The facility shall not exceed 2,500 square feet in the WMRA zone district. Facilities larger than 2,500 square feet in the WMLI zone district are only permitted by special use.
- ii. Setbacks: The mini-storage structure shall be set back at least 100 feet from the lot line abutting a highway or county road or an existing dwelling or property zoned for residential use.
- iii. Screening and Fencing: A six foot opaque perimeter wall or fence, or landscaping and natural berming (with an approved landscape plan) shall be constructed adjacent to residential areas to provide screening.
- ~~iv. Lighting: Exterior lighting shall illuminate downward.~~
- iv. Signage: Signage shall be unlit.
- v. Outdoor Storage: No exterior storage of goods or materials shall occur. Covered trash dumpsters shall be maintained on-site.

5-319 I. Site Development Standards

Uses on Wright's Mesa shall comply with the following site development standards.

I. General Wright's Mesa Standards

All development shall comply with the standards set forth in Section 5-6, which establishes service standards; Section 5-7, which establishes improvement standards (including but not limited to parking drainage and flood control, signs, lots, monuments, and landscaping); Section 5-8, dedication standards (including but not limited to parks and public area, school land); and the following:

a. Landscaping and Screening

- i. The Planning Commission and the Board of County Commissioners may require planting of trees and other plant material to mitigate visual impacts of development.

b. Lighting

i. General Lighting Standards

All exterior lighting shall comply with the standards of Section 5-710.

~~Lighting regulations regulate outdoor night time fixtures to preserve, protect, and enhance the dark sky while conserving energy, permitting reasonable and safe use of outdoor night time lighting, minimizing glare and obtrusive light, and helping to protect the natural environment from the damaging effects of night lighting. All outdoor fixtures shall be required to shield exterior lighting to prevent direct visibility of light bulbs from off site. All exterior lighting shall be directed toward the ground or the surface of a building. High intensity sodium vapor and similar lighting are prohibited.~~

i. Exempt Lighting

~~The following are exempt from the requirements of this Section:~~

- ~~a) Outdoor lighting fixtures existing or legally installed prior to the effective date of this Section; however, when existing lighting fixtures are repaired or replaced, they will be subject to the provisions of this Section.~~
- ~~b) Outdoor lighting fixtures that are necessary for worker safety at farms, ranches or dairies. IDA full cutoff shielding is encouraged.~~
- ~~c) Outdoor lighting for stairs, ramps, exit signs, and other illumination required by building code, as long as IDA full cutoff shielding is employed.~~
- ~~d) Holiday or temporary lighting (less than 30 days use in any one year).~~
- ~~e) Emergency lighting used by police, firefighters, or medical personnel and that is in operation as long as the emergency exists.~~

II. Additional Site Development Standards for WMTR and WMLI Zone Districts

All uses on Wright's Mesa in the Norwood Master Plan Boundary are subject to the general site development standards in subsection I above plus the following additional standards:

a. Lighting Standards for WMTR and WMLI Zone Districts

The following lighting standards apply in the WMTR and WMLI Zone Districts.

i. All exterior lighting shall comply with the standards of Section 5-710.

~~i. High Intensity sodium Vapor Prohibited.~~

~~High intensity sodium vapor and similar lighting shall be prohibited.~~

~~ii. Shielding and Lighting Design~~

~~vi. All exterior lighting installations subject to this Code shall be designed and installed to be fully shielded ("full cutoff," as described by the International Dark sky Association (IDA). In residential area, lights should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter. Parking lots and other background spaces shall be illuminated as unobtrusively as possible with full cut-off shielding while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. In no case shall exterior lighting directly illuminate any point off site.~~

5-321 High Country Area (HCA) (in part)

5-321 D. Standards for all Administrative Reviews and All Special Uses Requiring One-Step and Two-step Review

II. All Uses are subject to the following Standards:

a. Outdoor lighting shall be limited to the minimum required to comply with the applicable provisions of the Uniform Building Code and National Electric Code. ~~All required exterior lighting shall be fully shielded and directed toward either the ground or the surface of the building to prevent direct visibility off site. High intensity sodium vapor, mercury vapor, and similar lighting is prohibited.~~ All exterior lighting shall comply with the standards of Section 5-710.

5-322 H. Review Standards for Land Uses and Area and Bulk Requirements Requiring Review Through the Planned Unit Development (PUD) Procedure

An applicant seeking approval for any of the uses listed in Sections 5-322 D. or approval to utilize the area and bulk requirements in Section 5-322 F. must demonstrate to the satisfaction of the Board of County Commissioners substantial compliance with the standards in this section.

IX. All exterior lighting fixtures shall ~~utilize recessed light sources, shielded fixtures, low intensity lighting, or other features~~ to minimize visual impact of light sources as seen from the Town of Telluride, public use areas, or

from other surrounding areas of the hillside. All exterior lighting shall comply with the standards of Section 5-710.

SECTION 5-7: IMPROVEMENTS

5-710 Exterior Lighting

5-710 A. Exterior Lighting Standards

I. The purpose of this Section is to provide standards for outdoor nighttime lighting design that preserves, protects, and enhances the County's night sky while conserving energy, permitting reasonable and safe nighttime use of properties, minimizing glare and obtrusive light, and helping to protect the natural environment and wildlife from the impacts of night lighting. These standards are based on the requirements of the International Dark-Sky Association (IDA) Dark Sky Reserve guidelines.

II. Exterior Lighting Standards for all Zone Districts.

The following lighting standards shall apply in all county zone districts.

a. High-intensity sodium-vapor and similar lighting; floodlighting; lasers; or light that dynamically varies its output by intermittent flashing, blinking, rotating, or strobing shall be prohibited.

b. Lighting Design and Shielding:

i. All exterior lighting installations subject to this Code shall be fully shielded as described by the International Dark-sky Association (IDA) and directed toward the ground or downward, shielded by roof elements, or effectively recessed.

ii. Use lighting that has a low color temperature (less blue in its spectrum), with a maximum allowed Correlated Color Temperature of no more than two thousand seven hundred (2,700) degrees Kelvin.

iii. In residential areas, lights shall be shielded such that the bulb is not directly visible outside the property perimeter.

iv. Parking lots and other background spaces shall be illuminated as unobtrusively as possible with fully shielded fixtures while meeting the functional needs of safe circulation and protection of people and property. The height, number, placement and fixture type shall suit the purpose of the lighting, e.g. using bollards to illuminate walking surfaces instead of pole-mounted lights.

v. Foreground spaces, such as building entrances and outside

- seating areas, shall utilize local lighting that defines the space without glare. In no case shall exterior lighting directly illuminate any point off-site.
- vi. Whenever possible, use IDA-certified dark sky friendly outdoor lighting products.
 - c. Exterior lighting shall be limited to functional uses such as illumination of doorways, garage doors, decks, terraced levels, or walkways, and recreational areas when in use.
 - d. Motion Sensor lights are encouraged for commercial, industrial or residential access but shall be designed so the sensor will be triggered by activity only within the owner's property lines.
 - e. No exterior lighting shall be installed or used in any way that interferes with the safe movement of motor vehicles.
 - f. Applications for Building Permits and Development Permits shall include an exterior lighting plan that shows the following:
 - i. The locations of exterior lights on the building(s) and/or other activity or use on the property for which the application is submitted.
 - ii. Description(s) of the lighting fixtures, demonstrating how lighting fixtures will comply with this section.

III. Exempt Lighting

The following uses are exempted from the requirements of this Section:

- a. Outdoor lighting fixtures existing or legally installed prior to the effective date of this Section; however, when existing lighting fixtures are replaced, they will be subject to the provisions of this Section.
- b. Outdoor lighting fixtures that are essential for worker's safety and efficient functioning of farms, ranches, dairies, or commercial / industrial operations. Fully shielded fixtures are encouraged.
- c. Outdoor lighting for stairs, ramps, exit signs, and other illumination required by building code. Fully-shielded fixtures are required.
- d. Outdoor lighting necessary for public safety, such as runway lighting of airports, traffic control signals, and construction projects.
- e. Holiday or temporary lighting (less than sixty (60) days use in any

one year). All temporary lighting shall conform to the code to the greatest practical extent.

f. Emergency lighting used by police, fire fighters, or medical personnel and that is in operation as long as the emergency exists.

g. Any lighting required by federal or state regulations.

SECTION 5-10: SPECIAL USES

5-1002 E. The following must be addressed as part of any application:

- I. A Site plan including:
 - a. Ownership, Use and zoning of all adjacent Parcels;
 - b. Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan;
 - c. Recorded and apparent easements;
 - d. Location and dimensions of Structures and Signs;
 - e. Typical elevations/Heights of such Buildings;
 - f. Landscaping;
 - g. Topography;
 - h. Specific areas proposed for specific types of land Use/the identification of specific land Uses; and
 - i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable;
- II. Lighting plan: All exterior lighting shall comply with the standards of Section 5-710;
- III. Signs - all Signs must meet Section 5-704 standards;
- IV. Water/sewer plan - must meet state standards and may include verification of a commercial well permit;
- V. Drainage plan;

- VI. Grading plan;
- VII. Dust control plan;
- VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;
- I. Weed control plan that must include use of weed free hay or straw;
- II. Wildlife Plan (see Section 5-407 A. XII.); and
- XI. Additional permits as necessary from other agencies.

5-1004 Standards for Golf Courses in all Zone Districts (in part)

Prior to Planning Commission and BOCC Conceptual Work Session, a written statement of the following is required (conceptual shall mean description of the projects look and feel prior to detailed information. A Conceptual Work Session does not constitute an approval, either preliminary or final, of the proposal):

- Outdoor lighting plan, including location and time of use. All exterior lighting shall comply with the standards of Section 5-710.

5-1004 M. Design

All proposed development shall conform to County requirements (Section 5- 4 and 5 - 21) for Areas of Local and State Interest and Scenic Quality.

- I. A Site Plan that includes location of tees, greens, fairways, driving range and practice green, golf cart path, ponds, irrigation wells and roads and plans for removal and addition of vegetation must be submitted during the preliminary work session;
- II. A Site Plan for Clubhouse lot must be submitted that includes but is not limited to: building sizes and height, uses accessory to the primary golf course use (restaurant, bar, pro shop, gym), roads, parking lots, lighting, employee housing (number of employees for clubhouse and golf course), maintenance facilities, outdoor restaurant seating areas, outdoor storage of equipment;
- III. Equipment storage and maintenance areas shall be screened from adjacent residential units and public roads; and
- IV. No lighting for nighttime use shall be permitted on golf course, practice green or driving range; an outdoor lighting plan, including location and time of use, shall be submitted and approved by the County.

SECTION 5-21: SCENIC QUALITY

This section establishes land use standards for the preservation of Scenic Quality in conjunction with development activities visible from neighboring developments and public use areas, in accordance with the policy on Scenic Quality established in Section 2-12. The Scenic Quality Standards in Section 5-2101 shall be applied in review of a Preliminary Plan submission, as established in Section 4-411, and the special use standards specified in Section 5-10 of this Land Use Code. Section 5-2101 C. provisions regarding prohibition of highly reflective materials for all proposed roofing and Section 5-2101 H. regarding lighting shall also apply ~~for all proposed roofing during Development Permit application~~ review.

5-2101 Scenic Quality Standards

Each developer shall describe in detail how the visual impact of the proposed development on neighboring developments and public use areas shall be mitigated. Each such Scenic Quality Report shall include:

- 5-2101 A. Designations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas will be preserved;
- 5-2101 B. Designs that orient improvements in ways that allow them to blend in with and utilize the natural topography;
- 5-2101 C. Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials, such as highly reflective glass or metals;
- 5-2101 D. Utilization of native or similar horticultural materials for revegetation and reforestation and guarantees that any needed revegetation or reforestation will be completed during the first planting season after construction;
- 5-2101 E. Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during revegetation;
- 5-2101 F. Design and construction plans for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills;
- 5-2101 G. Location and installation of utilities in ways that will cause the least damage to the natural environment; and
- 5-2101 H. ~~Provisions requiring shielding of exterior lighting to prevent direct visibility of light bulbs from off-site, directing of all exterior lighting toward either the ground or the surface of a building and prohibiting high intensity sodium vapor and similar lighting.~~ All exterior lighting shall comply with the standards of Section 5-710.

SECTION 5-26: OIL AND GAS EXPLORATION & DEVELOPMENT *(in part)*

5-2604 Development of Major Oil and Gas Facilities

5-2604 E. Visual Mitigation

- I. Visual Mitigation Plan. A visual mitigation plan shall be required for all new facilities and/or expansion of existing facilities. The plan shall incorporate the appropriate design elements of this Section. The requirement for a visual mitigation plan may be waived by the Board of County Commissioners, the Planning Director or the Local Government Designee, if a plan is deemed unnecessary to preserve the Scenic Quality in conjunction with the proposed development of the Facility visible from neighboring developments and public use areas in accordance with the Policy set forth in Section 2-12 Scenic Quality and Section 5-21 Scenic Quality.
- II. The visual mitigation plan minimum requirements are as follows:
 13. Direction and type of lighting, if applicable.
- III. Visual impacts.

To the maximum extent reasonably feasible, the applicant shall use structures of minimal size to satisfy present and future functional requirements.

9. All exterior lighting shall comply with the standards of Section 5-710. ~~Exterior lighting, when required, shall meet the standards set forth under Land Use Code Section 5-2101-H.~~ All lighting associated with oil and gas development will be shielded to prevent direct visibility of light bulbs from off-site, directing all exterior lighting either toward either the ground or the surface of the building and prohibiting high intensity sodium vapor lighting. Lighting shall be used as needed rather than all of the time to the extent possible given safety requirements.

SECTION 5-27: WIRELESS SERVICES AND COMMUNICATIONS FACILITIES
(in part)**5-2704 Application Requirements****B. General Requirements**

- I. The following must be addressed as part of any application:

- a. Site plan, photos or drawings accurately representing existing and proposed conditions, specifying the location of antennas, support structures, transmission building, and other accessory structures, setbacks from property lines, all uses, access, parking, fences, signs, existing and proposed landscaping, and lighting, as well as all adjacent land uses within 500 feet for towers less than 100 feet high and 1000 feet for towers from 100-199 feet high. The Planning Director will assist in specifying recommended vantage points and the requested number of photo simulations.

D. Scenic Quality Mitigation Plan

- V. Lighting. Lighting is prohibited on towers unless required by the Federal Aviation Administration or other applicable state or federal requirements. Motion detector security lighting may be approved if the lights are fully shielded and down lighted. Any outdoor lighting plan requires County approval. All exterior lighting shall comply with the standards of Section 5-710.

- VIII. Signs. No advertising is permitted anywhere upon or attached to the facility. Signage is limited to small non-illuminated warning and identification signs.

SECTION 5-29 MEDICAL AND RETAIL MARIJUANA FACILITIES & ESTABLISHMENTS – INCLUDING PLANT COUNT LIMITS FOR BOTH PERSONAL USE/RECREATIONAL AND MEDICAL MARIJUANA CULTIVATION ON RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES IN ALL ZONE DISTRICTS IN UNINCORPORATED SAN MIGUEL COUNTY (in part)

5-2902 D. General Standards for both Medical and Recreational Marijuana Cultivation

- I. Any and all extended plant count medical and all personal use/recreational marijuana cultivation shall be grown or produced in an Enclosed and Locked Space as defined herein. Enclosed and Locked Spaces may include dwelling units and other primary structures.
- II. No person(s) may engage in marijuana cultivation or production in a manner that adversely affects the health or safety of neighboring or nearby property owners, to include but not limited to:
 - a. Having visibility of plants from the exterior of the structure(s) or from a public road or public place; no form of signage is allowed.
 - b. Emitting light pollution, glare or brightness of lighting that impacts

an adjoining or neighboring property owner or resident.

c. Causing excessive noise or odor in a residential area.

5-2906 Application Requirements

5-2906 C. Scenic Quality Mitigation Plan

III. Provide a lighting plan. ~~All exterior lighting shall be either directed toward the ground or the surface of a building. Lighting shall be shielded to prevent direct visibility of light bulbs from off site. Motion detector security lighting may be approved if the lights are fully shielded and down lighted. High intensity sodium vapor and similar lighting is prohibited. All exterior lighting shall comply with the standards of Section 5-710.~~

BE IT FURTHER RESOLVED, this resolution is adopted based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-1802, Land Use Code Amendments; is consistent with Land Use Code Section 1-4, Purposes of the Land Use Code.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on July 7, 2021.

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

DocuSigned by:
By: Lance Waring
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Lance Waring, Chair

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

ATTEST:

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



EXHIBIT A – Public Hearing Record list

EXHIBIT A

PUBLIC HEARING RECORD

Board of County Commissioners

Application: Land Use Code Amendment to Articles 2, and 5, Dark Sky, Exterior Lighting

Date: July 7, 2021

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of County Commissioners from John Huebner, Senior Planner dated July 7, 2021.
4. Draft Land Use Code Amendment, dated June 2021.
5. Draft Board of County Commissioners Resolution #2021-18.
6. Public Hearing Notice published in the Norwood Post and Telluride Daily Planet on June 16, 2021.
7. Minutes of the June 10, 2021 County Planning Commission meeting.
8. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated June 10, 2021.

AGENCY COMMENTS

9. Email from John Huebner, Senior Planner, to Review Agencies dated May 11, 2021.
10. Email received from Phil Taylor, Telluride Senior Planner, to John Huebner, Senior Planner dated May 19, 2021.
11. Email from Bob Grossman, Norwood Dark Sky Advocates, to John Huebner, Senior Planner dated May 31, 2021.
12. Email received from John Barentine, International Dark Sky Association, to Kaye Simonson, County Planning Director, dated June 9, 2021.

PUBLIC COMMENT

13. Email from Harley Brooke-Hitching, County resident to John Huebner, Senior Planner dated July 6, 2021.

OTHER

14. Telluride Daily Planet news article “Dark Sky Advocates seek to keep the stars bright”, Susanne Cheavens, Associate Editor, dated April 8, 2021.

15. Town of Telluride display advertisement “Let’s Keep the Night Sky Dark”, Telluride Daily Planet, dated June 27, 2021.