

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES
WEDNESDAY, JUNE 1, 2016
REGULAR MEETING
Second Floor, Miramonte Building
Telluride, Colorado

Present: Chair Joan May
Vice-Chair Art Goodtimes
Commissioner Amy Levek

Staff Present: County Administrator Lynn Black
County Attorney Steve Zwick
Chief Deputy Clerk Carmen Warfield

1. Call to order.
9:30 a.m.
2. Review of Agenda.
3. Calendar Review.
4. CONSENT AGENDA:
 - a. Acceptance of May 19, 2016, Telluride Regional Airport Monthly Report.
 - b. Approval of Intergovernmental Memorandum of Understanding with Town of Norwood concerning noxious weed management and control services in 2016 not to exceed \$1,200.
 - c. Acceptance of Building Department Monthly Report for April 2016.
 - d. Ratification of Chair's signature on a letter dated May 25, 2016, to the BLM regarding the resource management planning proposed planning rule.
 - e. Approval of Amendment for Task Orders #2, Contract Routing #17 FAAA 86757 with Colorado Department of Public Health & Environment of \$16,782 for the provision of emergency preparedness activities by the County Department of Health and Environment.
 - f. Approval of Amendment for Task Orders #2, Contract Routing #17 FAAA 90395 with Colorado Department of Public Health & Environment of \$824 for the provision of Immunization Core Funding activities by the County Department of Health and Environment.
 - g. Approval of Amendment for Task Orders #4, Contract Routing #17 FAAA 87084 with Colorado Department of Public Health & Environment of \$50,035 for the provision of Local Public Health Contract activities by the County Department of Health and Environment.
 - h. Approval of Amendment for Task Orders #1, Contract Routing #17 FAAA 90130 with Colorado Department of Public Health & Environment of \$36,333 for the provision of Tobacco Prevention grant by the County Department of Health and Environment.
 - i. Acceptance of Open Space and Recreation Department Monthly Report for March to May 2016.
 - j. Ratification of Chair's signature dated February 17, 2016, on EIAF #7853 Memorandum of Understanding with Colorado Department of Local Affairs for partial funding of a joint County, Paradox Community Trust, and Telluride Foundation for San Miguel County Broadband Infrastructure project.
 - k. ~~Approval of a contract for the Work Number Agreement that allows Equifax Verification Services to provide employment verification services directly to the Human Resources Department.~~

MOTON by Goodtimes to approve [Consent Agenda] with item 4.k. removed due to the clarification of the authorized signature as presented. **SECONDED** by Levek.
PASSED 3-0.

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5. ADMINISTRATIVE MATTERS:

- a. Update with BLM Tres Rios Field Office Manager concerning February 2017, oil and gas lease parcel sale.

Present: Connie Clementson, BLM Tres Rios Field Office Manager; Justin Abernathy, BLM Tres Rios Assistant Field Manager; Ryan Joyner, BLM Tres Rios Field Office; Mike Rozycki, County Planning Director; John Huebner, County Planning Technician; Linda Luther, County Open Space and Recreation Coordinator; Dave Schneck, County Environmental Health Director; Karen Henderson, Associate County Planner; Steve Zwick, County Attorney

Board Consensus to direct staff to draft a letter to the BLM providing scoping comments regarding the February 2017 Oil and Gas Lease Sale by the deadline.

- b. Consideration of Memorandum of Understanding with the Town of Telluride and San Miguel Community Facilities II, Inc. concerning the operation and maintenance of the Pandora Mill Site property.

Present: Linda Luther, County Open Space, and Recreation Coordinator; Steve Zwick, County Attorney; Kevin Geiger, Town of Telluride Attorney; Lynn Black, County Administrator

Board Consensus to authorize Steve Zwick, County Attorney, to sign the Letter of Agreement concerning the Pandora Mill Site Conveyance as agreed upon at the May 18, 2016, Board meeting.

6. PLANNING MATTERS:

- a. **10:00A.M. PUBLIC HEARING:** Consideration of an application submitted by Telluride R-1 School District, owner of lots Q15, Q23, Q24 and Q25, Lawson Hill PUD located in Ilium Valley adjacent to Two Rivers residential development, seeking a Substantial Plat and PUD Amendment to remove the lot lines between the lots to create one lot, to amend the PUD Matrix from 4 single-family residences to one 4-unit Multi-family structure, and change the allowed use from single-family to Multi-family.

10:30 a.m. Chair opened the Public Hearing.

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

Those who addressed the Board:

Mike Rozycki, County Planning Director
Kurt Shugars, Executive Director of Administrative Services
Shane Jordan, Architect for Telluride School District
Sally Davis, Two Rivers Resident
Scott Stewart, Two Rivers Resident
Kris Holstrom, County Resident
Mike Balser, Two Rivers Resident
Frank Smethurs, Two Rivers Resident
Amy Schilling, County Resident
Lois Major, Attorney representing County
Shirley Diaz, Executive Director Housing Authority
Michael Gass, Telluride School District R-1 Superintendent
Steve Zwick, County Attorney

Others present: Karen Henderson, County Associate Planner; John Huebner, County Planning Technician

10:53 a.m. Kurt Shugars left the meeting.

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11:23 a.m. Chair closed the Public Hearing.

MOTION by Goodtimes to approve the Substantial Plat and PUD Amendment subject to the conditions recommended by the County Planning Staff [as follows]:

1. All residents of the units qualifying as a Telluride R-1 School District employee or qualifying as an Employee under the County Land Use Code provisions by the San Miguel Regional Housing Authority.
2. Based upon the 2006 BOCC density approval for the Q lots of 3 person per unit on Lots Q15, Q23, Q24, and Q25, Staff recommends approval of the increase of 300 sq. ft. per unit with a maximum of up to 1500 sq. ft. of living space per unit with a 600 sq. ft. maximum building footprint per unit.
3. The applicant will provide a landscaping plan with the development plan to be approved by the County Planning Director.
4. The seller must pay the appropriate real estate transfer assessments to the Housing Authority in an amount equal to one percent of the sales price unless the District requests an exception from the Board of County Commissioners.
5. All written representations submitted and all supplements and correspondence shall be considered as conditions of approval unless modified by this review process. **SECONDED** by Levek. **PASSED 3-0.** (ATTACHMENT II – Resolution #2016-13)

11:25 a.m. Recessed.

11:30 a.m. Reconvened.

- b. **10:30 A.M. PUBLIC HEARING:** Consideration of Land Use Code Amendment: Caretaker Units and Secondary Dwelling units to allow units up to 2,000 sq ft of floor area.

11:32 a.m. Chair opened the Public Hearing.

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

Those who addressed the Board:
Mike Rozycki, County Planning Director

Others present: Karen Henderson, County Associate Planner; John Huebner, County Planning Technician

11:35 a.m. Chair closed the Public Hearing.

MOTON by Goodtimes to approve [Land Use Code Amendment] as presented. **SECONDED** by Levek. **PASSED 3-0.** (ATTACHMENT IV – Resolution #2016-14)

- c. Consideration of an application San Miguel Power Association (SMPA): Solar Farm – Special Use Permit

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

Present: Mike Rozycki, County Planning Director; Brad Zaporski, Manager of Energy/Member Services and Marketing for San Miguel Power Association (SMPA); Wiley Freeman, SMPA; Dave Schneck, County Environmental Health Director; Steve Zwick, County Attorney; Karen Henderson, County Associate Planner; John Huebner, County Planning Technician

MOTION by Levek to approve the Special Use Permit: Solar Array Facility, Wright's Mesa Zone District [subject to] the conditions recommended by the County Planning Department [as follows]:

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1. SMPA following the recommendations proposed in the geotechnical report to prevent disturbance of the waste from construction and equipment access.
2. SMPA will enter into a lease agreement for the site with the County.
3. Within 90 days of obtaining a lease from San Miguel County, SMPA will assist and cooperate with the County in developing a Post-Closure Plan as proposed by the Colorado Department of Public Health and Environment (CDPHE) that addresses the solar facility as a new use of the parcel and such Plan is to be approved by CDPHE.
4. A one year review after construction is completed to review for any unforeseen impacts to the surrounding area.
5. SMPA will assure that the solar facility does not interfere with the existing irrigation ditch on the property.
6. SMPA installing dark non-reflective panel frames.
7. SMPA will provide some type of screening on the north side of the solar facility to be approved by the Planning Department.
8. All written representations presented in the application and all supplements shall be considered conditions of approval unless amended by this review process. **SECONDED** by Goodtimes. **PASSED 3-0.** (ATTACHMENT VI – Resolution 2016-15)

d. ~~Discussion concerning the Feb 2017 oil and gas lease parcel sale.~~

10. COMMISSIONER AND PUBLIC DISCUSSION (CONTINUED LATER):

- a. Public Discussion.
 1. Alessandra Jacobson, County Resident, concerned about the impact maintenance has had on the Bridal Veil Basin.

Present: Mike Horner, County Road, and Bridge Superintendent; Mike Roycki, County Planning Director; Karen Henderson, Associate County Planner; John Huebner, County Planning Technician; Karen Guglielmono, Environmental and Engineering Division Manager for Town of Telluride

Board Consensus to schedule a meeting with County Staff, the Town of Telluride and Idarado Mine representatives to discuss limiting impacts to the Bridal Veil Basin area.

7. SAN MIGUEL COUNTY HOUSING AUTHORITY MATTERS:

- a. Discussion of the SMRHA 2015 Annual Report

Present: Shirley Diaz, Executive Director Housing Authority

8. OPEN SPACE AND RECREATION:

- a. Consideration of providing additional funding for the purchase of a conservation easement on 1600 acres of Gunnison Sage Grouse habitat.

Present: Linda Luther, County Open Space, and Recreation Coordinator; Jon Leibowitz, Executive Director of Montezuma Land Conservancy (via phone)

MOTON by Goodtimes to approve the request for \$125,000 for the purchase of a conservation easement on 4 parcels in Washburn Phase II totaling 1680 acres, contingent upon language in the deed of conservation easement that protects Gunnison Sage-grouse habitat, prevents sod-busting of sage or deliberate removal of the sage habitat, and pending a favorable site visit to the property by OSR staff. **SECONDED** by Levek. **PASSED 3-0.**

9. ADMINISTRATOR'S REPORT:

- a. Update with County Administrator.

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Present: Lynn Black, County Administrator

10. COMMISSIONER AND PUBLIC DISCUSSION:

- b. Update on Outside Meetings.
 - 1. Art Goodtimes -
 - 2. Amy Levek -
 - 3. Joan May - Attended the Fort Collins Forest Service Plan Conference
- c. ~~Website postings and press releases.~~
- d. ~~General Discussion.~~

11. ATTORNEY MATTERS:

- a. Discussion of agreement for services – James T Garber independent hearing officer for the County Board of Equalization taxpayer appeals.

MOTION by Goodtimes to approve a Contract for Services with James T Garber for the 2016 County Board of Equalization taxpayer appeals.

AMENDMENT TO MOTION by Levek that the rate per day to cover the cost of lunch will be \$20.00 per day. **SECONDED** by Goodtimes. **PASSED 3-0.**

- b. Discussion of Integrated Waste Management Consent-Based Siting, U.S. Department of Energy

Board Consensus to continue to county involvement be involved in the process of the Integrated Waste Management Consent-Based Siting.

- c. Update on Litigation.
 - 1. Interior Board of Land Appeals (IBLA) 2014-2 is dismissing a protest of the proposed official filing of a survey plat for a 2008 Dependent Resurvey Township 42 North Range 13 West, N.M.P.M.

Present Steve Zwick, County Attorney

12. ADMINISTRATOR'S MATTERS, CONTINUED:

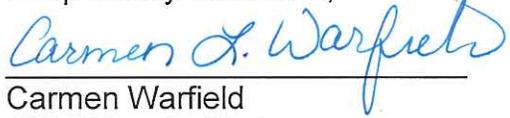
- a. ~~Discussion with Norwood District Ranger regarding Forest Plan Revision, SBEADMR, Via Ferratta, Memorandum of Understanding, and a summer update / Continued until the July 6, 2016, Board Meeting.~~

- 13. Adjournment.
12:41 p.m.

Audio MP4 20160601-BOCC-Audio.

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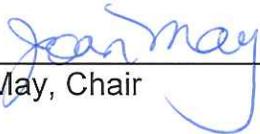
Respectfully submitted,



Carmen Warfield
Chief Deputy Clerk

APPROVED July 19, 2016

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS



Joan May, Chair

ATTEST:



Lynn M. Black
County Administrator

EXHIBITS A, B, and C FILED IN CABINET DRAWER MARKED "EXHIBITS" OR
STORED IN COUNTY CLERK'S OFFICE.

Public Hearing Record

County Planning Commission

Application: Substantial Plat & PUD Amendment Recommendation: Lots Q15, Q23, Q24 & Q25,
LHPUD

Telluride R-1 School District

Date: June 1, 2016

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the Board of County Commissioners from the San Miguel County Planning Department Staff dated May 11, 2016.
4. Draft County Planning Commission Minutes from May 11, 2016.
5. Public Hearing Notice published in the Norwood Post on May 18, 2016 and published in the Telluride Daily Planet on May 18, 2016.
6. Application Submitted by the Telluride R-1 School District dated March 15, 2016.
7. "Certification of Compliance with the Public Noticing Requirements" dated March 30, 2016 (by Reference Only) and May 24, 2016.
8. Email from Joni Cheroske, Ilium Park Owners Association, to Kurt Shughars, Telluride R-1 School District, dated March 23, 2016.
9. Letter from J. David Foley, County Surveyor, to Karen Henderson, Associate Planner, dated April 4, 2016.
10. Email from Jeff Haskell, Foley Associates, to J. David Foley, County Surveyor, dated April 19, 2016.
11. Letter from J. David Foley to Karen Henderson dated April 25, 2016.
12. Letter from Heidi Connor to San Miguel County Planning Commission dated May 11, 2016.
13. Letter from J. David Foley to Karen Henderson dated May 16, 2016.
14. Email from Jim Boeckel, Telluride Fire Marshall, to Shane Jordan dated May 24, 2016.
15. Letter from Two Rivers Subdivision residents; Scott Stewart, Sally Davis, Melissa Friedman, Heidi & Tim Connor, Shirley Purdy, Chantry & Patrick Dasaro, Andy Grufman, Josh Blakeman & Heather Platte, Teresa Hinckley, Mike Balser, Melissa Sumpter to San Miguel County Board of Commissioners dated May 22, 2016.

ATTACHMENT II

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO
APPROVING A SUBSTANTIAL PLAT AND PUD AMENDMENT
FOR LOTS Q15, Q23, Q24 AND Q25, LAWSON HILL PUD**

RESOLUTION 2016-13

WHEREAS, the Telluride R-1 School District, owner of Lots Q15, Q23, Q24 and Q25, Lawson Hill PUD (LHPUD), seeks a Substantial Plat and PUD Amendment to remove the lot lines between the four lots to create one lot, to amend the PUD Matrix use from one single-family residence per lot to one 4-unit multifamily structure on the new lot, and to change the allowed use from single-family to Multi-family. The four lots, zoned Affordable Housing PUD (AHPUD), are located in the Illium Valley portion of the Lawson Hill PUD, adjacent to the Two Rivers single family residential development and the Multi-family Sunshine Valley lots, which are currently vacant. Each of the four subject lots is zoned for one single-family residence with 1,200 sq. ft. of Floor Area allowable. The applicant is requesting an increase of 300 sq. ft. per unit which would result in a 4-unit Multi-family building with each residential unit having a maximum of 1,500 sq. ft. each. The maximum footprint for each unit will be limited to 600 square feet rather than 50% of the total sq. ft. currently allowed in the Matrix, which also allows for garage space. The applicant is not asking for an increase in population density or number of units;

WHEREAS, Single-family residential units in the LHPUD are limited to owner occupancy. Changing the use to a Multi-family structure will allow the School District, as the qualified owner, to rent the units to school district employees or other employees who qualify under the County deed-restriction. Pursuant to Land Use Code Section 5-1305 C. IX. "Any person, group, organization, agency or other entity may own one or more Affordable Housing "Multi-family Units" (as defined in Article 6 of this Land Use Code). The ownership of Multi-family units shall be subject to the Owner limiting occupancy of the Affordable Housing Multi-family Unit(s) to only qualified Employees. On or prior to assuming ownership of an Affordable Housing Multi-family Affordable Unit, the Owner shall execute and record an Acknowledgement of Deed Restriction in the property records of San Miguel County;"

WHEREAS, the Lawson Hill PUD Land Use Matrix will be amended as follows:

Lot	Area	Zone	Use	# Units	Zoned Pop.	Max. Fl. Area	Max. Footprint	Prk
Q-15	0.083	AHPUD	SF	1	3	1,200	600	2
Q-23	0.088	AHPUD	SF	1	3	1,200	600	2
Q-24	0.056	AHPUD	SF	1	3	1,200	600	2
Q-25	0.062	AHPUD	SF	1	3	1,200	600	2
Q24R	12,596	AHPUD	Multifamily	4	12	6,000	2400	8

WHEREAS, the applicant has provided a copy of the Telluride School District R-1 Deed Restriction Agreement and Covenants which has been used by the School District when selling one of the School District Lots;

WHEREAS, based upon the site plan submitted, the applicants intend to use the former Lot Q 15 existing driveway location to access the multi-family structure. There will four parking spaces located on former Lot Q 15 and then the driveway will contour south and east along the utility easement running along the southern lot lines. An additional four parking spaces will be developed on the north side of former Lot Q 25 accessed off Two Rivers Drive. Each unit also has a single car garage with a parking space in front. There will be a total of nine outside parking spaces;

WHEREAS, Substantial Plat and PUD amendments are subject to Two-step County Planning Commission and Board of County Commissioner reviews pursuant to Land Use Code Section 5-1503 Substantial Amendment and 5-1803 Rezoning;

WHEREAS, notice of the proposed application was sent to all property owners within 500 feet and to all property owners located within the Two Rivers subdivision. Signs were also posted on the property announcing the meeting. Public Hearing Notice was posted in Norwood Post and the Telluride Daily Planet on May 18, 2016;

WHEREAS, Planning Department Staff has referred this application to the Ilium Park Owner's Association, the Two Rivers HOA, Telecom Partnership II, the County Surveyor, the County Attorney, the Telluride Fire Protection District, and the San Miguel Regional Housing Authority;

WHEREAS, at its May 11, 2016 regular meeting the County Planning Commission unanimously recommended approval of the proposed PUD amendment to allow the lots to be merged into one parcel with a four-unit multifamily structure finding the use to be consistent with the Lawson Hill PUD subdivision and PUD Agreement Land Use Matrix and does not substantially modify the PUD and does not affect the enjoyment of land abutting upon or across a street from the PUD or the public interest, and is not granted solely to confer a special benefit upon any person, and is consistent with Land Use Code standards in Section 5-1503 Substantial PUD Amendment and Section 5-1803 Rezoning. This approval shall be conditioned upon:

1. All residents of the units qualifying as a Telluride R-1 School District employee or qualifying as an Employee under the County Land Use Code provisions by the San Miguel Regional Housing Authority.
2. Complying with all County Surveyor comments.
3. The applicant will provide an access and parking plan acceptable to the Telluride Fire Protection District and the County Planning Director.
4. To allow a maximum of up to 1500 sq. ft. of living space per unit.
5. All written representations submitted and all supplements and correspondence shall be considered conditions of approval unless modified by this review process;

WHEREAS, in a March 23, 2016 email, Joni Cheroske, Board of Directors, Ilium Park Owner's Association (IPOA), states the IPOA has no objection to the proposed lot line adjustment or reducing the setback to 5 feet. The IPOA also has no objection to the proposed paving over of the IPOA's utility easement along the south side of the lots;

WHEREAS, in an April 4, 2016 letter, County Surveyor J. David Foley provided three minor survey corrections to be addressed. In an April 19, 2016 email Jeff Haskell, Foley Associates, responded to Mr. Foley addressing the corrections needed. In a May 16, 2016 letter, Mr. Foley states that all survey issues have been met;

WHEREAS, Staff conferred with Jim Boeckel, Fire Marshall, about the proposed access road and whether it meets Fire District standards. Mr. Boeckel had concerns and asked that the applicant meet with the Fire District to look at possible realignments. The applicant met with Mr. Boeckel and after making a few adjustments, he approved and signed off on the proposed access plan dated May 24, 2016;

WHEREAS, several residents of the Two Rivers neighborhood attended both the Planning Commission and Board of County Commissioners hearings. They expressed concerns:

1. That the proposal does not set a precedent for the other Q lots that are zoned for single-family residences to become multi-family units;
2. That they will lose the character of the neighborhood and it could turn into a heavily renter occupied neighborhood instead of owner occupied community that it is now.
3. Opposed to granting of the additional 300 square footage when they can't get the same in Two Rivers;
4. They would like to see some landscaping and weed control on the property and have the parking and access road asphalted.
5. It was recommended that the School District join the Two Rivers HOA.

WHEREAS, Lois Major, attorney for the San Miguel Regional Housing Authority, requested that the Telluride School District be required to pay the 1% real estate transfer assessment and at a minimum require all renter to qualify with SMRHA.

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony at a Public Hearing on June 1, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, unanimously approves the proposed PUD amendment to allow Lots Q15, Q23, Q24 and Q25 to be merged into one parcel with a four-unit multifamily structure finding the use to be consistent with the Lawson Hill PUD subdivision and PUD Agreement Land Use Matrix and does not substantially modify the PUD and does not affect the enjoyment of land abutting upon or across a street from the PUD or the public interest, and is not granted solely to confer a special benefit upon any person, and is consistent with Land Use Code standards in Section 5-1503 Substantial PUD Amendment and Section 5-1803 Rezoning. This approval shall be conditioned upon:

1. All residents of the units qualifying as a Telluride R-1 School District employee or as an Employee under the County Land Use Code provisions by the San Miguel Regional Housing Authority.

- 2. Based upon the 2006 BOCC density approval for the Q lots of 3 persons per unit on Lots Q15, Q23, Q24 and Q25, Staff recommends approval of the increase of 300 sq. ft. per unit with a maximum of up to 1500 sq. ft. of living space per unit with a 600 sq. ft. maximum building footprint per unit,
- 3. The applicant will provide a landscaping plan with the Development Permit to be approved by the County Planning Director.
- 4. The seller must pay the appropriate real estate transfer assessments to the Housing Authority in an amount equal to one percent of the sales price unless the District requests an exception from the Board of County Commissioners.
- 5. All written representations submitted and all supplements and correspondence shall be considered conditions of approval unless modified by this review process.

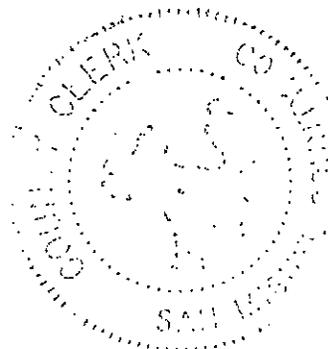
DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on June 29, 2016.

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

By: Joan May
Joan May, Chair

Vote:	Joan May	<u>Aye</u>	Nay	Abstain	Absent
	Art Goodtimes	<u>Aye</u>	Nay	Abstain	Absent
	Amy Levek	<u>Aye</u>	Nay	Abstain	Absent

ATTEST
By: Carmen R. Watson
Chief Deputy Clerk



[text/Lawson/q.lots.school.spa.pud.reso]

LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX

TRACT OR LOT #	AREA (Acres)	ZONE DISTRICT	ALLOWED USE	# OF UNITS	ZONED POP.	MIN RES FL SQ. FT. ^g	MAX TOT. FL AREA	SETBACKS ^{a, b, o}			HEIGHT LIMIT (Note l)	REQ'D PARKING	OTHER NOTES	
								FRONT	REAR	SIDE				
P	3.540													
TR 1-30		AH PUD	Note f	27	56		27,869	5	5	5	25 ft., Note n	54 ^d	c, p	
TR31		AH PUD	Note f	1	3		1,500				25 ft., Note n	2 ^d	c, p	
SV1		AH PUD	Note f	1	2		899				25 ft., Note n	2 ^d	c	
SV2		AH PUD	Note f	1	2		899				25 ft., Note n	2 ^d	c	
SV3		AH PUD	Note f	2	4		1,798				25 ft., Note n	4 ^d	c	
SV4/SV5/ SV6		AH PUD	Note r	0	0		2,091				25 ft., Note n		c, ii,	
SV110		AH PUD	Note f	6	14		5,340				25 ft., Note n	12 ^d	c	
SV120/ SV130		AH PUD	Note f	7	16		6,830	W3			25 ft., Note n	14 ^d	c	
SV140		AH PUD	SF	1	3		1,029				25 ft., Note n	2 ^d	c	
SV141		AH PUD	SF	1	3		1,200				25 ft., Note n	2 ^d	c	
P TOTAL	3.540			47	101		49,455					94		
Q-2	0.080	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-3	0.051	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-4	0.097	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-5	0.088	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-6	0.057	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-7	0.091	AHPUD	Open Space/Parking/Temporary Snow Storage											
Q-8	0.055	AHPUD	SF	1	3		900	10	15	5	25 ft., Note n	2	c, s	
Q-9	0.058	AHPUD	SF	1	3		900	10	15	5	25 ft., Note n	2	c, s	
Q-10	0.052	AHPUD	SF	1	3		900	10	15	5	25 ft., Note n	2	c, s	
Q-11	0.069	AHPUD	SF	1	3		1,200	10	5	5	25 ft., Note n	2	c, s	
Q-12	0.047	AHPUD	SF	1	3		1,200	10	5	5	25 ft., Note n	2	c, s	
Q-13	0.058	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-14	0.063	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-16	0.046	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-17	0.075	AHPUD	Duplex	2	6		1,800	10	10	5	25 ft., Note n	4	c, s	

Joan May
BOCC

LAWSON HILL PUD DEVELOPMENT PLAN LAND USE MATRIX

TRACT OR LOT #	AREA (Acres)	ZONE DISTRICT	ALLOWED USE	# OF UNITS	ZONED POP.	MIN RES FL SQ. FT. ^g	MAX TOT. FL AREA	SETBACKS ^{a, b, d}			HEIGHT LIMIT (Note l)	REQ'D PARKING	OTHER NOTES	
								FRONT	REAR	SIDE				
Q-19	0.061	AHPUD	Duplex	2	6		1,800	10	10	5	25 ft., Note n	4	c, s	
Q-20	0.054	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-21	0.049	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-22	0.058	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q24R	0.29	AHPUD	MULTIFAMILY	4	8		6,000	10	5	5	25 ft., Note n	8	s	
Q-26	0.085	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, r, s	
Q-27	0.126	AHPUD	SF	1	4		1,500	10	10	5	25 ft., Note n	2	c, s	
Q-28	0.129	AHPUD	SF	1	4		1,500	10	10	5	25 ft., Note n	2	c, s	
Q-29	0.091	AHPUD	SF	1	4		1,500	10	10	5	25 ft., Note n	2	c, s	
Q-30	0.081	AHPUD	SF	1	4		1,500	10	5	5	25 ft., Note n	2	c, s	
Q-31	0.073	AHPUD	SF	1	3		1,200	10	5	5	25 ft., Note n	2	c, s	
Q-32	0.043	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-33	0.044	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-34	0.070	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-35	0.064	AHPUD	SF	1	3		1,200	10	10	5	25 ft., Note n	2	c, s	
Q-36	0.027	AHPUD	Trash Enclosure/ Mail Boxes				500	5	5	5	25 ft., Note n			
Q-37	3.17	AHPUD	Open Space/Water Storage/Snow storage											
Total Q Lots	5.501			34	97							68		
ROW	1.82	LD/AHPUD	Open Space	Edgewater Road, Vance Drive, South Park Road, Two Rivers Drive										ROW
S	0.340	I	Note i				6,000	8	8	8	20 ft., Note n		k	
TOTAL	11.201			97	198		96,255					162		

443049 07-05-2016 Page 6 of 7

Joan May
BOCC

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. except Lot Q24R which is limited to the 600 maximum building footprint. 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 Ilium 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.

Joan M
BOCC

Public Hearing Record

Board of County Commissioners

Land Use Code Amendment: Section 5-307 Forestry, Agriculture & Open (F) Zone District and Section 5-319 Wright's Mesa (WM) Zone District to allow Caretaker Units and Secondary Dwelling Units up to 2,000 sq. ft.

Date: June 1, 2016

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the Board of County Commissioners from the San Miguel County Planning Department Staff dated June 1, 2016.
4. Draft County Planning Commission Minutes from May 11, 2016.
5. Public Hearing Notice published in the Norwood Post on May 18, 2016 and published in the Telluride Daily Planet on May 18, 2016.

**RESOLUTION OF THE BOARD OF COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
AMENDING LAND USE CODE SECTION 5-307 FORESTRY, AGRICULTURE, AND
OPEN ZONE DISTRICT AND SECTION 5-319 WRIGHT'S MESA ZONE DISTRICT
TO ALLOW CARETAKER UNITS AND SECONDARY DWELLING UNITS
TO ALLOW UNITS UP TO 2,000 SQ. FT.**

Resolution 2016-14

WHEREAS, the Forestry, Agriculture and Open (F) Zone District covers a large geographic area of eastern San Miguel County. The F Zone District, Land Use Code (LUC) Section 5-307, allows a Single-family Dwelling as a Use Allowed by Right and allows a second residential unit, Caretaker Unit, on all parcels except in the San Miguel Canyon Master Plan Area, through an Administrative Review process. The Wright's Mesa (WM) Zone District covers an approximate 50 square mile area of the county north and east of the F zone district. The WM zone district also allows a Single-family Dwelling as a Use Allowed by Right and allows a Secondary Dwelling Unit on parcels 5-acres or larger through an Administrative Review process under certain conditions;

WHEREAS, over the years there have been a number of situations where an owner has built a less than 2,000 sq. ft. residence as the primary residence with the long term plan of potentially building a larger main residence in the future and then converting the existing residence to a Caretaker Unit. Under the current provisions of the LUC the proposed new residence, which is intended to be the primary residence, would be required to be twice as big as the original home that was built. There have been situations where the owner would like to build a second residence, which would be the primary residence, but does not want to be required to build a home that is twice the size of the existing residence or home which would become the Caretaker Unit. For example, the owner may have a 1600 sq. ft. residence and wishes to build a second unit larger than the 800 sq. ft., one-half square foot limitation, but does not want to be required to build a residence that is twice the size of the Caretaker Unit, i.e. 3,200 sq. ft. or larger;

WHEREAS, LUC Section 5-307 states that no caretaker unit shall be allowed in the San Miguel Canyon Area, that Caretaker Units must be attached to or located within 300 feet of the primary residence and shall contain no more than one-half the square footage of the primary residence up to 2,000 sq. ft. of floor area, and shall contain full kitchen and bath facilities. In addition the Floor Area of the caretaker unit shall be included in the calculation for employee housing Impact Fee mitigation. Caretaker Units may not be leased or rented for less than 30 days or more than five years and shall not be conveyed or sold separately from the remainder of the parcel and shall remain under the same ownership as the primary residence;

WHEREAS, LUC Section 5-319 states that the Secondary Dwelling Unit shall be allowed on parcels 5 acres or larger, must be located within 300 feet of the main residence. Such unit shall contain no more than one-half the square footage of the primary residence up to 2,000 sq. ft. of floor area with full kitchen and bathroom facilities, and shall remain under the same ownership as the primary residence. There are additional conditions in the WM zone district that may limit the ability to obtain a second dwelling unit including no uses other than a single-family

residence and/or normal agriculture ranching activities, and no Subdivision Exemption for Wright's Mesa has been granted for the parcel;

WHEREAS, Land Use Code Amendments are Two-step County Planning Commission and Board of County Commissioner review pursuant to Land Use Code Section 5-1802.

WHEREAS, Public Hearing Notice was published in the Norwood Post on May 18, 2016 and the Telluride Daily Planet on May 18, 2016;

WHEREAS, at its May 11, 2016 regular meeting the County Planning Commission unanimously recommended approval of the proposed Land Use Code amendments to remove the language requiring that the Caretaker Unit or Secondary Dwelling Unit contain no more than one-half the size of the primary residence and just state that the Caretaker Unit or Secondary Dwelling Unit "shall contain no more than 2,000 sq. ft. of Floor Area" as presented, finding the proposed amendments consistent with Land Use Code Section 5-1802 Land Use Code Amendments and Section 5-307 Forestry, Agriculture and Open (F) Zone District and Section 5-319 Wright's Mesa (WM) Zone District;

WHEREAS, Staff is proposing to remove the language requiring that the Caretaker Unit or Secondary Dwelling Unit contain no more than one-half the size of the primary residence and just state that the Caretaker Unit or Secondary Dwelling Unit "shall contain no more than 2,000 sq. ft. of Floor Area" as follows (~~striketrough~~ indicates deletion):

5-307 C. Uses Allowed Subject to Administrative Review

- I. Caretaker unit - a second residential unit may be allowed on all parcels, except no caretaker units shall be allowed in the San Miguel Canyon Area. Such unit shall be attached to or located within 300 feet of the primary residence (as measured between the closest exterior walls). Such unit shall contain no more than ~~one-half the square footage of the primary residence up to~~ 2,000 sq. ft. of floor area, and shall contain full kitchen and bathroom facilities. The Floor Area of the caretaker unit shall be included in the calculation for employee housing Impact Fee mitigation as defined in Section 5-13 of this Code. No lease or rental of a caretaker unit shall be less than 30 days or more than five years. Caretaker units shall not be conveyed or sold separately from the remainder of the parcel and shall remain under the same ownership as the primary residence;

5-319 D. Uses Allowed Subject to Administrative Review

- I. Secondary Dwelling Unit - a second dwelling unit shall be allowed on parcels 5 acres or larger, provided that:
 - a. no uses other than a single-family dwelling, home occupation and/or normal and customary agriculture and ranching activities exist on the property, and
 - b. no Subdivision Exemption for Wright's Mesa has been granted for the parcel, and
 - c. the parcel was not created through a Subdivision Exemption for Wright's Mesa.

Such unit may be attached to or located within 300 feet of the primary residence (as measured between the closest exterior walls). Such unit shall contain no more ~~than one-half the square footage of the primary residence up to~~ 2,000 sq. ft. of floor area, and shall contain full kitchen and bathroom facilities. Second Dwelling Units shall not be conveyed or sold separately from the remainder of the parcel and shall remain under the same ownership as the primary residence.

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony at a Public Hearing in Telluride on June 1, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, unanimously approves the proposed Land Use Code amendments as follows (~~strikethrough~~ indicates deletion):

5-307 C. Uses Allowed Subject to Administrative Review

- I. Caretaker unit - a second residential unit may be allowed on all parcels, except no caretaker units shall be allowed in the San Miguel Canyon Area. Such unit shall be attached to or located within 300 feet of the primary residence (as measured between the closest exterior walls). Such unit shall contain no more than ~~one-half the square footage of the primary residence up to~~ 2,000 sq. ft. of floor area, and shall contain full kitchen and bathroom facilities. The Floor Area of the caretaker unit shall be included in the calculation for employee housing Impact Fee mitigation as defined in Section 5-13 of this Code. No lease or rental of a caretaker unit shall be less than 30 days or more than five years. Caretaker units shall not be conveyed or sold separately from the remainder of the parcel and shall remain under the same ownership as the primary residence;

5-319 D. Uses Allowed Subject to Administrative Review

- I. Secondary Dwelling Unit - a second dwelling unit shall be allowed on parcels 5 acres or larger, provided that:
 - a. no uses other than a single-family dwelling, home occupation and/or normal and customary agriculture and ranching activities exist on the property, and
 - b. no Subdivision Exemption for Wright's Mesa has been granted for the parcel, and
 - c. the parcel was not created through a Subdivision Exemption for Wright's Mesa.

Such unit may be attached to or located within 300 feet of the primary residence (as measured between the closest exterior walls). Such unit shall contain no more ~~than one-half the square footage of the primary residence up to~~ 2,000 sq. ft. of floor area, and shall contain full kitchen and bathroom facilities. Second Dwelling Units shall not be conveyed or sold separately from the remainder of the parcel and shall remain under the same ownership as the primary residence.

ATTACHMENT V

Public Meeting Record

Board of County Commissioners

Application: Special Use Permit: SMPA: Solar Array, WMZD

Date: June 1, 2016

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the Board of County Commissioners from the San Miguel County Planning Department Staff dated June 1, 2016.
4. Draft County Planning Commission Minutes from May 11, 2016.
5. Application Submitted by San Miguel Power Association dated April 13, 2016.
6. "Certification of Compliance with the Public Noticing Requirements" dated April 20, 2016 and May 12, 2016.
7. Email from Mike Horner, County Road Superintendent, to Karen Henderson, Associate Planner, dated April 18, 2016.
8. Email from Miquette Gerber, P.E., CDPHE, to Wiley Freeman, SMPA, dated April 20, 2016.
9. Email from Wiley Freeman, SMPA, to Karen Henderson dated April 27, 2016.
10. Email from Wiley Freeman, SMPA, to Miquette Gerber, P.E., CDPHE, dated April 27, 2016.
11. Letter from the Norwood Board of Trustees to the San Miguel County Planning Commission dated April 29, 2016.
12. Email from Miquette Gerber, P.E., CDPHE, to Wiley Freeman, SMPA, dated May 2, 2016.
13. Email from Wiley Freeman, SMPA, to Miquette Gerber, P.E., CDPHE, dated May 10, 2016. (Geotechnical Report)
14. Email from Wiley Freeman, SMPA, to Dave Schneck, County Environmental Health Director, dated May 19, 2016. (Post-closure Plan)
15. Email from Howard Hughes to Karen Henderson dated May 19, 2016.
16. Email from Brad Zavorski, SMPA, to Mike Rozycki, County Planning Director, dated May 20, 2016.
17. Email from Dave Schneck to Mike Rozycki dated May 23, 2016.
18. Email from Brad Zavorski to Mike Rozycki dated May 25, 2016.
19. Email from Brad Zavorski to Mike Rozycki dated May 27, 2016.

**RESOLUTION OF THE BOARD OF COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
GRANTING A SPECIAL USE PERMIT TO SAN MIGUEL POWER ASSOCIATION
FOR A SOLAR ARRAY FACILITY ON WRIGHT'S MESA**

Resolution 2016-15

WHEREAS, San Miguel Power Association (SMPA) (applicant) on behalf of San Miguel County, owner of a 10 acre parcel located at 1100 CR W35, seeks a Special Use Permit to construct a Solar Array facility on approximately 1.5 acres of the 10 acre parcel. The parcel is located approximately 1 mile northwest of Norwood and is currently used by Bruin Waste as transfer station. It is also the site of the old Norwood Landfill used by Wright's Mesa residents in the past;

WHEREAS, the energy generated by the solar array facility will be dedicated to help income qualified SMPA members through a monthly energy offset from the renewable energy source. Assistance is provided in the form of reductions of energy use through efficiency improvements in the home or offsetting actual energy use with renewable energy, such as solar;

WHEREAS, a geotechnical analysis and site survey was completed to demonstrate that the ballasted solar system will not cause infiltration of surface water into the existing landfill and that the landfill cover will not be comprised by the construction of the solar system. Initial consultation with the geotechnical engineers suggests that the proposed system design and installation methods should prove suitable for the use at the site. The topographical survey suggest that there are currently some areas where settling has occurred. Such depressions would need to be addressed before proceeding with the project. Included in the scope for geotechnical work is recommendations for soil cover reparation methods and general site surface preparations;

WHEREAS, the site improvements include the construction of a 200.43 kW PV array system ground mounted onto concrete ballasts that sit atop the grade. The solar array consists of 756 individual PV modules (33 panels). The panels are approximately 9 feet high, 11 feet deep, and placed in 11 rows approximately 166 feet in length. In terms of glare and reflectivity, these panels are equipped with an industry standard low glare anti-reflective coating. The frames are constructed of black anodized corrosion resistant aluminum. The applicant states they have done a site specific glare study using the Solar Glare Hazard Analysis Tool. Analysis of the solar site using this standardized FAA glare tool concluded that this project will not constitute significant glare issues to aircraft, surrounding homes or vehicles. The only after image glare potential is a flight path directly over the arrays between the hours of 5-6 pm from late September through mid-March. The observation points on the surrounding roads do not demonstrate potential for glare;

WHEREAS, during the construction process the applicant shall follow the recommendation from the geotechnical report in terms of preventing surface disturbance from site construction and equipment access. Equipment and materials will be staged on the gravel area east of the site. The construction plan entails the site layout, installation of concrete foundation ballasts,

installation of electrical equipment and transformer pads and underground conduit. The applicant also intends to build a 7' high fence to surround the solar array;

WHEREAS, a revegetation plan for the disturbed areas has been submitted. The applicant states that noxious weeds will not be given an opportunity to become introduced or established by carrying out the revegetation plan and not importing any soils or materials that contain noxious weed seed;

WHEREAS, prairie dog burrows have been noted on the property where the solar array is to be constructed. An assessment to verify that the colony is active is not necessarily recommended given the scope and timeframe for construction. Construction will not be taking place during the March through April mating season so lasting negative impact or immediate harm to prairie dogs and their young is unlikely;

WHEREAS, at its May 11, 2016 regular meeting the County Planning Commission unanimously recommended approval of the proposed Solar Array Facility as proposed finding the use consistent with Land Use Code Section 5-319 purpose statement, encouraging economic opportunities that fit in with the rural landscape, and Land Use Code Sections 5-319 G. IX. Public Utility Structures, 5-319 H. Area and Bulk Requirements, and 5-319 K. WM Zone District Special Uses, and is consistent with the existing waste transfer station public use on the property. Any approval should be conditioned upon:

1. SMPA following the recommendations proposed in the geotechnical report to prevent disturbance of the waste from construction and equipment access.
1. SMPA assisting and cooperating with the County in developing a Post-Closure Plan as proposed by the CDPHE that addresses the solar facility as a new use on the parcel.
2. SMPA will enter into a lease agreement for the site with the County.
3. A one year review after construction is completed to review for any unforeseen impacts to the surrounding area.
4. SMPA will assure that the solar facility does not interfere with the existing irrigation ditch on the property.
5. SMPA will try to obtain dark non-reflective panel frames.
6. SMPA will provide some type of screening on the north side of the solar facility to be approved by the Planning Department.
7. All written representations presented in the application and all supplements shall be considered conditions of approval unless amended by this review process;

WHEREAS, public utility structure Special Use Permits are subject to a Two-step Planning Commission and Board of County Commission review process pursuant to Land Use Code Sections 5-319 G. IX. Public Utility Structures, 5-319 H. Area and Bulk Requirements, and 5-319 K. WM Zone District Special Uses;

WHEREAS, the application was referred to the County Road Superintendent, the County Environmental Health Director, the County Attorney, the Town of Norwood and the Colorado Department of Health and Environment. All property owners within 500 feet of the subject

property received notice of the proposed application and a sign was posted on the property with time and date of the Planning Commission and Board of Commissioner meetings;

WHEREAS, in an April 18, 2016 email County Road Superintendent Mike Horner states that Road and Bridge has no objection to the proposed solar array located on the Norwood Transfer Station property west of Norwood. The existing access from County Road W35 should be adequate but any necessary improvements for this project must first be approved by Road and Bridge in the form of a Driveway Permit. Road and Bridge also requests that proper warning signs be placed on CR W35 and the transfer station road during construction of the solar array;

WHEREAS, in an April 20, 2016 email, Miquette Gerber, P.G., Solid Waste Permitting Unit, Colorado Department of Public Health and Environment (CDPHE), states she will not be providing comments until she has received and reviewed the geotechnical report. Ms. Gerber has expressed concerns about the settling of the old dump site due to the weight of the ballasts/PV panels which will be set 6-inches below grade. Also, it appears that the electrical trench will be excavated through the cap above existing waste trenches and if it cannot be moved outside of the capped area a contingency plan may be necessary in the event waste is encountered during the trenching;

WHEREAS, in an April 27, 2016 email, Wiley Freeman, SMPA, responded to Ms. Gerber's concerns. The Geotech report has been completed and will address her concerns, especially the weight of the ballasts and the load bearing capacity of the landfill cap. The concrete ballasts, for clarification, will not be placed 6" below grade, but will be on the surface of the dirt. The electrical trench will be moved to the west so it is no longer potentially above the landfill trenches. The project is being engineered so that contact with waste should be completely avoided;

WHEREAS, in a May 2, 2016 email, Miquette Gerber, CDPHE, responded to Mr. Freeman with the following comments:

1. It is good that the trench has been relocated so as not to be on top of an area with known waste and also good that the ballasts won't be set 6-inches subgrade.
2. The Division would prefer that additional soil be added to the site for anchoring rather than excavating in the cover which will help maintain the integrity of the landfill cover.
3. The Division is also concerned about possible impacts to surface water drainage, including established vegetation, on and in the area of the cover that may be impacted by this project.
4. In the trench area, it might be beneficial to "pothole" prior to trenching to ensure waste doesn't exist beneath the area for the trench. If waste is encountered, it can be backfilled or taken to another landfill for disposal. If waste is backfilled it must be covered by 24 inches of soil similar in characteristics to the soil cover that exists on site.
5. San Miguel County should prepare a Post-Closure Plan to address the new use of the closed Norwood Landfill for the solar array. This document doesn't need to be lengthy, but should include inspections and maintenance necessary for ongoing protection of the cover and storm water controls. The existing Closure Plan (dated February 23, 1990) has only one paragraph associated with post-closure (#3 on Page 5) and it does not address a change in use of the site. Stormwater and vegetation impacts also need to be addressed in the Post-Closure Plan;

WHEREAS, in an April 29, 2016 letter the Norwood Board of Trustees states that SMPA representatives, Brad Zaporski and Paul Hora, attended the February 2016 Norwood Board of Trustee meeting to present the proposed solar array project to the Town Board and the attending public. Mr. Zaporski informed the Town Board that SMPA had contacted the neighboring property owners and had their support for the solar array project. Mr. John Elder, the adjoining property owner to the east was in attendance as well, to show his support for the project. This proposed solar array project is a good fit to enable San Miguel County to put that property to a productive use. The Norwood Board of Trustees support the proposed project but requests that San Miguel County monitor the site after the completion of the solar array for any unforeseen impacts to the neighboring property owners and surrounding area. The Town requests that they be kept informed of the progress and any changes to the project;

WHEREAS, on May 19, 2016, Wiley Freeman, SMPA, submitted a Post-Closure Plan for the Norwood Landfill incorporating the solar photovoltaic array located on a 1.5 acre portion of the landfill cap to Dave Schneck, County Environmental Health Director for review;

WHEREAS, in May 19, 2016 email, Howard Hughes and his family, an adjacent neighbor, provided comments and concerns regarding the proposed solar array stating he has no negative concerns but would appreciate being informed of the process. Mr. Hughes listed some considerations he would like addressed as the neighbor:

1. He has irrigation water that flows to his property via a ditch and underground pvc pipe, that crosses the transfer site property, so proper management of these assets are needed to maintain his water flow;
2. Trash pickup at the entire site from wind etc. is always appreciated by the Hughes and all the neighbors;
3. They would like to see more weed control as they try and raise hay just downhill from the site and the transfer of weeds is always a negative issue.
4. In the last few years they have had a constant battle trying to keep the prairie dog population from overflowing into their property which destroys the hay pasture production, wastes water, and also directly leads to a reduction in property valuation;

WHEREAS, SMPA and the County Planning staff in emails dated May 25 and May 26, 2016, respectfully sent emails to Howard Hughes responding to the comments he provided on behalf of his family in a May 19, 2016 email. Included in the SMPA response is a drawing depicting the general location of the Hughes ditch and underground pipe in relation to the proposed SMPA solar array and the area to be leased from San Miguel County (see Exhibit A attached);

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony at a Public Hearing on June 1, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, unanimously approves the proposed San Miguel Power Association (SMPA) solar array project finding the proposed use consistent with Land Use Code Section 5-319 purpose statement, encouraging economic opportunities that fit in with the rural landscape, and Land Use Code Sections 5-319 G. IX. Public Utility Structures, 5-319 H. Area and Bulk

Requirements, and 5-319 K. WM Zone District Special Uses, and is consistent with the existing waste transfer station public use on the property conditioned upon:

1. SMPA following the recommendations proposed in the geotechnical report to prevent disturbance of the waste from construction and equipment access.
2. SMPA will enter into a lease agreement for the site with the County.
3. Within 90 days of obtaining a lease from San Miguel County, SMPA will assist and cooperate with the County in developing a Post-Closure Plan as proposed by the Colorado Department of Public Health and Environment (CDPHE) that addresses the solar facility as a new use on the parcel and such Plan is to be approved by CDPHE.
4. A one year review after construction is completed to review for any unforeseen impacts to the surrounding area.
5. SMPA will assure that the solar facility does not interfere with the existing irrigation ditch on the property.
6. SMPA installing dark non-reflective panel frames.
7. SMPA will provide some type of screening on the north side of the solar facility to be approved by the Planning Department.
8. All written representations presented in the application and all supplements shall be considered conditions of approval unless amended by this review process.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on June 27, 2016.

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

By: Joan May
Joan May, Chair

Vote:	Joan May	<u>Aye</u>	Nay	Abstain	Absent
	Art Goodtimes	<u>Aye</u>	Nay	Abstain	Absent
	Amy Levek	<u>Aye</u>	Nay	Abstain	Absent

ATTEST:

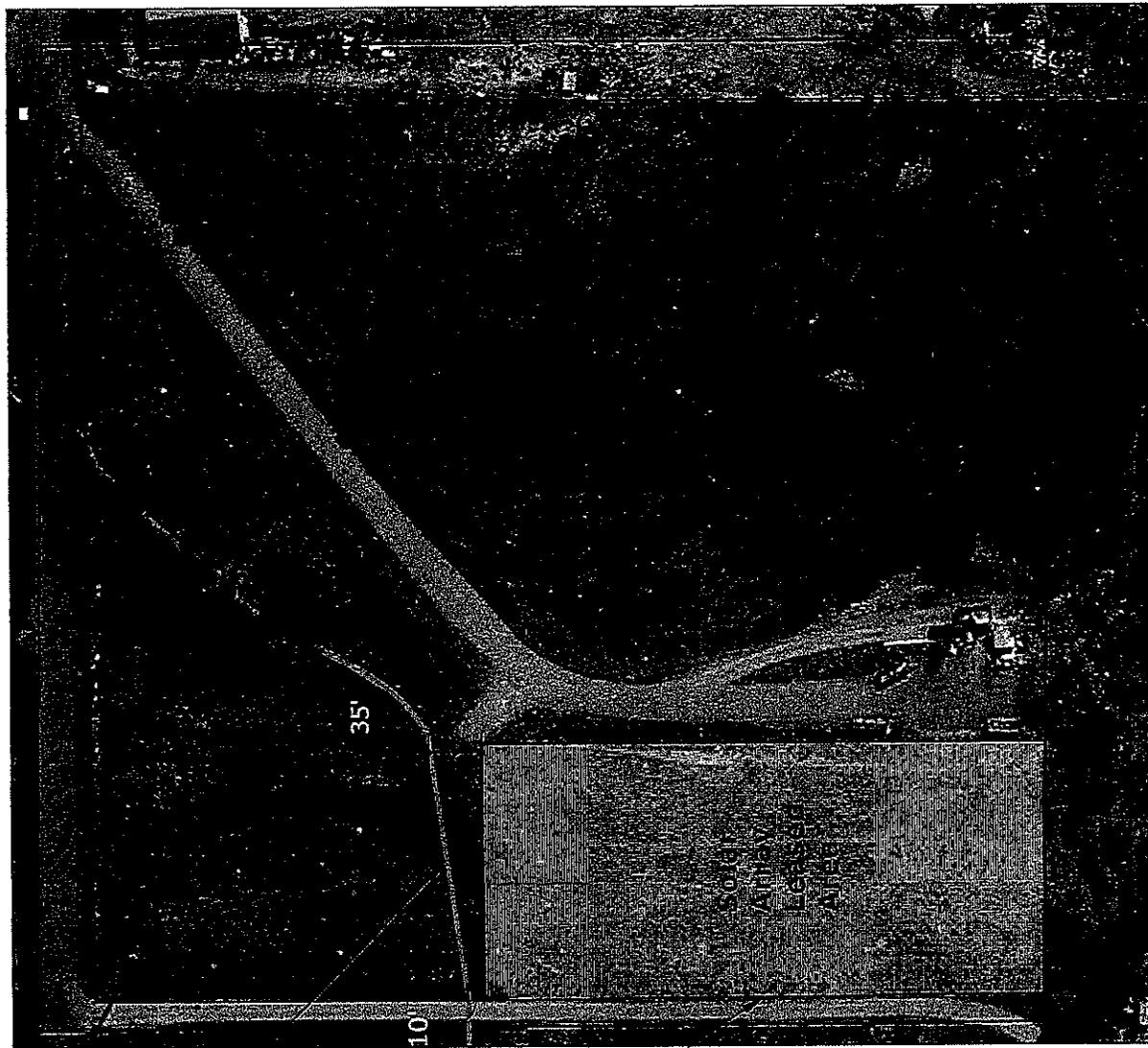
By: Carmen L. Warfield
Chief Deputy Clerk

[text/word/smpa.solar.array.wm.reso]



Exhibit A

Solar Array Proximity to Irrigation Conduit



Howard Hughes Irrigation Conduit

Solar Array Boundary Fence