

**SAN MIGUEL COUNTY PLANNING COMMISSION  
MINUTES – REGULAR MEETING**

**September 14, 2016**

**Glockson Building, 1120 Summit Street, Columbine Room, Norwood**

Present: Lee Taylor, Chair  
Pamela Hall, Vice-chair  
Marty Schmalz, Secretary  
Ian Bald, Regular Member  
Josselin Lifton-Zoline, Jr. Alternate

Absent: Kevin Kell, Regular Member  
M.J. Schillaci, Sr. Alternate

Planning Staff Present: Michael Rozycki, Planning Director  
Karen Henderson, Associate Planner  
John Huebner, Planning Technician

Other County Staff Present: Steve Zwick, County Attorney

9:30 a.m. **Site Visit: 10300 CR 44ZS, Centro Espirita Beneficento Uniad Do Vegetal**

10:36 a.m. Called to Order.

**Approval of Minutes**

Lee Taylor, Planning Commission Chair stated that the Minutes from May 11, 2016 would be considered at the next PC meeting to allow more time for review.

**Special Use Permit: Centro Espirita Beneficento Uniad Do Vegetal, Spiritual Center**

Mike Rozycki, County Planning Director, updated the Planning Commission on a Memorandum dated September 16, 2016 regarding the application for Special Use Permit: Spiritual Center received from Bryan Rea, on behalf of Centro Espirita Beneficento Uniad Do Vegetal (Centro Espirita). Mike stated that a portion of the Centro Espirita property is located within mapped critical Gunnison-sage Grouse (GuSG) habitat, and the GuSG is identified as a threatened species under the Endangered Species Act. He pointed out that Centro Espirita is registered with the State of Colorado as a religious facility and is exempt from taxation. Mike noted that the property is in county's Forestry, Agricultural and Open (F) Zone District and is in the Remainder County Master Plan Area. He added that the main church facility was permitted by Planning and Building as a single family residence and the building is classified as a church by the County Assessor. He also said the property includes a residential well permitted by the State, and a septic system permitted by the county for a one bedroom residence. He added that in 2013 the applicant discussed placing a yurt on site near the main building and that the Planning Director authorized that use. At that time he suggested to Bryan Rea that the use of the property as a spiritual center should go through a review process with the county, which for a Special Use Permit is a one-step review by the Planning Commission. Mike said the church has permanently placed two porta

potties on site to augment the septic system, and that additional ones are added during an annual event held during the July 4<sup>th</sup> weekend. He added that members park and some also camp on the property when attending the monthly and annual meetings. Mike identified that the applicable Land Use Code review standards concern scenic quality, wildlife protection, and special use permits.

Mike said referral comments had been received concerning the application. County Road and Bridge Superintendent wrote that he had no real issues. County Parks and Open Space Director commented that no construction or development activities should occur in the identified critical Gunnison-sage Grouse habitat, nor should dogs be allowed in that particular area during spring. Rozycki added that the Planning Commission's review is of the site-specific plan with the current facilities that are in place and an approval should include conditions that limit development in the habitat area. The Norwood Fire Protection District submitted limited comments regarding open burning and camp fires, and stated that the applicant should not have campfires on red flag no burn days or during fire bans. County Environmental Health Specialist provided comments concerning the onsite waste treatment system and Mike said the facility had operated for 18 years with no problems or failures that he was aware of, and that he thought it was okay for the applicant to continue operating with regular pumping of the system and using porta potties to supplement the system. Mike said if the applicant provided a handwashing station that the thrust of the Environmental Health Specialist comments would be met. Mike stated that the applicant may need to contact the Colorado Division of Water Resources to explore getting a commercial well permit but he wouldn't require it as a condition of approval.

Rozycki stated that Planning Staff recommended approval of the Spiritual Center finding it had operated for roughly 18 years with little or no adverse impacts, no negative comments were received from surrounding landowners or the public, no public health and safety issues were evident for meeting attendees, and that the approval would be subject to the eight conditions listed in the memo. He suggested that "no use or construction is allowed within the mapped critical Gunnison Sage-grouse habitat" be added to condition four (4.), and a condition (9.) be added that "there shall be no use of the facility by anyone other than members of Centro Espirita."

Rozycki asked Bryan Rea, Applicant if any outdoor lights are left turned on when the facility is not in use. Bryan replied that multiple solar power lamps are in place along foot paths and provide illumination but are not noticeable from the road, and the main building has two outdoor electrical lights but are turned on during meetings only.

Marty Schmalz asked what the process is for applying for a commercial well permit. Rozycki answered that it could be rigorous but that it is not being required by the county but rather he is encouraging that a dialogue with the applicant and the Colorado Division of Water Resources Division (CDWR) take place. Bryan Rea responded that a member of the church is tasked with inquiring with CDWR concerning converting the residential well to a commercial well. Marty asked what the productive capacity of the existing well is. Bryan answered it is rated at five gallons/minute and has worked well but a that new well may be necessary in the future even with the church's careful management of water.

Josselin Lifton-Zoline inquired if there is a cap on the number of persons the Centro Espirita could add to its membership. Rozycki replied the applicant's written representation is the church might increase 10% annually. He suggested that if growth of the church exceeded 10% annually and if there were issues then a case could be made they had exceeded the scope of the approval. Karen Henderson added that growth is addressed in condition 2. Mike repeated the church's use has been a "benign use" and it is anticipated it will continue within these parameters.

Lee Taylor asked is there a use classification available for religious organizations for property taxation and for water wells. Mike answered there is a religious classification available from the County Assessor and Planning but is unaware of one with CDWR, but in conversations with Scott King, CDWR, he thought there might be different levels of commercial wells. He said the intent is to encourage a discussion by applicant with the CDWR, and Planning would check on it at the one year review.

Bryan Rea stated the church in 1998 had 15 members when the main building was built, and they seemed to get several new members annually. He said the church has been environmentally protective of its land, had no issues with the septic system or with water management. Rozycki reiterated that an approval is site plan specific and if growth drives the need for new buildings or infrastructure the use may be reviewed. Steve Zwick, County Attorney suggested the Planning Commission might want to add in a growth factor. Rozycki said that an increase in excess in membership of 10% per year may require a review. Ian Bald, Planning Commissioner said that would imply a doubling of the church in 10 years. Mike said that a "substantial" change in growth, or if an application to build a structure in the Sage-grouse habitat was received could bring the Special Use Permit back to the Planning Commission for review, but that he could administratively approve a new well.

Josselin Lifton-Zoline asked what the applicant's relationship with its neighbors had been, and if they had worked with the neighbors concerning fire mitigation or fencing. Bryan did not recall working with neighbors but that had met them. He added it is realistic to think about growth and building a larger structure and if necessary they would go through county process again. Taylor said the rewording of the conditions were made in anticipation of growth. Pam Hall asked how church members were counted. Rea answered kids are not counted as members, but are considered part of the church community so the church is larger than the number of members.

**MOTION** by Marty Schmalz to approve this special use permit pursuant to the Land Use Code Section 5-307 D. II. and Sections 5-407 Wildlife Habitat Areas, Section 5-10 Special Uses and 5-21 Scenic Quality and the approval would be subject to the nine conditions as follows and with the additions to condition 2. ... "an increase in attendance number or size in excess of 10% per year may require an additional review"..., and to 4. .. "no construction can be made in the Gunnison-sage Grouse habitat mapped area"..., and adding condition 9. "There shall be no use of the facility by anyone other than members of CEBUDV":

1. The Special Use Permit is issued specifically to Centro Espirita Beneficento Uniad Do Vegetal (CEBUDV).
2. The approval is specific to the site plan as submitted. Any increase in the current attendance numbers by more than 10% per year or increase in the size of facility may

require additional review of the facility by the Planning Department and possibly the County Planning Commission.

3. The applicant should provide one or two hand washing stations for use by the members during the campout weekend or another hand washing facility acceptable to the Environmental Health Department. These stations can be obtained from the porta-pottie company.
4. People and dogs should be kept out of the mapped Gunnison Sage-grouse habitat area during hatching and breeding seasons and any disturbance to or within the habitat area should be minimized. No construction or development shall occur within the mapped Gunnison Sage-grouse habitat area.
5. Providing some type of fire suppression system shall be provided for open campfires.
6. Providing documentation that the current well permit is a legal and physically adequate water supply for the use and if not the applicant will take steps to obtain the appropriate well permit as required by the Colorado Division of Water Resources. If issues develop with the OWTS due to water use the County will review and reconsider the Special Use Permit application approval.
7. The Special Use Permit shall be reviewed in one year to determine whether the applicant has complied with all conditions of approval.
8. All written representations presented in the application and all supplements shall be considered conditions of approval unless amended by this review process.
9. There shall be no use of the facility by anyone other than members of CEBUDV.

**SECONDED** by Josselin Lifton-Zoline. **VOTE PASSED 5-0.**

Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	Aye	Nay	Abstain	<u>Absent</u>
M.J. Schillaci	Aye	Nay	Abstain	<u>Absent</u>
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

[CPC Resolution 2016-1 attached]

Others Present: Bryan Rea and Nina Rea, Applicants

**Planning Commission and Staff Comments**

Michael Rozycki, County Planning Director, updated the Planning Commission that the Board of County Commissioners (BOCC) approved the Lot Line Adjustment, which combined the four lots in Ilium Valley owned by the Telluride School District, and also approved the SMPA solar facility to be located at Norwood Transfer Station. As part of the solar facility approval the 1990 County Landfill Closure Plan had to be re-approved by the Colorado Department of Health and Environment, and that the county is still negotiating a draft lease with SMPA.

Mike provided an update of the Reliability Project which proposes to underground two new distribution lines into Telluride and would provide electrical redundancy to the region. The County and Lawson Hill had approved easements to allow SMPA to bore under the San Miguel River for testing and the project plan is now completed. Lee Taylor asked if the closure of the Nucla Tri-State generating plant would affect the project. Mike said no, and that electric power would instead come from the Craig power plant. Mike said the Tristate's proposed Montrose-

Nucla-Cahone transmission line upgrade that traverses San Miguel County would require a two-step review. Alpine Wellness's proposal to construct a grow facility on Wrights Mesa was approved by the BOCC, and the applicant is currently planning the facility.

Rozycki noted that many retirements and personnel changes within the county have occurred, and that he is now overseeing the Building Department and onsite wastewater treatment systems (OWTS) permitting. The new department is named Planning, Building and Development Services Department and he is the Director and he will be adding a new full time administrator and inspector of the OWTS function. He also acknowledged that Karen Henderson returned to work after some time off.

Mike said the county is reevaluating its policy regarding approving development permits when cisterns are listed as the primary water supply to a residence. The LUC standard states that cisterns are an allowable water source in the West End Zone District and elsewhere in the county if approved by the BOCC, which it routinely has. He noted that the Norwood Water Commission has reiterated that its water dispenser station is operated as a courtesy and should not be considered a reliable source of water supply and users must apply for and purchase a swipe card instead of paying cash. He also noted that the Colorado Division of Water Resources did not have an objection to the hauling water within the Norwood Water service area. Mike said a development permit application was received from a property owner on Hastings Mesa who planned to use a cistern and that he is working through issues regarding the appropriateness of the request. Josselin Lifton-Zoline asked what the requirements might be on existing properties using cisterns. Mike answered there would not be any effect from the county, but didn't know what the Norwood Water Commission might require.

Rozycki remarked that he had attended along with Josselin Lifton-Zoline and Lee Taylor the Ideas Festival, which was a dialog on affordable housing in the region, and had participated on a discussion panel. Relatedly, he took part in meetings with the Telluride Foundation to identify parcels within the county that were zoned for affordable housing. Mike announced that Illium Lots 425-3 and 425-4 (formerly SMARTS Park) were sold by Glenn Pauls and the new owners want to rezone the property from industrial to affordable housing and to construct quasi dormitory housing. Ian Bald asked if public transportation is planned to Illium Valley. Mike also added that he thinks building affordable housing on the Telluride Gravel site could work.

Marty Schmalz inquired on the status of Lawson Hill Neighborhood Commercial uses. Mike replied there are development plans for two HUB Lots that are in the concept stage and one was conditionally approved by the Lawson Hill DRB, while the other was shelved for time being. He also related he will be meeting with owners of Society Business Center concerning neighborhood commercial uses on their property. Pam Hall asked if the Telluride Regional Master Plan and the updated Lawson Hill Master Plan amendment is available on county official website. Karen Henderson said she would double check to see if it is posted and let Pam know.

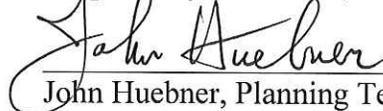
Rozycki updated that San Miguel Valley Corporation (SMVC) has submitted documents showing it has legal and physical water supply plan for its Deep Creek and Mill Creek subdivision parcels. He said Planning is expecting to receive the Final Plat applications before

years end. He added that the County Affordable Housing lot located on the Mill Creek Parcel will not be transferred from SMVC until after the first lots are sold.

Lee Taylor asked if a retreat or worksession with Ouray County regarding regional affordable housing and other planning issues would be valuable. Rozycki suggested that an intra-county informational meeting with the Town of Telluride might be helpful. Pam Hall asked if the county had received confirmation concerning funding to build a park and ride facility on the county intercept lot. Mike and Steve Zwick confirmed that Colorado Department of Transportation (CDOT) grant funding had been awarded but that no meeting with CDOT had occurred as had been previously discussed. Lee asked if a meeting in Placerville regarding retail marijuana sales had occurred. Mike replied the BOCC had held a public meeting at the Placerville School House and the community solidly said no to the idea. Josselin asked what economic effects the planned closure of the Nucla electric generation plant might be. Mike commented that the community would be losing 83 good jobs, and it would have an outsized significant economic effect in west end of Montrose County, but didn't know how it would affect San Miguel County. Mike added that Ray Cossey had done a good job and completed the fence and moved vehicles as required by the conditions of his Special Use Permit approval.

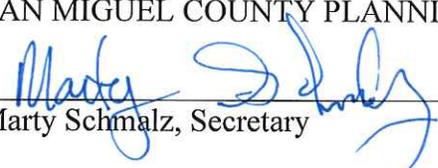
12:05 p.m. Adjourned.

Respectfully Submitted,

  
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John Huebner, Planning Technician

Approved on December 14, 2016.

SAN MIGUEL COUNTY PLANNING COMMISSION

  
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Marty Schmalz, Secretary

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