

# SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

## MINUTES

Wednesday, April 7, 2021

Zoom.us

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

Staff Present: Mike Bordogna, County Manager  
Amy Markwell, County Attorney  
Nancy Hrupcin, Legal Assistant  
Carmen Warfield, Chief Deputy Clerk

1. **CALL TO ORDER.**

9:30 a.m.

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

3. **CONSENT AGENDA**

- a. Ratification of Commissioner's signatures on a letter of support concerning the expansion of the Electric Transmission facilities bill SB21-072.
- b. Ratification of Commissioner's signatures on a letter supporting legislation on the clean-up of abandoned hardrock mines.
- c. Ratification of a letter of support to the Colorado Department of Higher Education on behalf of True North Youth Program.
- d. Ratification of Commissioner's signatures on a letter to Senator Chris Hansen, Senator Don Coram, and Representative Valdez, supporting bill SB21-1117.
- e. Ratification of Commissioner's signatures on a letter to the Town of Mountain Village for their Comprehensive plan process.
- f. Ratification of Commissioner's signatures on a letter to the US Forest Service supporting the clean-up actions at the New Dominion Mine.
- h. Approval of Chair's signature on an Amended and Restated Deed Restriction and Covenant for Christine Capaldo, Lot 22A, Lawson Hill Subdivision/PUD.
- i. Approval of Angela Dye requesting a reappointment to the Open Space Commission.
- j. Approval of Jonna Wensel requesting a reappointment to the Historical Commission.
- k. Approval of the appointment Matthew "Matt" Mogg, Chief Paramedic of the Norwood Fire Protection District, to the West Regional Emergency Medical and Trauma Advisory Council (WRETAC) for a 4-year term.

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

4. **ADMINISTRATIVE MATTERS**

- a. Consideration of appointing Sefra Maples to the Open Space Commission.

Presenter: Janet Kask, Parks and Open Space Director

**MOTION** by Hilary Cooper to approve Sefra Maples to the Open Space Commission. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- b. Consideration of approval to purchase a vehicle on behalf of the CORE Program for \$39,516, with funds supported by the Rocky Mountain Health Partners.

Presenter: Jennifer Dinsmore, Chief Administrative officer

**MOTION** by Kris Holstrom to approve a vehicle's purchase on behalf of the CORE Program for \$39,516 with funds supported by the Rocky Mountain Health Partners. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

9. c. Update, and other as needed.
  1. Update San Miguel Regional Housing Authority future happenings
  2. Schedule a Worksession on trails including the Rimrocker trail

4. c. HEARING: Consideration of a request by the Assessor to Deny Personal Property Petition 2021-36 for abatement or refund of taxes, TY 2019-2020 John Herndon P0090097.

Presenter: Peggy Kanter, County Assessor

**MOTION** by Hilary Cooper to deny the assessor's recommendation of denial and approve the request of the petitioner to refund taxes for [Personal Property Petition 2021-36 for TY 2019-2020 John Hendon P0090097] **SECONDED** by Kris Holstrom. **PASSED 3-0.** (ATTACHMENT I)

5. **PLANNING MATTERS**

- a. 10:00 a.m. Public Hearing: Consideration of an amendment to the Alpine Wellness, LLC Marijuana Retail Cultivation Facility Special Use Permit: Add an Outdoor Cultivation Area, 2 temporary greenhouses and a processing/Storage Building.

Presenter: John Huebner, Senior Planner; Kaye Simonson, Planning Director, Nolan Murphy, Alpine Wellness

10:09 a.m. Chair Opened the Public Hearing.

10:36 a.m. Chair Closed the Public Hearing

**MOTION** by Kris Holstrom to approve the proposed amendment to the Alpine Wellness, LLC Marijuana Retail Cultivation Facility Special Use Permit, and adopt Resolution No. 2021-11, to add a 20,000 s.f. Outdoor Cultivation Area, two (2) 3,000 s.f. Non-substantial greenhouses, i.e., "hoop houses," and a 3,000 s.f. Processing/ Storage Building, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-2905 et seq. for Retail and Medical Marijuana Cultivation Facilities and the County Master Plan with the following conditions:

General Conditions:

1. This Special Use Permit (SUP) is issued to the Applicant and does not run with the land.
2. This SUP Approval is subject to all written representations of the Applicant in the original submittal and all supplements, letters and emails, are deemed to be conditions of approval, except to the extent modified by this Motion.

Specific Conditions:

3. All applicable conditions of approval as set forth in BOCC Resolution 2016-17 shall be followed.
4. The Special Use Permit shall only be valid as long as the Applicant holds a current State and County License for the approved use and complies with all state and county regulations at all times.
5. The location of the Outdoor Cultivation Area, "hoop houses" and processing/storage building shall be as shown on the enclosed Site Map.
6. The fence design shall be as approved by the Colorado Marijuana Enforcement Division. A copy of the final MED approval shall be submitted to the Planning Department upon receipt.
7. If the facilities (greenhouse, hoop houses or storage/processing building) are to be used after dark the facilities will be constructed in such a way as to prevent light leakage from the buildings; no outdoor lighting shall be allowed except at the entrance gate that is motion-sensitive, shielded and directed down and meets the International Dark-Sky Association (IDA) guidelines for light color and intensity.
8. Privacy screening may be required after construction of the greenhouse, outdoor cultivation area, hoop houses, and storage/building.
9. The non-substantial greenhouses, i.e., "hoop houses" will be permitted for an initial period of one (1) year, with renewal for one (1) additional year upon administrative review. They shall not be permitted to be used for a period longer than two (2) years. The hoop house coverings shall be maintained and all torn plastic shall be removed immediately.
10. No signs will be posted on the property advertising the business with the exception of a sign that identifies the state and county license numbers and which buildings are not being used for cultivation.
11. All processing of marijuana shall take place within the processing/storage building or greenhouses

12. If offensive odors are reported offsite by the neighbors, after consultation with the Planning Department, the Applicant may be required to provide an odor removal system.
13. Waste disposal shall comply with Colorado Department of Health & Environment regulations.
14. Equipment related to the cultivation operation will be stored inside a structure or within an enclosed area.
15. Any and all water used associated with the Marijuana Facility shall be in accordance with guidance provided by the Colorado Division of Water Resources and not in conflict with the water decree for the source of water being used.
16. All outdoor water storage shall be covered and maintained to prevent the establishment of mosquito larvae and other vectors.
17. Unless needed for security of the overall site, fence segments shall be opened to allow wildlife to move through the site when outdoor cultivation is not occurring.
18. The Applicant shall maintain and remove any damaged and exposed landscape fabric used in the outdoor cultivation area to prevent litter from spreading.
19. Applicant will remove hoop house coverings at the end of the growing season for winter.
20. Applicant will monitor the traffic associated with its operation and will make attempts to mitigate excessive traffic on Woodstock Road.
21. Any request to increase the number of growing areas, greenhouses or structures on-site or to modify the conditions of this SUP approval may be considered a Substantial Amendment and shall be reviewed subject to the applicable Land Use Code requirements and process for a Marijuana Retail Cultivation Facility.
22. The Applicant shall obtain all necessary state and local permits, including Building, Development, Electrical, and MED.

Review Period:

23. There shall be an annual review after the first full calendar year of operations (January 2023). Prior to this annual review by the Planning Commission, notice will be provided the neighbors and individuals and review who received noticed for this SUP amendment application, prior to the scheduled public meeting so they may make their comments, questions or concerns known to the CPC and BOCC. The CPC shall then make its recommendation to the BOCC as to any recommended changes to the approved SUP, if any. The BOCC may then take action to allow the SUP to continue as approved, modify or add conditions, or even revoke the SUP for non-compliance with the BOCC Resolution terms and conditions of approval or if there are unintended substantial impacts to neighbors adjacent to the site. As a part of its consideration the BOCC may make a determination in its discretion if there is a need for additional annual reviews, or periodic reviews of the terms and conditions of the SUP in the future or not. **SECONDED** by Hilary Cooper. **PASSED 3-0.** (ATTACHMENT II – Resolution 2021-011)
  - b. Consideration of an Annual Review: Spitfire Realty, LLC Special Use Permit to allow restricted use of two Aircraft Landing Areas located on 418-acre parcel within T44N, R10W, Hastings Mesa.

Presenter: John Huebner, Senior Planner; Brad Switzer; Attorney representing the Applicant

**MOTION** by Hilary Cooper to approve that no changes be made to the flight activities authorized by the Spitfire Realty LLC Aircraft Landing Areas Special Use Permit based on the finding that Spitfire has complied with the Special Use Permit terms and conditions of approval, but to add an additional review by the Planning Commission and Board of County Commissioners to occur after the third full calendar year of operations concludes (February 2022). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- c. Approval of Chair's signature on Insubstantial Plat Amendment to modify the home site location for Tract 32, Wilson Mesa Ranch Subdivision.

Presenter: John Huebner, Senior Planner; Kaye Simonson, Planning Director

**MOTION** by Kris Holstrom to authorize the San Miguel County Board of Commissioners Chair's signature on the Insubstantial Plat Amendment for Tract 32, Wilson Mesa Ranch Subdivision Filing 4 as presented. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

10:58 a.m. Recessed  
11:05 a.m. Reconvened.

6. **ADMINISTRATIVE MATTERS - Continued.**

- a. Discussion and update with the Building Official on the timeline of the Code Adoption and future goals of the Building Dept.

Presenter: Matt Gonzales, Building Official

- b. Consideration of a contribution of \$500 to the Nucla, Naturita Chamber for the Dark Sky Initiative matching funds.

Presenter: Kris Holstrom, Commissioner; Bryan Jordan, representing Colorado Dark Sky initiative

**MOTION** by Hilary Cooper to approve a \$500 donation to the Nucla and Naturita Chamber for the Dark Sky Initiative. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

7. **PARKS AND OPEN SPACE MATTERS**

- a. Executive Session: Discussion on a potential land conservation easement, citation (4)(e).

Presenter: Janet Kask, Parks and Open Space Director; Molly Fales, Land Trust Holder

**MOTION** by Kris Holstrom to go into Executive Session to review a potential land conservation easement, citation (4)(e). **SECONDED** by Hilary Cooper. **PASSED 3-0.**

11:51 a.m. Recessed.

12:06 p.m. Reconvened.

**MOTION** by Kris Holstrom to come out of Executive Session and the only item discussed was the potential land conservation easement. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

**MOTION** by Hilary Cooper to approve the \$65,000 out of the [County Land Heritage fund as part of the] Parks and Open Space fund as presented. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- b. Break 12:00 pm - 12:45 pm

12:15 p.m. Recessed.

12:45 p.m. Reconvened.

8. **PUBLIC HEALTH AND ENVIRONMENT**

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

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

Presenter: Grace Franklin, Public Health Director

Commissioner COVID Updates:

Hilary Cooper - Updates at the State Level - Uniform version of the dial, American Rescue Plan

Kris Holstrom - State and Local level meetings concerning the 5 Star State Certification Program

Stakeholder Updates:

DeLanie Young, Town of Telluride

Laila Benitez, Town of Mountain Village

Public Who Addressed the Board:

Doug Tooley, County resident

Greg Craig, County resident

- b. Potential Executive Session: Concerning Public Health, Meeting with an Attorney, citation (4)(b).

Note: No executive session was needed.

9. **UPDATE WITH THE COUNTY MANAGER/COMMISSIONER UPDATES**

- b. Late Addition: Consideration of Chair's signature on a resolution in support of President Biden's pause on new oil and gas leasing on Federal Public

Lands.

Note: Item continued to the next meeting.

- c. Update, and other as needed.
  - 1. A request for proposal will be advertised beginning the process of a new/upgraded phone system for the County
  - 2. Staff and Commissioners completed a site visit to the Telluride and Norwood Sheriff annex.

Presenter: Mike Bordogna, County Manager

10. **ATTORNEY MATTERS**

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

- b. Executive Session: Discussion and updates with the Suncor legal case, citation (4)(b).

Presenter: Amy Markwell, County Attorney; Marco Simons and Kevin Hannon, Attorneys representing the County

**MOTION** by Hilary Cooper to go into Executive Session regarding the Suncor Legal Case, citation (4)(b). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

2:08 p.m. Recessed.

2:54 p.m. Reconvened.

Note: The County Attorney requested that the above item not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and chair is attached. (ATTACHMENT III)

**MOTION** by Kris Holstrom to come out of Executive Session. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

Staff Direction was given to the Attorneys representing the County. The only item spoke about was the Suncor Legal Case.

2:54 p.m. Recessed.

3:00 p.m. Reconvened.

- a. Consideration of a Resolution 2021-012 by the Board of County Commissioners Authorizing the Release of Promissory Notes and/or Deeds of Trust for Unit A, Lot 3 Gold Run Planned Community and the Chair of the Board to Execute Applicable Documentation to Transfer said Property to the Town of Telluride.

Presenter: Mike Bordogna, County Manager, Amy Markwell, County Attorney

**MOTION** by Hilary Cooper to approve as presented. **SECONDED** Kris Holstrom. **PASSED 3-0.** (ATTACHMENT IV – RESOLUTION 2021-012)

9. **UPDATE WITH THE COUNTY MANAGER/COMMISSIONER UPDATES**

- d. Kris Holstrom - Update on Outside Meetings – Recycle Colorado, Economic Recovery Committee, Southwestern Water Conservation District, Build Back Stronger, State Board of Equalization
- e. Hilary Cooper - Outside Meetings, Updates on Legislation.
- f. Lance Waring - Update on Outside Meetings. – CC4CA Director's meeting
- c. Update, and other as needed.
  - 1. Update on County Liability Insurance and the Workman's Comp Pool

Presenter: Mike Bordogna, County Manager

- a. Executive Session: Discussion regarding the Wilson Mesa Parcel County position, citation (4)(e).

Presenter: Mike Bordogna, County Manager

**MOTION** by Hilary Cooper to go into Executive Session to discuss the Wilson Mesa Parcel, citation (4)(e). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

3:44 p.m. Recessed.

4:03 p.m. Reconvened.

Staff Direction to continue negotiations with all parties involved.

**MOTION** by Kris Holstrom to adjourn the meeting. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

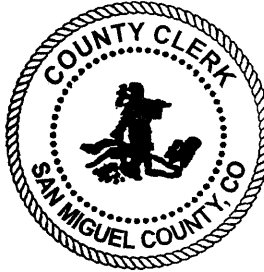
11. **ADJOURNMENT**

4:04 p.m.

20210407-BOCC-Audio

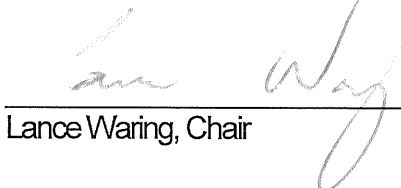
Respectfully submitted,

  
Carmen Warfield, Chief Deputy Clerk




Approved April 21, 2021

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

  
Lance Waring, Chair

ATTEST:

  
Mike Bordogna, County Manger

ATTACHMENT I

2021-36

PETITION FOR ABATEMENT OR REFUND OF TAXES

RECEIVED

County: \_\_\_\_\_

Date Received \_\_\_\_\_  
(Use Assessor's or Commissioners' Date Stamp)

MAR 01 2021

Section I: Petitioner, please complete Section I only.

Date: 3 24 2021  
Month Day Year

Petitioner's Name: JOHN HERNDON - Spydor Wood Products Inc.

Petitioner's Mailing Address: PO BOX 66  
NORWOOD CO 81423  
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)  
P0092097

PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY  
2221 CR. Y43 NORWOOD, CO

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 1 and 1 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

EQUIPMENT WAS REACQUIRED FROM A LOAN DEFAULT IN 2021 & HAS NOT BEEN USED IN A BUSINESS, I DO NOT PLAN TO USE THE EQUIPMENT IN A FUTURE BUSINESS.

Petitioner's estimate of value: \$ UNKNOWN (2019) and \$ UNKNOWN (2020)  
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

[Signature]  
Petitioner's Signature

Daytime Phone Number (710) 708-1591  
Email herndonjohnk@gmail.com

By \_\_\_\_\_  
Agent's Signature\*

Daytime Phone Number ( )

Printed Name: \_\_\_\_\_ Email \_\_\_\_\_

\*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

**Section II: Assessor's Recommendation**  
(For Assessor's Use Only)

	Tax Year <u>2019</u>			Tax Year <u>2020</u>		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	<u>83,597</u>	<u>24,240</u>	<u>1312.47</u>	<u>83,597</u>	<u>24,240</u>	<u>1298.75</u>
Corrected	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Abate/Refund	<u>83,597</u>	<u>24,240</u>	<u>1362.47</u>	<u>83,597</u>	<u>24,240</u>	<u>1348.75</u>

☐ Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year 2019 Protest? ☒ No ☐ Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year 2020 Protest? ☒ No ☐ Yes (If a protest was filed, please attach a copy of the NOD.)

☒ Assessor recommends denial for the following reason(s):

Examples of typical abatement situations that should be denied:

1. **Best Information Available (BIA) Assessments:** When an owner does not file a personal property declaration schedule with the assessor, the assessor assigns a BIA assessment to the property, § 39-5-116(1), C.R.S. A Notice of Valuation is mailed to the owner, and if the BIA value is not protested during the statutory time frame, an abatement petition filed by the owner on the BIA assessment should be denied, § 39-5-118, C.R.S. See Property Tax Administrator v. Production Geophysical Services, Inc., 860 P.2d 514 (Colo. 1993).

[Signature]  
Assessor or Deputy Assessor's Signature

\$50 late fee

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition 39-1-113(1.7) C.R.S.

Section IV: Decision of the County Commissioners

WHEREAS, the County Commissioner of San Miguel County, State of Colorado, at a duly and lawfully called regular meeting held on 4/7/2021 at which meeting there were present the following members: Lance Waring, Kris Holstrom, and Hilary Cooper with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor Peggy Kanter present and Petitioner John Herndon not present Agent n/a not present, and where, the said County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board does not agree with the recommendation of the Assessor and the petition be approved with an abatement/refund as follows:

2019	\$ <u>0</u>	\$ <u>1362.47</u>	2020	\$ <u>0</u>	\$ <u>1348.75</u>
Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund

DocuSigned by:  
Lance Waring  
Board of County Commissioners, Chair

I, Carmen Warfield, County Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied form the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

Date signed 4/13/2021

DocuSigned by:  
Carmen Warfield  
County Clerk's or Deputy Clerk's Signature



Section V: Action of the Property Tax Administrator  
(For all abatement greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby

☐ Approved ☐ Approved in Part \$ \_\_\_\_\_ ☐ Denied for the following reason(s):

\_\_\_\_\_  
Secretary's Signature

\_\_\_\_\_  
Property Tax Administrator's Signature

\_\_\_\_\_  
Date



**ATTACHMENT II**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,  
OF SAN MIGUEL COUNTY, COLORADO,  
AMENDING RESOLUTION 2016-17 AND APPROVING AN AMENDMENT TO A  
SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY  
FOR ALPINE WELLNESS, LLC IN THE WRIGHT'S MESA (WM) ZONE DISTRICT**

**Resolution 2021-11**

**WHEREAS**, Alpine Wellness, LLC, hereafter "Applicant" as Moonrise Enterprise LLC, is the owner of a 79 acre parcel (PIN #429529400007), hereafter "Property," in the Wright's Mesa Zone District, more particularly described as shown on Exhibit A, Legal Description; and

**WHEREAS**, Nolan Murphy on behalf of the Applicant has submitted an application for an Amendment to its Retail Marijuana Cultivation Facility Special Use Permit ("Application") at the Property, in accordance with San Miguel County Land Use Code Sections 5-2905 *et seq.* (Medical and Retail Marijuana Facilities and Establishments); and

**WHEREAS**, Applicant is seeking to Amend its Special Use Permit to add a 20,000 s.f. Outdoor Cultivation Area, two (2) temporary 3,000 s.f. Non-substantial Greenhouses, i.e. "hoop houses", and a 3,000 s.f. marijuana processing building as shown on Exhibit B, Site Plan; and

**WHEREAS**, the Application was referred to the County Attorney, County Building Official, County Manager, County Road and Bridge Director, County Sheriff, County Site Inspector, Colorado Parks and Wildlife, Colorado Division of Water Resources, Colorado Marijuana Enforcement Division, and the Town of Norwood for review and comment; and

**WHEREAS**, at its regular meeting held on March 11, 2021, following its consideration of the application, the referral comments provided, and public comments received, the County Planning Commission unanimously recommended approval of the proposal, subject to certain conditions; and

**WHEREAS**, on or about March 15, 2021, the Applicant sent Notice of the application and the BOCC Public Hearing to be held on Wednesday, April 7, 2021 to all property owners within one-half (1/2) mile of the subject parcel, and signs were posted on the property noticing the proposed use and the BOCC meeting to be held on April 7, 2021; and

**WHEREAS**, a Public Hearing Notice for the proposed Subdivision Exemption Plat and the Board of County Commissioners meeting to be held on April 7, 2021 was published in the Norwood Post and the Telluride Daily Planet on March 17, 2021; and

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

**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 Wednesday, April 7, 2021.

17/11/2021 10:11:15 AM

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of San Miguel County, Colorado, approves the proposed Amendment to the Alpine Wellness, LLC Marijuana Retail Cultivation Facility Special Use Permit, to add a 20,000 s.f. Outdoor Cultivation Area, two (2) 3,000 s.f. Non-substantial greenhouses, i.e. "hoop houses", and a 3,000 s.f. Processing/storage Building, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-2905 et seq. for Retail and Medical Marijuana Cultivation Facilities and the County Master Plan with the following conditions:

**General Conditions:**

1. This Special Use Permit (SUP) is issued to the applicant and does not run with the land.
2. This SUP Approval is subject to all written representations of the applicant, in the original submittal and all supplements, letters and emails, are deemed to be conditions of approval, except to the extent modified by this Motion.

**Specific Conditions:**

3. All applicable conditions of approval as set forth in BOCC Resolution 2016-17 shall be followed.
4. The Special Use Permit shall only be valid as long as the applicant holds a current State and County License for the approved use and complies with all state and county regulations at all times.
5. The location of the Outdoor Cultivation Area, "hoop houses" and processing / storage building shall be as shown on the enclosed Site Map.
6. The fence design shall be as approved by the Colorado Marijuana Enforcement Division. A copy of the final MED approval shall be submitted to the Planning Department upon receipt.
7. If the facilities (greenhouse, hoop houses or storage/processing building) are to be used after dark the facilities will be constructed in such a way as to prevent light leakage from the buildings; no outdoor lighting shall be allowed except at the entrance gate that is motion sensitive, shielded and directed down and meets the International Dark-Sky Association (IDA) guidelines for light color and intensity.
8. Privacy screening may be required after construction of the greenhouse, outdoor cultivation area, hoop houses, and storage/building.
9. The Non-substantial greenhouses, i.e. "hoop houses" will be permitted for an initial period of one (1) year, with renewal for one (1) additional year upon administrative review. They shall not be permitted to be used for a period longer than two (2) years. The hoop house coverings shall be maintained and all torn plastic shall be removed

immediately.

10. No signs will be posted on the property advertising the business with the exception of a sign that identifies the state and county license numbers and which buildings are not being used for cultivation.
11. All processing of marijuana shall take place within the processing/storage building or greenhouses
12. If offensive odors are reported offsite by the neighbors, after consultation with the Planning Department, the applicant may be required to provide an odor removal system.
13. Waste disposal shall comply with Colorado Department of Health & Environment regulations.
14. Equipment related to the cultivation operation will be stored inside a structure or within an enclosed area.
15. Any and all water used associated with the Marijuana Facility shall be in accordance with guidance provided by the Colorado Division of Water Resources and not in conflict with the water decree for the source of water being used.
16. All outdoor water storage shall be covered and maintained to prevent the establishment of mosquito larvae and other vectors.
17. Unless needed for security of the overall site, fence segments shall be opened to allow wildlife to move through the site when outdoor cultivation is not occurring.
18. The applicant shall maintain and remove any damaged and exposed landscape fabric used in the outdoor cultivation area to prevent litter from spreading.
19. Applicant will remove hoop house coverings at the end of the growing season for winter.
20. Applicant will monitor the traffic associated with its operation and will make attempts to mitigate excessive traffic on Woodstock Road.
21. Any request to increase the number of growing areas, greenhouses or structures on site or to modify the conditions of this SUP approval may be considered a Substantial Amendment and shall be reviewed subject to the applicable Land Use Code requirements and process for a Marijuana Retail Cultivation Facility.
22. The applicant shall obtain all necessary state and local permits, including Building, Development, Electrical, and MED.

Review Period:

23. There shall be an annual review after the first full calendar year of operations (January

2023). Prior to this annual review by the Planning Commission, notice will be provided to the neighbors and individuals and review who received noticed for this SUP amendment application, prior to the scheduled public meeting so they may make their comments, questions or concerns known to the CPC and BOCC. The CPC shall then make its recommendation to the BOCC as to any recommended changes to the approved SUP, if any.

The BOCC may then take action to allow the SUP to continue as approved, modify or add conditions, or even revoke the SUP for non-compliance with the BOCC Resolution terms and conditions of approval or if there are unintended substantial impacts to neighbors adjacent to the site. As a part of its consideration the BOCC may make a determination in its discretion if there is a need for additional annual reviews, or periodic reviews of the terms and conditions of the SUP in the future or not.

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

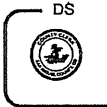
**SAN MIGUEL COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS**

DocuSigned by:  
By: Lance Waring  
F8BF64194B38430  
Lance Waring, Chair

Vote:	Hilary Cooper	x	Aye	Nay	Abstain	Absent
	Kris Holstrom	x	Aye	Nay	Abstain	Absent
	Lance Waring	x	Aye	Nay	Abstain	Absent

ATTEST:

DocuSigned by:  
By: Carmen Warfield  
BE2AF0C939C63406  
Carmen Warfield, Chief Deputy Clerk



- EXHIBIT A – Legal Description
- EXHIBIT B – Proposed Site Plan
- EXHIBIT C – Public Hearing Record list

"Z:\Applications\2021 Alpine Wellness Marijuana Cultivation SUP\_Wrights Mesa\1 Staff Memo(s) and Resolution(s)\BOCC Resolution 2021-0\_\_ Alpine Wellness SUP Amendment 4.7.21.docx"

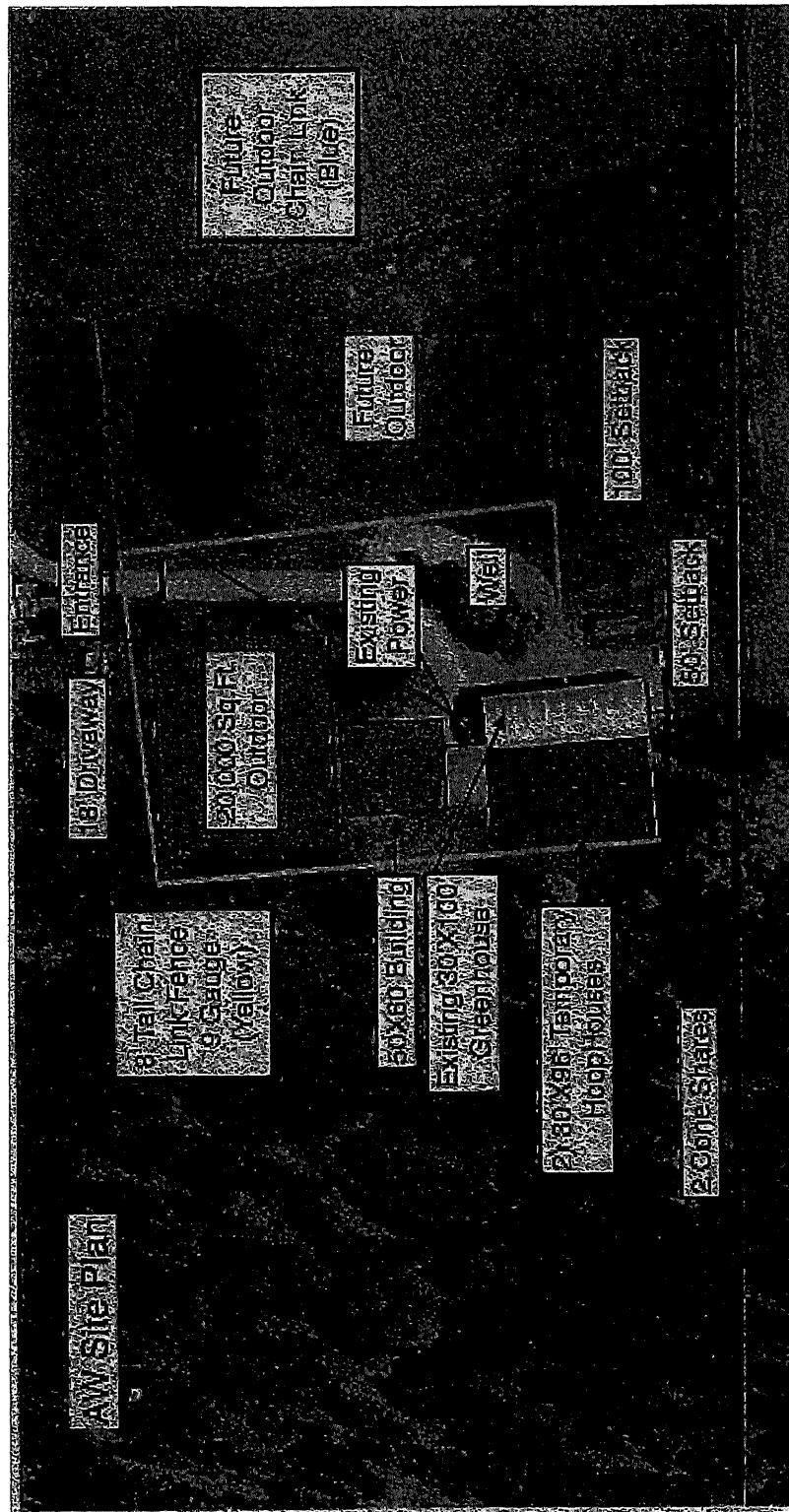
**EXHIBIT A**  
**LEGAL DESCRIPTION**

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 45  
NORTH, RANGE 13 WEST, NEW MEXICO PRINCIPAL MERIDIAN,

COUNTY OF SAN MIGUEL, STATE OF COLORADO,

KNOWN BY STREET AND ADDRESS AS 557 WOODSTOCK ROAD, NORWOOD, CO  
81423

**EXHIBIT B**  
**PROPOSED SITE PLAN**



## EXHIBIT C

### Public Hearing Record

Board of County Commissioners

Application: Amendment to the Alpine Wellness, LLC Marijuana Retail Cultivation Facility  
Special Use Permit: Add an Outdoor Cultivation Area, 2 temporary greenhouses  
and a processing/storage Building

Date: April 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 April 7, 2021.
4. Draft Resolution
5. Draft Minutes of the March 11, 2021 County Planning Commission meeting.
6. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated March 11, 2021.
7. San Miguel County Board of Commissioners Resolution 2016-17.
8. Marijuana Enforcement Division – Outdoor Cultivation Rules
9. Certification of Application Completeness from John Huebner, Senior Planner dated January 25, 2021.
10. Application submitted by Nolan Murphy, Alpine Wellness, LLC, received January 8, 2021, and Supplements received January 27, 2021.
11. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated February 16, 2021 and March 15, 2021.

### AGENCY COMMENTS

12. Agency Referral Email(s) from John Huebner, Senior Planner dated January 26, 2021 and March 3, 2021.
13. Email received from Amy Markwell, County Attorney, to John Huebner, Senior Planner dated January 26, 2021.

14. Email received from Ryan Righetti, County Roads D, to John Huebner, Senior Planner dated January 26, 2021.

#### PUBLIC COMMENTS

15. Email received from Patti Jo Royer, Lot 1, La Mesa Vista, to John Huebner, Senior Planner dated February 18, 2021.
16. Letter received from Dave and Lynette Foley, adjacent property owner, to Planning Department dated March 2, 2021.



SAN MIGUEL COUNTY BOARD OF COMMISSIONERS  
MEETING

ATTACHMENT 111

4/7/2021

Date of Meeting

Executive Session Minutes Attest

I, Amy Markwell, County Attorney attest that the 4/7/21  
Date of Meeting

Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

DocuSigned by:  
Amy Markwell  
130069A155004D0...  
Amy Markwell, County Attorney

I, Lance Waring, Chair of the San Miguel County Board of  
Commissioners attest that the 4/7/21  
Date of Meeting

Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

DocuSigned by:  
Lance Waring  
F8DF64194D30430...  
Chair

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
SAN MIGUEL COUNTY, COLORADO AUTHORIZING THE RELEASE OF  
PROMISSORY NOTES AND/OR DEEDS OF TRUST FOR UNIT A,  
LOT 3 GOLD RUN PLANNED COMMUNITY AND THE CHAIR OF THE BOARD  
TO EXECUTE APPLICABLE DOCUMENTATION TO TRANSFER SAID  
PROPERTY TO THE TOWN OF TELLURIDE**

**Resolution # 2021-012**

**WHEREAS**, between 2008 through 2012, the Town of Telluride ("Town") and San Miguel County, Colorado ("County") partnered in the annexation and subdivision of what became known as the Gold Run Project ("Gold Run"); and

**WHEREAS**, in addition to the affordable housing units of Gold Run, the Town and the County jointly developed a dedicated daycare facility on Unit A, Lot 3 ("Unit A") that is currently being run by the Telluride Preschool. Similar to the other improvements in Gold Run, Unit A was originally owned and developed by the Block 23 Housing Corporation; and

**WHEREAS**, in order to assist in the financing of the project, the County requested that Unit A be held by a separately created nonprofit with equal representation from the County and Town, which corporate entity was formed in June 2012 and titled the San Miguel Community Facilities, Inc. ("SMCF"); and

**WHEREAS**, SMCF was represented by separate legal counsel and should have applied for a formal exemption for the exemption from real property taxes with the Colorado Division of Property Taxation which did not happen and SMCF had been paying minimum taxes since 2012; and

**WHEREAS**, in 2019, the San Miguel County Assessor reclassified the real property from residential to commercial resulting in a significant increase in the real property taxes on the property (now approximately over \$20,000 per year); and

**WHEREAS**, the SMCF Board, consisting of the Chair of the Board of County Commissioners, the County Manager, the Mayor of Telluride and the Town Manager, convened a meeting on March 18, 2021, and authorized the conveyance of Unit A to the Town thereby moving Unit A back into an "exempt" status for real property taxes; and

**WHEREAS**, provided that SMCF conveys the deed to Unit A to the Town conditioned on 1) consent from the County if there is ever a change of use of the property; and, 2) the County would receive a first right of purchase or refusal to purchase or acquire the property if the Town ever subsequently sells or conveys Unit A; and

**WHEREAS**, prior to said conveyance the County should release the promissory notes and/or deeds of trust from 2012 and authorize the Chair of the Board to execute all applicable documents to effectuate this transfer; and

**WHEREAS**, the Board of County Commissioners finds it appropriate to designate the Chair or Vice Chair as the individuals authorized to execute any documents required to effect this transfer.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners of San Miguel County, Colorado hereby authorizes the Chair or the Vice Chair to execute any and all documents related to the transfer of Unit A, Lot 3 Gold Run Planned Community to the Town of Telluride conditioned upon said deed from the San Miguel County Community Facilities, Inc. including the provisions that the County would need to consent if there is a change in the use of the property for something other than a daycare or preschool and the County would have the right of first refusal to purchase or acquire the property if the Town seeks to sell or convey the property.

**DONE AND APPROVED** by the San Miguel County Board of County Commissioners at a duly noticed public meeting held in Telluride, Colorado on April 7, 2021.

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

DocuSigned by:  
By: Lance Waring  
F8DF64194938430...  
Lance Waring, Chair

Kris Holstrom	x	Aye	Nay	Abstain	Absent
Hilary Cooper	x	Aye	Nay	Abstain	Absent
Lance Waring	x	Aye	Nay	Abstain	Absent

ATTEST:

DocuSigned by:  
Carmen Warfield  
BE2AF0C39C63408...  
Carmen Warfield, Chief Deputy Clerk to the Board

