

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,
SAN MIGUEL COUNTY, COLORADO,
APPROVING AN AMENDMENT TO LAND USE CODE
ARTICLE 7, DEFINITIONS RELATED TO “FAMILY”**

Resolution No. 2024-45

WHEREAS, Colorado House Bill 24-1007 was enacted and prohibits counties, cities and municipalities from limiting the number of people who may live together in a single dwelling based on familial relationship, with exceptions for health and safety and for those matters related to affordable housing guidelines; and

WHEREAS, Planning staff has prepared Land Use Code (LUC) amendments to Article 7, Definitions, to redefine “Family” and eliminate the limitation on the number of unrelated people who may live together, and to amend or add related definitions; and

WHEREAS, the draft amendment was referred to the County Attorney; County Manager; County Assistant Manager; County Communications; County Building Official; County Environmental Health; San Miguel Regional Housing Authority; Town of Mountain Village; Town of Norwood; Town of Ophir; Town of Sawpit; and Town of Telluride; and

WHEREAS, at a Planning Commission meeting held on Thursday, September 12, 2024, following its consideration of the proposed LUC Amendment, the CPC unanimously recommended approval of the Land Use Code Amendment; and

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

WHEREAS, a Public Hearing Notice for the proposed Land Use Code Amendment and the Board of County Commissioners meeting to be held on October 16, 2024 was published in the Norwood Post and the Telluride Daily Planet on September 27, 2024; and

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

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this Land Use Code amendment, along with relevant evidence and testimony, at a public hearing on Wednesday, October 16, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves and adopts the amendments to San Miguel County Land Use Code (LUC) Article 7, Definitions as follows:

Additions to the following section are indicated with underline. Deletions are indicated with ~~strike through~~.

Dwelling Unit

A separately enterable, self-sufficient room or combination of rooms containing kitchen and bath facilities

and designed for or used as a residence by an individual, single family, household, or guests, independent of other families, households, or guests.

Family

An individual or two or more persons living as a single household and sharing common living, sleeping, cooking and eating facilities. Two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, or not more than 5 unrelated persons occupying the same dwelling unit.

Family does not include larger institutional group living situations such as dormitories or residential care facilities, nor does it include such commercial group living arrangements such as boardinghouses, lodging houses, and the like.

Household

A person or group of people who share a dwelling unit, regardless of their relationship to one another. A household includes the related family members and all the unrelated people, if any, such as roommates, lodgers, foster children, wards, or employees who share the housing unit.

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

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on October 16, 2024.

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

By: Lance Waring
Lance Waring, Chair

Vote:	Lance Waring	x	Aye	Nay	Abstain	Absent
	Ann Brown	x	Aye	Nay	Abstain	Absent
	Kris Holstrom	x	Aye	Nay	Abstain	Absent

ATTEST:

By: Carmen Warfield
Carmen Warfield, Chief Deputy Clerk



EXHIBIT A – Public Hearing Record list

EXHIBIT A
PUBLIC HEARING RECORD

San Miguel County Board of Commissioners

Application: Amendment to San Miguel County Land Use Code Article 6 – Definitions related to
“Family”

Date: October 16, 2024

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 Commissioners from Kaye Simonson, Planning Director, dated October 16, 2024
4. Draft BOCC Resolution No. 2024-45 – Family Definition
5. HB24-1007 – Prohibit Residential Occupancy Limits
6. Draft Land Use Code Amendment, Article 6 – Definitions related to “Family”
7. Draft Planning Commission minutes, September 12, 2024
8. Legal Notices published in the Telluride Daily Planet and Norwood Post on September 27, 2024

AGENCY COMMENTS

9. Memo from Kaye Simonson to Referral Agencies dated August 12, 2024
10. Email from Mike Bordogna, County Manager dated August 12, 2024

PUBLIC COMMENT

11. None

OTHER

None