



Chaffee County Commissioners Meeting
March 9, 2021

Due to the COVID-19 pandemic and State and County safer-at-home orders, these minutes have been taken remotely via Zoom meeting. Some County staff, representatives from other governments and government agencies, and others from the public attend, including participating in the public hearing portion of the meeting, remotely via Zoom meeting as well.

A. Call to Order

The regular meeting of the Board of Commissioners was held on March 9, 2021, at the Chaffee County Courthouse. Board members present were Commissioner Keith Baker (remotely), Chairman Greg Felt, Commissioner Rusty Granzella.

Others present in person were Director of General Administration Bob Christiansen, Director of Finance Dan Short, County Attorney Jennifer Davis, Assistant County Attorney Daniel Tom, Planning Manager Jon Roorda, Development Services Director Dan Swallow, and IT Ethan Smith.

Deputy County Clerk Barbara Tidd was present remotely.

1. Pledge of Allegiance

Following the Pledge of Allegiance, Chairman Felt called the meeting to order at 9:01 a.m.

2. Review Public Meeting List

The Board reviewed the public meeting list.

3. Public Comment

Prior to public comment, Chair Felt described opportunities for public comment regarding the Nestle Waters North America (Nwana) annual report to be presented at today's meeting and future hearings concerning the Board's consideration of Nwana's permit renewal.

There was no public comment.

B. Minutes for Approval

1. Approve AMENDED minutes for the February 9th regular meeting.

Commissioner Granzella moved to approve the AMENDED minutes of the February 9, 2021 Commissioners' regular meeting at item E.1. changing "update Resolution 2021-15..." to "prepare a resolution...." Commissioner Baker seconded the motion. The motion carried unanimously.

2. Approve minutes for the March 2nd regular meeting.

Commissioner Baker moved to approve the minutes of the March 2, 2021 Commissioners' regular meeting. Commissioner Granzella seconded the motion. The motion carried unanimously.

C. 9:15 a.m. - Public Hearings and consideration of recommendations from the Planning Commission with regard to the following matters:

1. **Public Hearing - Request to continue to April 13, 2021 - Name of Project:** Cooper Property Minor

Subdivision Final Plat **Applicants:** Joe Edward Cooper Living Trust, represented by Joe Cooper and Antonia Cooper **Location:** 9325 County Road 160 and 9693 County Road 163, Salida **Zone:** Rural
Consider **Request:** To re-subdivide Tract 1A-R of the Cooper Property Boundary Line Adjustment No. 2 of 16.73 acres into four (4) tracts; three of which will be 2.0 acres and the remainder tract of 10.73. A request for a waiver of Section 7.3.7.C1 to allow a private road easement for access and frontage to the lots off County Road 163. Wells and on-site wastewater treatment systems will serve the property.
Planning Manager Roorda addressed the Board to request a continuance of this matter.

Commissioner Granzella moved to continue the Cooper Property Minor Subdivision Final Plat hearing to a date uncertain. Commissioner Baker seconded the motion. The motion carried unanimously.

2. **Public Notice - Request to continue to April 13, 2021 - This item originally continue on January 19, 2021 and again continued on February 9, 2021 - Name of Project:** Land Use Code Text Amendment - correction to Table 7.7.2 Salida Airport Overlay District **Applicants:** Chaffee County Staff **Request:** Remove existing Section 7.7.2 Airport Overlay District and replace it with proposed new section. Text is available at chaffeecounty.org/Planning and Zoning.
Planning Manager Roorda addressed the Board to request a continuance of this matter to April 13, 2021.

Commissioner Granzella moved to continue the Land Use Code Text Amendment - correction to Table 7.7.2 Salida Airport Overlay District to April 13, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

3. **Continued from February 16, 2021 - Name of Project:** Land Use Code Text Amendment **Applicants:** Sterling Stoudenmire of Pure Greens, represented by Michael Scott **Request:** Amend sections 7.8.22 B2 and 7.8.22 C2 of the Land Use Code to reduce the setbacks from the property line of a Marijuana Optional Premises Cultivation Center and/or an Infused Products Manufacturing Facility to adjacent residential uses.
Planning Manager Roorda addressed the Board concerning the Land Use Code Text Amendment for Applicant: Sterling Stoudenmire of Pure Greens, represented by Michael Scott. Manager Roorda, Attorney Tom, and Director Swallow responded to Commissioners' questions. Discussion ensued.

Applicant Sterling Stoudenmire, 6990 County Rd. 111B, Salida, addressed the Board and responded to Commissioners' questions.

Discussion continued during which Staff responded to additional Commissioners' questions.

The public comment portion of the hearing opened at 10:37 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioners deliberated.

Commissioner Granzella moved to continue to April 6, 2021 consideration of the Land Use Code Text Amendment to amend sections 7.8.22 B2 and 7.8.22 C2 of the Land Use Code; Applicant Sterling Stoudenmire of Pure Greens. Commissioner Baker seconded the motion. The motion carried unanimously.

The meeting recessed at 10:46 a.m. for a short break. The meeting resumed at 10:54 a.m.

4. **Public Hearing - Name of Project:** Ogden Major Subdivision Sketch Plan **Applicants:** Ralph & April Ogden **Location:** 12806 County Road 190 E, Salida **Zone:** Rural **Request:** To subdivide Lot 2 of the Ogden Heritage Water Subdivision Exemption of 20.14 acres into five lots, all approximately 4.0 acres. Wells and on-site wastewater treatment systems will serve the property. Access is on

a 30' wide access and utility easement off County Road 190 E- Planning Staff

Planning Manager Roorda addressed the Board concerning the Ogden Major Subdivision Sketch Plan located at 12806 County Road 190 E, Salida, for Applicants Ralph & April Ogden. Manager Roorda responded to Commissioners' questions.

Applicant Ralph Ogden, 12840 County Rd. 190E, Salida, addressed the Board.

The public comment portion of the hearing opened at 11:07 a.m.

Public comments were given by:

Kat Sanford, 139 W. 1st St, Unit B, Salida. Manager Roorda responded to Sanford's question.

The public comment portion of the hearing closed at 11:11 a.m.

Commissioners deliberated during which Manager Roorda responded to Commissioners' questions.

Commissioner Granzella moved to approve the Ogden Major Subdivision Sketch Plan;
Applicants: Ralph & April Ogden; Location: 12806 County Road 190 E, Salida, to subdivide Lot 2 of the Ogden Heritage Water Subdivision Exemption of 20.14 acres into five lots, all approximately 4.0 acres, and to uphold the Findings of the Planning Commission. Commissioner Baker seconded the motion. The motion carried unanimously.

D. Contracts/Grant Consideration

E. Regular Agenda Items

1. **Continued from February 16 and originally continued from February 2, 2021. Public Hearing - Name of Project:** Habitat Road and Alley Vacation of Right of Way **Applicants:** Chaffee County Habitat for Humanity **Location:** 11248 County Road 198, Nathrop **Zone:** Rural **Request:** To vacate a portion of E Street (on south side) and the remaining alley in Block 22 (on east side), Block 22 in the Nathrop Townsites. Access for these properties is from County Road 198. These rights of way do not have roads constructed in them - Planning Staff

Planning Manager Roorda addressed the Board concerning the Habitat Road and Alley Vacation of Right of Way located at 11248 County Road 198, Nathrop, for Applicant Chaffee County Habitat for Humanity. Manager Roorda, Director Swallow, and Chaffee County Habitat for Humanity (CCHfH) President Dale Shoemaker responded to Commissioners' questions.

CCHfH President Dale Shoemaker, 28214 County Rd. 313, Buena Vista, on behalf of Applicant, addressed the Board and responded to Commissioners' questions.

Staff responded to Commissioners' questions.

The public comment portion of the hearing opened at 11:42 a.m.

Public comments were given by:

Jim Jimerson, 11240 County Rd. 198, Nathrop. Jimerson responded to Commissioner's question. Staff commented.

The public comment portion of the hearing closed at 11:45 a.m.

Shoemaker on behalf of Applicant commented. Director Swallow spoke. Discussion ensued during

which Shoemaker spoke.

Commissioner Granzella moved to deny the request for a road and alley vacation by Chaffee County Habitat for Humanity; Location: 11248 County Road 198, Nathrop. The motion failed for lack of a second. Discussion ensued.

Chair Felt moved to vacate the 12.5 feet of the alleyway on the east side of the CCHfH (Habitat) property, impose a 10-foot easement for pedestrian use only from the existing centerline of the alley back to the west only behind the Habitat property and not to the north, and direct staff to prepare a resolution to that effect. Commissioner Granzella seconded the motion. Discussion ensued. The motion carried unanimously.

The meeting recessed at 12:48 p.m. Chair Felt stated that the meeting is scheduled to resume at 1:00 pm. The meeting resumed at 1:06 p.m.

2. Nestle Waters North America Annual Report Presentation (See <https://bhfs.sharefile.com/d-se53beb99228a44b0b0bce5c5257e8b90>)

Chair Felt introduced this matter for the public.

Nestle Waters North America (NWNA) Natural Resource Manager for the Western Region Larry Lawrence, 5772 Jarupa St., Ontario, CA, presented the NWNA 2020 annual report. Lawrence responded to Commissioners' questions.

Elizabeth (Liz) Jones with S.S. Papadopoulos & Associates, Inc., 3100 Arapahoe Ave., Boulder, CO spoke in response to Commissioners' questions.

NWNA legal counsel Steven Sims spoke in response as well.

Lawrence continued his presentation and responded to Commissioners' questions. Jones also responded to questions.

Attorney Davis addressed the Board stating that the County's water engineer reviewed the NWNA annual report and provided comments. He concluded that the production, pumping, and replacement was in line with the existing permit. Attorney Davis further stated that today's public comments will not become part of the record in the 1041 hearing.

The public comment portion of the meeting opened at 2:05 p.m.

Public comments were given by:

Tom Bomer, co-founder of Unbottle and Protect Chaffee County Water, 225 D St., Salida.

Jen Swacina, 132 E. 7th St, Apt. 2, Salida. Lawrence responded to Swacina's question.

Angie Thompson, 9332 Hwy. 50, Howard. Lawrence and Caitlin Quander, NWNA land use counsel, 410 17th St., Denver, responded to Thompson's question.

The public comment portion of the meeting closed at 2:13 p.m.

Lawrence will provide his power point presentation to the Board of Commissioners.

No formal action was taken.

3. Consider Request for FAA Approval of Agreement for Transfer of Entitlements from Harriet Alexander Field-Salida Airport to the Southeast Colorado Regional Airport.

Airport Manager Zech Papp addressed the Board to consider a request for FAA Approval of Agreement for Transfer of Entitlements from Harriet Alexander Field-Salida Airport to the Southeast Colorado Regional Airport.

Commissioner Granzella moved to approve the Request for FAA Approval of Agreement for Transfer of Entitlements from Harriet Alexander Field-Salida Airport to the Southeast Colorado Regional Airport in the amount of \$150,000. Commissioner Baker seconded the motion. The motion carried unanimously.

F. Consent Agenda

Commissioner Granzella moved to approve the Consent Agenda. Commissioner Baker seconded the motion. The motion carried unanimously.

1. Pay Bills
2. Report from the Chaffee County Veterans Service Officer for February, 2021.

G. Active Projects

H. Adjourn

Commissioner Granzella moved to adjourn the meeting. Commissioner Baker seconded the motion. The motion carried unanimously. The meeting was adjourned at 2:26 p.m.

I. Potential Road Trip

Attest:



Lori Mitchell, County Clerk