



Chaffee County Commissioners Meeting
July 20, 2021

Chaffee County Commissioners' meetings are broadcast remotely via Zoom. These minutes have been taken remotely via Zoom. Some County staff, representatives from other governments and government agencies, and others from the public may attend, including participating in the public hearing portion of the meeting, remotely via Zoom.

A. Call to Order

The regular meeting of the Board of Commissioners was held on July 20, 2021, at the Chaffee County Courthouse. Board members present were Commissioner Keith Baker, Chairman Greg Felt, Commissioner Rusty Granzella.

Others present in person were Director of General Administration Bob Christiansen, County Attorney Jennifer Davis, Deputy County Attorney Daniel Tom, Assistant County Attorney Tom Cottom, Public Affairs Officer Beth Helmke, Planning Manager Jon Roorda, Development Engineer Gary Greiner, and IT Ethan Smith.

Others present remotely were Emergency Manager Rich Atkins, County Clerk Lori Mitchell, and Deputy County Clerk Barbara Tidd.

1. Pledge of Allegiance

Following the Pledge of Allegiance, Chairman Felt called the meeting to order at 9:03 a.m.

2. Review Public Meeting List

The Board reviewed the public meeting list.

3. Public Comment

Susan Nies, 30640 Promontory East, Buena Vista, stated that she promised to tell the truth and gave public comment.

Commissioner Baker spoke followed by Attorney Tom and Chair Felt.

B. Minutes for Approval

1. Approve the minutes of the July 13, 2021 regular meeting.

Commissioner Granzella moved to approve the minutes of the July 13, 2021 Commissioners' regular meeting. Commissioner Felt seconded the motion. The motion carried with Commissioners Felt and Granzella voting FOR. Commissioner Baker abstained because he was not present at the meeting.

2. Approve the minutes of the July 14, 2021 special meeting.

Commissioner Baker moved to approve the minutes of the July 14, 2021 Commissioners' special meeting. Commissioner Granzella seconded the motion. Discussion ensued. Commissioner Granzella asked that the minutes reflect that the Applicant for Live Nation's Seven Peaks Festival was present remotely at that meeting, was given an opportunity to speak, and chose not to speak. Commissioner Baker accepted this friendly amendment. Chair Felt called for the vote. The motion carried unanimously.

C. Contracts/Grant Consideration

1. Consider SCEDD grant funding match (\$60,000) for EDA grant to fund a regional Broadband Coordinator position in the 13 county region. - Eric Gubelman, SCEDD, Executive Director

Director Christiansen addressed the Board to consider a Southern Colorado Economic Development District (SCEDD) grant funding match of \$60,000 for an EDA grant to fund a regional Broadband Coordinator position in the 13 county region.

Eric Gubelman, SCEDD Executive Director, 3204 Del Mar Terrace, Pueblo, stated that he promised to tell the truth and addressed the Board.

Director Christiansen and Gubelman responded to Commissioners' questions.

Commissioner Granzella moved to approve the Memorandum of Understanding between Chaffee and the Southern Colorado Economic Development District (SCEDD). Commissioner Baker seconded the motion. The motion carried unanimously.

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

1. **Public Hearing - Name of Project:** Sage Heights Major Subdivision Sketch Plan **Applicant:** Chris Bainbridge, represented by Mike Henderson; **Location:** 12506 County Road 190 E, Salida; **Zone:** Rural; **Request:** To subdivide Parcel 2 (remainder parcel) of the Bainbridge Heritage Water Subdivision Exemption of 32.9 acres into fifteen (15) lots, ranging in size from 2.0 to 2.2 acres. Wells and on-site wastewater treatment systems will serve the property. A new road on dedicated right of way will serve the subdivision.

Manager Roorda addressed the Board to consider the Sage Heights Major Subdivision Sketch Plan; **Applicant:** Chris Bainbridge, represented by Mike Henderson; **Location:** 12506 County Road 190 E, Salida. Manager Roorda responded to Chair Felt's question clarifying that parcels within the subdivision must *average* 2 acres, rather than requiring all parcels be a minimum of 2 acres as stated in the Agenda.

Manager Roorda responded to Commissioners' and Attorney Tom's questions. Attorney Tom also responded to Commissioners' questions.

Applicant Chris Bainbridge, 826 D St., Salida, stated that he promised to tell the truth, addressed the Board, and responded to Commissioners' questions.

Surveyor for Applicant Mike Henderson, 203 G St., Salida, addressed the Board and responded to Commissioners' questions.

Discussion ensued during which Attorney Tom, Henderson, Bainbridge, and Manager Roorda spoke and responded to Commissioners' questions, and Engineer Greiner responded to Commissioners' questions.

The public comment portion of the hearing opened at 10:34 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioners deliberated during which Attorney Tom, Manager Roorda, and Engineer Greiner spoke and responded to Commissioners' questions.

Commissioner Granzella moved to approve the Sage Heights Major Subdivision Sketch Plan; **Applicants:** Chris Bainbridge, represented by Mike Henderson; **Location:** 12506 County Road 190 E, Salida, with the recommended conditions as discussed and change related to a plat note for the well and septic locations, the open space using the arroyo, deleting the need for the stub road , deleting the condition regarding a shared driveway because it is already noted on the plat, and direct staff to prepare a resolution for August 3, 2021. Commissioner Felt seconded the motion. Commissioner Baker stated that he wanted a provision for reserving a stub road or easement. The motion carried unanimously. Discussion continued.

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

E. Regular Agenda Items

The meeting resumed at 10:51 a.m.

1. **Public Hearing - Name of Project:** Adams Agricultural Subdivision Exemption #3; **Applicant:** Karin Adams, represented by Tony Komarnsky; **Location:** 11460 County Road 140, Salida; **Zone:** Rural and Commercial; **Request:** To subdivide 76.88 acres into two lots of 2.54 acres (Lot D) and 74.34 acres (Lot B-Remainder Lot). Wells and on-site wastewater treatment systems will serve the property. A 60' wide easement off CR 140 will provide access to the property.

Manager Roorda addressed the Board to consider the Adams Agricultural Subdivision Exemption #3; **Applicant:** Karin Adams, represented by Tony Komarnsky; **Location:** 11460 County Road 140, Salida.

Komarnsky was not present. Applicant Adams was present in person and invited to speak. She chose not to speak.

The public comment portion of the hearing opened at 11:04 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioners deliberated.

Commissioner Baker moved to approve the Adams Agricultural Subdivision Exemption #3; **Applicant:** Karin Adams, represented by Tony Komarnsky; **Location:** 11460 County Road 140, Salida; direct staff to prepare a resolution to that effect and authorize the Chair to sign. Commissioner Granzella seconded the motion. The motion carried unanimously.

2. **Public Hearing - Name of Project:** Darland Heritage Water Subdivision Exemption; **Applicants:** Elmer R. Darland & Muriel Darland Trust, Patricia Casey, Trustee; Represented by Julie Kersting; **Location:** 34515 N Highway 24, Buena Vista; **Zone:** Rural and Rural Commercial/Recreational (RCR); **Request:** To subdivide 58.04 acres into two lots of 5.00 acres (Parcel 1) and 53.04 acres (Parcel 2). Wells and on-site wastewater treatment systems will serve the property. Parcel 1 will retain the domestic well.

Commissioner Baker moved to continue the Darland Heritage Water Subdivision Exemption to August 3, 2021. Commissioner Granzella seconded the motion. The motion carried unanimously.

3. **Public Hearing - Name of Project:** Swift Vacation of Right of Way; **Applicants:** Ethan & Genevieve Swift, represented by Mike Henderson; **Location of properties adjacent to right of way proposed to be vacated:** 22461 Jones Street and adjacent tax parcel #3687-341-13-121, Garfield Townsites; **Zone:** Residential; **Request:** To vacate the 20' wide alley lying between and adjacent to Lots 21 through 30 on the north and Lots 11 through 20 on the south in Block 13, Townsite of Garfield (formerly known as Junction City). Access for these properties is from Jones Street, Hanson Street, and Spring Street. This alley is not constructed or have utilities located in the right of way.

Manager Roorda addressed the Board to consider the Swift Vacation of Right of Way; **Applicants:** Ethan and Genevieve Swift, represented by Mike Henderson; **Location of properties adjacent to right of way proposed to be vacated:** 22461 Jones Street and adjacent tax parcel #3687-341-13-121, Garfield Townsites. Manager Roorda and Attorney Tom responded to Commissioner's questions.

Applicant representative Mike Henderson, 203 G St., Salida, stated that he promised to tell the truth, that he told the truth previously when he spoke during this meeting, and addressed the Board.

Attorney Tom spoke and responded to Commissioners' questions. Henderson spoke further.

The public comment portion of the hearing opened at 11:50 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioners deliberated.

Commissioner Granzella moved to approve the Swift Vacation of Right of Way; **Applicants:** Ethan and Genevieve Swift, represented by Mike Henderson; **Location:** 22461 Jones Street and adjacent tax parcel #3687-341-13-121, Garfield Townsites; to adopt the conditions of approval, add the elimination of lot lines as set forth in the meeting, add the easement conditions of the Jones Street and Spring Street easements, and direct staff to prepare a resolution for August 3, 2021. Discussion ensued. Commissioner Baker seconded the motion. There was no further discussion. The motion carried unanimously.

F. Adjourn as the Board of County Commissioners

The Board of Commissioners recessed as the Board of Commissioners at 11:53 a.m.

G. Convene as the Board of Health

The Board of Commissioners convened as the Board of Health at 11:53 a.m.

1. **Public Hearing - Name of Project:** Riverside Grill Board of Health Variance **Applicant:** Fish Bridge, LLC/Jon Donaldson River Runners LTD; and Kevin Meadows, Riverside Grill **Location:** 24070 County Road 301, Buena Vista **Zone:** Rural Commercial/Recreational (RCR) **Request:** To allow a graywater holding tank for a handwashing station that will be pumped out on an as-needed basis. The handwashing station is lower than the On-site Wastewater Treatment System (OWTS); this variance would avoid the need for a pump.

Engineer Greiner addressed the Board to consider a variance for the Riverside Grill; **Applicant:** Fish Bridge, LLC/Jon Donaldson River Runners LTD; and Kevin Meadows, Riverside Grill; **Location:** 24070 County Road 301, Buena Vista. Engineer Greiner responded to Commissioner's questions.

Applicant Kevin Meadows, 104 River Run Dr., Buena Vista, stated that he promised to tell the truth, addressed the Board, and responded to Commissioners' and Engineer Greiner's questions.

See following the motion and vote regarding the public comment portion of this public hearing.

Commissioner Baker moved to approve the variance for the Riverside Grill; **Applicants:** Fish Bridge, LLC/Jon Donaldson River Runners LTD; and Kevin Meadows, Riverside Grill; **Location:** 24070 County Road 301, Buena Vista, and direct staff to prepare a resolution to that effect for consideration on August 3, 2021. Commissioner Granzella seconded the motion. The motion carried unanimously.

The Board adjourned as the Board of Health at 12:03 p.m.

At 12:15 p.m. the Board of Commissioners recessed as the Board of Commissioners and reconvened as the Board of Health for the public comment portion of the hearing on this matter. Chair Felt asked if there were any public comments. There were no public comments and the public portion of the hearing closed.

The Board adjourned as the Board of Health and reconvened as the Board of Commissioners at 12:16 p.m.

H. Adjourn as the County Board of Health

The Board adjourned as the Board of Health at 12:03 p.m.

I. Reconvene as the Board of County Commissioners

The Board reconvened as the Board of Commissioners at 12:04 p.m.

The meeting recessed for a short break at 12:04 p.m.

The meeting resumed at 12:15 p.m.

See Item G.1.

1. **11:00 a.m. -** Review and decide on the Special Event Permit request from Bonfire Entertainment for Meet Me At the Creek, an event scheduled for The Meadows on September 24th and 25th, 2021.

Chair Felt addressed the Board and public regarding the Special Event Permit request from Bonfire Entertainment for Meet Me At the Creek, an event scheduled for The Meadows on September 24 and 25, 2021, providing a recap and status, including reference to Applicant's amended application, and the purpose of this meeting to consider and make findings concerning the Applicant's relationship with a non-profit organization in connection with this application and concerning noise. Commissioners Granzella and Baker addressed the public.

Manager Roorda addressed the Board.
Attorney Tom responded to Commissioner's questions.

Applicant Scott Stoughton, 786 Majestic Circle, Steamboat Springs, CO, stated that he promised to tell the truth, addressed the Board, and responded to Commissioners' questions. At Commissioner Granzella's and legal's request, Stoughton specifically stated that the applicant non-profit South Main Arts and Parks Trust does meet the legal non-profit status in the State of Colorado and is in good standing.

Attorneys Cottom and Tom responded to Commissioner's questions.

The public comment portion of the hearing opened at 12:52 p.m.

Public comments were given by:

Carle Linke, 32709 Columbia Ranch Rd., Buena Vista, stated that she promises to tell the truth.
Chair Felt responded to some of Linke's questions.

David Olmstead, 17080 County Rd. 363, Buena Vista, stated that he promises to tell the truth.
Attorneys Tom and Cottom responded to Commissioner's question. Commissioners spoke.

Cary Unkelbach, 17080 County Rd. 363, Buena Vista, stated that she promises to tell the truth and responded to Commissioner's question.
Attorneys Tom and Cottom responded to Commissioner's question.

Kevin Meadows, 104 River Run Drive, Buena Vista, stated that he promises to tell the truth.

Nicole Timmerman, 1066 W. Wildwood Rd., Apt. 2, Avon, CO, stated that she promises to tell the truth.

Robin Vega, 900 South Main, Buena Vista, stated that she promises to tell the truth.
Attorneys Cottom and Tom and Commissioners spoke.

Ben Adamavich, 103 Baylor Drive, Buena Vista, stated that he promises to tell the truth.

Barb Zucker, 602 W. Main St., Buena Vista, stated that she promises to tell the truth.

Eddie Sandoval, 218 Neighbors Lane, Buena Vista, stated that he promises to tell the truth.

Sarah Kinsfather, 905 Swift Circle, Buena Vista, stated that she promises to tell the truth.

Lucy Kinsfather, 905 Swift Circle, Buena Vista, stated that she promises to tell the truth.

Kennley Selby, 901 S. Main St., Buena Vista, stated that she promises to tell the truth.

Robert Selby, 1008 Swift Circle, Buena Vista, stated that he promises to tell the truth.

Sara Anderson, 11470 W. County Rd. 190, Buena Vista, stated that she promises to tell the truth.

Bill Confer, 248 N. Sangre De Cristo Ave., Buena Vista, stated that he promises to tell the truth. Confer responded to Commissioner's question.

Dennis Heap, 141 N. Sangre De Cristo Ave., Buena Vista, stated that he promises to tell the truth.

Patricia Confer, 248 N. Sangre De Cristo Ave., Buena Vista, stated that she promises to tell the truth.

Laura Crum, 204 S. Pleasant Ave., Buena Vista, stated that she promises to tell the truth.

Damon Lange, 205 E. Cannon St., Lafayette, CO, stated that he promises to tell the truth. Lange responded to Commissioners' questions.

Katie Selby Urban, 62749 Eagle Rd., Bend, OR, stated that she promises to tell the truth.

Randy Peters, 15685 Par Lane, Buena Vista, stated that he promises to tell the truth.

Rikki Swedhin, 18410 Trail West Dr., Buena Vista, CO, stated that she promises to tell the truth.

Mark Morris, 200 Main St., Silverthorne, CO, stated that he promises to tell the truth. Morris responded to Commissioner's questions.

Brian Conway, 801 Front Loop, #C, Buena Vista, stated that he promises to tell the truth.

The public comment portion of the hearing closed at 2:28 p.m.

Chair Felt addressed the Board.

The meeting recessed at 2:30 p.m.

The meeting resumed at 2:52 p.m.

The Board consensus was that following this matter, it will proceed with item K.1. the 1041 Permit Authority continued hearing re: Nestle/Blue Triton Brands. The Board will decide following that matter as to how to proceed with the other Agenda items.

Applicant Stoughton responded to public comment and responded to Commissioners' questions.

Commissioners deliberated during which Attorney Tom responded to Commissioners' questions.

Kennley Selby addressed the Board followed by Robert Selby and Applicant Stoughton.

Commissioner Baker moved to approve Resolution 2021-44 in the Commissioners' packet concerning Meet Me At the Creek to include under Findings and Conclusions that the Applicant and

principals have represented that South Main Arts and Parks Trust is a qualifying non-profit, etc. and in a separate finding that the proposed event is a qualifying cultural event. The resolution shall include that the maximum sound level shall be 105 dBA measured at the sound mixing board and incorporate Stoughton's offer regarding providing data regarding noise levels at the property line(s) under 6. Noise Mitigation as Item c. and renumber the resolution accordingly, circulate the resolution, and authorize the Chair to sign. Commissioner Granzella seconded the motion. The motion carried unanimously.

2. Consider a request for the renewal of a Beer and Wine On-Premise License for Station 24 Cafe, 12867 US Highway 24/285, Buena Vista.

Chair Felt addressed the Board to consider a request for the renewal of a Beer and Wine On-Premise License for Station 24 Cafe, 12867 US Highway 24/285, Buena Vista.

Commissioner Granzella moved to renew the Beer and Wine On-Premise License for Station 24 Cafe, 12867 US Highway 24/285, Buena Vista, and waive the County fees of \$175.00. Commissioner Baker seconded the motion. The motion carried unanimously.

L. Consent Agenda

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

1. Pay Bills

I. (Continued)

3. Ratify determination on proposed Purdue Pharma bankruptcy.

Chair Felt addressed the Board to ratify the Board's determination on the proposed Purdue Pharma bankruptcy.

Commissioner Granzella moved to ratify the Board's determination on the proposed Purdue Pharma bankruptcy from its July 14, 2021 special meeting. Commissioner Baker seconded the motion. The motion carried unanimously.

4. Consider Resolution 2021-52 Imposing a Temporary cap on the Acceptance, Submission, Processing and Issuance of Short-term Rental Licenses in Unincorporated Portions of Chaffee County Pending a Consideration of an Ordinance on Short-term Rentals.

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-52 A RESOLUTION IMPOSING A TEMPORARY CAP ON THE ACCEPTANCE, SUBMISSION, PROCESSING AND ISSUANCE OF SHORT-TERM RENTAL LICENSES IN UNINCORPORATED PORTIONS OF CHAFFEE COUNTY PENDING CONSIDERATION OF AN ORDINANCE ON SHORT-TERM RENTALS.

Discussion ensued during which Attorney Tom responded to Commissioners' questions.

Commissioner Granzella moved to approve RESOLUTION 2021-52 A RESOLUTION IMPOSING A TEMPORARY CAP ON THE ACCEPTANCE, SUBMISSION, PROCESSING AND ISSUANCE OF SHORT-TERM RENTAL LICENSES IN UNINCORPORATED PORTIONS OF CHAFFEE COUNTY PENDING CONSIDERATION OF AN ORDINANCE ON SHORT-TERM RENTALS. Commissioner Baker seconded the motion. The motion carried unanimously.

5. Introduction and First Reading of Proposed Ordinance Adopting Regulations Concerning the Application and Licensing, Permitting or Operation of Short-Term Rentals in Unincorporated Portions of Chaffee County.

Attorney Tom addressed the Board regarding the Proposed Ordinance Adopting Regulations Concerning the Application and Licensing, Permitting or Operation of Short-Term Rentals in Unincorporated Portions of Chaffee County.

Commissioner Granzella moved to continue this matter to August 3, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

J. Adjourn as the Board of County Commissioners

Commissioner Baker moved to adjourn as the Board of Commissioners. Commissioner Granzella seconded the motion. The motion carried unanimously. The Board of Commissioners adjourned at 3:33 p.m.

K. Convene as 1041 Permit Authority

The Board convened as the 1041 Permit Authority at 3:34 p.m.

1. **1:00 pm - Public Hearing - Continued from July 6, June 24, June 15, May 18, May 4, April 20, March 16, February 16, 2021 and originally continued from December 15, 2020** - Applicant: Nestle Waters North America Inc. Location: 12974 Hwy 24/285, Johnson Village, 22565 and TBD CR 300, Nathrop, lying in the S1/2 NE1/4, SE1/4 NW1/4, W1/2 SE1/4, and the SE1/4 SE1/4, all in Section 11, Township 15 South, Range 78 West of the 6th P.M. Zones: Commercial and Rural Request: Ten (10) year extension of an existing 1041 Permit for a spring water production process, and associated transmission pipeline and loading facility.

All documents regarding this hearing may be found on the Chaffee County Public Notice website at <http://www.chaffeecounty.org/Public-Notices>.

Chair Felt addressed the Board regarding this matter providing background, current status of this process, and purpose of this item for this meeting. Attorney Davis addressed the Board and responded to Commissioners' questions.

Attorney Davis read through the draft resolution for Commissioners and responded to Commissioners' questions.

Chaffee County Special Water Counsel David Shohet, 13511 Northgate Estates Drive, Colorado

Springs, addressed the Board and responded to Commissioners' questions regarding specific items in the draft resolution.

Discussion ensued during which Attorney Davis responded to Commissioners' questions.

Commissioner Granzella moved to continue this hearing to August 3, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

The Board adjourned as the 1041 Permit Authority at 6:06 p.m.

M. Active Projects

N. Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 6:06 p.m.

O. Potential Road Trip

Attest:



Lori Mitchell, County Clerk

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