



Chaffee County Commissioners Meeting
September 7, 2021

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 September 7, 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 Finance Dan Short, County Attorney Jennifer Davis, Deputy County Attorney Daniel Tom, Assistant County Attorney Miles Cottom, Public Affairs Officer (PAO) Beth Helmke, Development Services Director Dan Swallow, Planning Manager Jon Roorda, Principal Planner Greg Laudenslager, Director of Housing Becky Gray, 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

Kim Naegele, 21420 County Rd. 396, Granite, CO, gave public comment.

Chair Felt commented.

Commissioner Baker commented.

B. Minutes for Approval

Commissioner Granzella moved to approve the minutes of the August 10, 2021 Commissioners' regular meeting and August 17, 2021 Commissioners' regular meeting. Commissioner Baker seconded the motion. The motion carried unanimously.

1. Approve the minutes of the August 10, 2021 regular meeting.

2. Approve the minutes of the August 17, 2021 regular meeting.

C. Contracts/Grant Consideration

1. Consider contract between the Chaffee County Office of Emergency Management and the Colorado Department of Public Safety for annual funding.

Attorney Tom addressed the Board to consider the contract between Chaffee County for the Chaffee County Office of Emergency Management and the Colorado Department of Public Safety for annual funding.

Commissioner Baker moved to approve the contract grant between Chaffee County for the Chaffee County Office of Emergency Management and the Colorado Department of Public Safety for annual funding. Commissioner Granzella seconded the motion. The motion carried unanimously.

2. Consider contract with Clean Harbors Environmental Services, Inc. for management of Household Hazardous Waste collection and recycling event planned for September 25, 2021 - Beth Helmke

PAO Helmke addressed the Board to consider the contract between Chaffee County and Clean Harbors Environmental Services, Inc. for management of Household Hazardous Waste collection and recycling event planned for September 25, 2021. PAO Helmke responded to Commissioners' questions.

Commissioner Baker moved to approve the contract between Chaffee County and Clean Harbors Environmental Services, Inc. for management of Household Hazardous Waste collection and recycling event planned for September 25, 2021, for a maximum amount of \$29,534. Commissioner Granzella seconded the motion. The motion carried unanimously.

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

1. **Public Hearing - Name of Project:** Shaw Ranch Major Subdivision Preliminary Plan **Applicants:** JTS Development, LLC **Location:** 7380 County Road 221, Salida **Zone:** Rural **Request:** To subdivide approximately 74.3 acres into eight (8) lots ranging in size from 2.4 acres to 36.6 acres, in three phases. Wells and on-site wastewater treatment systems will serve the property. The property has the 100-year Floodplain associated with Green Creek along County Road 221, and the South Arkansas River along the northern boundary.

Manager Roorda and Attorney Tom responded to the Chair's question as to why this matter was called up for this Agenda. It was clarified that it was an oversight.

Chair Felt asked if Applicant wanted to speak.

Aaron Cook, 325 D St., Salida, stated he promised to tell the truth and spoke on behalf of Applicant.

No formal action was taken.

2. ****Requesting continuance to September 14th**Public Hearing - Name of Project:** Ogden Major Subdivision Preliminary Plan-Final Plat **Applicants:** Ralph and April Ogden **Location:** 12806 County Road 190E, 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. Applicants are dedicating a 30' wide private right of way (half road right of way adjacent to an existing access easement on adjoining property) off County Road 190E.

Manager Roorda addressed the Board to request a continuance of this matter to September 14, 2021.

Commissioner Granzella moved to continue to September 14, 2021 the Ogden Major Subdivision Preliminary Plan-Final Plat; **Applicants:** Ralph and April Ogden; **Location:** 12806 County Road 190E, Salida. Commissioner Baker seconded the motion. The motion carried unanimously.

E. Regular Agenda Items

1. **Public Hearing: Name of Project:** Taylor Plat Amendment, Lot 1, Vista Sawatch Subdivision **Applicants:** Tobias & Regina Taylor **Location:** 10759 Sawatch Range Road, Salida **Zone:** Rural **Request:** To add a building envelope area on the south side of the debris fan to allow construction of a detached garage and storage area. The garage will not have living space, water, or OWTS associated with it. Access will be a new individual driveway onto County Road 193.

Manager Roorda addressed the Board to consider the Taylor Plat Amendment, Lot 1, Vista Sawatch Subdivision; **Applicants:** Tobias & Regina Taylor; **Location:** 10759 Sawatch Range Road, Salida. Manager Roorda responded to Commissioners' questions.

Chair Felt asked if Applicant was present and wanted to speak. Applicant was not present.

The public comment portion of the hearing opened at 9:47 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioner Baker moved to approve the Taylor Plat Amendment, Lot 1, Vista Sawatch Subdivision; **Applicants:** Tobias & Regina Taylor; **Location:** 10759 Sawatch Range Road, Salida, and direct staff to prepare a resolution to that effect for our consideration on September 21, 2021. Commissioner Granzella seconded the motion. The motion carried unanimously.

2. **Public Hearing - Name of Project:** Jones Appeal of an Administrative Decision **Applicant:** Kristin Jones **Location:** Tax Parcel #3807-102-00-813 and 3807-102-00-814; Copper Glance 2, Mineral Survey 19059; and Copper Glance 5, Mineral Survey 19059; all in Cleora Mining District, Reception #470861; located in the North ½ of Section 10, T49N, R9E, NMPM, Salida **Zone:** Recreational **Request:** Appeal of an Administrative Decision to deny an Address Permit and an Access Permit for permanent access across the Union Pacific Railroad at County Road 102.

Director Swallow addressed the Board to consider the Jones Appeal of an Administrative Decision regarding the Denial of Railroad Crossing at County Road 102, Salida. Director Swallow and Attorneys Davis and Tom responded to Commissioners' questions.

Chair Felt asked Applicant if she wanted to speak.

Applicant Kristin Jones, 6700 County Rd. 103, Salida, stated that she promised to tell the truth and addressed the Board.

Attorneys Davis and Tom responded to Commissioners' questions. Discussion ensued during which Applicant responded to Commissioners' questions.

The public comment portion of the hearing opened at 10:38 a.m.

Public comments were given by:

Rob Treat, 12500 County Rd. 58A, Salida, stated that he promised to tell the truth. Treat responded to Commissioners' questions.

Commissioners spoke and Attorney Davis responded to Commissioners' questions.

John Michael Ramirez, 32382 Meadow Mountain Rd., Evergreen, CO, stated that he promised to tell the truth.

Discussion ensued during which Ramirez and Attorneys Davis and Tom responded to Commissioners' questions.

Mike Sugaski, 204 W. Park Ave., Salida, stated that he promised to tell the truth.

The public comment portion of the hearing closed at 11:23 a.m.

Commissioners deliberated during which Jones addressed the Board. Director Swallow spoke.

Commissioner Baker moved to continue the Jones appeal administrative decision regarding the grade crossing at County Rd. 102 to October 12, 2021, and we commit to study ownership and rights-of-way issues surrounding County Roads 102, "103," 177, and 102A. Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed for a short break at 11:37 a.m.

The meeting resumed at 11:43 a.m.

3. **Public Hearing: Project:** High Country Village Major Subdivision Planned Development Resolution Amendment **Applicants:** Melvin & Louise Swisher, represented by Dennis Giese **Location:** 27436 County Road 313, Buena Vista (Johnson Village) **Zone:** Residential **Request:** To amend Resolution 2020-63 to allow ten (10) additional units to be installed. The water supply treatment system required by the Colorado Public Health & Environment will not be approved until fifteen (15) units are installed.

Manager Roorda addressed the Board to consider the High Country Village Major Subdivision Planned Development Resolution Amendment; **Applicants:** Melvin & Louise Swisher, represented by Dennis Giese; **Location:** 27436 County Road 313, Buena Vista (Johnson Village). Manager Roorda and Director Swallow responded to Commissioners' questions.

Applicant representative Dennis Giese, 121 Mayer Ave., Buena Vista, addressed the Board and stated that he promised to tell the truth. Giese and Director Swallow responded to Commissioner's question.

The public comment portion of the hearing opened at 12:01 p.m. There were no comments, and the

public comment portion of the hearing was closed.

Commissioners deliberated.

Commissioner Granzella moved to approve the High Country Village Major Subdivision Planned Development Resolution Amendment; **Applicants:** Melvin and Louise Swisher, represented by Dennis Giese; **Location:** 27436 County Road 313, Buena Vista, and direct staff to prepare a resolution for September 21, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

4. **11:00am** - Second 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 Second Reading of the Proposed Ordinance Adopting Regulations Concerning the Application and Licensing, Permitting or Operation of Short-Term Rentals in Unincorporated Portions of Chaffee County (Second Reading). Attorney Tom provided the Second Reading and responded to Commissioners' questions.

The Chairman asked for public comments.

The public comment portion of the hearing opened at 12:39 p.m.

Public comments were given by:

Jordan Euler, 27820 County Rd. 339, Buena Vista, stated that he promised to tell the truth.

Jan Wondra, 16693 County Rd.162, Nathrop, stated that she promised to tell the truth.

Commissioners and Attorney Tom spoke.

Lora Martinec, 13435 County Rd. 261, Nathrop, stated that she promised to tell the truth.

Discussion ensued during which Attorney Tom and Planner Laudenslager spoke.

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

Chair Felt and Attorney Tom spoke.

Becky Gray, Director of Housing for Chaffee County, stated that she promised to tell the truth.

Attorney Tom spoke.

The public comment portion of the hearing closed at 1:21 p.m.

Discussion ensued during which Attorneys Tom and Cottom and Director Short spoke.

Commissioner Baker moved to approve ORDINANCE NO. 2021—002 AN ORDINANCE ADOPTING REGULATIONS CONCERNING THE APPLICATION AND THE LICENSING, PERMITTING, OR OPERATION OF SHORT-TERM RENTALS IN UNINCORPORATED PORTIONS OF CHAFFEE COUNTY as presented (redlined version) with the understanding that this is subject to quarterly review, and we have the opportunity to implement additional knowledge and insight as necessary. Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed at 1:39 p.m.

The meeting resumed at 2:05 p.m.

5. Final Public Hearing on Down Payment Assistance Grant (DPA) #20-057 between Chaffee County/Chaffee Housing Trust (grantee/sub-grantee) and Colorado Division of Housing. - Read McCulloch

Director of the Chaffee Housing Trust Read McCulloch addressed the Board to consider the Down Payment Assistance Grant (DPA) #20-057 between Chaffee County/Chaffee Housing Trust (grantee/sub-grantee) and Colorado Division of Housing. McCulloch responded to Commissioner's question.

The public comment portion of the hearing opened at 2:09 p.m. There were no comments, and the public comment portion of the hearing was closed.

No formal action was required or taken.

6. Public hearing for the annual Colorado Division of Housing grant for the Colorado Housing Trust.

Director of the Chaffee Housing Trust Read McCulloch addressed the Board to consider the annual Colorado Division of Housing grant for the Chaffee Housing Trust. McCulloch responded to Commissioners' questions.

The public comment portion of the hearing opened at 2:12 p.m. There were no comments, and the public comment portion of the hearing was closed.

No formal action was required or taken.

7. Hearing for a Special Events Liquor License for the Rotary Club of Buena Vista for an event on September 18, 2021 to be held at The Meadows, 14998 CR 350, Buena Vista.

Attorney Tom addressed the Board regarding a request for a Special Events Liquor License for the Rotary Club of Buena Vista for an event on September 18, 2021 to be held at The Meadows, 14998 County Rd. 350, Buena Vista.

Commissioner Granzella moved to approve the request for a Special Events Liquor License for the Rotary Club of Buena Vista for an event on September 18, 2021 to be held at The Meadows, 14998 County Rd. 350, Buena Vista, and waive any fees. Commissioner Baker seconded the motion. The motion carried unanimously.

Commissioner Granzella moved to amend his motion to reinstate the fees as required. Commissioner Baker seconded this amendment to the motion. The motion carried unanimously.

8. Hearing for a Special Event Liquor License for The South Main Arts and Parks Trust for the Meet Me At The Creek/Renewal event on September 24th and 25th, 2021 at 15284 CR 350 in Buena Vista.

Attorney Tom addressed the Board regarding a request for a Special Event Liquor License for The South Main Arts and Parks Trust for the Meet Me At The Creek/Renewal event on September 24 and 25, 2021 at 15284 County Rd. 350 in Buena Vista.

Commissioner Baker moved to approve the request for a Special Event Liquor License for The South Main Arts and Parks Trust for the Meet Me At The Creek/Renewal event on September 24

and 25, 2021 at 15284 County Rd. 350 in Buena Vista, and waive any fees. Commissioner Granzella seconded the motion. The motion carried unanimously.

Commissioner Baker moved to amend his motion regarding the request for a Special Event Liquor License for The South Main Arts and Parks Trust for the Meet Me At The Creek/Renewal event on September 24 and 25, 2021 at 15284 County Rd. 350 in Buena Vista, to include the fees that are required. Commissioner Granzella seconded this amendment. The amendment to the motion carried unanimously.

9. **Continued from June 15, 2021, August 3, 2021, and again August 17, 2021** Consider Resolution 2021-41 approving the McFarland Heritage Water Subdivision Exemption

Manager Roorda addressed the Board to request that this matter be continued to October 19, 2021.

Commissioner Granzella moved to continue consideration of RESOLUTION 2021-41 APPROVING THE MCFARLAND HERITAGE WATER SUBDIVISION EXEMPTION to October 19, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

10. Consider Resolution 2021-60 approving the Land Use Code Amendment - correction to Table 7.7.2 Salida Airport Overlay District.

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-60 ADOPTING AMENDMENTS TO THE CHAFFEE COUNTY LAND USE CODE REGARDING AIRPORT OVERLAY DISTRICT, AIRPORTS AND HELIPORTS, AIRCRAFT LANDING STRIP OR HELISTOP, PRIVATELY OWNED, SECTIONS 7.7.2, 7.8.3, 7.8.4 AND ARTICLE 15 DEFINITIONS.

Attorney Tom responded to Commissioners' questions.

Discussion ensued during which Attorney Cottom spoke.

Commissioner Granzella moved to approve RESOLUTION 2021-60 ADOPTING AMENDMENTS TO THE CHAFFEE COUNTY LAND USE CODE REGARDING the Salida AIRPORT OVERLAY DISTRICT, AIRPORTS AND HELIPORTS, AIRCRAFT LANDING STRIP OR HELISTOP, PRIVATELY OWNED, SECTIONS 7.7.2, 7.8.3, 7.8.4 AND ARTICLE 15 DEFINITIONS. Commissioner Baker seconded the motion. The motion carried unanimously.

11. Consider Resolution 2021-61 Lift a Temporary Moratorium on the Submission, Acceptance or Processing of Applications for Development Having a Residential Component with the the Airport Overlay District.

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-61 A RESOLUTION LIFTING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS FOR DEVELOPMENT HAVING A RESIDENTIAL COMPONENT WITHIN THE AIRPORT OVERLAY DISTRICT PENDING CONSIDERATION OF LAND USE CODE AMENDEMENTS.

Commissioner Granzella moved to approve RESOLUTION 2021-61 A RESOLUTION LIFTING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF

APPLICATIONS FOR DEVELOPMENT HAVING A RESIDENTIAL COMPONENT WITHIN THE AIRPORT OVERLAY DISTRICT PENDING CONSIDERATION OF LAND USE CODE AMENDMENTS. Commissioner Baker seconded the motion. The motion carried unanimously.

12. Consider Resolution 2021-65 approving the Cooper Property Minor Subdivision Final Plat.

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-65 APPROVING THE FINAL PLAT FOR THE COOPER MINOR SUBDIVISION. Attorney Tom and Manager Roorda responded to Commissioner's question.

Commissioner Baker moved to approve RESOLUTION 2021-65 APPROVING THE FINAL PLAT FOR THE COOPER MINOR SUBDIVISION. Commissioner Granzella seconded the motion. The motion carried unanimously.

13. Consider Resolution 2021-62 approving the Scott Heritage Water Subdivision Exemption.

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-62 APPROVING THE SCOTT HERITAGE WATER SUBDIVISION EXEMPTION.

Commissioner Granzella moved to approve RESOLUTION 2021-62 APPROVING THE SCOTT HERITAGE WATER SUBDIVISION EXEMPTION. Commissioner Baker seconded the motion. The motion carried unanimously.

14. Consider Resolution 2021-63 approving the Ludwig Heritage Water Subdivision Exemption.

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-63 APPROVING THE LUDWIG HERITAGE WATER SUBDIVISION EXEMPTION. Attorney Tom responded to Commissioners' questions.

Commissioner Baker moved to approve RESOLUTION 2021-63 APPROVING THE LUDWIG HERITAGE WATER SUBDIVISION EXEMPTION. Commissioner Granzella seconded the motion. The motion carried unanimously.

15. Consider Resolution 2021-64 approving the Peak View Heritage Water Subdivision Exemption.

Attorney Tom addressed the Board to consider draft RESOLUTION 2021-64 APPROVING THE PEAK VIEW HERITAGE WATER SUBDIVISION EXEMPTION.

Commissioner Granzella moved to approve RESOLUTION 2021-64 APPROVING THE PEAK VIEW HERITAGE WATER SUBDIVISION EXEMPTION. Commissioner Baker seconded the motion. The motion carried unanimously.

16. DOLA Grant LUC review and rewrite

PAO Helmke addressed the Board to consider the DOLA Grant Land Use Code (LUC) review and rewrite. Director Short spoke. PAO Helmke, Attorney Cottom, and Director Short responded to Commissioners' questions.

Commissioner Baker moved to approve the DOLA Grant application for the Land Use Code (LUC) review and rewrite as presented. Commissioner Granzella seconded the motion. The motion carried unanimously.

17. Consider request for financial sponsorship of the Community Resource Center's Heart of Colorado Rural Philanthropy Days 2021 conference. - Beth Helmke

PAO Helmke addressed the Board to consider a request for financial sponsorship of the Community Resource Center's Heart of Colorado Rural Philanthropy Days 2021 conference. PAO Helmke responded to Commissioners' questions.

Commissioner Baker moved to approve the request for financial sponsorship of the Community Resource Center's Heart of Colorado Rural Philanthropy Days 2021 conference in the amount of \$2,000. Commissioner Granzella seconded the motion. The motion carried unanimously.

18. Discuss and determine position on Mallinckrodt bankruptcy restructuring plan.

Attorney Cottom initiated the discussion regarding the Commissioners determining their position on the Mallinckrodt bankruptcy restructuring plan. Attorney Cottom suggested that the Commissioners continue this matter to September 14, 2021.

Commissioner Baker moved to continue this matter to September 14, 2021. Commissioner Granzella seconded the motion. The motion carried unanimously.

19. Approve entering into a purchase contract of 185 Quigot Court.

Director Short and Attorney Tom addressed the Board to consider entering into a purchase contract for 185 Quigot Court, Poncha Springs, and responded to Commissioners' questions.

Commissioner Granzella moved to approve entering into a purchase contract for 185 Quigot Court, Poncha Springs. Commissioner Baker seconded the motion. The motion carried unanimously.

F. Consent Agenda

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

1. Pay Bills

G. Active Projects

H. Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 3:21 p.m.

I. Potential Road Trip

Attest:

A handwritten signature in cursive script that reads "Lori Mitchell". The signature is written in dark ink on a light-colored background.

Lori Mitchell, County Clerk