



Chaffee County Commissioners Meeting
March 8, 2022

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

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.

The regular meeting of the Board of Commissioners was held on March 8, 2022, 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, Director of Finance Dan Short, County Attorney Daniel Tom, Assistant County Attorney Miles Cottom, Public Affairs Officer (PAO) Beth Helmke, Road & Bridge Superintendent Mark Stacy, Planning Manager Jon Roorda, Principal Planner Greg Laudenslager, Planner Christie Barton, and Development Engineer Gary Greiner.

Present remotely was Deputy County Clerk Barbara Tidd.

1. Pledge of Allegiance

Following the Pledge of Allegiance, Chairman Felt called the meeting to order at 9:00 a.m.

2. Approve the Agenda

Chair Felt stated that Item D.5. Proclamation in Support of Ukraine will be removed from the Consent Agenda and considered following item B.1. Consideration of Approval of Minutes.

Regarding D. Consent Agenda Item 4., Manager Roorda stated that the Ogdens withdrew their application in its entirety. Therefore, D. Consent Agenda Item 4. is removed from the Agenda.

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

3. Review Public Meeting List

The Board reviewed the public meeting list.

4. Public Comment

Attorney representing Brenda Sage, Brad Kloewer, 41 Shillelagh Place, Howard, gave public comment regarding withdrawal of the Ogden application.

Chair Felt spoke in response to Kloewer's comments.

B. Minutes for Approval

1. Approve the Minutes of the Regular BOCC Meeting of March 1, 2022

Commissioner Granzella moved to approve the minutes of the March 1, 2022 Commissioners' regular meeting. Commissioner Baker seconded the motion. The motion carried unanimously.

From D. Consent Agenda:

5. Approve the Proclamation in Support of Ukraine Against Russian Aggression (Baker)

Commissioner Baker read into the record the Proclamation in Support of Ukraine Against Russian Aggression.

Commissioner Baker moved to approve the Proclamation in Support of Ukraine Against Russian Aggression. Commissioner Granzella seconded the motion. The motion carried unanimously.

C. Contracts/Grant Consideration

1. Approve Bid Contractor Recommendation for CR 371 Tunnels Rehabilitation Project (Mark Stacy)

Chair Felt addressed the Board to consider approval of a Bid Contractor Recommendation for the County Rd. 371 Tunnels Rehabilitation Project. Director Christiansen and Attorney Tom spoke. Superintendent Stacy responded to Commissioner's question.

Commissioner Granzella moved to approve the Bid Contractor Recommendation for the County Rd. 371 Tunnels Rehabilitation Project and direct staff to add the discussion of working on the additional two tunnels at the same time. Commissioner Baker seconded the motion. The motion carried unanimously.

D. ~9:15 a.m. - Consent Agenda

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

1. Designate the 8 Days in June under the County Recreational In-Channel Diversion (RICD) when Water Rights for the RICD Shall be 1800 cfs (Legal)
2. Adopt Resolution 2022-XX to Approve the Land Use Code Text Amendment- Amending Sections 5.2.3 A, F & I of the Land Use Code, for Certified Mailings (Approved by the BoCC February 15, 2022)
3. Approve the Amendment to the Contract with Wold for the Sketch Design of the Northern Chaffee County EMS/Public Safety Building

E. Regular Agenda Items

1. **9:20 a.m. - Continued from February 15 and March 1, 2022** - Consider Appeal of Administrative Decision Denying Application for Short Term Rental License - 13500 CR 220, Salida, CO; (Sections 4.2.2 and 4.1.3(g) of the Chaffee County Land Use Code)- Deliberations and Final Decision(Cottom)

Chair Felt addressed the Board to consider the Appeal of Administrative Decision Denying Application for Short Term Rental License - 13500 CR 220, Salida, CO, for deliberations and final decision only.

Commissioners deliberated.

Commissioner Baker moved to uphold the Administrative Decision Denying Application for Short Term Rental License for the property located at 13500 County Rd. 220, Salida, CO. Commissioner Felt seconded the motion. The motion carried with Commissioners Baker and Felt voting FOR the motion and Commissioner Granzella voting AGAINST the motion.

The meeting recessed for a short break at 9:32 a.m.

The meeting resumed at 9:40 a.m.

2. **9:40 a.m. - Name of Project:** Fisher Heritage Water Subdivision Exemption

Applicants: Michael and Taylor Fisher

Location: 18205 Highway 285, Nathrop

Zone: Residential

Request: To subdivide 43.05 acres into two (2) lots of 2.30 (Lot 1) and 41 +/- acres (Lot 2). The property has two existing wells, and two existing access points. Both lots to be served by on-site wastewater treatment systems.

Manager Roorda addressed the Board to consider the Fisher Heritage Water Subdivision Exemption; **Applicants:** Michael and Taylor Fisher; **Location:** 18205 Highway 285, Nathrop. Manager Roorda responded to Commissioner's questions.

Applicant was invited to speak, but did not speak.

The public comment portion of the hearing opened at 9:49 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioner Granzella moved to approve the Fisher Heritage Water Subdivision Exemption; **Applicants:** Michael and Taylor Fisher; **Location:** 18205 Highway 285, Nathrop, as presented and direct staff to prepare a resolution for April 5, 2022. Commissioner Baker seconded the motion. The motion carried unanimously.

Applicant Michael Fisher rejoined the meeting and stated he had no comments.

The meeting recessed for a short break at 9:51 a.m.

The meeting resumed at 10:00 a.m.

Commissioner Baker announced that the Commissioners are now holding two work sessions per month. Therefore, there will be another work session on March 14, 2022.

3. **10:00 a.m. - Name of Project:** Brown Heritage Water Subdivision Exemption
Applicants: Nicholas Brown and Jessie Brown
Location: 7319 Highway 285, Salida
Zone: Rural and Commercial
Request: To subdivide 36.24 acres into two lots of 8.0 and 28.24 acres. The 8.0 acre lot is served by an existing well and on-site wastewater treatment system. Augmentation will be purchased for the 28.24 acre lot which is proposed for Minor Subdivision.

Manager Roorda addressed the Board to consider the Brown Heritage Water Subdivision Exemption; **Applicants:** Nicholas Brown and Jessie Brown; **Location:** 7319 Highway 285, Salida. Manager Roorda responded to Commissioners' and Attorney Tom's questions.

Applicant Jessie Brown, 7319 US Hwy. 285, Salida, stated that she promised to tell the truth and spoke.

Chair Felt asked for public comments. There was no public comment.

Manager Roorda and Applicant Jessie Brown responded to Commissioner's question.

Commissioner Baker moved to approve the Brown Heritage Water Subdivision Exemption; Applicants: Nicholas Brown and Jessie Brown for the property located at 7319 Highway 285, Salida, to subdivide 36.24 acres into two lots of 8.0 and 28.24 acres respectively and direct staff to prepare a resolution for April 5, 2022. Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed for a short break at 10:17 a.m.
The meeting resumed at 10:20 a.m.

4. **10:20 a.m. - **Continued from December 7, 2021, December 14, 2021, January 4, 2022, January 11, 2022, February 1, 2022, and February 8, 2022****
Name of Project: Tomkiewicz/Fortier Heritage Water Subdivision Exemption
Applicants: Warren C. Tomkiewicz III and Karen A. Fortier
Location: 9540 W Highway 50, Salida
Zone: Rural
Request: To subdivide 19.88 acres into two (2) lots of 11.25 and 8.63 acres. The property has a shared well and the new lot (Lot 2) will have augmentation or connection to Poncha Springs central water. An On-site Wastewater Treatment System will serve the new lot. Access is on an existing shared driveway, in accordance with an existing Roadway Easement.

Planner Laudenslager addressed the Board stating that at this point Staff recommends denial of the Tomkiewicz/Fortier Heritage Water Subdivision Exemption; **Applicants:** Warren C. Tomkiewicz III and Karen A. Fortier; **Location:** 9540 W. US Highway 50, Salida.

Planner Laudenslager and Attorney Cottom responded to Commissioner's questions.

Commissioner Granzella moved to include in the record the March 6, 2022 email to the Chaffee County Board of County Commissioners from Tom and Becky Massey. Commissioner Baker seconded the motion. The motion carried unanimously.

Discussion ensued during which Planner Laudenslager responded to Commissioner's question.

Applicant Warren (Chuck) Tomkiewicz , 9540 W. US Hwy. 50, Salida, stated that he promised to tell the truth, spoke, and requested a decision from the Commissioners today.

Chair Felt asked for public comment. There was no public comment.

Commissioner Baker moved to deny the Tomkiewicz/Fortier Heritage Water Subdivision Exemption; Applicants: Warren C. Tomkiewicz III and Karen A. Fortier for the property located at 9540 W. Highway 50, Salida, based on the failure to prove adequate legal access to the property, and direct staff to prepare a resolution to that effect for April 5, 2022. Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed at 10:31 a.m. until the next scheduled item E.4. at 11:00 a.m.
The meeting resumed at 11:00 a.m.

5. **11:00 a.m. - Appeal of Decision: Aspire Tours Limited Impact Review**

Chair Felt addressed the Board regarding the Appeal of Notice of Decision by the Planning Commission of the Aspire Tours Limited Impact Reviews.

Attorney Tom responded to Commissioner's question.

Planner Barton addressed the Board introducing this matter by stating that this is an appeal of the Notice of Decision approving Aspire Tours Limited Impact Reviews (Campground and Outfitting Facility) concerning the property located at 11302 County Rd. 190W, Salida. Planner Barton responded to Commissioners' questions. Attorney Tom responded to Commissioners' questions.

Applicant Kathrin Troxler, 3905 Balsam St., Wheat Ridge, CO, stated that she promised to tell the truth, addressed the Board, and introduced Applicants' legal counsel Eric Stein.

Applicants' legal counsel Eric Stein, 410 Henry St., Cortez, CO, stated that he promised to tell the truth and addressed the Board with a power point presentation.

Applicants' Professional Engineer Lindsay George, P.E., 4863 Case St., Middlebury, VT, stated that she promised to tell the truth and addressed the Board.

Stein spoke further. George spoke further. Stein spoke further.

The meeting recessed at 12:38 p.m. for a 30-minute lunch break.

6. **12:00-12:30 - Lunch Break**

Following a lunch break, the meeting resumed at 1:10 p.m.

7. 12:30 - 2:55 p.m. - Continued Appeal: Aspire Tours

Commissioner Baker moved to accept Attorney Eric Stein's presentation into the record as Exhibit 1. Commissioner Granzella seconded the motion. The motion carried unanimously.

Stein and Applicant Troxler responded to Commissioners' questions.

Planner Barton and Stein responded to Commissioners' questions.

Applicants' electrical contractor James Hillard, 217 Carriage Rd., Fraser, CO, addressed the Board.

Applicant Troxler, Hillard, Planner Barton, and George responded to Commissioner's questions.

Engineer Greiner, Planner Barton, Applicant Troxler, and Hillard responded to Commissioners' questions.

The public comment portion of the hearing opened at 1:49 p.m.

Public comments were given by:

Mark Boyle, Williams and Hamm Ditch Co. Board member and Ditch Foreman, 8875 County Rd. 150, Salida, spoke and stated that everything he said was true.

Bill and Mary Reeves, PO Box 883, Yachats, OR, who own a vacation rental property at 11100 County Rd. 190, Salida, stated that they promised to tell the truth and spoke.

Carolyn Nagusky, 12604 County Rd. 195a, Salida, stated that she promised to tell the truth and spoke.

Jeff Markley, 1200 Snyder Way, Superior, CO, who owns 10766 Sawatch Range Rd., Salida, stated that he promised to tell the truth and spoke.

Judy Pianalto, 11857 Rangeview Cir., Salida, stated that she promised to tell the truth, spoke, and shared a presentation.

Attorney Cottom responded to Commissioner's questions.

Commissioner Baker moved to accept into the record the Judy Pianalto presentation as Exhibit 2. Commissioner Granzella seconded the motion. The motion carried unanimously.

Attorney Tom responded to Commissioner's question.

Lori Oliver, 12577 CR195a, Salida, stated that she promised to tell the truth and spoke.

Commissioner Baker moved to accept into the record and label Oliver's presentation as Exhibit 3. Commissioner Granzella seconded the motion. The motion carried unanimously.

Jennifer Bartlette-Henriques, 1492 Cross Creek Ct., Lafayette, CO, stated that she promised to tell

the truth and spoke. She clarified that she is not a property owner in Chaffee County.

Attorney Tom Wagner with the Anderson Law Group, 7385 W. Hwy. 50, Salida, who represents two adjacent property owners, stated that he promised to tell the truth, referred to his Feb. 28, 2022 letter, and spoke.

Planner Barton responded to Commissioner's questions.

Attorney Cottom responded to Commissioner's question.

Devin Castendyk, 11513 Hills Ct., Salida, stated that he promised to tell the truth and spoke.

Mick Barry, 10840 County Rd. 190W, Salida, and 818 SE Rio Cir., Ankeny, IA, stated that he promised to tell the truth, spoke, and responded to Commissioner's questions.

Anne Parks, 11873 Rangeview Cir., Salida, stated that she promised to tell the truth and spoke.

Cindy Loughheed, 14463 Granite Pkwy., Salida, stated that she promised to tell the truth and spoke.

Ken Tiegs, 10550 County Rd. 190W, Salida, stated that he promised to tell the truth and spoke.

Mark Dean, 11857 Rangeview Cir., Salida, stated that he promised to tell the truth and spoke.

Jerry Raski, 10158 Starlight Lane, Salida, stated that he promised to tell the truth, spoke, and responded to Commissioner's question.

Attorney Cottom responded to Commissioner's questions.

Shae Whitney, 8495 County Rd.160, Salida, stated that she promised to tell the truth and spoke.

Will Sharpe, 630 S. Dahlia Cir., Unit 201, Glendale, CO, stated that he promised to tell the truth, spoke, and responded to Commissioner's question.

Nancy Leachman, 11429 Ruby Rd., Unit A, Salida, stated that she promised to tell the truth and spoke.

The public comment portion of the hearing closed at 3:24 p.m.

Attorney Stein addressed the Board stating that Applicant chooses to respond at the next meeting held during which this matter will be heard and that he and his clients will make the April 12, 2022 date work.

Commissioner Baker moved to continue this hearing to April 12, 2022. Commissioner Granzella seconded the motion. Chair Felt suggested that a specific time for this matter not be set at this time. The motion carried unanimously.

In response to Pianalto's and Commissioners' questions, Attorney Cottom referenced the Chaffee Land Use Code 1.3.5.B.3. and stated that the Board has discretion to reopen public testimony following Applicant's response to public comment presented today.

Attorney Cottom clarified that for purposes of the record, the continuation of this matter shall be set for April 12, 2022 at no earlier than 9:00 a.m. The actual approximate time for this matter will be noted in the Agenda for the April 12, 2022 Commissioners meeting.

F. Active Projects

G. 3:00 p.m. - Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 3:33 p.m.

H. Potential Road Trip

Attest:

A handwritten signature in cursive script, reading "Lori Mitchell", is written over a light gray rectangular background.

Lori Mitchell, County Clerk