



Chaffee County Commissioners Meeting
March 15, 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

The regular meeting of the Board of Commissioners was held on March 15, 2022, at the Buena Vista Community Center. 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 Daniel Tom, Assistant County Attorney Miles Cottom, Public Affairs Officer (PAO) Beth Helmke, Planning Manager Jon Roorda, and Principal Planner Greg Laudenslager.

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 9:01 a.m.

2. Approval of the Agenda

Commissioner Baker moved to approve the Agenda with the removal of item 8. from the Consent Agenda. Commissioner Granzella seconded the motion. The motion carried unanimously.

3. Review Public Meeting List

The Board reviewed the public meeting list.

4. Public Comment

David Holt, 12895 County Rd. 162, Nathrop, gave public comment.
Commissioners responded to Holt's comments.

5. Approve the Minutes of the Regular Meeting of the Chaffee County Board of County Commissioners for March 8, 2022

Commissioner Granzella moved to approve the minutes of the March 8, 2022 Commissioners' regular meeting. Commissioner Baker seconded the motion. The motion carried unanimously.

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

Attorney Cottom asked that item 4. be removed from the Consent Agenda.

Commissioner Baker moved to further amend the Consent Agenda and remove item 4. as well as item 8. Commissioner Granzella seconded the motion. The motion carried unanimously.

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

1. Approve Intergovernmental Agreement with Buena Vista re: Colorado Source Water Protection Area
2. Acknowledge the CDMVA County Veterans Service Officers Monthly Report and Certification of Pay / February 2022
3. Acknowledge the Chaffee County Sheriff's Reports from February 2022
5. Acknowledge the Chaffee County Treasurer's Reports for February 2022
6. Approve Standtec Project Management of 971 Tunnel Project Contract Change Order
7. Approve Contract with Sol Vista Health for Mental Health Services at the Jail

C. Regular Agenda Items

1. **(WITHDRAWN 02/18/2022)**
Name of Project: River Pointe Reserve Major Subdivision Sketch Plan
Applicants: Donald and Cathie Dill
Location: 9725 County Road 163, Salida
Zone: Rural
Request: To re-subdivide Lot 2 of CD Subdivision of 35.20 acres into seven (7) lots with the minimum size being 3.18 acres. Wells and on-site wastewater treatment systems will serve the property. Access will be from shared driveways off County Road 163.

Manager Roorda confirmed that Applicant withdrew this application. Manager Roorda responded to Commissioner's question.

2. **9:20 a.m. -** Ratification of filing a statement of opposition in water court case No. 2021CW 3086 regarding the Acequia Ditch (J Davis)

Attorney Tom addressed the Board regarding ratification of filing a Statement of Opposition in Water Court Case No. 2021CW3086 regarding the Acequia Ditch.

Commissioner Granzella moved to ratify the filing of a Statement of Opposition in Water Court Case No. 2021CW3086 regarding the Acequia Ditch. Commissioner Baker seconded the motion.

The motion carried unanimously.

3. **9:25 a.m.** - Executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice from water counsel on specific legal questions involving water court case No. 2021CW3086 regarding the Acequia Ditch; water attorney Steve Bushong, Special Counsel Jenny Davis, County Attorney Daniel Tom, County Administrator Bob Christiansen, and Finance Director Dan Short may attend.

Attorney Tom addressed the Board regarding going into executive session under CRS 24-6-402(4)(b) for the purpose of receiving legal advice from water counsel on specific legal questions involving Water Court Case No. 2021CW3086 regarding the Acequia Ditch and Water Court Case No. 2022CW3004 regarding the Triview Metropolitan District. Chair Felt stated the same.

Attorney Tom stated that this portion of the meeting would constitute attorney-client communication, and no further recording of this portion of the meeting would be required.

Commissioner Baker moved to go into executive session for purposes of receiving legal advice from water counsel Steve Bushong on specific legal questions involving Water Court Case No. 2021CW3086 regarding the Acequia Ditch and to continue on to the other executive session at 9:45 a.m. for purposes of receiving legal advice from water counsel David Shohet on specific legal questions involving Water Court Case No. 2022CW3004 regarding the Triview Metropolitan District.

For both matters, Commissioners Keith Baker, Rusty Granzella, and Greg Felt will attend. County Attorney Daniel Tom, Assistant County Attorney Miles Cottom, Special Counsel Jennifer Davis (who is not present), Director of Administration Bob Christiansen (who is not present), Director of Finance Dan Short, and PAO Beth Helmke (to run Zoom) may also attend.

Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed for a short break at 9:37 a.m.

The meeting reconvened at 9:40 a.m.

The Board of Commissioners moved into executive session at 9:40 a.m. The Board of Commissioners came out of executive session at 10:11 a.m. with no decisions being made.

I, Daniel Tom, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive sessions held on March 15, 2022 constituted privileged attorney-client communication.

Daniel Tom, Chaffee County Attorney

I, Greg Felt, Chairman of the Chaffee County Board of County Commissioners, do hereby attest that the unrecorded statements and discussions that took place during the executive sessions held on March 15, 2022 were confined to the topic described in the announcement of such session and authorized by the provisions of CRS 24-6-402(4)(b).

4. **9:45 a.m.** - Executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice from water counsel on specific legal questions involving water court case 2022CW3004 regarding the Triview Metropolitan District; water attorney David Shohet, Special Counsel Jenny Davis, County Attorney Daniel Tom, County Administrator Bob Christiansen, and Finance Director Dan Short may attend.

See item C.3. above.

The Board of Commissioners came out of executive session at 10:11 a.m. with no decisions being made.

The meeting recessed at 10:11 a.m. for a short break.

The meeting resumed at 10:12 a.m.

Commissioner Granzella stated that after information received from water counsel, he is directing Staff to pursue a Statement of Opposition on behalf of Chaffee County in Water Court Case No. 2022CW3004 regarding the Triview Metropolitan District (Triview). Commissioner Baker gave concurrence to that direction.

Further, Commissioner Baker directed Staff to prepare a letter to Triview asserting the County's right to claim a future 1041. Commissioner Granzella concurred.

Attorney Tom stated that consideration of ratification of the Statements will be on the April 5, 2022 Agenda.

5. **10:15 a.m.** - Name of Project: Holmes-Young Boundary Line Adjustment

Applicants: Richard Stevenson Holmes, Jr. and Kristi Young

Location: 10301 River Bend Road, Salida

Zone: Rural

Request: To replat Lots 1, 2 & 4 of The Bend Rural Open Space Incentive Amended Plat to amend the boundary of Lot 1 (Lot 1-R remains 2.00 acres), to move Lot 2 to the eastern portion of the property (Lot 2-R remains 2.00 acres), and to amend Lot 4 (Lot 4-R reduces from 6.13 acres to 5.78 acres) in order to construct an accessory dwelling unit in the previous building envelope of Lot 2.

Manager Roorda addressed the Board to consider the Holmes-Young Boundary Line Adjustment; Applicants: Richard Stevenson Holmes, Jr. and Kristi Young; Location: 10301 River Bend Road, Salida. Manager Roorda responded to Commissioners' questions.

Applicant had no comment.

The public comment portion of the hearing opened at 10:29 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioner Granzella moved to approve the Holmes-Young Boundary Line Adjustment; Applicants: Richard Stevenson Holmes, Jr. and Kristi Young; Location: 10301 River Bend Road, Salida, as presented, and to direct staff to prepare a resolution for April 5, 2022. Commissioner

Baker seconded the motion. The motion carried unanimously.

Attorney Tom, Chair Felt, and Manager Roorda responded to Applicant's questions.

The meeting recessed at 10:32 a.m. for a short break.

The meeting resumed at 10:35 a.m.

6. **10:35 a.m. - Name of Project:** Timber Creek Ranch Conservation Subdivision

Owner: Walt Harder

Applicant Representative: Crabtree Group Inc.

Location: 8268 County Road 160, Salida

Zone: Rural

Request: To subdivide Parcel 6, Timber Creek Ranch (Parcel Number – R368336200006), of 184.27 acres into sixty-eight (68) lots with the minimum being 0.92 acres and one additional outlot (“OUTLOT B”) of 181 acres to be preserved in perpetuity as contiguous open space. Wells and on-site wastewater treatment systems would serve the property.

Chair Felt gave an overview of the process for today's hearing of this matter.

Planner Laudenslager addressed the Board to consider the Timber Creek Ranch Conservation Subdivision; Owner: Walt Harder; Applicant Representative: Crabtree Group Inc.; Location: 8268 County Road 160, Salida.

Planner Laudenslager responded to Commissioners' questions.

Attorneys Tom and Cottom responded to Commissioners' questions.

Owner Walt Harder, 8127 County Rd. 160, Salida, stated that he promised to tell the truth, spoke, and responded to Commissioners' questions.

Planner Roorda, Attorney Tom, Harder, and Planner Laudenslager further responded to Commissioners' questions.

The meeting recessed at 12:41 p.m. for a lunch break.

The meeting resumed at 1:01 p.m.

The public comment portion of the hearing opened at 1:01 p.m.

Public comments were given by:

Shae Whitney, 8495 County Rd. 160, Salida, stated that she promised to tell the truth and spoke. Commissioner Felt spoke to Whitney's comments.

Eric Warner, 9707 County Rd. 163, Salida, stated that he promised to tell the truth and spoke. Commissioner Felt spoke to Warner's comments.

Amy Golden, 10471 Table Rock Ct., Poncha Springs, owns Lot 9 in Longhorn Ranch, stated that she promised to tell the truth and spoke.

Wendy Wolfe, 8365 Longhorn Dr., Salida, stated that she promised to tell the truth and spoke. Commissioner Granzella spoke to Wolfe's comments.

Robert (Bobby) E. Craig, 1037 Forest Hills Dr., (Breckenridge) Summit County, owner of Lot 7 in Longhorn Ranch, stated that he promised to tell the truth and spoke.

Jack Wolfe, 8365 Longhorn Dr., Salida, stated that he promised to tell the truth and spoke. Commissioner Baker spoke to Wolfe's comments.

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

Brady Becker, 8495 County Rd.160, Salida, stated that he promised to tell the truth and spoke.

Nicholas (Nick) Guldán, 10471 E. Table Rock Ct., Poncha Springs, stated that he promised to tell the truth and spoke.

The public comment portion of the hearing closed at 1:45 p.m.

Owner Harder addressed the Board.

Attorneys Tom and Cottom, Harder, and Planner Laudenslager responded to Commissioners' questions.

Discussion ensued, and Commissioners deliberated during which Planner Laudenslager and Attorneys Tom and Cottom responded to Commissioners' questions. Commissioners added to Planning Commission's Potential Findings of Fact and Potential Conditions of Approval.

Commissioner Granzella moved to approve the Timber Creek Ranch Conservation Subdivision Sketch Plan; Owner: Walt Harder; Applicant Representative: Crabtree Group Inc.; Location: 8268 County Road 160, Salida; Zone: Rural; and to adopt the Findings and Conditions of the Planning Commission and the amendments as shown on the attached, which are incorporated into this motion and made a part of these minutes. Discussion ensued during which Attorney Tom asked that the amendments to the Potential Findings of Fact and Potential Conditions of Approval become part of the minutes in lieu of preparation of a resolution for consideration of approval. Following discussion, Commissioner Granzella completed his motion as stated above.

Commissioner Baker seconded the motion. The motion carried unanimously.

D. Active Projects

1. Land Use Code Update

PAO Helmke updated the Board on the status of the Land Use Code Update.

E. Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 3:10 p.m.

F. 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

Potential Findings of Fact:

1. The 299.2 acre property to the west and north (8825 CR 160, Salida) is owned by the Colorado Division of Wildlife. A conservation easement preserves this property as open space in perpetuity and therefore there is no need to provide this property with ingress or egress.
2. The internal road for this subdivision can be classified as a Low Volume Local Road as there is no possibility of future development, increased future traffic volumes or connection access to adjacent lands. Therefore, this internal road qualifies for the exemption that allows for a 40' right-of-way. Section 7.4.4(A)(1)
3. Yunikar Drive is identified on the Longhorn Ranch Subdivision plat as a 60' wide dedicated right-of-way, 30 feet of which is on the Longhorn Ranch property and 30 feet of which is on the Yunikar property.
4. Chaffee County Comprehensive Plan Salida sub area future land use map identifies a future road connector in the area of Yunikar Dr.
5. Table 7.7.2 of the Airport Overlay District states that "All new developments within the Transitional Surface (yellow) shall have a minimum lot size of 2 acres and a maximum residential density of 1 unit per 2 acres". The current sketch plan would require a variance for any lots which are less than 2 acres proposed in the transitional surface.
6. This property includes agricultural water rights and proposes the ongoing operation of the irrigation system which currently provides aquifer recharge. The continued use of existing water rights is essential to operation of Parks and Wildlife services and the CPW Fish Hatchery.
7. The 2020 Comp Plan land use designations identify this property as rural agricultural with a recommendation of cluster/conservation subdivisions in the future LU designations in the future LU Plan.
8. The applicant represented to the BOCC a desire to develop the property such that the wells and OWTS systems were managed by the HOA and as such the HOA would seek to combine or there would be every effort to use wells and OWTS systems for multiple residents/properties and will make best efforts to design wells and OWTS for multiple lots, utilizing EPA best practices for the same.
9. The applicant has agreed to provide a trail easement from CR 160 to the south portion of Longhorn. [to be determined: applicant's degree of commitment for trail construction]

Potential Conditions of Approval:

1. Augmentation shall be purchased for the new lots before the plat is recorded. Section 7.1.3(A)(2)
2. The plat submitted for Preliminary Plan review shall designate approximate well and septic system envelopes to ensure minimum separations between well and septic systems can be met pursuant to Section 5.3.1(C)(2) and follows EPA best management practices for decentralized water and waste water for cluster subdivisions.

3. A Basic Traffic Analysis shall be submitted with the Preliminary Plan in accordance with the requirements outlined in section 4.6.2(G) of the Land Use Code.
4. An Erosion and Sedimentation Control Plan shall be submitted with the Preliminary Plan in accordance with the requirements outlined in section 4.6.2(I) of the Land Use Code.
5. A Water Supply Plan shall be submitted with the Preliminary Plan in accordance with the requirements outlined in Section 4.6.2(K) of the Land Use Code.
6. Colorado Parks and Wildlife shall be a referral agent for the Preliminary Plan review of this application to determine recommendations of how to best avoid or mitigate any potential impacts to wildlife habitat and fisheries. Section 7.1.6
7. Colorado Geologic Survey shall be a referral agent for the Preliminary Plan review of this application.
8. Colorado Department of Transportation shall be a referral agent for the Preliminary Plan review of this application.
9. The Colorado Division of Water Resources shall be a referral agent for the Preliminary Plan review of this application.
10. [Perpetual Open Space preservation commitment](#) and a draft water management plan, [tying the water to the land in perpetuity](#), will be provided at preliminary plan pursuant to LUC 4.6.2-.J.
11. Water supply for fire will be confirmed.
12. An engineering study to address potential waste water quality impacts is required at Preliminary Plan. LUC 4.6.2.L3B.
13. The following plat notes shall be added:
 - a. On-site Wastewater Treatment Systems (OWTS) shall be designed by a Colorado Licensed Professional Engineer.
 - b. Due to the proximity of the subdivision to the Salida Airport, there will be aircraft passing over the property. Aircraft passage may result in noise and other impact on the property. Aircraft may cross above the property at low altitude in accordance with FAA Regulations. The type of aircraft passing over the property may change and the frequency may increase in the future. The owners, their heirs, successors, and assigns, specifically acknowledge [and will be required to confirm/acknowledge in writing](#) the right of passage over the property for aircraft and agree to hold harmless any governing entities for aircraft operations conducted in accordance with FAA Regulations.
 - c. Standard Chaffee County Plat Certificates and Notes (including but not limited to Major Subdivision Note, Restriction of Future Changes, Right to Ranch, and Fair Contributions to Schools).