



Chaffee County Commissioners Meeting
May 3, 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 May 3, 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, Planning Manager Jon Roorda, Planner Christie Barton, 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. Approve the Agenda
Commissioner Granzella moved to approve the Agenda correcting item 1. on the Consent Agenda to read Accept the Chaffee County 2021 Annual **Audit**. Commissioner Baker seconded the motion. The motion carried unanimously.
3. Review Public Meeting List
The Board reviewed the public meeting list.
4. Public Comment
There was no public comment.

B. Minutes for Approval

1. Approve the Minutes of the April 19, 2022 Regular Meeting
Commissioner Baker moved to approve the minutes of the April 19, 2022 Commissioners' regular meeting with the correction changing 'Conservation' to 'Conservancy' under item E.7. in reference to the Upper Arkansas Water Conservancy District. Commissioner Granzella seconded the motion. The motion carried unanimously.

C. Consent Agenda

Commissioner Baker moved to approve the Consent Agenda with the change to item 1. indicating the

Annual **Audit** is being accepted. Commissioner Granzella seconded the motion. The motion carried unanimously.

1. Accept the Chaffee County 2021 Annual **Audit**
2. Approve the Tavern Liquor License Renewal Application for VFW dba VFW Post 1166
3. Approve Contract for Airport Pavement Maintenance & Rehabilitation Project with Dibble Engineering

D. Regular Agenda Items

1. **Withdrawn by Applicant - Name of Project:** Locricchio-Dean Minor Subdivision Exemption
Applicants: Brenda L. Locricchio and Nicholas R. Dean, Represented by Pete Troester
Location: 17520 County Road 386, Buena Vista
Zone: Rural
Request: To subdivide 20.85 acres into two lots of 11.61 acres (Lot 1) and 6.28 acres (Lot 2), with 2.96 acres dedicated right of way. Wells and on-site wastewater treatment systems will serve the property. The property is shown as Lots 1-78 of Trails End Village Subdivision, which appears to have been vacated.
Manager Roorda confirmed Applicant's withdrawal of the Locricchio-Dean Minor Subdivision Exemption application.

No formal action was taken.

5. ~10:15 a.m. - Consider Request for Building Permit Fee Waiver from Chaffee Housing Trust

Chaffee Housing Trust Executive Director Read McCulloch, 246 Blake St., Salida, stated that he promised to tell the truth and addressed the Board to consider a request for a Building Permit Fee Waiver for Chaffee Housing Trust. McCulloch responded to Commissioners' questions.

Commissioner Baker moved to approve the Chaffee Housing Trust request for a fee waiver for building permits and other fees up to an amount of \$10,000. Commissioner Granzella seconded the motion. The motion carried unanimously.

2. **9:15 a.m. - Name of Project:** True Heritage Water Subdivision Exemption
Applicants: Stephen & Sarah True
Location: 16280 County Road 350, Buena Vista
Zone: Residential
Request: To subdivide 4.9 acres into two (2) lots with the minimum being 2.0 acres. Wells and on-site wastewater treatment systems will serve the property. The property has a portion of the abandoned leach field and septic tanks from the Sleeping Indian Trailer Park. Building envelopes will avoid this area.

Manager Roorda addressed the Board to consider the True Heritage Water Subdivision Exemption;
Applicants: Stephen & Sarah True; **Location:** 16280 County Road 350, Buena Vista.

Manager Roorda responded to Commissioners' questions.

Applicant Stephen True, 16280 County Rd. 350, Buena Vista, stated that he promised to tell the truth, responded to Commissioners' questions, and addressed the Board.

The public comment portion of the hearing opened at 9:38 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioner Baker moved to approve the True Heritage Water Subdivision Exemption request; **Applicants:** Stephen & Sarah True; **Location:** 16280 County Road 350, Buena Vista, to include the Conditions in the Staff Report adding the requirement of remediation of the septic system in accordance with Colorado Department of Public Health & Environment (CDPHE) direction, which is the responsibility of the Applicants, and direct staff to prepare a resolution for May 16, 2022. Commissioner Granzella seconded the motion. The motion carried unanimously.

The meeting recessed for a short break at 9:31 a.m.
The meeting resumed at 9:35 a.m.

3. **9:35 a.m. - Name of Project:** Cogan Farms Agricultural Subdivision Exemption

Applicants: Cogan Farms LLC

Location: 12403 Highway 285, Nathrop

Zone: Rural

Request: To subdivide 191.87 acres into 2 lots with the minimum being 2.9 acres. Wells and on-site wastewater treatment systems will serve the property. This application was previously withdrawn to confirm the water right and re-submitted after construction of the well.

Manager Roorda addressed the Board to consider the Cogan Farms Agricultural Subdivision Exemption; **Applicants:** Cogan Farms LLC; **Location:** 12403 Highway 285, Nathrop.

Manager Roorda responded to Commissioner's questions.

The public comment portion of the hearing opened at 9:44 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioner Granzella moved to approve the Cogan Farms Agricultural Subdivision Exemption; **Applicants:** Cogan Farms LLC; **Location:** 12403 Highway 285, Nathrop and direct staff to prepare a resolution for May 16, 2022. Commissioner Granzella seconded the motion. The motion carried unanimously.

7. ~10:35 a.m. - Consider Ratifying/Accepting the Waste Diversion Plan- Helmke

PAO Helmke addressed the Board regarding the Waste Diversion Plan.

Commissioner Baker spoke. Discussion ensued during which PAO Helmke responded to Commissioners' comments and questions.

No formal action was taken.

4. **9:50 a.m. - Name of Project:** Elliott Plat Amendment – Tract A, Antero Development Subdivision

Applicants: Timothy & Patricia Elliott

Location: 13985 Bozeman Circle, Nathrop

Zone: Rural

Request: To amend the building envelope to remove the limitation of the rear setback 1,000' from the fire cistern. There is no change to the 30' setback on both sides of the center line of the Bowen Ditch.

Manager Roorda addressed the Board to consider the Elliott Plat Amendment – Tract A, Antero Development Subdivision; **Applicants:** Timothy & Patricia Elliott; **Location:** 13985 Bozeman Circle, Nathrop.

Manager Roorda responded to Attorney Tom and Commissioner's questions. Attorney Tom responded to Commissioner's question.

Applicants' Surveyor Mike Henderson, 203 G St., Salida, stated that he had no comments.

The Chairman asked for public comments. There were none.

Commissioner Baker moved to approve the Elliott Plat Amendment – Tract A, Antero Development Subdivision; **Applicants:** Timothy & Patricia Elliott; **Location:** 13985 Bozeman Circle, Nathrop and direct staff to prepare a resolution for consideration on May 16, 2022. Commissioner Granzella seconded the motion. The motion carried unanimously.

6. ~10:25 a.m. - Update on Renewal 2022 Special Event Application/ Approve Resolution 2022-31

Attorney Cottom addressed the Board to provide an update on the Renewal 2022 Special Event Application and to consider approval of RESOLUTION 2022-31 CONDITIONALLY GRANTING A REQUEST FOR A SPECIAL EVENT PERMIT SUBMITTED BY RENEWAL AND PROVIDING FOR A MULTI-DAY FESTIVAL TO BE HELD AT A LOCATION IN CHAFFEE COUNTY COLORADO KNOWN AS THE "MEADOWS".

Attorneys Cottom and Tom, Director Short, PAO Helmke, and Manager Roorda responded to Commissioners' questions and comments.

Scott Stoughton, 786 Majestic Circle, Steamboat Springs, stated that he promised to tell the truth and responded to Commissioner's question/comment.

Chair Felt and PAO Helmke responded to Stoughton's question.

The Chairman asked for public comments.

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

Manager Roorda and Chair Felt responded to Peters' and Commissioners' questions. Attorney Tom commented regarding the noise study/engineering.

There were no other public comments.

Commissioner Granzella moved to approve RESOLUTION 2022-31 CONDITIONALLY GRANTING A REQUEST FOR A SPECIAL EVENT PERMIT SUBMITTED BY RENEWAL AND PROVIDING FOR A MULTI-DAY FESTIVAL TO BE HELD AT A LOCATION IN

CHAFFEE COUNTY COLORADO KNOWN AS THE “MEADOWS”. Commissioner Baker seconded the motion. The motion carried unanimously.

8. ~11:05 a.m. - Approve Resolution 2022-36 Filling a Vacancy on the METAB Board/ Consider The Appointment Of Daryn Ridenour To The Marijuana Excise Tax Advisory Board As The Designated Representative Of A Marijuana Cultivation Facility Subject To The Chaffee County Excise Tax, As Per Resolution 2017-46

PAO Helmke addressed the Board regarding RESOLUTION 2022-36 FILLING VACANCIES ON THE CHAFFEE COUNTY MARIJUANA EXCISE TAX ADVISORY BOARD appointing Daryn Ridenour to the Marijuana Excise Tax Advisory Board as the designated representative of a marijuana cultivation facility subject to the Chaffee County Excise Tax as per Resolution 2017-46.

PAO Helmke responded to Commissioner's questions.

Commissioner Baker moved to approve RESOLUTION 2022-36 FILLING VACANCIES ON THE CHAFFEE COUNTY MARIJUANA EXCISE TAX ADVISORY BOARD (METAB) appointing Daryn Ridenour to the Marijuana Excise Tax Advisory Board as the designated representative of a marijuana cultivation facility subject to the Chaffee County Excise Tax as per Resolution 2017-46. Commissioner Granzella seconded the motion. The motion carried unanimously.

9. Executive Session Under C.R.S. 24-6-402(4)(B) For Purposes Of Receiving Legal Advice From County Attorney Daniel Tom On Specific Legal Questions Pertaining To Budgetary Questions For Elected Offices. Assistant County Attorney Cottom, County Administrator Christiansen, Finance Director Short, And Beth Helmke May Also Attend.

Chair Felt addressed the Board regarding going into executive session under CRS 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions pertaining to budgetary questions for elected offices. Commissioners Felt, Baker, and Granzella will attend. Attorney Cottom, Directors Christiansen and Short, and PAO Helmke may also attend.

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 Granzella moved to go into executive session. Commissioner Baker seconded the motion. The motion carried unanimously.

The Board of Commissioners moved into executive session at 10:49 a.m. The Board of Commissioners came out of executive session at 11:21 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 session held on May 3, 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 session held on May 3, 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).

Greg Felt, Chairman

After executive session, the meeting recessed at 11:21 a.m.

10. Lunch Break (11:40-12:40)

Following a lunch break, the meeting resumed at 12:40 p.m.

11. **12:40 p.m.** - Consider Letter of Support for USBGN Renaming Request

Dr. William Wei, Professor of modern Chinese history at University of Colorado Boulder, addressed the Board to consider a Letter of Support for the US Board on Geographic Name's (USBGN) Renaming request of 'Chinaman Gulch' to 'Yansing Gulch.'

Discussion ensued during which PAO Helmke, Attorney Tom, and Dr. Wei responded to Commissioners' questions and concerns.

Commissioner Baker moved to approve with minor edits the letter in the Commissioners' packets to be submitted to the US Board on Geographic Name's (USBGN), with those edits to be done in consultation with PAO Helmke and Commissioners Felt and Granzella; Commissioner Baker to see the letter once those edits are done; and authorize the Chair to sign following that process. Commissioner Granzella amended the motion to include 'additions to the letter.' Commissioner Granzella seconded the motion as amended. The amended motion carried unanimously.

12. **1:00 p.m.** - Continued from April 19 - Public Hearing to Review Blue Triton's Annual Report and Compliance with 1041 Permit- Deliberation and Decision

At 1:26 p.m., Chair Felt addressed the Board regarding the continued April 19, 2022 public hearing to review Blue Triton Brands' (BTB) April 19, 2021 Annual Report and compliance with its 1041 permit.

Terry Scanga, General Manager of the Upper Arkansas Water Conservancy District (UAWCD), 339 E. Hwy. 50, Salida, stated that he promised to tell the truth and addressed the Board.

Planner Barton updated the Board stating that public comments were received since the closing of the public comment period at the April 19, 2022 meeting. Staff recommended that these comments not be accepted into the record.

Attorney Tom addressed the Board regarding the conservation easement and right-of-way (ROW) dedication and ROW work to be done. Commissioner Felt spoke regarding this. Attorney Tom responded to Commissioners' questions.

David Shohet, special water counsel for Chaffee County, addressed the Board.

Gary Wheeler of W.W. Wheeler & Associates, water engineers for Chaffee County, addressed the Board.

Attorney Tom addressed the Board and responded to Commissioner's question.

Chair Felt spoke.

Planner Barton spoke and responded to Commissioners' questions.

Attorney Tom spoke.

Discussion ensued during which Attorney Tom responded to Commissioners' questions and Planner Barton spoke.

Attorney Tom addressed the Board regarding public comment following the closing of the public comment period at the April 19, 2022 meeting. Commissioner Felt spoke. Attorney Tom responded to Commissioner's question.

Commissioner Baker moved to accept into the record the public comments and correspondence included in the May 3, 2022 Chaffee County Board of Commissioners packet, specifically "BTB Redacted Email Comments received since Public Comment closed on April 19, 2022."

Commissioner Granzella seconded the motion. The motion carried unanimously.

Larry Lawrence with BTB, 5772 Jarupa St., Ontario, CA, stated that he promised to tell the truth, addressed the Board, and responded to Commissioner's questions.

Attorney Tom addressed the Board and responded to Commissioners' comments and questions.

Commissioners deliberated during which Attorney Tom spoke.

By consensus, Commissioners decided that during the Commissioners October 4, 2022 regular meeting, there will be a review and update from BTB regarding the upcoming December 31, 2022 year-end deadline(s).

Commissioner Granzella moved to accept Blue Triton Brands (BTB) April 19, 2021 Annual Report and find BTB in good standing during the past year. Commissioner Felt seconded the motion. The motion carried with Commissioners Felt and Granzella voting FOR the motion and Commissioner Baker voting AGAINST the motion.

E. Active Projects

1. Land Use Code Rewrite Project- Update

PAO Helmke and Attorney Cottom updated the Board on the Land Use Code Rewrite Project.

Planner Barton spoke.

No formal action was taken.

F. Potential Road Trip

G. Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 3:45 p.m.

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