



Chaffee County Commissioners Meeting
June 7, 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 June 7, 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, Administrative Assistant Brandy Coscarella, Planning Manager Jon Roorda, Development Engineer Gary Greiner, Principal Planner Greg Laudenslager, and Road & Bridge Superintendent Mark Stacy.

Others present remotely were Special Counsel Jennifer Davis and 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. 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. Approve the Minutes

1. Approve the Minutes of the May 16, 2022 Regular Meeting

Commissioner Baker moved to approve the minutes of the May 16, 2022 Commissioners' regular meeting. Commissioner Granzella seconded the motion. The motion carried unanimously.

C. 9:15 a.m. - Consent Agenda

Commissioner Baker moved to approve the Consent Agenda. Commissioner Granzella seconded the

motion. The motion carried unanimously.

1. Approve the Liquor License Renewal for Ivy League Corp dba Collegiate Peaks Golf Course
2. Approve the Liquor License Renewal for Amber Waves Adventures LLC
3. Approve the SIPA Contract for Google Workspace and Email Migration Services
4. Approve the Colorado Department of Military and Veterans Affairs County Veterans Service Officers Monthly Report and Certification of Pay for May 2022

D. Regular Agenda Items

- H.4. ~10:45 a.m. - Consider the Chaffee County Habitat for Humanity Request for Fee Waiver

Director Christiansen addressed the Board to consider the Chaffee County Habitat for Humanity request for a fee waiver. Director Short and PAO Helmke responded to Commissioners' questions.

Commissioner Baker moved to approve a waiver of up to \$2,000 per property for the two properties in the Chaffee County Habitat for Humanity waiver request. Commissioner Granzella seconded the motion. The motion carried unanimously.

- H.2. ~10:10 a.m. - Approve the Resolution to Appoint Ashley Kappel to the Chaffee Housing Authority Board of Directors as Recommended

Chair Felt addressed the Board to consider draft RESOLUTION 2022-42 FILLING VACANCY ON THE CHAFFEE COUNTY HOUSING AUTHORITY BOARD.

Commissioner Granzella moved to approve RESOLUTION 2022-42 FILLING VACANCY ON THE CHAFFEE COUNTY HOUSING AUTHORITY BOARD as recommended by the Chaffee County Housing Authority Board of Directors. Commissioner Baker seconded the motion. The motion carried unanimously.

- H.1. ~10:00 a.m. - Set Dates, Referees And Arbitrator For The 2022 Board Of Equalization Hearings And Adopt Resolution 2022-XX Appointing Referees For Board Of Equalization Hearings, And Appointing Arbitrators For Appeals From Decisions Of The Board Of Equalization - Davis/Coscarella

Administrative Assistant Coscarella addressed the Board to consider draft RESOLUTION 2022-43 APPOINTING REFEREES FOR BOARD OF EQUALIZATION HEARINGS, APPOINTING ARBITRATORS FOR APPEALS FROM DECISIONS OF THE BOARD OF EQUALIZATION, AND AMENDING PROPERTY TAX POLICIES AND PROCEDURES.

Assistant Coscarella responded to Commissioner's questions. Attorney Tom spoke. Attorney Cottom provided resolution numbers for this resolution and the resolution for Agenda item H.2. Attorney Tom and Assistant Coscarella responded to Commissioners' questions.

This matter was tabled until Attorney Davis could be present at the meeting.

At 10:21 a.m., Attorney Davis addressed the Board and responded to Commissioners' questions during which Attorney Cottom spoke.

Commissioner Granzella moved to set the dates for the Board of Equalization hearings and appoint referees for the 2022 Board of Equalization (BOE) hearings and appoint the arbitrator for appeals from decisions of the BOE as presented and approve RESOLUTION 2022-43 APPOINTING REFEREES FOR BOARD OF EQUALIZATION HEARINGS, APPOINTING ARBITRATORS FOR APPEALS FROM DECISIONS OF THE BOARD OF EQUALIZATION, AND AMENDING PROPERTY TAX POLICIES AND PROCEDURES. Commissioner Baker seconded the motion.

Assistant Coscarella clarified that the dates for BOE hearings will be July 27 and 28, 2022, and if there is any overflow, then August 1, 2022. Attorney Tom responded to Commissioner's question. The motion carried unanimously.

- D.1. **9:20 a.m. - **Rescheduled from May 16, 2022** Name of Project:** Bear Trail Subdivision Plat Amendment; **Applicant:** Richard Junker for Cake Town Properties, LLC; **Location:** 31196 Kodiak Court, Buena Vista; **Zone:** Commercial; **Request:** Plat amendment to remove wording on Master Plan stating: "Filing III Bear Trail Subdivision Residential PUD (up to 20 units), Dependent on Rezoning" from the Bear Trail Subdivision Master Plan. This property will be used for a campground (Permitted use in a Commercial zone; staff reviews and signs off on the Building Permit application).

Manager Roorda addressed the Board to consider the Bear Trail Subdivision Plat Amendment; **Applicant:** Richard Junker for Cake Town Properties, LLC; **Location:** 31196 Kodiak Court, Buena Vista. Manager Roorda responded to Commissioners' questions.

Chair Felt asked Applicant if he would like to speak.

Richard Junker, 5 Park Ridge Lane, Pittsburgh, PA, for Applicant, said he had nothing to add, then stated that he is an owner of Cake Town Properties, LLC.

The public comment portion of the hearing opened at 9:32 a.m. There were no comments, and the public comment portion of the hearing was closed.

Commissioner Granzella moved to approve the Bear Trail Subdivision Plat Amendment; **Applicant:** Richard Junker for Cake Town Properties, LLC; **Location:** 31196 Kodiak Court, Buena Vista, and direct staff to prepare a resolution for June 14, 2022. Commissioner Baker seconded the motion. The motion carried unanimously.

Applicant commended Manager Roorda and his staff for their work through the pandemic.

- D.2. **9:35 a.m. - Request For An Amendment To The Security For The Subdivision Improvements Agreement (SIA) For The Cooper Minor Subdivision:**
1. Acceptance For Using An Irrevocable Letter Of Credit To Replace The Lot Sales Restriction For Both The Electric Installation And The Road Construction.
 2. Release Of The Lot Sales Restriction (Reception #479971)Based On An Escrow Payment

Manager Roorda addressed the Board to consider a request for an amendment to the security for the Subdivision Improvements Agreement (SIA) for the Cooper Minor Subdivision.

Manager Roorda and Attorneys Tom and Cottom responded to Commissioners' questions.

Joe Cooper, 9325 County Rd. 160, Salida, stated that he promised to tell the truth and spoke.

Attorney Tom spoke.

Manager Roorda spoke and responded to Cooper and Commissioners' questions.

Cooper spoke further.

Attorneys Tom and Cottom responded to Commissioner's question.

Chair Felt spoke.

Attorney Tom and Manager Roorda spoke.

Cooper spoke and responded to Chair Felt and Manager Roorda's questions.

Attorney Tom, Engineer Greiner, Cooper, and Chair Felt spoke.

Engineer Greiner and Attorney Cottom responded to Chair Felt's question.

Attorney Tom, Chair Felt, Engineer Greiner, and Commissioner Baker spoke.

Attorneys Cottom and Tom spoke and responded to Commissioners' questions.

Engineer Greiner, Attorney Tom, and Manager Roorda spoke and responded to Commissioner's questions.

Commissioner Baker moved to release up to \$15,000 of the escrow funds for the Cooper Minor Subdivision and release the lot sales restriction on Lots 1 through 4 with the understanding that all requirements must be met before building permits are issued. Commissioner Felt seconded the motion. Discussion ensued during which Manager Roorda clarified that the Letter of Credit no longer applies and that Chaffee County will hold the funds directly. Commissioner Felt recommended amending the motion to state that the escrow is being accepted in lieu of getting the SIA completed now in order to release the lot sales restriction and staff is empowered to make a staff-level determination regarding release of escrow funds in increments of up to \$15,000. Commissioner Baker accepted the amendment to his motion.

Attorney Cottom stated that the resolution will reflect that the County is accepting the request to amend the security for the SIA to accept \$30,000 in escrow funds to replace the lot sales restriction for both the electrical installation and road construction and release the lot sales restriction based on that escrow payment noting therein that building permits still cannot be issued for Lots 1 through 3 until the required improvements are in place and that staff is allowed to release escrow funds in increments up to \$15,000 as different components of the improvements are completed and approved.

The motion carried unanimously.

E. Adjourn as the Board of County Commissioners

The Board recessed as the Board of Commissioners at 10:46 a.m.

F. Reconvene as the County Board of Health

The Board convened as the County Board of Health at 10:47 a.m.

1. **9:50 a.m. - Name of Project:** Merrifield Cabins Board of Health Variance; **Applicant:** Glen, Gary, Betty, and Bonnie Merrifield; **Location:** 19320 County Road 306, Buena Vista; **Zone:** Rural /

Planned Development; **Request:** To find a more sustainable solution for the Onsite Water Treatment System (OWTS) that doesn't put the property or adjacent property owners at risk.

Engineer Greiner addressed the Board regarding the Merrifield Cabins Board of Health Variance; **Applicant:** Glen, Gary, Betty, and Bonnie Merrifield; **Location:** 19320 County Road 306, Buena Vista. Engineer Greiner responded to Commissioner's questions.

Chair Felt asked if the Applicant wanted to speak. There was no immediate response.

Public comment was given by:

Gordon Baker, 499 W. Sheridan Ave., Oklahoma City, OK with the Trust Department of the Bank of Oklahoma known in Colorado as Bank of Colorado as corporate trustee of the property directly east of the Merrifield property requesting the variance. He stated that he promised to tell the truth and spoke.

Engineer Greiner spoke and he and Baker responded to Commissioner's questions.

Applicant did not respond to Chair Felt's second invitation to speak.

There was no other public comment.

Discussion ensued during which Engineer Greiner responded to Commissioners' questions.

Commissioner Granzella moved to approve the variance(s) for the current septic tank located at 19320 County Road 306, Buena Vista, for the Merrifield Cabins for Applicants Glen, Gary, Betty, and Bonnie Merrifield; and for the variance(s) to be approved for the Applicant to pursue the installation of an approved onsite wastewater treatment system and direct staff to prepare a resolution for June 21, 2022. Commissioner Baker seconded the motion. Discussion ensued during which Engineer Greiner responded to Commissioner's question. The motion carried unanimously.

G. Adjourn as the County Board of Health

The Board adjourned as the County Board of Health at 11:15 a.m.

H. Reconvene as the Board of County Commissioners

The Board reconvened as the Board of County Commissioners at 11:15 a.m.

D.3. ~10:45 a.m. - Approve on First Reading a Fire Ban Ordinance Restricting Open Fires And Open Burning In The Unincorporated Areas Of Chaffee County And Providing Penalties For Violation Of Such Ordinance

Attorney Tom addressed the Board regarding the first reading of a Fire Ban Ordinance restricting open fires and open burning in the unincorporated areas of Chaffee County and providing penalties for violation of such Ordinance.

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

Commissioner Baker moved to approve the first reading of a Fire Ban Ordinance restricting open fires and open burning in the unincorporated areas of Chaffee County and providing penalties for violation of such Ordinance. Commissioner Granzella seconded the motion. The motion carried unanimously.

H.3. ~10:25 a.m. - Discuss the Public Notice from the Town of Poncha Springs Regarding the Public Hearing: Major Subdivision- Poncha Meadows Filing No 2- Preliminary Plat

Attorney Tom addressed the Board to initiate discussion regarding the Public Notice from the Town of Poncha Springs regarding the Public Hearing: Major Subdivision-Poncha Meadows Filing No. 2- Preliminary Plat.

Attorney Tom responded to Commissioners' questions. Superintendent Stacy spoke and responded to Commissioners' questions. Planner Laudenslager, PAO Helmke, and Attorneys Tom and Cottom spoke.

Discussion ensued during which Superintendent Stacy and Attorney Tom spoke and responded to Commissioners' questions and Planner Laudenslager spoke. Director Christiansen also responded to Commissioner's questions.

By consensus, it was decided that the Planning Department will draft a letter with the assistance of the Legal Department and circulate for Commissioners' approval.

H.5. ~11:15 a.m. -Consider Resolution 2022-41 Regarding The Procedure For Accepting Certain Land Use Applications

Attorney Cottom addressed the Board to consider draft RESOLUTION 2022-41 A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND APPROVAL OF CERTAIN LAND USE APPLICATIONS PENDING THE STUDY OF WATER ADEQUACY AND IN CONNECTION WITH THE UPDATE AND IMPLEMENTATION OF THE CHAFFEE COUNTY LAND USE CODE.

Chair Felt spoke regarding water adequacy followed by Attorney Cottom. Discussion ensued during which Planner Laudenslager, Attorney Cottom, and Manager Roorda responded to Commissioners' questions and PAO Helmke and Director Short spoke.

Discussion included revising Section 3. of the Resolution to read as follows:

Any application that has been submitted prior to June 7, 2022, or any application for a Major Subdivision, Conservation Subdivision, or Land Use Change application that requires a Limited or Major Impact Review where the applicant has contacted the Planning Department before June 7, 2022 to schedule a pre-application conference pursuant to LUC § 4.1.3.A, or any application for a Minor Subdivision where the applicant has contacted the Planning Department before the close of business on June 15, 2022 to schedule a pre-application conference pursuant to LUC § 4.1.3.A, and such application is subsequently submitted before July 15, 2022 and deemed complete pursuant to LUC § 4.1.3.C by the attestation of the Planning and Legal departments, shall be exempt from the provisions of this Resolution.

Commissioner Baker moved to approve RESOLUTION 2022-41 with the title, A RESOLUTION

IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF CERTAIN LAND USE APPLICATIONS PENDING THE ADOPTION OF WATER ADEQUACY STANDARDS AND IN CONNECTION WITH THE UPDATE AND IMPLEMENTATION OF THE CHAFFEE COUNTY LAND USE CODE with the amendments as noted in Section 3 as stated above and the changes in the title as previously discussed and stated herein. Commissioner Granzella seconded the motion. The motion carried unanimously.

I. Active Projects

1. Land Use Code Rewrite Project- Update

PAO Helmke updated the Board on the status of the Land Use Code rewrite project and responded to Commissioners' questions.

No formal action was taken.

J. Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 1:03 p.m.

Attest:



Lori Mitchell, County Clerk