



Chaffee County Commissioners Meeting
November 21, 2023

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 November 21, 2023, at the Buena Vista Community Center. Board members present were Chair Keith Baker, Commissioner Greg Felt, and Commissioner P. T. Wood.

Others present in person were County Administrator Don Reimer, Deputy County Administrator Beth Helmke, Director of Finance Dan Short, County Attorney Daniel Tom, Planning Director Miles Cottom, Planning Manager Garry Baker, and Building Official Pat Green.

Others present remotely were Assistant County Attorney Lynda Knowles, Planner Brandon Wolff, and Deputy County Clerk Barbara Tidd.

1. Pledge of Allegiance

Following the Pledge of Allegiance, Chair Baker called the meeting to order at 9:06 a.m.

2. Approve Agenda

Commissioner Wood moved to approve the Agenda. Commissioner Felt seconded the motion. Administrator Reimer responded to Commissioner Felt's question. The motion carried unanimously.

3. Review Public Meeting List

The Board reviewed the public meeting list.

4. Public Comment

Chair Baker asked for public comment stating that this is an opportunity for members of the public to express their views on topics that are *not* on the Agenda, and, therefore, Commissioners do not normally engage in a back-and-forth discussion or respond to questions during public comment.

He stated that:

- the Board of Commissioners (BOCC) cannot take public comment on an item that is scheduled or likely to be scheduled for a quasi-judicial hearing before the BOCC;
- the BOCC or a staff member may reply later, using contact information provided on the sign-up sheet;
- by making voluntary public comment, you are agreeing to speak only what you know to be true

and are going to follow normal rules of civility in conducting public business;

- we expect the best from people and try to embody that ourselves, by being professional and civil, and we hope you will do the same.
- you'll have up to 3 minutes to speak, and when called upon, please come to the podium and speak your name and address for the record.

He further stated to address all your comments to the County Commissioners. In other words, do not address applicants, previous speakers, or other members of the audience. People in the room will speak first.

If you're online and wish to speak, please use the raise hand function on zoom, the chat function, or unmute and speak loudly.

Public Comment was given by:

Julie Haugh, 16951 Mt. Princeton Rd., Nathrop.

Tom McCracken, 16165 Burt Gulch Rd., Buena Vista.

Blane Clark, 16100 Pine Grove Pkwy., Buena Vista.

Jayne McCracken, 16165 Burt Gulch Rd., Buena Vista.

5. Update from Aristata Communications on recent service disruptions

Carlin Walsh, CEO of Aristata Communications, addressed the Board with an update on recent service disruptions.

Discussion ensued during which Walsh responded to Commissioners' questions.

No formal action was taken.

B. Minutes for Approval

1. Consider for Approval the Minutes of the November 13, 2023 Special Meeting, Executive Session

Commissioner Wood moved to approve the minutes of the November 13, 2023 Commissioners' special meeting, Executive Session. Commissioner Felt seconded the motion. The motion carried unanimously.

2. Consider for Approval the Minutes of the November 14, 2023 Regular Meeting

Commissioner Felt moved to approve the minutes of the November 14, 2023 Commissioners' Regular meeting. Commissioner Wood seconded the motion. The motion carried unanimously.

C. Contracts/Grant Consideration

There were none.

D. Consent Agenda

Commissioner Felt moved to approve the Consent Agenda. Commissioner Wood seconded the motion. The motion carried unanimously.

1. Pay the Bills
2. Approve Resolution 2023-110 to support Grant Application by National Forest Foundation to Great Outdoors Colorado for Colorado Fourteeners Project - Don Reimer
3. Approve Resolution 2023-109 for Adjustment to Chaffee County Landfill Fees Structure and Amounts - Beth Helmke, Shannon Wilcox

E. Hearing Consent Agenda- Agenda Items are listed on the Hearing Consent Agenda because no testimony is expected. In the event a Commissioner or any member of the public wishes to testify regarding an item on the Consent Agenda, the item will be removed and considered with the Regular Agenda. These items, if approved, will include signing authority to the Chair of the Board on the related Resolution(s).

Chair Baker stated that these items are those that would normally require a hearing, but no public testimony is expected. In the event a Commissioner or any member of the public wishes to testify regarding an item on the Consent Agenda, the item will be removed and considered with the Regular Agenda. These items, if approved, will include signing authority to the Chair of the Board on the related Resolution(s).

Chair Baker asked if anyone from the public wished to testify on this/these item(s).

There was no public comment.

Commissioner Wood moved to approve the Hearing Consent Agenda. Commissioner Felt seconded the motion. The motion carried unanimously.

1. **Name of Project:** Shoff Plat Amendment
Applicants: Bruce Schoff
Location: 8050 Windmill Lane
Zone: Rural
Request: To change the 50-foot front setback line to a 25-foot setback on Lot 13B-A. Lot 13C is permanent open space.
Planner: Garry Baker, 719-530-5570, gbaker@chaffeecounty.org
2. **Name of Project:** Dos Madres Plat Amendment of Lot G-2
Applicants: Altorfer Charlene P Revocable Trust Location: 16538 CR 289, Nathrop, CO 81128
Zone: RUR
Request: Enlarge the building envelope (setbacks). Reduce the north side yard setback from 50 feet to 15 feet, and reduce the front yard setback line from 100 feet to 65 feet to allow construction of a detached garage.
Planner: Garry Baker, 719-530-5572, gbaker@chaffeecounty.org

3. **Name of Project:** Gerts Tracts Boundary Line Adjustment
Applicants: The Michael Blitstein Revocable Trust
Location: 36560, 36562, and 36564 N. Hwy 24
Zone: RUR
Request: To adjust property lines between three properties: Tract 1B will increase from 2.0 acres to 4.0 acres and be renamed “Tract 1B-R”, Tract 1-A will increase from 2.0 acres to 4.0 acres and be renamed “Tract 1A-R”, and remainder tract “Tract 1-R” will be decreased from 41.0 acres to 37.0 acres.
Planner: Brandon Wolff, bwolff@chaffeecounty.org

F. Regular Agenda Items

1. Discussion on Electric Preferred Energy Code with Shums Coda Associates - Pat Green

Administrator Reimer addressed the Board to open the discussion on the Electric Preferred Energy Code.

Erica DiLello addressed the Board.

Hope Medina with Shums Coda Associates, Building Official Green, and DiLello responded to Commissioners' and Administrator Reimer's questions.

Matt Nykiel, 903 J St., Salida, addressed the Board.

Medina, Official Green, and Nykiel responded to Commissioners' questions.

No formal action was taken.

2. Introduction & First Reading of Ordinance 2023-02 for Adoption of the 2021 Building Codes with Chaffee County Amendments, including 2021 International Building Code, 2021 International Residential Code, 2021 International Fire Code, 2021 International Fuel Gas Code, 2021 International Mechanical Code, 2021 International Plumbing Code, 2021 International Energy Conservation Code, 2021 International Existing Building Code, 2021 International Property Maintenance Code, 2021 International Swimming Pool & Spa Code, 2021 International Wildland Urban Interface Code, and the Colorado Model Electric Ready & Solar Ready Code - Pat Green

Attorney Tom introduced and provided the First Reading of Ordinance 2023-02 reading the title of this Ordinance and providing the process leading up to final approval or disapproval of this Ordinance.

Attorney Tom and Official Green responded to Commissioners' questions.

Administrator Reimer spoke.

Attorney Tom responded to Commissioner's and Administrator's questions regarding process and typographical errors.

Official Green responded to Commissioner's question.

Attorney Tom responded to Commissioner's question regarding public comment.

Chair Baker confirmed that adequate notice for a public hearing was provided.

The public comment portion of the hearing opened at 10:30 a.m. There were no comments, and the public comment portion of the hearing was closed.

Attorney Tom responded to Commissioner's question and stated Second Hearing will be on December 12, 2023.

No formal action was taken.

3. Consider for Approval Resolution 2023-90 Extending the Marijuana Moratorium- Daniel Tom Attorney Tom addressed the Board to consider for approval draft **RESOLUTION 2023-90 A RESOLUTION IMPOSING A TEMPORARY BAN UNTIL DECEMBER 31, 2024, ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS AND THE LICENSING, PERMITTING OR OPERATION OF ANY MEDICAL MARIJUANA FACILITY IN UNINCORPORATED CHAFFEE COUNTY (EXCEPT APPLICATIONS AND LICENSES WITH RESPECT TO CERTAIN EXISTING MARIJUANA FACILITIES), INCLUDING THE USE OF LAND FOR SUCH PURPOSE OR PURPOSES.**

Director Miles and Attorney Tom responded to Commissioner's questions.

Commissioner Felt moved to approve **RESOLUTION 2023-90 A RESOLUTION IMPOSING A TEMPORARY BAN UNTIL DECEMBER 31, 2024, ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS AND THE LICENSING, PERMITTING OR OPERATION OF ANY MEDICAL MARIJUANA FACILITY IN UNINCORPORATED CHAFFEE COUNTY (EXCEPT APPLICATIONS AND LICENSES WITH RESPECT TO CERTAIN EXISTING MARIJUANA FACILITIES), INCLUDING THE USE OF LAND FOR SUCH PURPOSE OR PURPOSES.** Commissioner Wood seconded the motion. The motion carried unanimously.

4. Introduction and Reading of Proposed Ordinance 2023-01 Extending the Current Ban on Retail (non-medical) Marijuana Establishments, subject to certain specific exceptions - Miles Cottom

Director Cottom introduced proposed Ordinance 2023-01, read the title of the Ordinance, and addressed the Board further.

The public comment portion of the hearing opened at 10:39 a.m. There were no comments, and the public comment portion of the hearing was closed.

Director Cottom confirmed that this will be heard again on December 12, 2023.

No formal action was taken.

5. Approve Temporary Construction Easement Agreement for CR 110 cutback project - Miles Cottom

Director Cottom addressed the Board to consider approval of a Temporary Construction Easement Agreement for the County Rd. 110 cutback project.

Discussion ensued during which Attorney Tom and Director Cottom spoke.

Commissioner Felt moved to authorize Staff to finalize the Temporary Construction Easement Agreement for the County Rd. 110 cutback project with signing authority to the Chair when completed. Commissioner Wood seconded the motion. Discussion ensued. The motion carried unanimously.

6. CONTINUED FROM OCTOBER 17, 2023

Name of Project: Geocamp Variance request

Applicants: Jason Kunshier & Patricia Bobzin

Location: 8707 State Highway 24, Buena Vista

Zone: Rural

Summary of Request: A variance request to allow a portion of the internal road for the Geocamp Campground to be 15' wide and deviate from the 25' width requirement as outlined in Land Use Code section 7.8.6(I). This deviation from the requirements of 7.8.6(I) was reviewed along with the Limited Impact Review application for the Geocamp Campground. During the review of the Limited Impact Review application for the Geocamp Campground, both the Chaffee County Planning Commission and the Chaffee County Fire Protection District recommended approval of this variance request.

Planner: Garry Baker, gbaker@chaffeecounty.org, (719) 839-1702

Manager Baker addressed the Board to consider the Geocamp Variance request for Applicants Jason Kunshier & Patricia Bobzin, located at 8707 State Highway 24, Buena Vista.

Applicant Jason Kunshier introduced himself and Applicant Patricia Bobzin. Kunshier addressed the Board.

Commissioner Wood moved to approve the Geocamp Variance request for Applicants Jason Kunshier & Patricia Bobzin for the property located at 8707 State Highway 24, Buena Vista. Commissioner Felt seconded the motion. Discussion ensued. The motion carried unanimously.

7. WILL BE CONTINUED TO DECEMBER 5, 2023

Public Hearing to Consider Land Use Code Text Amendments from Module 2 of the Land Use Code Rewrite Project - Chapters 6 and 7 - (Continued from September 5, 2023, October 10, 2023, and November 7, 2023) - Miles Cottom

Director Cottom addressed the Board and requested a continuance of this item to December 5, 2023.

Commissioner Felt moved to continue to December 5, 2023, the Public Hearing to Consider Land Use Code Text Amendments from Module 2 of the Land Use Code Rewrite Project - Chapters 6 and 7. Commissioner Wood seconded the motion. The motion carried unanimously.

G. Active Projects

H. Adjourn

Commissioner Wood moved to adjourn the meeting. Commissioner Felt seconded the motion. The motion carried unanimously. The meeting was adjourned at 11:09 a.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