Chaffee County Board of Commissioners Meeting
October 11, 2016

The Regular meeting of the Board of Commissioners was held on Tuesday, October 11, 2016 in the Commissioner’ Meeting Room at the Courthouse. Board members present were Chairman Dennis Giese, Commissioner Frank Holman, and Commissioner Dave Potts.

Others present were County Attorney Jennifer Davis, Director of General Administration Bob Christiansen, Director of Finance Dan Short, Development Services Director Dan Swallow, Planning Manager Jon Manager, and County Clerk Lori Mitchell.

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

Public Notices
The Board reviewed the Public Meeting List.

Public Comment
The following citizens made comments against the Marijuana Excise Tax Ballot question that will be on the 2016 General Election Ballot:

Martin Woods, 325 W 16th Street, Salida, owner of Nature’s Medicine.
Suzanne Fontana Pelino, representing Salida True Value 502 E US Highway 50, Salida
Steve Tucker, SKT Construction, 133 N M St, Salida
Kirk Roberts, 166 B Larissa Lane, Buena Vista
Jennifer Ricci, 303 Poncha Blvd, Salida
Lisa Stoudenmire, of Pure Greens, 6990 County Road 111B, Salida
Andrew Trevor of Pure Greens, 10086 E Cherokee Dr, Salida
Ross Gary, 235 F Street, Salida
Brandon Katz, 643 W 15th St, Salida
Cynda Green, 412 E 2nd St, Salida
John Takacs, 504 I St, Salida
Patrick Amidon, 229 W 5th St, Salida
Sterling Stoudenmire, of Pure Greens, 6990 County Road 111B, Salida

Wendell Pryor, Director of Chaffee County Economic Development Corporation, 339 E US Highway 50, responded to comments made by Sterling Stoudenmire by listing other $10 million businesses in the County.
Agenda Item A
Contract/Grant Consideration

- O.J. Watson Company for purchase of 2 snowplows and V Box Sanders. Road and Bridge Manager Mark Stacy was available for questions from the Board

  Commissioner Holman made a motion to approve the purchase of 2 snowplows and V Box Sanders. Commissioner Potts seconded the motion. On the question, the motion passed 3 – 0.

- United Rentals for purchase of Boom Lift.

  Commissioner Holman made a motion to approve the purchase of a Boom Lift from United Rentals. Commissioner Potts seconded the motion. On the question, the motion passed 3 – 0.

Agenda Item B
Consider a request from the City of Salida for a commitment of $15,000.00 from the Conservation Trust Fund for the Centennial Park Tennis/Pickleball Court Project.

Teresa Casey, Salida Arts and Recreation Director, gave an overview of the request.

The project would construct two (2) new tennis courts and eight (8) new pickle ball courts at Centennial Park, 410 W US Highway 50. A GoCo Grant has been applied for and the total cost of the project will be $240,000.

Commissioner Potts made a motion to grant $15,000 from the Conservation Trust Fund for the Centennial Park Tennis Court and Pickle Ball Court Project. Commissioner Holman seconded the motion. On the question, the motion passed 3 – 0.

Agenda Item C
Public Hearing – To consider a request for a waiver of fees for a Special Event Permit for the Two Turkey Relay.

The Public Hearing was called to order at 10:01 a.m. by Chairman Giese.

Administrative Assistant Patty Baldwin gave the staff report noting that the application was complete.
Commissioner Potts made a motion to grant the Special Event Permit fee waiver for the Two Turkey Relay. Commissioner Holman seconded the motion. On the question, the motion passed 3 – 0.

Agenda Item D
Consider a request from Dennis Schoger, River Meadow Estates Subdivision, for an additional 10 year extension for the Subdivision Improvements Agreement.

Applicant Dennis Schoger addressed the Board regarding his request. Mr. Schoger would like to continue to grow crops for another 10 years. Fees have already been paid through 2019 and Mr. Schoger would pay the fee for the extension.

Commissioner Holman made a motion to grant an additional 10 year extension for the Subdivision Improvements Agreement with the understanding that fees are non-refundable. Commissioner Potts seconded the motion. On the question, the motion passed 3 – 0.

Agenda Item E
Public Hearings and consideration of recommendations from the September 27, 2016 Planning Commission Meeting.

1. To consider an amendment to the Chaffee County Land Use Code - Section 7.1.3A2 – Change to the language of LUC Section 7.1.3A2 changing the current requirement that the applicant for a land use change make application for a well permit prior to approval of the land use change permit to require the applicant to show proof of augmentation prior to approval of the land use change permit. The proposal also includes eliminating the last sentence of this code section which reads, “Property owners are encouraged to complete well construction prior to applying for a land use change permit.”

Chairman Giese called the Public Hearing to order at 10:13 a.m. Development Director Swallow gave the staff report. Chairman Giese closed the Public Hearing at 10:15 a.m. There were no public comments. There was no deliberation by the Board.

Commissioner Holman made a motion to approve the change in the Land Use Code Section 7.1.3A2 and for County Attorney Davis to prepare a resolution. Commissioner Potts seconded the motion. On the question, the motion passed 3 – 0.
County Attorney Davis noted that she will have the resolution ready for consideration at the October 18, 2016 meeting.

2. To consider an amendment to the Chaffee County Land Use Code - Table 2.1 - Change to the maximum densities in Residential, Rural and Recreational Zone Districts listed on Table 2.1.

Development Services Director Swallow gave the staff report.

The following citizens were sworn in by the Chairman and gave testimony in support of the Land Use Code change:
   1) Wendell Pryor, Director of Economic Development, 139 Mesa Circle, Salida.
   3) Mike Henderson, 13645 County Road 261, Nathrop
   4) Bob Allen, 12775 County Road 270, xx
   5) Barb Allen, 12775 County Road 270, xx
   6) Frank McMurry, 22405 US Highway 285, Nathrop,
   7) Karin Adams, 11460 County Road 140, Poncha Springs

The following citizens were sworn in and gave testimony against the Land Use Code change at this time:
   1) Greg Felt, 131 W US Highway 50, Salida
   2) Linda Stewart, 20745 County Road 342, Buena Vista
   3) Reed Dils, 29940 County Road 353, Buena Vista
   4) Karen Dils, 29940 County Road 353, Buena Vista
   5) Keith Baker, 831 McDonald Ave, Buena Vista
   6) Mike McCoy, 9985 Highway 24 & 285
   7) Kathy McCoy, 9985 Highway 24 & 285
   8) Sig Jaastad, 19605 County Road 343, Buena Vista
   9) Melanie Roth, 22705 County Road 292B, Nathrop
  10) Susan Niece, 30640 Promontory East, Buena Vista
  11) Bill Dvorak, 17921 US Highway 285, Nathrop
  12) Jeanne Herrick-Stare, 350 Shavano Avenue, Salida
  13) Marjo Curgis, 1135 F Street, Salida

County Attorney Davis wanted the record to reflect that the Board received a substantial amount of emails related to this matter.
The Board went into deliberation.

Commissioner Holman commented that the “agriculture folks” were not in favor of the 5 acre density at the time it was put in the code, but it was a compromise. He does not believe the 5 acre density has worked as intended. He would like to see the next Board deal with water augmentation. He does not believe that the change to 2 acre density will attain affordable housing as the Planning Commission concluded. He believes in property rights, being able to do what you want with your own property.

Chairman Giese questioned that of the land that is not agricultural, what problem is the density change trying to solve and for whom and at what expense.

Commissioner Potts asked staff if there were any 2 acre subdivisions and were there any developers waiting to produce 2 acre subdivisions. He also believes the density change will have no effect on the affordable housing problem.

Chairman Giese asked Commissioner Holman to explain the agriculture overlay and why ranchers did not want it. Commissioner Holman responded that ranchers don’t trust the government so they were skeptical at the time of what the overlay was going to do. The overlay would have allowed a small commercial business to operate on agriculture property without paying commercial taxes. Examples of small businesses allowed would have been a welding shop or an equipment or machine repair shop.

Chairman Giese also noted that the density change would not affect wildlife. He also added that he would like to know more about the agriculture overlay and in the near future the Comprehensive Plan will need to be revisited.

Commissioner Holman agreed with Chairman Giese’s points but believes the 5 acre density has had unintended consequence that are not good.

Commissioner Holman made a motion to adopt the Planning Commission’s recommendation to move from 5 acres to 2 acres at the same time direct the Planning Commission to consider revisiting the ag overlay as well as get into the Comprehensive Plan.

Development Director Swallow commented that the proposal also includes a recommendation to increase the density in residential zoned districts to 4 units.
per acre. Commissioner Holman noted that he was very much in favor of that as well.

Commissioner Potts seconded the motion. On the question, the motion passed 2 – 1 with Chairman Giese dissenting.

County Attorney Davis will prepare a resolution for consideration at the next Board meeting.

Chairman Giese then moved to hear Agenda Item H.

Agenda Item H
Consider application for a 1041 permit to engage in development of a municipal or industrial water project. The application was submitted on behalf of Pueblo West Metropolitan District with respect to new diversion and measurement structure related to the Hill Ranch Water transfer decree, Case No. 01CW 152. (Continued from the March 1, 2016, September 20, 2016 and October 4, 2016 meetings)

Representatives from Pueblo West reported that neighbors to the property who originally gave public testimony a year ago were contacted and noticed in their opinion.

Frank McMurry, 22405 US Highway 285, Nathrop, commented that Pueblo West has done a good job this year with revegetation, but noted that this year was a really wet year.

Kayla Malone, Chaffee County Weed Department, asked who established the criteria for success with regard to vegetation assessments.

County Attorney Davis noted that State Statutes regulate noxious weeds. The County can dictate the success rate.

Commissioner Holman made a motion to approve the diversion structure and have the County Attorney develop the resolution incorporating all conditions discussed. Chairman Giese outlined the conditions that should be included in the resolution: Pueblo West will work with the HOA and the current land owner of the piece of property that is being revegetated; that the area of construction be identified and adhered to; that the structure that has been approved by the State water engineer is built; by approval of this application it does not release Pueblo West of their obligation to revegetate as stated in

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the 1041. County Attorney Davis will also include standard provisions that are included in all 1041 permits.

Commissioner Potts seconded the motion. On the question, the motion passed 3 – 0.

County Attorney Davis will have the resolution drafted and ready for approval at the first meeting in November.

**Agenda Item F**
Consider a resolution for a variance request from Robert Hecht to a 10 ft. property line setback for a septic field. Property is located at 22665 Indiana Ave, Garfield.

Commissioner Potts made a motion to accept Resolution BOH 2016-01. Commissioner Holman seconded the motion. On the question, the motion passed 3 – 0.

**Agenda Item G**
Appoint member to the CCI 2016 Legislative Committee.

Chairman Giese made a motion to appoint Commissioner Potts to the CCI 2016 Legislative Committee. Commissioner Holman seconded the motion. On the question, the motion passed 3 – 0.

**Consent Agenda**
- Report from the County Veteran Service Office for September, 2016
- Pay Bills

Commissioner Holman made a motion to approve the Consent Agenda. Commissioner Potts seconded the motion. On the question, the motion passed 3 – 0.

**Agenda Item I**
Possible executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice on the legal and due process required surrounding the Madison House Presents application for a special events permit for the Vertex festival in Buena Vista.

County Attorney Davis stated the Board would go into Executive Session under CRS 24-6-402(4)(b) which constitutes Attorney-Client communication and no recording of the session would be required and no decisions would be made.
Commissioner Holman made a motion to go into Executive Session as described by County Attorney Davis. Chairman Giese seconded the motion. On the question, the motion passed 2 – 0. Commissioner Potts had left the meeting room and did not vote.

The Board went into executive session at 2:15 p.m.

I, Jennifer A. Davis, Chaffee County Attorney, do hereby attest that the unrecorded statements and discussions that took place during the executive session held on October 11, 2016 constituted privileged attorney-client communications.

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Jennifer A. Davis, Chaffee County Attorney

I, Dennis Giese, 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 October 11, 2016 were confined to the topic described in the announcement of such session and authorized by the provisions of CRS 24-6-402(4)(b).

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Dennis Giese

The Board came out of Executive Session at 3:12 p.m. having confined the session to legal requirements for conducting the upcoming Special Events hearing and no decisions were made.

Attest:

Lori Mitchell, County Clerk