Commissioners Meeting
July 5, 2016

The regular meeting of the Board of Commissioners was held on Tuesday, July 5, 2016 in the Commissioners Meeting Room at the Courthouse. Board members present were Chairman Dennis Giese, Commissioner Dave Potts, and Commissioner Frank Holman.

Others present were Director of General Administration Robert Christiansen, Director of Finance Dan Short, Chaffee County Planning Manager Jon Roorda, County Attorney Jenny Davis and Deputy County Clerk Chris McGinnis.

Following the Pledge of Allegiance, Chairman Giese opened the meeting at 9:03 a.m.

Verification of Distribution of the Board of Commissioners’ Agendas
Chairman Giese asked Deputy Clerk McGinnis for verification regarding the distribution of the Board of Commissioners’ Agendas. Deputy Clerk McGinnis said that the agendas were properly distributed.

Items for Review
A list of public meetings the board may attend was reviewed. The Board will meet for lunch with the Lake County Board of Commissioners in Twin Lakes July 6, 2016.

Public Comment
There was no public comment.

Agenda Item A
Open proposals for the Chaffee County Administration Offices Remodel.

Two bids were received for a proposal to remodel the Administration Offices at the Chaffee County Courthouse.


Commissioner Potts moved bids be reviewed by Director Christiansen and a recommendation made by Christiansen to the Board at the July 12 meeting. Commissioner Holman seconded the motion. On the question, the motion carried 3-0.

Agenda Item B
Report from the County Sheriff

The report was delayed until Sheriff Spezze could return from a call out. When he returned, his report was given after Agenda Item C.

Sheriff Spezze said the Department has been very busy.
A planning meeting was held for the Madison House Concert being held in Buena Vista in August. An estimated 8,000 people are expected for the event. Originally, 15,000 were expected to attend.

Verizon has pledged to provide a tower for additional cell service during the event.

The Department has two deputies leaving. Corey Orth is moving to the Salida Police Department, Jesse Cortese to the Buena Vista Police Department. Sheriff Spezze said pension plans at both departments are better than the County’s plan.

**Agenda Item C**
Public Hearings and consideration of recommendations from the June 28, 2016 Planning Commission Meeting with regard to the following matters:


Chairman Giese recused himself from the hearing and left the meeting room due to personal involvement in Agenda Item C. a. Commissioner Holman acted as Chairman for the public hearing on the Major Impact Review.

Manager Roorda presented a slide show summarizing staff findings on the Major Impact Review. The Planning Commission unanimously recommended approval of the recommendation based on the following.

**Findings:**
1. The OSWS will be engineered.
2. The existing domestic well must be augmented according to state requirements for the proposed use.
3. Many of the public concerns expressed are not within the provision or restriction of the CCLUC.
4. The applicant’s application is for a total occupant load of 25 persons.
5. The proposed use is compatible with the zone district based on Table 2.2 or Section 2.3.1A of the CCLUC.

**Conditions:**
1. The occupant load should not exceed 25 persons.
2. The OSWS will be engineered.
3. The exiting well must be augmented and permitted according to State requirements for the purpose use.

Prior to public comment, Commissioner Potts asked Manager Roorda if all conditions to satisfy the Review were met. Manager Roorda said yes and noted the recommendation to approve the plan to the BOCC was approved unanimously by the Commission.
Applicants Randall and Carol Davis were represented by Surveyor Syd Schieren of Landmark Surveying. Mr. Schieren said the proposed retreat/lodge will be 2,400 square feet for the overnight lodging of a maximum of 25 people, primarily junior and senior high school-aged kids and their chaperones. No day use is planned on the site. Necessary well and septic permits will be obtained upon approval.

Commissioner Holman asked what activities are planned on site. Mr. Schieren said there will be a deck and fire pit at the lodge, so it is possible people will be outside the building, but no additional camp activity structures will be located at the site.

Several residents from the area testified against the proposal.

Kay Jenkins, 10795 County Road 97A, Lot 40 said it is not clear for what purpose the property will be used. It doesn’t meet County definitions of a church/religious institution or public meeting facility or school. It is unclear who will be in the building. Negative impacts on residents include additional traffic in the area and the potential for septic system failure. Only one room has been allotted for chaperones. Codes do not define the use of the lodge.

Manager Roorda said the lodge will be a site for Church/Religious use by applicant statement. It is a community facility. The septic system has not yet been designed, but if the engineer who designs the system determines it needs to be reviewed by or permitted by the State of Colorado, it will be.

Barbara Arnett, 10795 County Road 197A, Lot 15 stated several concerns including a lack of information about how the facility will be used, how children at the site would be supervised, and if local people are to be hired to run the lodge, what their job duties will be. Ms. Arnett is concerned about impacts on wildlife habitat, keeping kids out of Chalk Creek, what children will do after dinner. She asked how kids will be kept from sneaking out after lights out. Chateau Chaparral already has people who come in to the area who are not allowed to be there. Properties have been damaged. Ms. Arnett said the Davises should have arranged a meeting with the Chateau Chaparral board before making plans.

Manager Roorda said properties on land of 35 acres of more would trigger a 1041 regulation, including a review of potential impacts by Colorado Parks and Wildlife. The property is on 3.84 acres, so it does not mandate a CPW review. Such a review would be voluntary.

Bill Althoff, 10795 County Road 197A Lot 153, said the lodge is not a good fit for the area, due to its proximity to the Chateau Chaparral neighborhood. Mr. Althoff said property owners are financially vested in the County. Lots alone in the area are valued at $7 million, and residents collectively pay $48,000 in property taxes based on that assessment. As a 501C3, the proposed lodge will be exempt from property taxes. He said he raised six sons and found them difficult to supervise. The number of kids at the
lodge can be problematic with only two chaperones and doesn’t seem appropriate mixed with the Chateau Chaparral community.

LeAnne O’Brien, 11228 County Road 197A presented the Board with two petitions signed by those opposed to the lodge. Ms. O’Brien said constituents pay for essential services in Chaffee County. She asked what revenue the lodge would bring to the county if it is tax exempt. O’Brien had a number of concerns including changing an existing domestic well to a commercial one, creating a septic system to handle a large amount of waste in a residential area, noise, parking plans, Chalk Creek and wildlife habitat impacts. She said the plan began as a property line adjustment and is now a Major Impact Review. The site is landlocked by private land, there is no open space and no activities planned on site. It is possible the site will be leased to other groups for a fee. Property will be deeded to a youth foundation. Occupants will be primarily transient. She asked if all licenses will be acquired, included whether chaperones will be licensed. Ms. O’Brien said she does not approve of the lodge in a residential zone and asked the Board to do right by taxpayers.

Janet Parker-Helbert, 11000 County Road 197A, said she was initially told the lodge would be used part-time for 12 inner-city youth to come to Colorado to broaden their horizons - an honorable idea. The plan has now grown to a year-round operation with 25 people, only two chaperones and Jr. and High School-aged kids.

Ms. Parker-Helbert asked about the grey areas of the proposal. Specifically, will there be proper supervision of inner-city children? She questioned the supervision plans for the lodge. If kids are not well supervised and want to leave will they be out stealing cars to get back to Houston? There could be area break-ins. The Colorado Department of Corrections mandates a certain number of officers supervise a certain number of inmates. Kids get in to trouble. Even some of the best children in Chaffee County with parents who are in the area have broken in to homes and stolen things.

She added if the septic system malfunctions, it will flow on to her property. She also noted Chalk Creek can be very dangerous from May to September.

Jerri Munson, 10795 County Road 197A, Lot 214 said residents were told by representatives of the couple that the Davises’ are missionaries who are frequently out of the country. Residents were told the site had no church affiliation and it is not relevant what the affiliation is. Ms. Munson said she learned later Mr. Davis is a Methodist businessman living in Houston. She asked how a church can be non-denominational, formed in another state, and be defined as a 501C3.

Denise Knapp, 10795 County Road 197A asked who monitors water use and septic systems.

Manager Roorda said commercial wells are required by the state to be metered. They are checked once or twice a year. Waste regulation falls to professional engineers who
are responsible to design a system has the capacity to deal with the occupant load. Both are determined in the permit process.

Gary Miller, 10795 County Road 197A, Lot 241 asked what kids will do when they have nothing to do. He said Chateau Chaparral is the only recreational opportunity for them. Mr. Miller said area residents already have problems with vandalism. He is concerned kids will cross private property and Chateau Chaparral’s bridge, damage pool tables in the lodge and take money out of laundry machines. Mr. Miller said the road is repaired only once a year. It is shabby now, but it will be in even worse condition with increased traffic. He asked why the Davises being allowed to create impacts without paying taxes.

Ms. Jenkins asked if occupancy was going to be more than 25 people, and if so, why residents could not get calculations used in determining the well and septic system capacities. If water use is determined to be less than 2,000 gallons a day, the county will permit the well. If use will be more than 2,000 gallons a day, it will be necessary to permit the well through the state. Ms. Jenkins said if the lodge is issued a permit for under 2,000 gallons a day and there are more occupants than that, effluent will go in to Chalk Creek and the Arkansas River.

Mr. Schieren said the maximum number of people in the lodge, including staff such as cooks and chaperones is 25. He said the engineer’s report said at 24 people, water use would be less than 2,000 gallons a day. Chateau Chaparral has more than 300 lots. The lodge’s overall impact will be much less than the existing traffic and use in the area.

Mr. Schieren said Chaffee County Planning Commissioner Tracy Vandaveer is an engineer and is content with the plan. The recommendation for approval was passed after much discussion over two meetings. The lodge proposal is a permitted use in a residential zone. Planning commissioners previously considered the concerns which were being brought up again today, and approved the plan unanimously.

Commissioner Potts said the Planning Commission did its due diligence, having continued action on the plan more than an extra month to get information on waste and well requirements. The land use requirements are set by the state and have been adopted by Chaffee County.

Commissioner Potts said the issues raised during public comment were well beyond land use code considerations and requirements. The Planning Commission has done their job and his job was to make sure nothing was missed. He said he had not heard anything during public comment that indicated anything was missed.

Mr. Althoff said the Board should also consider the increased load the lodge will put on the Sheriff's Department. He said he sees no upside to approving this proposal.

Acting Chairman Holman closed the public hearing comment period at 10:07 a.m.
Commissioner Potts said he felt the Planning Commission did a phenomenal job deliberating the exemption. He said it was disappointing to him as a former church youth leader that so many people in attendance cast the youth group children as law breakers. He said Young Life and Trail West Christian facilities have no problems. He admonished the group for making out all kids as bad kids.

Commissioner Holman said he understood the concerns raised and they were valid, but the bottom line is County regulations allow this exemption. Planning and Zoning did a great job reviewing the application and the only time he would consider denying a Planning and Zoning recommendation is when additional evidence was presented to do so. He said he did not find new information during testimony at the meeting.

Commissioner Potts moved to grant the request and approve the Major Impact Review. Commissioner Holman seconded. On the question, the motion carried, 2-0.

Commissioner Potts then amended his resolution to instruct County Attorney Jennifer Davis to create a resolution to adopt the request and approve the Major Impact Review. On the question, the motion carried 2-0.

b. Article 5.2.3J: Proposed Minor Subdivision Exemption – division by road, highway, railroad or major stream to be added to Section 5.2.3 Additional Types of Subdivision Exemptions. A Minor Subdivision Exemption may be used to separate parcels under a single ownership that are divided by a County Road, State Highway, railroad, river or major stream.

Discussion was held regarding why the Planning Commission recommended the addition of the provision to the code to the Board for approval.

Commissioner Potts moved and Commissioner Holman seconded a motion to continue consideration of adding the provision to the code. The Board asked County Attorney Davis to attend the next Planning Commission meeting to resolve why the Commission recommended the exemption added to the code.

Agenda Item D
Consider a request from O.A. Pesnell for a variance of Chaffee County Land Use Code 7.8.1E, regarding ADUs to be served by the same well and septic.

Commissioner Holman moved and Chairman Giese seconded a motion to direct County Attorney Davis to provide a resolution approving the request. On the question, the motion carried 3-0.

Agenda Item E
Consider a request for a renewal of a Retail Marijuana Business License from EcoMed, LLC.
Commissioner Potts moved and Commissioner Holman seconded a motion approve renewal of the Retail Marijuana Business License. On the question, the motion carried 3-0.

**Agenda Item F**
Consider a Ground Lease for a hangar at Harriet Alexander Field from Rob Liebl.

Commissioner Holman moved and Commissioner Potts seconded a motion approve the lease. On the question, the motion carried 3-0.

**Agenda Item G**
Consider an amount of financial support for Phase 2 of the Groundwater and Surface-Water Interaction and Potential for Underground Water Storage Study Grant between Upper Arkansas Water Conservancy District and USGS. Continued from the June 21, 2016 meeting.

Commissioner Potts moved and Commissioner Holman seconded producing a letter of support for the project and a commitment of $5,000 annually for three years for Phase 2 of the study. The financial commitment is subject to approval each year due to County limitations by the Tabor Amendment. Municipalities in the District will need to create their own study support agreements with the District. On the question, the motion carried 3-0.

**Agenda Item H**
Consider letters to Senator Gardner and Senator Bennet regarding the Bureau of Land Management administration of the Cache Creek Placering Area Property. Continued from the June 21, 2016 meeting.

Commissioner Holman moved and Commissioner Potts seconded a motion to continue consideration of the letters to the next meeting, pending content revisions by the Board. On the question, the motion carried 3-0.

**Agenda Item I**
Consider a letter of support for El Pomar Grant for Chaffee Housing Trust.

Read McCulloch, representing the Chaffee Housing Trust, said the organization has been dormant while the economy has recovered. The letter of support for the grant would allow the group to apply for general operating funds.

Additionally, Mr. McCulloch said he’d like a line item in the County’s 2017 budget for developing affordable housing.

Mr. McCulloch said the organization holds property in a permanent housing trust to provide ongoing affordable housing. Properties will never be sold on the open market.
Commissioner Potts said his concern is it took 210 units in El Paso County to make their housing organization self-sufficient. He said he can’t see the Chaffee Housing Trust model being successful going forward.

Chairman Giese said his issue was not with the Chaffee Housing Trust but with the number of organizations and entities trying to provide affordable housing in the County. All have different plans and approaches to the issue. He suggested those involved work together on a more coordinated and possibly successful effort.

Chairman Giese moved the Board approve a letter of support for the grant with no money committed at this time. Holman seconded the motion. On the question, the motion carried 3-0.

Mr. McCulloch then asked if the County would be able to provide a loan to the organization. The Collegiate Peaks Mobile Home Park in Johnson Village is on the market. The Chaffee Housing Trust would like to purchase the Park and convert it to an affordable housing area, but will need $60,000 up front to start the process.

Commissioner Holman said he was very interested in the project, as he believes affordable housing locally should focus on rental properties for the local workforce.

Commissioner Potts asked if Chaffee Housing Trust has no funds to operate, what position the County would be placed in if it agreed to a loan for the property and the Trust ceased operation.

Discussion was held.

Mr. McCulloch suggested to the Board that the Chaffee Housing Trust be put on a work session agenda prior to the 2017 budget cycle.

**Agenda Item J**
Consider a resolution of accepting reconstruction of County Road 302.

Commissioner Holman moved and Commissioner Potts seconded a resolution, 2016-34, with minor revisions, for the County to accept the entirety of County Road 302 as a County owned and maintained road. On the question, the motion carried 3-0.

**Agenda Item K**
Consider a resolution for Reauthorization and Reorganization of the Office of Emergency Management for Chaffee County under the County Commissioners and Repealing Resolution 2015-16. Continued from the June 21, 2016 meeting.

Commissioner Potts moved and Commissioner Holman seconded a resolution, 2016-35, moving the Office of Emergency Management under the Board of Commissioner's management from the Sheriff’s Office. Director Christiansen will be the Manager’s
supervisor. The resolution also cleans up, clarifies, streamlines and reaffirms duties of the OEM, Director Phil Graham said. On the question, the motion carried 3-0.

**Agenda Item L**  
Consider ballot issue regarding excise tax on marijuana sales.

Commissioner Potts asked that Agenda Item L be continued to the July 11 work session.

**Agenda Item M**  
County Assessor Mosby Reports:
- Assessed Value Report for the year 2015
- Personal Property Non-Filers
- Real & Personal Property Protests
- Valuation of Real Property

Chaffee County Assessor Brenda Mosby said by Colorado statute she is obligated to report to the Commissioners the following information. She said figures will change, as data gathering time frames have not passed.

- Assessed Value of all taxable property of 2016 so far is $364,114,734.
- Assessed Value of all taxable property that went to the 2015 tax roll was $356,398,614.

The total difference so far is an increase of $7,716,120.

**Appeals**
- 62 real property appeals covering 73 accounts were received. Notices of Determination were mailed June 30.

41 accounts were adjusted, 32 denied for a total actual value change due to appeals of $2,150,570.

- 8 personal property appeals were received; the appeal period doesn’t end until the end of the day on July 5.

**Personal Property Non-Filers**
191 accounts have not sent their declaration back to the Assessor.
Agenda Item N
Review and Consider Notice of Potential Conflict of Interest and Waiver in connection with legal services by Patricia Arthur for Anderson & Hughes, P.C. in connection with Unmanned Aircraft Systems ("UAS") and the County’s UAS Advisory Board.

Attorney Davis said Attorney Arthur has been providing specialized legal services guiding the UAS Advisory Board on drone issues. Anderson & Hughes is providing legal counsel to former Chaffee County Visitors Bureau Director April Prout-Ralph in a legal matter with the Branding Agency. Attorney Davis said she does not believe there is a Conflict of Interest.

Chairman Giese moved and Commissioner Holman seconded granting a waiver for Attorney Arthur finding no conflict of interest with the county. On the question, the motion carried 3-0.

Agenda Item O
Consider whether there have been apparent violations of the Chaffee County Ambulance Regulations (Resolution 2006-57) by American Medical Response of Colorado Inc. (AMR), a licensed ambulance service in Chaffee County, and whether a full investigation is warranted.

Commissioner Potts moved to continue consideration of Agenda Item O, pending further investigation. Commissioner Holman seconded the motion. On the question, the motion carried 3-0.

Agenda Item P
Executive session under CRS 24-6-402(4) (a) to discuss potential acquisition of land.

No executive session was held.

Consent Agenda
- Pay bills.

Chairman Giese made a motion to approve the Consent Agenda. Commissioner Holman seconded the motion. On the question, the motion carried 3-0.

Old Business
- Ballot question regarding excise tax for marijuana
- Madison House Update
- Development of County Road 177 Railroad
- County Project Status Report

No reports were given under Old Business.

Director of Finance Dan Short said the 2017 budget process will begin shortly.
Commissioner Holman moved and Commissioner Potts seconded a motion to adjourn at 10:52 a.m. On the question, the motion carried 3-0.

Attest:

Lori Mitchell, County Clerk