Commissioners Meeting
January 12, 2016

The regular meeting of the Board of Commissioners was held on Tuesday, January 12, 2016 in the Commissioners’ Meeting Room at the Courthouse. Board members present were Chairman Dennis Giese, Commissioner Frank Holman and Commissioner Dave Potts.

Others present were Director of General Administration Robert Christiansen, Director of Finance Dan Short, County Attorney Jenny Davis, County Building Department Manager Dan Swallow, Administrative Assistant Patty Baldwin and Deputy County Clerk Sheila Kapell.

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

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

Items for Review
Public Notices.

Public Comment
There was none.

Minutes of January 5, 2016.
The Board was presented the minutes for the January 5, 2016 Board of Commissioners Meeting.

Commissioner Holman made a motion to approve the minutes for the January 5, 2016 Board of Commissioners Meeting. Commissioner Potts seconded the motion. On the question, the motion carried 3 - 0.

Agenda Item A
Public Hearings and consideration of recommendations from the December 29, 2015 Planning Commission Meeting with regard to the following matters:

   a. Final Plat - Name of Subdivision: Arkansas Valley Industrial Park Phase I and Phase II Applicant: Steve and Brenda Miles Location: 28105 County Road 317, (Parcel A) S1/2SW1/4, Section 16, Township 16 South, Range 78 West, and (Parcel B) S1/2SW1/4SE1/4, Section 16, Township 14 South, Range 78 West, 6th P.M., Buena Vista Zone: Industrial Request: To divide 21.36 acres into 21 lots
with the minimum lot size being 1.0 acre with water by wells, and connection to the Buena Vista Sewer District.

Chairman Giese opened the Public Hearing at 9:03 a.m. and swore in everyone who spoke.

Chairman Giese stated he was currently renting property from the Miles’ at this location. He asked if anyone felt that would be a conflict of interest.

There was no objection.

County Building Department Manager Swallow gave an overview of the request.

The Board held discussion.

Joe Deluca, Crabtree Group, 325 D St., Salida, representative for the applicant provided details on the Subdivision. He stated the property was 3000 feet away from a fire house and 1500 feet away from a fire hydrant, therefore he felt a cistern would not get used.

Discussion was held.

Brian Welch, Chaffee County Fire Protection, 499 Antero Circle, Buena Vista asked if the Commissioners had any questions about the water supply policy.

Commissioner Dave Potts asked why the $15,000 fee in lieu of cistern was needed.

Mr. Welch stated every development needed some kind of water supply and the common standard was to have water supply within 400-600 feet depending on specifics. He stated that at some point the County recommended they come up with a policy if there was already water nearby so that redundant cisterns weren’t put in, that was when they came up with the payment in lieu of water supply.

The Board held discussion.

Commissioner Holman asked Mr. Welch if he’d rather the applicant put in a cistern or pay the in lieu of fee.

Mr. Welch stated he’d like the applicant to make that decision but having a cistern on sight would be best for the safety of the public and firefighters.

Discussion was held.

Chairman Giese closed the public portion of the hearing for deliberation at 9:50 a.m.
Commissioner Holman stated if the cistern was the way to go there shouldn’t be an option for payment in lieu of.

Chairman Giese agreed.

Commissioner Holman stated he would like the Fire Protection District to keep track of how often the cisterns are being used.

Discussion was held.

Rob Thorp, Chaffee County Fire Protection, 499 Antero Circle, Buena Vista stated that although cisterns were important to have, the problem was once they are in place there are no policies to ensure they are kept up and continue to be a viable water source.

Commissioner Potts made a motion to direct the County Attorney to draft a resolution to be adopted at next week’s meeting to cover the Preliminary Plat for the Arkansas Valley Industrial Park Phase 1 and 2 and the Final Plat for Phase 1 with the condition that the applicant work with the Fire District to satisfy any requirements. Commissioner Holman seconded the motion. On the question, the motion carried 3 - 0.

Commissioner Holman made a motion to direct County Building Department Manager Swallow to work with the Planning Commission and the Fire District to make some improvements and clarifications on the policies regarding who is responsible for the cisterns and that they are kept up. Commissioner Potts seconded the motion. On the question, the motion carried 3 - 0.

b. Final Plat - Name of Subdivision: Sunset Mesa Minor Subdivision Applicant: Robert E. Prescott IV Location: 7720 County Road 160, a tract of land in the NE1/4SW1/4, Section 31, Township 50 North, Range 9, NMPM, Salida Zone: Residential Request: To divide 10.0 acres into 2 lots with the minimum lot size being 2.0 acres. Water by wells, wastewater treatment by on-site wastewater systems.

Chairman Giese opened the Public Hearing at 10:04 a.m.

County Building Department Manager Swallow gave an overview of the request.

The Board held discussion.

Applicant, Robert Prescott, 7720 County Road 160, Salida made clarifications on the request.

The Board held discussion.
Chairman Giese closed the public comment portion of the hearing at 10:16 a.m.

Commissioner Holman made a motion to approve the final plat for the Sunset Mesa Minor Subdivision and to direct the County Attorney to prepare a resolution. Commissioner Potts seconded the motion. On the question, the motion carried 3 - 0.

**Agenda Item D**
Consider a request for Medical Marijuana Optional Premise Cultivation and a Medical Marijuana Infused Product Manufacturer Licenses Transfer of Ownership from Berlin International, LLC.

**Agenda Item E**
Consider a request for Retail Marijuana Optional Premise Cultivation and a Retail Marijuana Infused Product Manufacturer Licenses Transfer of Ownership from Berlin International, LLC.

County Building Department Manager Swallow gave an overview of the request.

Applicant, Georgeann Craig, 701 E St., Salida stated they had submitted all of the paperwork to the State but it takes longer to process at the State level.

Sterling Stoudenmire, 402 E. Sackett St., Salida made clarifications on the request.

Commissioner Potts made a motion to approve a change in the ownership of a ninety nine percent share of Berlin International, LLC from Fred Butler to Scott Boatman and Berlin O’Butler for both the medical and retail portions of their licenses. Commissioner Holman seconded the motion. On the question, the motion carried 3 - 0.

**Agenda Item A**
Public Hearing continued.
   c. To consider amendments to certain sections of the Chaffee County Land Use Code:

County Building Department Manager Swallow gave an overview of each article.

**Article 1**
LUC 1.1.7 D: End of third line “nor” should read “or”.
LUC 1.5.3 A 1: The word “penalties” should be replaced with “remedies.”
LUC 1.6.5 C 2: Second line “permit holder shall send” should be replaced with “County shall send”. A sentence should be added between the first and second sentences to read: “The applicant shall provide completed USPS Certified Mail, Return Receipt, forms to the County for all adjacent property owners pursuant to Section 4.6.2 B 4.”
**Article 2**

LUC 2.3.1 B: The reference to Section 4.3.2 in the second sentence of this section should be changed to Section 4.4.2.

LUC 2.4.3 B: The reference to Section 1.5 should be changed to Section 1.4.2 C 2.

LUC Table 2.1: This table is amended to require a 25 foot front (street) setback in all zone districts regardless if it fronts on a Major Road or Local Street. Major Road and Local Street are not currently defined by the code so removing the reference as it pertains to front setback would resolve this problem.

LUC Table 2.2: In the preamble to the table under NP Not Permitted the reference to Section 2.2.1 C should be changed to 2.3.1 C.

LUC Table 2.2: On page 2-22 under the Salvage Yard, Junk Yard in the Use Specific Standard column the code reference listed a 7-827 should be changed to 7.8.31.

**Article 4**

New LUC 4.2.8: Create a new section for renewals of mining/gravel pits.

LUC 4.6.2 B 4: A sentence should be added to the end of this section reading, “The applicant shall provide completed USPS Certified Mail, Return Receipt, forms 3800 and 3811 for all adjacent property owners of record and ditch and easement owners within the proposed property.” This is related to the LUC change above for Section 1.6.5 C 2.

**Article 7**

LUC 7.2.3 B 7: The reference to Section 7.4.7 O should be changed to Section 7.4.7 N.

LUC 7.3.8: Items 3, 4, and 5 should be changed to 4, 5, and 6 as two item 3’s currently exist.

LUC 7.4.6: Driveway Standards are proposed to be changed to be applicable only to the access to a county or private road and extending 30 feet from the ROW and not applicable to the entire driveway.

LUC 7.8.31 D 1: “Not” should be added to this sentence to read, “Loading and unloading activity shall NOT be conducted on any public right-of-way.”

LUC 7.8.19 C: It is requested that this section regulating minimum dimensions of mobile homes be deleted.

Commissioner Holman stated his concern on the minimal access grade of driveways. He also stated he would like to see all mailboxes on one side of the road and set back four to six feet from the road.

Discussion was held.

Chairman Giese stated removing article 7.8.19. C from the Land Use Code would be a major change since it would allow manufactured homes of all size to be put in any residential area.
The Board held discussion.

Chairman Giese asked if there was any public comment on Articles 1, 2, 4 and 7 through 7.2.3b and 7.3.8 and 7.8.31d.

There was none.

Commissioner Holman made a motion to approve the changes to the Land Use Code Articles 1, 2, 4 and 7 through 7.2.3b and 7.3.8 and 7.8.31d and to direct County Attorney Davis to prepare a resolution. Commissioner Potts seconded the motion. On the question, the motion carried 3 - 0.

County Building Department Manager Swallow made clarifications on Article 7.4.6 Driveway Standards.

Chairman Giese opened the meeting to public comment at 11:11 a.m.

Robert Bertram, Chaffee County Fire, 499 Antero Circle, Buena Vista stated his main concern with driveway standards was the Fire Department’s ability to access homes.

Mr. Welch asked the reasoning behind changing the grade of driveways.

Discussion was held.

Mr. Thorp stated if the driveway standards were not going to be changed, maybe there could be a letter that the County could send out informing the homeowners that their insurance may be affected and emergency services may not be able to access their home without the proper access grade.

The board held discussion.

Chairman Giese made a motion to continue the Public Hearing regarding Driveway Standards to the January 19, 2016 Board of Commissioners Meeting and to set a new hearing on manufactured home policies after receiving recommendations from the Planning Commission. Commissioner Holman seconded the motion. On the question, the motion carried 3 - 0.

Agenda Item B
Executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice from the County’s water attorney and the County Attorney on specific legal questions and strategy in connection with a water court application filed in 2006 by the City of Aurora, City of Colorado Springs, City of Fountain, Board of Water Works of Pueblo and Southeastern Colorado Water Conservancy District.
County Attorney Davis stated she rescheduled this item to next week.

Consent Agenda:
- Report from the County Public Trustee for the 4th quarter, 2015
- Report from the County Treasurer for the month of December, 2015
- Pay Bills

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

Old Business:
- County Road 302
- Cleora Railroad Crossing
- County Project Status Report

Agenda Item C
Executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice from the County Attorney on County’s potential involvement in litigation brought by Vogel Marketing Group, Inc. dba The Branding Agency against April Prout, former director of the Chaffee County Visitors Bureau.

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 carried 2 - 0.

The Board went into Executive Session at 12:01 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 January 12, 2016 constituted privileged attorney-client communications.

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 January 12, 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).

Dennis Giese
The Board came out of Executive Session at 12:25 p.m. having directed County Attorney Davis to prepare a letter for the Board to review at their January 19, 2016 meeting.

The Board of Commissioners' meeting for January 12, 2016 adjourned at 12:25 p.m.

Attest:

Lori Mitchell, County Clerk