AGENDA

September 12, 2017

BOARD OF COMMISSIONERS
104 CRESTONE AVE.

COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO

PLEASE NOTE: The Agenda times are approximate; items may be discussed before or after the times listed below.

9:00 a.m. Regular meeting of the Board of Commissioners

Pledge of Allegiance

❖ Review public meeting list

❖ Public Comment

A. Contract/Grant Consideration:
   ➢ IGA for “Participation with a Recycling Service Provider” (Director of Administration Christiansen)

B. 9:15 a.m. - PUBLIC HEARING and consideration of recommendations from the August 29, 2017 Planning Commission Meeting (see attached) with regard to the following matter: Updates to the Chaffee County Land Use Code

C. Consider proclamation supporting the Envision Chaffee County Initiative. (Wendell Pryor and Cindy Williams) (Continued from the August 15, 2017 meeting)

D. Consider approving the transfer of the St. Elmo Town Hall property (Block 12, Lot 3) from Buena Vista Heritage to Historic St. Elmo. (Melanie Roth and Attorney Davis)

E. Consider a request for an extension of the filing of the plat for the Double Helix Minor Subdivision. (Petra Zwingers)

F. Consider a request from Joseph Taverna and Nancy Pallaoro for a Plat Amendment of the Pallaoro Boundary Line Adjustment Amended. Property is located at 11845 County Road 140, Salida. (Planner Barton)
G. Consider a request to release the Lot Sales Restriction for Parcel A of the Redlinger Subdivision Exemption. (Planner Barton)

H. Consider a request for an extension to an Addendum to Subdivision Improvements Agreement for the Strother Parcels Minor Subdivision. (Administrative Assistant Baldwin)

I. Consider a request from Berlin International, LLC d/b/a/ Pure Greens for Medical Marijuana Infused Product Manufacturer Renewal, Medical Marijuana Optional Premises Cultivation Renewal and Recreational Marijuana Infused Product Manufacturer Renewal. (Planning Manager Roorda)

J. Consider a resolution “Recognizing the Role of the Ute People in Our Local Culture and the Chipeta Mountain Project Celebration”. (Commissioner Baker)

K. Consider letter of support for a proposed real estate transaction between Colorado Parks and Wildlife (CPW) and two private landowners in Chaffee County. (Rob White, Park Manager, Arkansas Headwaters Recreation Area)

L. Consider resolution for the ACA Holman Major Impact Review. (Attorney Davis)

Consent Agenda:
   - Report from County Veterans Service Office Cathy Sadeik for the month of August 2017
   - Pay Bills

Old Business:
   - County Project Status Report

Potential Road Trip

****The official posting site for the Chaffee County Board of Commissioners meeting agenda’s is at the County Court House.

It is the policy of Chaffee County that all County sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in this meeting or event due to a disability as defined under the ADA, please call the County’s ADA Coordinator at 719-539-3463 or e-mail bvenes@chaffeecounty.org at least three (3) business days prior to the scheduled meeting or event to request an accommodation.
PLANNING COMMISSION RECOMMENDATION

Date: August 31, 2017
To: Chaffee County Board of County Commissioners
From: Chaffee County Planning Commission
Subject: Land Use Code Text Amendments – Article 15 - Kennel Definition

Note: The following recommendation is an excerpt of the draft Planning Commission meeting minutes of August 29, 2017 and should be considered as a draft summary of their recommendation until the minutes are approved at their next regular meeting.

Planning Commission members present were: Dan McCabe, Bruce Cogan, Rob Treat, Mike Allen, Karin Adams, and Doug Welch.

Amended Definition:
Any lot, parcel, tract or structure in which more than five (5) dogs, six (6) months old or older, are kept, raised, housed, boarded or bred. Dogs used as part of an agricultural activity are not included in this definition. This definition shall not apply to a properly permitted pet shop, vet clinic or hospital.

Findings of Fact:
1. We find that after review of adjacent jurisdictions, the proposed definition is in conformity with similar definitions.
2. A limit of the number and species is consistent with adjacent jurisdictions.
3. Public testimony indicated that impacts to nearby property owners were predominantly concerning noise, traffic, safety and waste; specific to dogs.
4. The proposed amendment is specific to mitigating public concerns brought forth in public testimony at the Planning Commission hearing.

Mike Allen moved to recommend approval of the proposed text amendment as revised based on the four Findings of Fact. Rob Treat seconded and the motion passed 6-0.
PLANNING COMMISSION RECOMMENDATION

Date: August 31, 2017
To: Chaffee County Board of County Commissioners
From: Chaffee County Planning Commission
Subject: Land Use Code Text Amendments – Items 1-7 – Typos & Updates

Note: The following recommendation is an excerpt of the draft Planning Commission meeting minutes of August 29, 2017 and should be considered as a draft summary of their recommendation until the minutes are approved at their next regular meeting.

Planning Commission members present were: Dan McCabe, Bruce Cogan, Rob Treat, Mike Allen, Karin Adams, and Doug Welch.

1. Section 7.8.30.A Solid Waste Disposal Site Lot size – remove “not part of a subdivision.” After discussion that the only zones this use can be permitted in are Rural and Industrial, it was decided to insert ‘residential’ to read: ‘not a part of a platted residential subdivision.’ Dan McCabe moved to approve the revised amendment, Doug Welch seconded and the motion passed 6-0.

Discussion on the following items occurred together:
2. Typo and update to Table 8.1 Sign Table
3. Amend Section 7.8.28 B. On-Site Sanitary Facilities Required. Change Chaffee County Environmental Health to Director of Development Services.
4. Section 4.3.4.B.1.n remove “Draft covenants” requirement for Preliminary Plan and move to Section 4.3.3.C.I. Final Plat.
4. a. Correct numbering in Major Subdivision Final Plat: Section 4.3.4.C.I has a list of application items, and has two of the letter ‘k’, separated by the letter ‘l’. Change the second ‘k’ to ‘m’.
5. Add Weed Management Plan to Section 4.3.3.C Minor Subdivision Final Plat, and to Section 4.3.4.B Major Subdivision Preliminary Plan. Removed as Kayla Malone, Weed Inspector, will review process in the off-season.
6. Section 7.8.29.A.2 Setback – add in ‘but not less than the minimum zoning or plat setbacks.’
7. Update Section 1.3.7 to change the 30 days appeal period to 28 days, in conformance with state statute.

Dan McCabe moved to approve items 2, 3, 4, 4a, 6 and 7 as amended, based on the finding that the items meet Section 4.4.2 of the LUC. Rob Treat seconded and the motion passed 6-0.
Note: The following recommendation is an excerpt of the draft Planning Commission meeting minutes of August 29, 2017 and should be considered as a draft summary of their recommendation until the minutes are approved at their next regular meeting.

Planning Commission members present were: Dan McCabe, Bruce Cogan, Rob Treat, Mike Allen, Karin Adams, and Doug Welch.

7.8.1.E Adequate Utilities Required. The ADU shall be served by the same well and same septic system and adequate facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads. The utilities shall not be metered separately from the primary residence, unless it is the explicit policy of the utility provider. Property owners must show provision for adequate facilities for potable water supply (water rights or augmentation certificate for ADU), sewage disposal, solid waste disposal, electrical supply, fire protection and legal access with the Building Permit application. (Updated Resolution 2017-01)

1. **Exception.** An ADU in the Rural Zone District which is used to house a person and their family that is significantly employed for agricultural work on the property may have separate utilities.

F. **Parking.** The ADU shall provide for at least one parking space.

G. **Occupancy Restriction.**

1. An ADU shall not be condominiumized or sold separately from the principal use of the property.

2. Short term rental (less than thirty (30) days) of the ADU is prohibited.

H. **Location with Respect to Principal Structure.** An ADU may be either attached or detached from the structure housing the principal use; provided it is within 150 feet of the principal structure.

1. **Exception.** ADU on agricultural properties may be located where appropriate for the agricultural operation with which it is associated.

7.8.1.H.1 was also struck as the removal of the distance between the units makes it unnecessary.

**Finding:** this amendment allows for construction of ADUs without placing potentially unreasonable restriction on construction location.

Mike Allen moved to recommend approval of the amended text amendment based on the above Finding. Dan McCabe seconded and the vote was 5-1. Doug Welch opposed due to the potential ease of subdivision based on this amendment.
| DATE:       | September 11, 2017 |
| TIME:      | 9:00 a.m.         |
| SUBJECT:  | Regular meetings of Landfill Committee, Board of Health & Board of Human Services followed by Work Session |
| LOCATION: | Commissioners Meeting Room |

| DATE:       | September 11, 2017 |
| TIME:      | 6:00 p.m. – 8:00 p.m |
| SUBJECT:  | Cottonwood Pass FLAP public information meeting |
| LOCATION: | Buena Vista Community Center, Pinon Room, 714 E Main St. |

| DATE:       | September 12, 2017 |
| TIME:      | 9:00 a.m.         |
| SUBJECT:  | Board of Commissioners Regular Meeting |
| LOCATION: | Commissioners Meeting Room |

| DATE:       | September 14, 2017 |
| TIME:      | 10:00 a.m.        |
| SUBJECT:  | Transportation Advisory Board Meeting |
| LOCATION: | Buena Vista Library, 131 Linderman Ave. |

| DATE:       | September 20, 2017 |
| TIME:      | 9:00 a.m.         |
| SUBJECT:  | Board of Commissioners Regular Meeting |

| DATE:       | September 26, 2017 |
| TIME:      | 3:00 p.m.         |
| SUBJECT:  | Visitors Bureau |
| LOCATION: | Commissioners Meeting Room |

| DATE:       | September 26, 2017 |
| TIME:      | 6:00 p.m.         |
| SUBJECT:  | Planning Commission |
| LOCATION: | Commissioners Meeting Room |

| DATE:       | September 27, 2017 |
| TIME:      | 9:00 a.m.         |
| SUBJECT:  | Airport Advisory Board Meeting |
| LOCATION: | Harriet Alexander Field |

9/7/17
This list may be updated daily. Posted in posting area outside of Commissioners Office
STAFF REPORT

Date: August 22, 2017
To: Chaffee County Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Land Use Code Text Amendments

PC: 8/29/2017  BOCC 9/12/2017

Amendments: Updates and corrections to Section 7.8.30.A, Table 8.1, Section 7.8.28.B, Section 4.3.4.1.n, Section 4.3.3.C, Section 4.3.4.1.B, Section 7.8.29.A.2, and Section 1.3.7.

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on August 10, 2017.

Summary of Application: These text amendments were primarily initiated by Chaffee County Development Services Department to correct errors and update sections of the Land Use Code where necessary. The Chaffee County Attorney initiated the update to Section 1.3.7.

Proposed Text Amendments:

1. 7.8.30.A Solid Waste Disposal Site.
   Lot size. A minimum lot size of 5 acres, not part of a platted subdivision shall be required. Table 2.2 Use Matrix, requires a Major Impact Review for land in the Rural and Industrial zoning districts. The use is Not Permitted in all other zones. This amendment would allow solid waste disposal sites in Rural zones in platted subdivisions. Many residential subdivisions in Chaffee County have lots larger than 5 acres, and this could impact the compatibility of neighborhoods. Solid Waste Disposal Sites can be public or private, and potential impacts created by a site would include increase in truck traffic, odors and visual impacts. The original proposal for this text amendment was to insert ‘residential’ in the following phrase; ‘not a part of a platted residential subdivision.’

2. Typo and update in Table 8.1, Sign Regulations: Correct LCR to RCR, and change HWY to COM. ‘LCR’ appears to be a typographic error. The HWY zone was changed to COM with the 2014 Land Use Code update.

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Types of Signs Allowed</th>
<th>Structural Types of Signs Allowed</th>
<th>Maximum Height</th>
<th>Maximum Total Sign Area Per Face</th>
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</thead>
<tbody>
<tr>
<td>LCR, HWY RCR, COM &amp; IND</td>
<td>Business Construction Identification Multiple Identification Real Estate</td>
<td>FREESTANDING</td>
<td>30'</td>
<td>150 square feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WALL</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PROJECTING</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>SUSPENDED</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>ROOF</td>
<td>not to exceed roof peak</td>
<td>2 square feet per lineal foot of building frontage, not to exceed 60 square feet.</td>
</tr>
</tbody>
</table>

Table 8.1
Sign Table.
3. Amend Section 7.8.28 B. On-Site Sanitary Facilities Required. The shooting range shall have on-site sanitary facilities that are approved by the Charlevoix County Environmental Health Director of Development Services. Development Services conducts inspections for on-site sanitary facilities.

4. Section 4.3.4.B.1.n – Draft covenants for Preliminary Plan – move to Section 4.3.4.C.1.n Final Plat. Covenants are not normally finished at the time of Preliminary Plan application, and this would allow applicants to submit covenants closer to the end of the subdivision process, when sufficient information is available for covenants to be developed.

4.a. Correct numbering in Major Subdivision Final Plat: Section 4.3.4.C.1 has a list of application items, and has two of the letter ‘k’, separated by the letter ‘l’. Change the second ‘k’ to ‘m’.

5. Add Weed Management Plan to submittal requirements for Section 4.3.3.C.1 Minor Subdivision Final Plat, and to Section 4.3.4.C.1 Major Subdivision Final Plat. This appears to be an omission in the submittal requirements for subdivisions. Staff recommendation that this text amendment be removed. We received an email from Kayla Malone, hoping to work out the process during the off-season.

6. Section 7.8.29.A.2 Small Scale Renewable Energy Systems – Setback: Setback. The setback shall be the same as the height of the structure but not less than the minimum zoning or plat setbacks. The number of solar installations has increased over the past six months and this section of the Code has come into use. Solar and renewable energy systems are considered structures, and need to meet setbacks for properties. Table 2.1 Note #5 reads: Required setback areas shall be unobstructed from the ground to the sky, with the following exceptions:
   o Cornices, sills and ornamental features may project a maximum of 12 inches into setback areas
   o Roof eaves/overhangs may project a maximum of 18 inches into required setback areas
   o At-grade porches, patios, walks, and steps are not subject to setbacks
This is a use of setbacks that should be subject to a variance from the Board of Adjustment or a Board of County Commissioners. Solar installations can be large structures that impact the neighboring property owners.

7. Update Section 1.3.7 to change the 30 days to appeal to 28 days, in conformance with state statute:

1.3.7 Appeals of Decisions by Board of County Commissioners or Board of Adjustment. Unless otherwise specified within this Land Use Code, decisions of the Board of Commissioners or Board of Adjustment shall be final, subject only to judicial review as provided by the statutes of the State of Colorado and Colorado rules of civil procedure. No judicial review of the decision of the Board of Commissioners or Board of Adjustment shall be taken unless such appeal or judicial review is filed in the District Court within thirty twenty-eight (30 28) days following the date a final decision is rendered.
This amendment was requested by the County Attorney so that it would be in conformance with Colorado Revised Statutes.
Section 4.4.2 Land Use Code Text Amendment
C. Evaluation and Staff Review (Section 4.1.3 E): The staff may recommend modifications or alternatives to the proposed amendment. A request to add use(s) to the zone district regulations shall comply with the following approval criteria:
   a. The proposed use does not result in hazards or alter the natural environment to an extent greater than the other uses allowed in the zone district to which it would be added. *This text amendments are not expected to result in hazards or alter the natural environment more than other uses in the zoning district.*
   b. The proposed use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or more traffic hazards than that normally resulting from the other uses allowed the zone district to which it would be added. *The proposed text amendments are not expected to create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences.*
   c. The proposed use is compatible with the uses allowed in the zone district to which it would be added. *The proposed text amendments correct errors and update the Code where necessary. It is not applicable to the compatibility review of land use applications.*

Staff Findings
The Land Use Code Text Amendment meets the approval criteria in Section 4.4.2 of the Land Use Code.

PLANNING COMMISSION ACTION: Commissioner moved and Commissioner seconded to recommend to the Board of County Commissioners to APPROVE/APPROVE WITH CONDITIONS/DENY the text amendments as shown above based on the following findings of fact and conditions:

Findings of Fact:
1. 
2. 

Conditions:
1. 
2. 
Date: August 18, 2017
To: Chaffee County Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Land Use Code Text Amendments

Amendments: Amendment to Article 15 Definitions: Kennels.

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on August 10, 2017.

Summary of Application: This text amendment was initiated at the request of the Chaffee County Attorney in response to the recent complaints about foxhounds. Additionally, during the June 28, 2017 Board of Adjustment hearing for an Appeal of an Administrative Decision, the neighbors spoke about impacts due to the large number of foxhounds on the Brown property.

Proposed Text Amendment:
Kennel. An establishment other than a pet shop or veterinary clinic or hospital, in which more than five (5) dogs, cats and/or other animals, more than four (4) months of age, are boarded for compensation or are bred or raised for sale purposes kept. Dogs used as part of an agricultural activity are not included in this definition.

Section 4.4.2 Land Use Code Text Amendment
C. Evaluation and Staff Review (Section 4.1.3 E): The staff may recommend modifications or alternatives to the proposed amendment. A request to add use(s) to the zone district regulations shall comply with the following approval criteria:

a. The proposed use does not result in hazards or alter the natural environment to an extent greater than the other uses allowed in the zone district to which it would be added. This change is not expected to result in hazards or alter the natural environment, thought it may reduce impacts on the natural environment by requiring applications for people that have more than five dogs on a property. Kennel applications review noise, waste disposal, and state licensing permit documentation. (Section 7.8.17 Kennels, is attached to the end of this application).

b. The proposed use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or more traffic hazards than that normally resulting from the other uses allowed the zone district to which it would be added. The proposed text amendment would require review of properties with more than five dogs so the applicant can mitigate impacts produced by keeping more than five dogs (not including dogs used for agricultural purposes). This text amendment may reduce offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences.
c. The proposed use is compatible with the uses allowed in the zone district to which it would be added.

The proposed text amendment is expected to improve the compatibility with all uses allowed in zone districts by requiring property owners with more than five dogs, cats and/or other animals to obtain a permit as shown in Table 2.2, Use Matrix. The applicant would be required to mitigate impacts for the use and this would improve compatibility in the area. The public would also be afforded the opportunity to comment on applications that require public hearings.

Staff Findings
The Land Use Code Text Amendment meets the approval criteria in Section 4.4.2 of the Land Use Code.

PLANNING COMMISSION ACTION: Commissioner ______________ moved and Commissioner ______________ seconded to recommend to the Board of County Commissioners to APPROVE/APPROVE WITH CONDITIONS/DENY the text amendment to the Kennel definition in Article 15 of the Land Use Code as shown above based on the following findings of fact and conditions:

Findings of Fact:
1. 
2. 

Conditions:
1. 
2. 

Attachment referenced on page 1 of this review:

7.8.17 Kennel

A. Noise. All kennels shall prevent any sounds in excess of the maximum permissible noise levels for residential zone districts, set forth in C.R.S. 25-12-103, as amended.

B. Waste Disposal.

1. Adequate Waste Disposal System. The sewage disposal system shall be capable of handling all waste and wastewater from the kennel. All liquid and solid wastes shall be disposed of in a manner that protects against surface and groundwater contamination. No permanent disposal of any solid waste shall be allowed on-site.

2. Measures to Protect Health and Safety. Animal and food wastes, bedding, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards and nuisances are minimized. Such wastes shall be removed at least weekly, or more frequently, from the facility and removed to an approved solid waste disposal site.

C. State Licensing. The kennel operation shall submit a copy of the state license application with the land use change application, and a copy of the approved state license prior to commencing operations.
STAFF REPORT

Date: August 18, 2017
To: Chaffee County Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Land Use Code Text Amendments

PC: 8/29/2017 BOC 9/12/2017

Amendments: Amendment to Section 7.8.1 Accessory Dwelling Units (ADUs).

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on August 10, 2017.

Summary of Application: This text amendment was initiated by Chaffee County Development Services to improve clarity of the wording and to remove the 150 foot limit between buildings.

Proposed Text Amendment:

Section 7.8.1 Accessory Dwelling Unit (ADU).

A. Density Limitations. One ADU established pursuant to these Regulations shall not count towards any applicable density limitations for the property. If more than one accessory dwelling unit is placed on the property, each additional dwelling unit on the property shall count towards density limitations.

B. Dimensional Limitations. An ADU shall conform to all setback, height and other dimensional limitations of the zone district.

C. Maximum Floor Area. The conditioned living space of an ADU shall not exceed 1000 square feet in size. Requests for variances from this standard shall be heard by the Board of Commissioners. (Updated Resolution 2016-24)

1. Exception. An ADU in the Rural Zone District which is used to house a person and their family that is significantly employed for agricultural work on the property may be up to 1,500 square feet.

D. Prohibited as Accessory to Multi-Family Dwelling Units. An ADU shall not be allowed in conjunction with duplex or multi-family units.

E. Adequate Utilities Required. The ADU shall be served by the same well and same septic system. Appropriate adequate and adequate facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads. The utilities shall not be metered separately from the primary residence, unless it is the explicit policy of the utility provider. Property owners must show provision for adequate facilities for potable water supply (water rights or augmentation certificate for ADU), sewage disposal, solid waste disposal, electrical supply, fire protection and legal access with the Building Permit application. (Updated Resolution 2017-01)

1. Exception. An ADU in the Rural Zone District which is used to house a person and their family that is significantly employed for agricultural work on the property may
have separate utilities.

F. Parking. The ADU shall provide for at least one parking space.

G. Occupancy Restriction.
   1. An ADU shall not be condominiumized or sold separately from the principal use of the property.
   2. Short term rental (less than thirty (30) days) of the ADU is prohibited.

H. Location with Respect to Principal Structure. An ADU may be either attached or detached from the structure housing the principal use, provided it is within 150 feet of the principal structure.
   1. Exception. ADU on agricultural properties may be located where appropriate for the agricultural operation with which it is associated.

Section 4.4.2 Land Use Code Text Amendment
C. Evaluation and Staff Review (Section 4.1.3 E): The staff may recommend modifications or alternatives to the proposed amendment. A request to add use(s) to the zone district regulations shall comply with the following approval criteria:
a. The proposed use does not result in hazards or alter the natural environment to an extent greater than the other uses allowed in the zone district to which it would be added.
   This change to the ADU regulations clarifies the requirement for additional water supply provisions for an ADU, removes the requirement for shared utilities, and removes the requirement that the principal residence and the ADU must be located within 130 feet of each other. Occasionally, topography, floodplain or other conditions require the need for a greater distance between units. This amendment would remove the need for variances from the Board of County Commissioners for this section of the Code. This text amendment is not expected to result in hazards or alter the natural environment more than other uses in the zoning district.
   b. The proposed use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or more traffic hazards than that normally resulting from the other uses allowed the zone district to which it would be added.
   The proposed text amendments are not expected to create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences.
   c. The proposed use is compatible with the uses allowed in the zone district to which it would be added.
   The proposed text amendment may increase the distance between units on a property, but does not impact the compatibility with the uses allowed in the zone district.

Staff Findings
The Land Use Code Text Amendment meets the approval criteria in Section 4.4.2 of the Land Use Code.

PLANNING COMMISSION ACTION: Commissioner ___________ moved and
Commissioner ___________ seconded to recommend to the Board of County Commissioners to
APPROVE/APPROVE WITH CONDITIONS/DENY the text amendment to the Accessory Dwelling
Unit regulations in Section 7.8.1 of the Land Use Code as shown above based on the following findings of fact and conditions:

Findings of Fact:
1. 
2. 

Conditions:
1. 
2.
CHAFFEE COUNTY
Development Services Department
P.O. Box 699   Salida, Colorado 81201
(719) 539-2124   FAX: (719) 530-9208
www.chaffecounty.org

STAFF REPORT
Date: September 7, 2017
To: Chaffee County Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Pallaoro Boundary Line Adjustment Plat Amendment: Removal of a plat note limiting the number of dwelling units to two.

BOCC: September 12, 2017

Public Notice: Per Section 5.2.3.1, no public notice is required for a Plat Amendment.

Applicant: Joseph Taverna and Nancy Pallaoro

Summary of Application: This request is to remove General Note #11 from the plat of the Pallaoro Boundary Line Adjustment, recorded at Reception No. 381671, dated June 16, 2009. The note states: "11) Total number of dwelling units is 2."

It appears that the Pallaoro Subdivision Exemption (recorded at Reception No. 364579 on February 14, 2007) created an 8.91 acre lot and a 70.00 acre lot. The owners applied for a Minor Subdivision in 2008 but the application was withdrawn as it had not been 24-months since the subdivision exemption in 2007. The 70.00 acre lot was deeded into two lots, which were used for a boundary line adjustment, creating a 15.92 acre lot and a 54.08 acre lot.

On October 25, 2016, the Land Use Code was amended to allow this zoning district a density of 1 unit per two acres when served by an individual well and OWTS. Approval of this request makes no changes to the existing density of the two lots. It will allow future subdivision of the two lots in conformance with the Chaffee County Land Use Code.

Location and Zoning Map:
5.2.3.1 Plat Amendments. Amendments of previously approved and recorded subdivision plats that do not affect lot boundaries are subdivision exemptions. Plat amendments may include changes to plat notes, building envelopes, addresses, easements, and similar. No public hearing or notice is required (Updated Resolution 2014-38). This application removes a plat note limiting the number of lots to two. A review of the Planning Commission and Board of County Commissioner minutes finds that the note was not a requirement of the County. With the change to the density allowances of the Land Use Code, the plat note is no longer applicable.

All required materials were submitted. The plat is suitable for filing with minor revisions.

BOARD OF COMMISSIONERS ACTION: Commissioner _____________ moved and Commissioner _____________ seconded and the Board voted to APPROVE / DENY / CONTINUE the Pallaro Plt Amendment based on the following findings of fact and conditions:

Findings:
1. ___________
2. ___________

Conditions:
1. ___________
2. ___________
# CHAFFEE COUNTY
## PLANNING & ZONING DEPARTMENT

**P.O. BOX 699**
**SALIDA, CO 81201**

**PHONE** (719) 530-5565
**FAX** (719) 530-9208

**WEBSITE** www.chaffeecounty.org

## APPLICATION FOR

**PLAT AMENDMENT** or **CORRECTION PLAT**

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### GENERAL INFORMATION – TRACT 1

<table>
<thead>
<tr>
<th>NAME OF APPLICANT / OWNER</th>
<th>Joseph Taverna</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIGNATURE</td>
<td>08/31/2017</td>
</tr>
<tr>
<td>MAILING ADDRESS</td>
<td>11845 CR 140 Salida CO 81201</td>
</tr>
<tr>
<td>TELEPHONE</td>
<td>719-221-9904</td>
</tr>
<tr>
<td>E-MAIL</td>
<td><a href="mailto:tav59@yahoo.com">tav59@yahoo.com</a></td>
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<td>GENERAL LOCATION OF PARCEL</td>
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### GENERAL INFORMATION – TRACT 2

<table>
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<tr>
<th>NAME OF APPLICANT / OWNER</th>
<th>Nancy Pallisco</th>
</tr>
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<tr>
<td>SIGNATURE</td>
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<tr>
<td>MAILING ADDRESS</td>
<td>5400 S CR 3F Fort Collins, CO 80528</td>
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<tr>
<td>TELEPHONE</td>
<td>719-207-176</td>
</tr>
<tr>
<td>E-MAIL</td>
<td><a href="mailto:napallisco@yahoo.com">napallisco@yahoo.com</a></td>
</tr>
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### STAFF USE ONLY

Application received by: Date: Fee $________ Check #: Electronic Copy: Cert. Mail Labels: Completeness Date: 

Effective February 15, 2014
STAFF REPORT

Date: September 7, 2017
To: Chaffee County Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Redlinger Minor Subdivision Exemption – Removal of Lot Sales Restriction for Parcel A

BOCC: 9/12/2017

Applicant: Mark Redlinger, Manager, Redlinger Family Trust

Summary of Application: This application is a follow-up to the Redlinger Minor Subdivision Exemption which was approved July 11, 2017 and amended July 25, 2017; requesting release of the Lot Sales Restriction on Parcel A. The Lot Sales Restriction on Parcel A required either 1) the parcel be merged into Rudy Perez’ property to the north, or 2) a water augmentation unit be purchased and an address application submitted to create a separate lot, by October 1, 2017. Mr. Perez has decided to create a new lot, and has submitted a letter from the Upper Arkansas Water Conservancy District showing payment for an augmentation certificate, and has submitted an address application and application fee. Right of way for County Road 306 was dedicated with the Redlinger Minor Subdivision Exemption application.

Location & Zoning Map:
Zoning & Density: The property is zoned Residential and Rural Commercial/Recreational ranging from 200 to 500 feet in width along County Road 306.

Staff Findings/Conditions:
1. An Affidavit of Correction shall be recorded to add the address to the plat, and a copy of the recorded document provided to Chaffee County Development Services. A replat is not necessary to be recorded for the address assignment (as required as a condition of approval for the Redlinger Minor Subdivision Exemption).
2. An Access Permit fee is not required to be paid until the parcel develops, as the property may require a commercial access permit at that time.

BOARD OF COMMISSIONERS ACTION: Commissioner ________ moved and Commissioner ________ seconded and the Board voted to APPROVE / DENY / CONTINUE the removal of the Lot Sales Restriction for Parcel A of the Redlinger Minor Subdivision based on the following findings of fact and conditions:

Findings:
1. ________________________________
2. ________________________________

Conditions:
1. ________________________________
2. ________________________________
Date: September 7, 2017
To: Chaffee County Board of Commissioners
From: Planning Staff, Jon Roorda
Subject: Berlin International, LLC; 7800 CR 152, Salida
Renewal of Retail Marijuana Optional Premises Cultivation License
BOCC: 09/12/2017

APPLICANT: The applicant is Berlin International, LLC, a Medical and Retail
Marijuana Optional Premises Cultivation and Marijuana Infused Products Facility
currently doing business under the trade names of Pure Greens and V3 Oils. Berlin
is being represented by its President and CEO, Sterling Stoudenmire and its
Director of Administration, Georgeann Craig. The property is located at 7800 CR
152 in the Kortz Townsite near Salida; the property is owned by Smeltertown
Investment Group, LLC, a wholly owned subsidy of Berlin International. The
application contains a letter from the owner of Berlin International consenting to
the use.

Berlin International, LLC is an existing establishment in Chaffee County with the
following local licenses;

1. a County Retail OPC Marijuana Business License that is valid through January
   6, 2019
2. a County Retail MIP License that is valid through January 12, 2018
3. a County Medical OPC Marijuana Business License that is valid through
   January 12, 2018
4. a County Medical MIP License that is valid through January 12, 2018

Berlin is applying to renew their County Retail MIP License, their County Medical
OPC license and their County Medical MIP License; the applicant has provided
the following local licenses.

License Regulations. Chaffee County updated license regulations for Medical
Marijuana Facilities with Resolution 2016-63 and for Retail Marijuana Facilities with
Ordinance 2016-01. Per Article 6a of the License Regulations, a public hearing is not
required. The license application requirements are summarized in the following
sections:

Requested License Type (Article 5a):
Renewal of County Retail Marijuana Conditional License for MIP
Renewal of County Medical Marijuana Conditional License for OPC
Renewal of County Medical Marijuana Conditional License for MIP

State License: Article 5b and 6c require a state license also be obtained. The
applicant has provided current State Licenses.

7a. Fee: The application renewal fee of $500 per license has been paid.
7b. **Land Use Approval:** Land Use Approval was granted to this operation prior to receiving approval for their original medical license. The property is in the Industrial Zone and the use is permitted subject to the compliance.

7c. **Building Plan Review:** The building has been approved, does not have any violations and is appropriate for the proposed use.

7d. **Odor Control:** As established in previous applications, exhaust from this facility is subject to charcoal filtration prior to outdoor discharge. Staff has not noted any odor outside of the facility on any site visits.

7e. **Property Tax:** The Facility shall be subject to Commercial or Industrial property taxes, and shall demonstrate that there are no outstanding taxes or liens. The application includes a receipt showing that 2016 Commercial taxes have been paid on the property.

7f. **Proof of Possession:** The property owner is a wholly owned subsidy of the applicant. A letter of acknowledgement and consent is included with the application.

7g. **Notice to Fire and Law Enforcement:** The application includes copies of letters and proof of mailing to the Chaffee County Sheriff, and to the Chaffee County Fire Protection District.

7h, 7i. **State Regulations:** The application includes copies of the current State license and a search from the State MED database that the applicant is compliant and in good standing as of July 13, 2017.

7m. **Indemnification:** The indemnification statement on the application form has been signed.

**BOARD OF COMMISSIONERS ACTIONS:**

1) Commissioner ________________ moved and Commissioner ________________ seconded and the Board voted to **APPROVE / DENY / CONTINUE** the renewal for a Retail MIP Facility License, a Medical OPC Facility License and a Medical MIP Facility License for Berlin International, LLC, based on the following findings of fact and conditions:

**Findings:**

**Conditions: (If approved)**
RESOLUTION OF THE BOARD OF COMMISSIONERS
OF CHAFFEE COUNTY, COLORADO,
RECOGNIZING THE ROLE OF THE UTE PEOPLE IN OUR LOCAL CULTURE
AND THE CHIPETA MOUNTAIN PROJECT CELEBRATION

WHEREAS, the Uncompaghre Band of the Ute People were native to the lands
now known as Chaffee County, Colorado, among others; and

WHEREAS, by September 7, 1881, the Uncompaghre Band of the Ute Nation
had been forcibly removed by the U.S. Army from their lands on Colorado’s
Western Slope, including the Upper Arkansas River Valley – areas now known
as Chaffee County with Salida serving as the county seat; and

WHEREAS, the Uncompaghre Utes were relocated to Utah, and made part of
the Uintah Reservation to form the Uintah and Ouray Reservation; and

WHEREAS, the Ute People provided Colorado with rich Native American
heritage, including such local and regional place names as Tabeguache,
Shavano, Saguache, Poncha, Pagosa, Pahlone, Ouray, Chipeta, and others; and

WHEREAS, Chipeta was the second wife of Chief Ouray of the Uncompaghre
Utes, his confidant and advisor, and continued to serve as a tribal leader, Indian
rights advocate and diplomat after his death; and

WHEREAS, Chipeta died in Utah in 1924 and was interred near Montrose,
Colorado in March, 1925; and

WHEREAS, a mountain in Chaffee County, Colorado, adjacent to and
approximately one mile northwest of Mount Ouray, was named for Chipeta; and

WHEREAS, a group of citizens noticed the point designated as “Chipeta
Mountain” was, at 12,850 feet, not the highest point on the massif, which stands
at 13,472 feet and was unnamed; and

WHEREAS, this group of citizens petitioned the United States Geological Survey
(USGS) Board on Geographic Names to transfer the name Chipeta Mountain
from the lower elevation prominence to the actual summit; and

WHEREAS, this group of citizens, led by Mr. Wayne Iverson and accompanied
by Mr. Roland McCook, Chipeta’s great-great grandson, appeared before this
Board in early 2017 to solicit support for the name change; and

WHEREAS, this Board unanimously passed a Resolution of support on April 5th,
2017; and
WHEREAS, the USGS Board on Geographic Names approved the request on May 10th, 2017; and

WHEREAS, a celebration of this re-designation, the Ute People, and Chipeta is scheduled for October 7th – 9th, 2017; and

WHEREAS, this celebration includes a mountain film festival, a Community Peace Walk, a speech from Mr. McCook, Ute cultural performances, a Native Foods dinner, a Peak Re-dedication, a memorial climb to the summit, a Re-dedication of Chipeta Park in Poncha Springs, and a new memorial park dedication on Tenderfoot (“S”) Mountain; and

WHEREAS, in Sec. 8133 of the Defense Appropriations Act of 2010 (HR 3326), the U.S. made a formal apology to Native Peoples “for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States,” expressed regret, committed to reconciliation, and urged the president to “acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land;”

NOW, THEREFORE, BE IT RESOLVED Chaffee County, Colorado welcomes and celebrates this re-designation and re-dedication; welcomes members of the three Ute tribes to our midst; and desires these events lead to heightened awareness and pride in the Ute culture’s role in our unique Western mountain heritage.
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<th>Request for Medical Records</th>
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<td>Request for Medal</td>
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<td>Operation Recognition</td>
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<td>29-4125 Lump Sum</td>
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Certification by County Veterans Service Officer

I hereby certify, the above captioned monthly report is true and accurate. I have been paid the following amount(s) for the month of August 2017 from Chaffee county.

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TOTAL: $987.75

__________________________
Signature of County Veterans Service Officer

__________________________
Date

Certification by County Commissioner or Designee

In accordance with CRS 28-5-707, I hereby certify the accuracy of the Report CVA-26 revised 9-11-2015:

__________________________
County Commissioner or Designee of

__________________________
County

__________________________
Date

This certification, submitted monthly, properly signed and executed is considered as application for the monetary benefits to the County General Fund in accordance with 28-5-804 (2002) Colorado Revised State Statute.

Submit this form no later than the 15th day the following month.

Mail to:
Colorado Division of Veterans Affairs
Attention: Deputy Director
1355 South Colorado Blvd.
Building C, Suite 113
Denver, Colorado 80222