AGENDA

April 10, 2018

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. Award bids for the following:
   ➢ ½ inch chip for chip seal operations
   ➢ CRS 2P Road Oil for chip seal operations
   ➢ 2 asphalt overlay bids for: Project A – County Road 154 (approx. 800 tons), Project B – County
     Road 162 (approx. 3,000 tons)
   ➢ Price quotes for 125,000 gallons +/- of magnesium chloride applied to approx. 24 miles of
     roadways in Chaffee County, beginning May 2018.

B. Proclamation for National County Government Month, April 2018 “Serving the Underserved”.
   (Commissioner Baker)

C. Consider request for an Abatement of Taxes from Re/Monarch Powder LLC. (Assessor Mosby)

D. 9:15 a.m. - PUBLIC HEARINGS and consideration of recommendations from the March 27,
   2018 Planning Commission Meeting (see attached) with regard to the following matters:

a. Sketch Plan - Name of Subdivision: Cactus Ranch Major Subdivision
   Applicants: Wade & Sheila Veazey
   Location: 9412 County Road 175, Salida
   Zone: Rural
   Request: To divide 13.08 acres into 6 lots with the minimum being 2.0 acres. Water by wells, wastewater
treatment by on-site wastewater systems.

b. Final Plat - Name of Subdivision: Pinon Grove Minor Subdivision
   Applicants: Phillip and Corrinn Fisher
   Location: 13700 W. Highway 50, Salida
   Zone: Rural
   Request: To divide 15.81 acres into 3 lots with the minimum being 2.12 acres. Water by wells, wastewater
treatment by on-site wastewater systems.
c. Final Plat - Name of Subdivision: Broadview Rural Open Space Incentive Applicants: Jeffery Ince and James Ince Location: 15492 County Road 289, south of Mt. Princeton Hot Springs, in the SW1/4, SW1/4SE1/4, Section 19, Township 15 South, Range 78 West, 6th P.M., Nathrop Zone: Rural Request: To divide 194.3 acres into 24 lots with the minimum being 2.21 acres with 24 associated lots set aside as open space. Water by wells, wastewater treatment by on-site wastewater systems.

d. Final Plat - Name of Subdivision: Brady Minor Subdivision Applicant: Brady Brothers, LLC and Brent & Valerie Sites Location: 7013 & 7121 County Road 107, located in the SE1/4SW1/4, Section 5, Township 49 North, Range 9 East, NMPM, Salida Zone: Rural Request: To divide two lots totaling 13.54 acres into 4 lots with the minimum being 2.0 acres. Water by wells, wastewater treatment by on-site wastewater systems.

e. Amendments to the Chaffee County Land Use Code
   1. Add the following phrase to the end of Section 5.2.3.C.1: “for 12 months from the date of recording the plat.”
   2. Section 1.3.3.B.2.a – amend Appeals of Administrative Decision section under BOA Powers & Duties.
   3. Section 1.4.2.C.1 b 4 – amend Enforcement Process, Land Use Violations.

F. Consider appointment of members to the Live Nation Citizen Event Advisory Committee (Commissioner Baker)

G. Consider clarification of the ACA Products, Inc./Holman Land Use Change Permit for a surface gravel mining operation (Resolution 2017-58). The Board will be deliberating as to whether or not clarification of Resolution 2017-58 is required based on the existing record. Additional testimony or evidence will not be taken at this time. (Attorney Davis)

G. Consider a request for a renew Resort Complex Liquor License from Princeton Holdings LLC, DBA Mt. Princeton Hot Springs Resort, located at 15870 County Road 160, Nathrop. (Clerk Michell)

Consent Agenda:
   ◆ Report from the County Veteran Service Officer for the month of March 2018
   ◆ Pay Bills

Old Business:
   ◆ County Project Status Report
   ◆ Fire Protection Boundary Update
   ◆ Cottonwood FLAP

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.

From time to time throughout the year, two or more Commissioners may meet to discuss day-to-day oversight of County property and/or supervision of employees. Such meetings are held in accordance with C.R.S. § 24-6-402(2)(f) and, therefore, prior notice may not be posted. No policies, positions, resolutions, rules or regulations are adopted at day-to-day business meetings, nor is any formal action taken. Accordingly, no official minutes of day-to-day business meetings may be kept.
BOARD OF COUNTY COMMISSIONERS PUBLIC MEETINGS

THIS NOTICE IS POSTED PURSUANT TO C.R.S. 24-604 02 (IV)(c)(4)(b).

THERE WILL BE NO DECISIONS OR FORMAL ACTIONS MADE BY THE
COMMISSIONERS AT THESE MEETINGS EXCEPT FOR THE REGULAR OR
SPECIAL MEETINGS OF THE BOARD OF COMMISSIONERS

Address for meeting places: Commissioners Meeting Room 104 Crestone Ave., Salida, Buena Vista School District Offices, 113 N. Court,, Buena Vista Annex, 112 Linderman Ave.,
Fairgrounds, 10165 County Road 120, Poncha Springs, Harriet Alexander Field, County Road

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<tr>
<td>TIME:</td>
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<tr>
<td>SUBJECT:</td>
<td>Regular meeting of Landfill Committee and Boards of Health and Human Services followed by Work Session</td>
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<td>SUBJECT:</td>
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<td>Airport Advisory Board Meeting</td>
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4/5/18
This list April be updated daily. Posted in posting area outside of Commissioners Office
A PROCLAMATION

National County Government Month - April 2018
"Serving the Underserved"

WHEREAS, the nation’s 3,069 counties serving more than 300 million Americans provide essential services to create healthy, safe and vibrant communities; and

WHEREAS, counties move America forward by providing health care, administering justice, keeping communities safe, creating economic opportunities and much more; and

WHEREAS, CHAFFEE COUNTY, COLORADO and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of our residents in efficient and cost-effective ways; and

WHEREAS, through National Association of Counties President Roy Charles Brooks’ “Serving the Underserved” initiative, NACo is focusing on the critical role counties play in breaking multi-generational cycles of poverty; and

WHEREAS, in order to remain healthy, vibrant and safe, America’s counties provide public health, justice, safety, infrastructure, transportation, technology, environmental stewardship and economic services that play a key role in everything from residents’ daily commutes to emergency response; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve; and

WHEREAS, CHAFFEE COUNTY is conducting and supporting numerous initiatives as a county government and collaboratively with our municipalities, state and federal legislative delegations, fellow counties, state and federal partners, non-profit organizations and private-sector enterprises; and

WHEREAS, these initiatives include, among others, efforts in affordable housing, public health and human services, land use and preservation of our agricultural economy and landscape, forest health, transportation, economic development, the environment, and public engagement and voter empowerment

NOW, THEREFORE, BE IT RESOLVED THAT WE, the undersigned commissioners of CHAFFEE COUNTY, COLORADO, do hereby proclaim April 2018 as National County Government Month in CHAFFEE COUNTY, COLORADO and encourage all county officials, employees, schools and residents to participate in county government celebration activities.

Read into the record this 10th day of April 2018

CHAFFEE COUNTY BOARD OF COMMISSIONERS

David N. Potts
Keith Baker
Greg Felt
**Application for Major Subdivision**

- **Sketch Plan**: Fee - $600.00 + $50.00 per lot
- **Preliminary Plan**: Fee - $550.00 + $50.00 per lot
- **Final Plat**: Fee - $500.00 + $50.00 per lot

### General Information

- **Requested Use**: 
- **Property Address or General Location**: 9412 Cr. A. 175
- **Name of Applicant**: CACTUS RANCH DEVELOPMENT
- **Mailing Address**: 107 MESA CIRCLE, SALIDA CO, 81201
- **Telephone**: [Redacted]
- **Fax**: [Redacted]
- **E-Mail**: [Redacted]
- **Total Acreage to be Subdivided**: 12.08
- **# of Proposed Lots**: 6
- **Minimum Lot Size**: 2.1 acre
- **Proposed Water Supply**: Wells
- **Proposed Sewage System**: Septic
- **Existing Use of Property**: Vacant
- **Existing Zoning**: Unincorporated
- **Parcel #**: 368129100125
- **Legal Description**: PT SW4 NE4 29-50-9 B549 P621 & 623

### Ownership Information

Please list the names of all persons and companies who hold an interest in the described property (land owner, lessee, etc.) Application will not be accepted without the required signatures or a letter of authorization from each. Attach additional sheets as necessary.

- **Name**: Sheila Verhey
- **Signature**: [Signature]
- **Interest in Property**: Owner
- **Address**: 107 MESA CIRCLE, SALIDA CO, 81201
- **Telephone**: [Redacted]
- **Fax**: [Redacted]
- **E-Mail**: [Redacted]

### Staff Use Only

Application received by: 
Date: 
Fee $ 
Check #: 
Completeness Date: 
Certified Mailing Labels: 

Update June 2015
STAFF REPORT

Date: March 19, 2018
To: Chaffee County Planning Commission
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Cactus Ranch Major Subdivision Sketch Plan
PC: 3/27/2018  BOCC: 4/10/2018

Applicants: Wade & Shiela Veazey

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on March 8, 2018. Public Hearing notices were sent by certified mail to adjoining property owners on March 8, 2018. The Public Hearing Notice sign was observed by Staff on March 15, 2018.

Summary of Application: This application proposes to subdivide a 13.08 acre parcel into six lots, ranging in size from 2.0 to 2.1 acres in size. Four of the lots will be accessed by a new road which crosses the 100-year FEMA Floodplain, and two lots will have a shared access easement off County Road 175. It is unclear on the sketch plan if any right of way for CR 175 will be dedicated. The lots will have wells and On-site Wastewater Treatment Systems (OWTS). The applicant is requesting to submit the Preliminary/Final Plat as one application.

Location and Zoning Map:
Aerial Photo:

Cactus Ranch Major Subdivision Sketch Plan:
The Sketch Plan meets Section 7.1, 7.2 and 7.3, with the following issues identified during review:

Zoning: This application complies with the density and dimensional standards of the Residential zoning district.

7.2.2. 7.3.1 & 7.3.2 Infrastructure Requirements:
- The new lots will be served with wells, OWTS and shared & individual driveways.
- An augmentation certificate will be purchased for all lots before the plat is recorded.
- A Drainage Report, construction drawings and erosion and sedimentation control plans are required for this project due to the steep slopes and the crossing of the 100-year Floodplain.
- As this property is characterized by steep slopes, floodplain and sandy soils, a geotechnical report for foundation and pavement design will be required.
  - Review by the Colorado Geologic Survey is warranted.
- A Floodplain Study to determine base flood elevations is required.
- Fire protection will be reviewed at the Preliminary/Final Plat application.
- This project will also be reviewed for wildfire impacts at the Final Plan. The Chaffee County Overall Risk Rating appears to show the area as Moderate to High Risk.
- The plan proposes six new residences. Four of the lots will be set back from County Road 175, with little visual impact. The remaining two lots are close to the road and mitigation for visual impact needs to be addressed.
- No open space is proposed with this application and the applicant requests a waiver as the property is limited by the 100-year Floodplain. The property is not adjacent to any trails or other open space.

Potential Findings of Fact:
1. The application meets the initial requirements of the Land Use Code for a Major Subdivision Sketch Plan.
2. Property is limited by the 100-year Floodplain.
3. A waiver of open space is requested by the applicant.
4. Mitigation for visual impact for Lots 1 & 2 is required to be addressed at the Preliminary Plan phase of the project.

Conditions of Approval
1. Augmentation certificates will be purchased before the plat is recorded.
2. A Floodplain Permit for road construction will be required before the plat is recorded.

Potential Action:
Commissioner __________________ moved and Commissioner __________________ seconded to APPROVE/APPROVE WITH CONDITIONS/DENY the application for the Cactus Ranch Major Subdivision Sketch Plan submitted by Wade and Shiela Veazey based on the following findings of fact and conditions:

Findings of Fact:
1.

Conditions:
1.
CHAFFEE COUNTY
PLANNING & ZONING DEPARTMENT
P.O. BOX 699 PHONE (719) 530-5565
SALIDA, CO 81201 FAX (719) 530-9208
WEBSITE www.chaffecounty.org

APPLICATION FOR
MINOR SUBDIVISION
OR
RURAL OPEN SPACE INCENTIVE (ROSI) SUBDIVISION

☐ Sketch Plan  ☒ Final Plat
Fee - $625.00  Fee $850.00

Application Filing Deadline is the Last Monday of each Month

GENERAL INFORMATION

REQUESTED USE  ☒ Minor Subdivision
NAME OF SUBDIVISION  Paxon Grove Minor Subdivision
PROPERTY ADDRESS OR GENERAL LOCATION  13700 W. Hwy 50
NAME OF APPLICANT  Phillip Regan Fisher & Corrina Lee Fisher
MAILING ADDRESS  P.O. Box 196, Poncha Springs, CO 81242
TELEPHONE  ☐ FAX  ☒ E-MAIL
TOTAL ACREAGE TO BE SUBDIVIDED  15.19 Ac  # OF PROPOSED LOTS  3  MINIMUM LOT SIZE  2.12 Ac
PROPOSED WATER SUPPLY  Wells (2 existing)  PROPOSED SEWAGE SYSTEM  1woo (2 existing)
EXISTING USE OF PROPERTY  7 Single Family Residences
EXISTING ZONING  Rural  PARCEL #  380506300 300
LEGAL DESCRIPTION  Tract 10 NW 5/4, NW 1/4 SE 1/4 Sec. 6, T49N, R8E

OWNERSHIP INFORMATION

Please list the names of all persons and companies who hold an interest in the described property (land owner, lessee, etc.) Application will not be accepted without the required signatures or a letter of authorization from each. Attach additional sheets as necessary.

NAME  Phillip Fisher; Corrina Fisher  SIGNATURE
INTEREST IN PROPERTY  Owners
ADDRESS  P.O. Box 196, Poncha Springs, CO
TELEPHONE  ☐ FAX  ☒ E-MAIL  See Above

STAFF USE ONLY

Application received by  ______________ Date  ______________
Fee $  ______________ Check #  ______________ Completeness Date  ______________
Certified Mailing Labels  ______________

Updated June 2015
Date: March 19, 2018
To: Chaffee County Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Pinon Grove Minor Subdivision Final Plat
PC: 3/27/2018 BOCC: 4/10/2018

Applicant: Phillip and Corrina Fisher, represented by Mike Henderson.

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on March 8, 2018. Public Hearing notices were sent by certified mail to adjoining property owners on March 8, 2018. The Public Hearing Notice sign was observed by Staff on March 19, 2018.

Summary of Application: This application proposes subdivision of a 15.18 parcel into three lots, with lot sizes to be 2.12, 2.2 and 10.73 acres. The property has two existing houses, a shared driveway, two wells and two septic systems, which will be located on proposed Lots 1 and 2. Lot 3 is vacant. Access will be from an existing cul-de-sac off Highway 50 that serves both this property and two properties to the south on an access easement dedicated on this plat. All three lots will access off the cul-de-sac, and Lots 1 and 2 will share a driveway. The cul-de-sac right of way will be dedicated with this plat. No additional right of way is required to be dedicated for US Highway 50. A Colorado Department of Transportation (CDOT) Access Permit is included in the application.

Location and Zoning Map:
Zoning & Density: This property is in the Rural zoning district. This application meets the density and dimensional standards of this zoning district.

Pinon Grove Minor Subdivision Final Plat:

Enlargement of Access Plan:

Sundgren Property
Article 7.1 Basic Standards for all Land Use Change Permits

7.1.1 Intent: This section is for applicants to demonstrate that facilities and services are available, that environmental and topographic constraints are considered and that design of the subdivision can mitigate impacts to unique natural features.
7.1.2 Compliance with Zone District: This application complies with the density and dimensional standards of the Rural zoning district.

7.1.3 Site Infrastructure Requirements: This property has two existing houses, wells and On-site Wastewater Treatment Systems (OWTS). An augmentation certificate will be purchased for the new lot (Lot 3). Lots 1 and 2 will continue to share the existing driveway, and a new easement across Lot 2 to access Lot 1 is shown on the plat. A new individual driveway off the cul-de-sac will serve Lot 3. An existing access easement to the south (Sunderland and Fear properties) is shown on the plat.

7.1.4 Site Drainage: Historic drainage patterns will need to be maintained during house construction on Lot 3.

7.1.5 Protection of Wetlands and Riparian Areas: The property does not appear to have wetlands or riparian areas.

7.1.6 Wildlife Habitat: The property is in an area rated high for Significant Wildlife Habitat. The Colorado Parks & Wildlife (CPW) reviewed the application and commented in wildlife friendly fencing, no feeding of wild animals, and keeping pets leashed. It is not required to be reviewed under the 1041 regulations as the property is less than 35 acre in size.

7.1.7 Erosion and Sedimentation: N/A, no improvements are required.

7.1.8 Dark Sky Standards: New construction will be required to comply with downcast and shielded lighting.

7.1.9 Areas of Archeological, Paleontological or Historic Importance: The application was reviewed by the Heritage Area Advisory Board, and the Board had no objection to the project.

**Article 7.2 Site Planning and Development Standards**

7.2.1 Other Adopted Plans: The Chaffee County Comprehensive Plan recommends: Guiding Objective 5 from Chapter 4, Land Use & Development Patterns: maintenance of the existing stock of private land in the County and encourages continuation of agricultural activities. This proposal creates one additional lot along Highway 50 with an existing access that currently serves four houses.

The design of the subdivision also protects the rural character of the county as the new house will be screened from the highway by topography.

7.2.2 Infrastructure Requirements: The new lot will have an individual driveway off the existing cul-de-sac. Lots 1 and 2 will share the existing driveway, and an access easement across Lot 2 in favor of Lot 1 is shown on the plat. An existing access easement for the property to the south (Sundgren property) is also shown on the plat. No right of way is required to be dedicated for this project. The property has two existing wells, both of which have augmentation certificates. The applicant proposes to purchase an augmentation certificate for the new lot. The size and topography of the lots will allow for the required two parking spaces per residential lot.

7.2.3 Site Planning and Design: This proposal meets the required minimum 2.0 acres per lot. The subdivision is designed to use the existing access off Highway 50 and to use the topography of the site to screen the new residential lot. Excessive disturbance is not anticipated. The Colorado Geological Survey granted a waiver request for this project.

7.2.4 View Protection Guidelines: This section of the Code applies to projects adjacent to highways, County Roads and the Arkansas River. A new residence will be screened from the highway using the existing topography.

7.2.5 Weed Control: N/A (applies to construction with cuts or fills greater than 8 feet).

7.2.6 Stormwater run-off: No changes are anticipated.

7.2.7 Protection of water quality: N/A (applies to non-residential land use changes).
Article 7.3 Subdivision Design Specifications:
7.3.1 Basic Subdivision Standards: This property has an existing cul-de-sac and shared driveway for Lots 1 and 2 as common facilities. A draft access easement and maintenance agreement has been submitted with this application. Staff is working with the applicant for final wording on the document.
7.3.2 Subdivision Lots: This application creates three conforming lots with adequate building sites outside of any flood, geologic or natural hazard areas. The lots will have access to Highway 50, which is maintained by CDOT. Lots are not divided by any roads, municipal or tax district boundaries.
7.3.3 Subdivision Roads: No roads will be built with this subdivision. A cul-de-sac off Highway 50 was constructed in 2006. A Colorado Department of Transportation (CDOT) Access Permit for the new lot, plus the existing four houses, has been submitted with the application.
7.3.4 Subdivision Fire Protection: A 6000 gallon fire cistern was installed in 2006 as part of a previous subdivision request and has received approval from the Chaffee County Fire Protection District.
7.3.5 Utility Easement Requirements: The plat includes utility easements that meet the requirements of the Land Use Code.
7.3.6 Survey Monuments: Monuments are indicated on the plat.
7.3.7 Standards for Public Sites and Open Space: One additional residential lot is created by this plat, and the owners request a waiver of the open space requirement. The property is not adjacent to any trails or other open space.

AGENCY REVIEW:
Colorado Division of Water Resources – the proposed water supply will not cause material injury to decreed water rights.
Colorado Geological Survey – a waiver was approved for this application.
Colorado Parks and Wildlife – owners should consider wildlife friendly fencing, no feeding of wild animals, and keeping pets leashed.
Chaffee County Fire Protection District – the 6,000 gallon fire cistern and fire suppression apparatus access are adequate for this development.
Chaffee County Environmental Health – a soil investigation will be required to determine the need for a design by a Professional Engineer.
Heritage Area Advisory Board – we have no objection to the subdivision plan as submitted.
Salida School District - no comments were received.
Town of Poncha Springs – no comments.
Upper Arkansas Water Conservation District – Lot 3 will require augmentation for well water supply.
Ditch Owner (received notification of application with adjacent landowners) - no comments were received.
Western Area Power Administration (WAPA) – comments concerning the restriction of uses within the WAPA right of way.
Findings of Fact:
1. The application meets the requirements of the Land Use Code for a Minor Subdivision Final Plat.
2. Right of way dedication serves in lieu of open space dedication.

Conditions
1. A water augmentation certificate shall be purchased for Lot 3 before the plat is recorded.
2. Recording information for the access easement and maintenance agreement shall be added to the plat.
3. The following note shall be added to the plat:
   a. Use within the Western Area Power Administration (WAPA) right of way on Lot 3 is restricted. Please contact WAPA for more information.

Potential Action:
Commissioner ____________ moved and Commissioner ____________ seconded to APPROVE/APPROVE WITH CONDITIONS/DENY the application for the Pinon Grove Minor Subdivision Final Plat submitted by Phillip and Corrina Fisher based on the following findings of fact and conditions:

Findings of Fact:
1.
2.

Conditions:
1.
2.
APPLICATION FOR
MINOR SUBDIVISION
OR
RURAL OPEN SPACE INCENTIVE (ROSI) SUBDIVISION

Sketch Plan
Fee - $625.00

Final Plat
Fee - $150.00 (no agency referral)
$850.00 (agency referral)

Application Filing Deadline is the Last Monday of each Month

GENERAL INFORMATION
REQUESTED USE Residential - thru Rural Open Space Incentive
NAME OF SUBDIVISION Broadview Rural Open Space Incentive
PROPERTY ADDRESS OR GENERAL LOCATION 174 RD 289 South of Mt. Princeton Hot Sp
NAME OF APPLICANT JEFF INCE
MAILING ADDRESS 19804 Pinnacle Rock Road, Nathrop, CO 81236
TELEPHONE [Redacted] FAX [Redacted] E-MAIL [Redacted]
TOTAL ACREAGE TO BE SUBDIVIDED 144.3 # OF PROPOSED LOTS 24 MINIMUM LOT SIZE 2.00
PROPOSED WATER SUPPLY WELLS PROPOSED SEWAGE SYSTEM 10 W. 0.5
EXISTING USE OF PROPERTY NONE
EXISTING ZONING Rural PARCEL # 342119300137
LEGAL DESCRIPTION PT. SWLY SYL 5 SEC 19 T15S R78W 6TH P.M.

OWNERSHIP INFORMATION
Please list the names of all persons and companies who hold an interest in the described property (land owner, lessee, etc.) Application will not be accepted without the required signatures or a letter of authorization from each. Attach additional sheets as necessary.

NAME James Ince
INTEREST IN PROPERTY 25% (James) 75% Jeffery
ADDRESS 230 River Oak Ct, Labadie, MO 63055
TELEPHONE [Redacted] FAX na E-MAIL [Redacted]

STAFF USE ONLY
Application received by __________________ Date ________________
Fee $ ________ Check # ______________ Completeness Date ________________
Certified Mailing Labels __________________
Date: March 19, 2018
To: Chaffee County Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Broadview Rural Open Space Incentive (ROSI) Subdivision Final Plat
PC: 3/27/2018  BOCC: 4/10/2018

Applicant: Jeffrey Ince and James Ince, represented by Mike Henderson

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on March 8, 2018. Public Hearing notices were sent by certified mail to adjoining property owners on March 8, 2018. The Public Hearing Notice sign was observed by Staff on March 15, 2018.

Summary of Application: This application proposes subdivision of 194.3 acres into 21 lots, each with a building area and conserved open space for each lot. The buildable part of the lots range from 2.0 acres to 6.6 acres in size. The open space is connected for wildlife movement, and a total of 130.372 acres will be preserved in perpetuity as part of this subdivision. The property is currently vacant and is bisected by County Road 289. Sixty (60) feet of right of way will be dedicated for the county road. Forty (40) feet of right of way will be dedicated for the two Low Volume Roads that will serve the new lots.

Location and Zoning Map:
Zoning & Density: This property is in the Rural zoning district. This application meets the density and dimensional standards of this zoning district.

Broadview ROSI Final Plat

Broadview Phasing Plan:

Phase 1 – Yellow
Phase 2 - Blue
Section 5.3.1.B Rural Open Space Incentive Subdivision

B. Rural Open Space Incentive. The Rural Open Space Incentive (ROSI) was developed by Chaffee County based on the statutory cluster, and is intended to encourage land and water conservation and preservation of open areas through clustering of residential subdivision parcels. The ROSI review process is described in Section 4.3.3. Criteria specific to the Rural Open Space Incentive are as follows:

1. **Conservation Area.** Two-thirds (2/3) of the total area of the development shall be preserved in perpetuity as contiguous open space, to the extent practicable, to be used as wildlife habitat, grazing land, critical natural areas or similar uses. Further development and subdivision of the subject property shall be restricted so that the maximum number of building lots allowed shall not exceed the number approved through the ROSI process.

   *The project contains 130.372 acres of open space, or 67.1% of the total area. The open space will be for wildlife habitat, preservation of views across the open meadows, and preservation of sensitive areas such as steep slopes (over 30%), drainages and ditches.*

2. **Density.** The residential density shall not exceed four (4) residential units for every thirty-five (35) acres or one residential unit for each eight and three quarter (8.75) acre increment.

   *The total acreage of the property is 194.3 acres, which allows 22 lots. This proposal is for 21 lots.*

3. **ROSI Remainder Parcel Density Bonus.**

   *N/A, no bonus lots are proposed.*

   a. A Density Bonus of one residential unit shall be granted for each 50 acres included in a Remainder Parcel. If contiguity of Remainder Parcel is broken by a significant natural feature, topographic break, river, lake or other physical boundary such as roads or railroads, smaller Remainder Parcels may be considered in calculating the Density Bonus.

   b. One (1) building envelope of up to five (5) acres per single Remainder Parcel shall be allowed as one of the lots from the Density Bonus, if desired by the applicant.

   c. Areas set aside for trail easements and peripheral roads may be considered part of the Remainder Parcel.

   d. The following areas shall not be counted towards the area for calculating the Remainder Parcel density bonus:

      (1) Existing public roads.

      (2) Land subject to a pre-existing agreement prohibiting development.

4. **ROSI Irrigation Retention Density Bonus.** One bonus lot will be allowed per 17.5 irrigated pre-development acres, provided the developer reserves a water right for the remainder parcel as irrigated for beneficial use, or constructs aquifer recharge ponds. Adequate proof of decreed water rights or water shares must be provided and the water right must be dedicated to the subdivision lands in perpetuity (i.e. through annual irrigation or aquifer recharge ponds), pursuant to a water use and maintenance agreement to be developed as part of the subdivision approval process, which designates the entity responsible for ensuring continued irrigation. The remainder parcel shall be held in ownership as a single parcel, and include a covenant that shall stipulate that the water rights will be conserved for continued use on the land.

   *N/A, the property does not have irrigation water rights.*
Section 7.1 Basic Standards for all Land Use Change Permits
7.1.1 Intent: This section is for applicants to demonstrate that facilities and services are available, that environmental and topographic constraints are considered and that design of the subdivision can mitigate impacts to unique natural features.
7.1.2 Compliance with Zone District: This application complies with the density and dimensional standards of the Rural zoning district, and the Rural Open Space Incentive regulations.
7.1.3 Site Infrastructure Requirements: This property is currently vacant. The proposal is for wells and On-Site Wastewater Treatment Systems (OWTS) for each lot. Well logs for neighboring properties were submitted as part of the application. Augmentation certificates will be purchased for the new lots for each phase. Lots 2 & 3 and Lots 17 & 18 will share driveways, with the remainder of the lots on individual driveways. An existing easement to the Oppler and Graham properties on the southern property boundary is being replaced with a 40’ wide right of way. The right of way crosses the open space for Lots 20 & 21. Section 5.3.1.B.3c allows peripheral roads to be part of the remainder parcel. Adequate utilities serve the property.
7.1.4 Site Drainage: A Final Drainage Report has been submitted as part of the application packet. It concludes that there is minimal impact from development on runoff rates, and the runoff does not impact the capacity of the proposed culverts.
7.1.5 Protection of Wetlands and Riparian Areas: The property does not appear to have wetlands or riparian areas.
7.1.6 Wildlife Habitat: The property is in an area rated high for Significant Wildlife Habitat. The Colorado Parks & Wildlife (CPW) reviewed the application and commented the property is classified as winter and summer range for deer and elk, and recommends no additional fencing that would divide the open space, except for wildlife-friendly fencing to secure domestic animals. CPW also recommends trash-resistant containers or keeping trash in locked
storage areas until the morning of pick-up. The property is greater than 35 acres in size. A Statement of No Impact has been signed and included in the file.

7.1.7 Erosion and Sedimentation: the final construction plans will include erosion and sedimentation control requirements for the project.

7.1.8 Dark Sky Standards: New construction will be required to comply with downcast and shielded lighting.

7.1.9 Areas of Archeological, Paleontological or Historic Importance: The application was reviewed by the Heritage Area Advisory Board, and the Board is neutral on the project as it does not impact the Heritage Area or the Scenic Byway.

Section 7.2 Site Planning and Development Standards

7.2.1 Other Adopted Plans: The Chaffee County Comprehensive Plan recommends:
Guiding Objective 2 from Chapter 5, Community Character/Natural/Cultural Resources: Encourage protection of rural areas throughout the county outside designated growth areas. Preserve agricultural land, open space, and wildlife habitat through a variety of non-regulatory and regulatory techniques. The contiguous open space is designed to accommodate wildlife movement through the subdivision, and to preserve the irrigation ditches.

7.2.2 Infrastructure Requirements: The new lots will have shared and individual driveways off the new roads constructed for the subdivision. An access easement across Lots 20 & 21 will be changed to right of way for the properties to the south. Right of way for County Road 289 and for the new subdivision roads will be dedicated for this project. Augmentation certificates will be purchased for each phase prior to recording of the phase. The size and topography of the lots will allow for the required two parking spaces per residential lot.

7.2.3 Site Planning and Design: This proposal meets the required minimum 2.0 acres per lot, with the Buildable ‘B’ lots designated on the plat. The subdivision is designed to use the vegetation and topography of the site to screen the new residential lots. The existing meadows are designated as the open space portions of the lots to maintain the sense of openness, and to prevent houses from being built in the open meadows. Excessive disturbance is not anticipated. The Colorado Geological Survey reviewed this project and mentions that the site is mapped as unstable slopes, although no landslides have been mapped in the vicinity (within 4 miles). The recommendation is to move the building envelopes on Lots 1, 2, 3 and 16, however the applicant responds that this would move the buildable areas on Lots 1, 2 & 3 into the meadow, and the lots have adequate buildable areas in the current configuration. Lot 16 B shows an area designated as steep slopes, and this does meet the requirement for a minimum building envelope size of ¼ acre (Section 7.3.2.G). The applicant has added a plat note stating buildings shall not be constructed on areas of steep slopes (> 30%). On-site geologic investigations are required for each lot at the time of construct for foundation and drainage design.

7.2.4 View Protection Guidelines: This subdivision has been designed to screen the view of new houses from County Road 289 by topography and vegetation. Houses will be built below ridgelines and out of the open meadows.

7.2.5 Weed Control: N/A, applies to construction with cuts or fills greater than 8 feet.

7.2.6 Stormwater run-off: A Final Drainage Report has been submitted, and it has been determined that stormwater facilities are not required.

7.2.7 Protection of water quality: N/A (applies to non-residential land use changes).
Section 7.3 Subdivision Design Specifications:

7.3.1 Basic Subdivision Standards:

Draft covenants addressing the road maintenance has been submitted with this application, and addresses maintenance of the subdivision roads.

7.3.2 Subdivision Lots: This application creates 21 conforming lots with adequate building sites outside of any flood, geologic or natural hazard areas. The lots will have access to County Road 289, which is a County-maintained road. Lots are not divided by any roads, municipal or tax district boundaries.

7.3.3 Subdivision Roads: Two roads will be built with this subdivision, both cul-de-sacs off County Road 289. Right of way is being dedicated, and the new roads will be maintained by the Homeowners Association.

7.3.4 Subdivision Fire Protection: A 15,000 gallon fire cistern will be installed as part of the subdivision request. The applicant has proposed a temporary turnaround on Lot 9 at the end of Phase 1. The temporary cul-de-sac will automatically be vacated when the road is completed with phase 2. The Chaffee County Fire Protection District has also determined that the fire apparatus access is adequate.

7.3.5 Utility Easement Requirements: The plat includes utility easements that meet the requirements of the Land Use Code.

7.3.6 Survey Monuments: Monuments are indicated on the plat.

7.3.7 Standards for Public Sites and Open Space: This ROSI dedicates 67.1% of perpetual Open Space. An existing horse trail crosses the open space portion of Lot 19, however, it was never memorialized in writing. The applicant has talked with the users, and has offered to connect the new property owner with the users to determine if a trail easement is desired.

AGENCY REVIEW:

Colorado Division of Water Resources – the proposed water supply has the potential to be physically adequate. The proposed water supply will not cause material injury to decreed water rights with purchase of water augmentation certificates.

Colorado Geological Survey – most of the land is mapped as unstable slopes, however, no landslides have been mapped within 4 miles, and Lots 1, 2, 3 & 16 building envelopes should be shifted to avoid steep slopes. The use of retaining walls should be minimized; drainage should be designed to channel water away from roads and slopes; site grading and drainage plans are to be designed by a qualified, licensed engineer who is familiar with slope stability concerns; existing vegetative cover should be left intact as much as possible. A geotechnical investigation is needed on each lot to characterize subsurface conditions and soil engineering properties such as density, strength, and well-consolidation potential for use in design of foundations, floor slabs, surface and subsurface drainage, retaining walls and pavements.

Colorado Parks and Wildlife – the property is classified as winter and summer range for deer and elk, and recommends no additional fencing that would divide the open space, except for wildlife-friendly fencing to secure domestic animals. CPW also recommends trash-resistant containers or keeping trash in locked storage areas until the morning of pick-up.

Colorado State Forest Service - no comments were received.

Chaffee County Fire Protection District – requests a 15,000 gallon fire cistern; the fire apparatus access is adequate provided that grade requirements in the LUC are met.

Chaffee County Environmental Health – a soil investigation will be required to determine the need for a design by a Professional Engineer.
Heritage Area Advisory Board – the Board is neutral to the subdivision plan as submitted as it does not impact the Scenic Byway or the Heritage Area. The project seems thoughtfully planned to minimize visual impacts.

Road & Bridge – CR 289 is a rural road and is prone to flooding. The road is the detour for flood events. Signage and barricades will need to be added to these accesses in order to keep unwanted traffic from entering. Snow removal could be second day due to significant events.

Salida School District - no comments were received.

Upper Arkansas Water Conservation District – The area proposed for development can be included in the District’s blanket augmentation plan, subject to submittal and approval of a properly completed application.

Bowen Ditch Owner (received notification of application with adjacent landowners) - no comments were received.

US Forest Service - no comments were received.

Weed Management Department – this area is of special concern for the eradication of Dalmatian toadflax. The applicant is in the process of signing a weed management plan, adding a statement to the covenants notifying future owners of the HOA responsibility for noxious weed management, and will pay the $2000 bond before the plat is recorded.

Findings of Fact:
1. The application meets the requirements of the Land Use Code for a Rural Open Space Incentive Subdivision Final Plat.
2. The open space is designed to be contiguous for wildlife movement, to avoid impacts to irrigation ditches, and to maintain views along County Road 289.
3. County Road is a rural road and is prone to flooding.

Conditions
1. Water augmentation certificates shall be purchased for each phase before the plat for each phase is recorded.
2. The following note shall be added to the plat:
   a. A geotechnical investigation is needed on each lot to characterize subsurface conditions and soil engineering properties such as density, strength, and well-consolidation potential for use in design of foundations, floor slabs, surface and subsurface drainage, retaining walls and pavements.

Potential Action:

Commissioner ______ moved and Commissioner ______ seconded to APPROVE/APPROVE WITH CONDITIONS/DENY the application for the Broadview ROSI Subdivision Final Plat submitted by Jeffrey Ince and James Ince based on the following findings of fact and conditions:

Findings of Fact:
1.
2.

Conditions:
1.
2.
APPLICATION FOR
MINOR SUBDIVISION
OR
RURAL OPEN SPACE INCENTIVE (ROSI) SUBDIVISION

☐ Sketch Plan - Fee $625.00  ☐ Final Plat Fee $850.00

Application Filing Deadline is the Last Monday of each Month

GENERAL INFORMATION

NAME OF PROJECT
Brady Minor Subdivision

PROPOSED SUBDIVISION

PROPERTY ADDRESS
7121 CR 107

TAX PARCEL #
380705300177  &  380705300255

EXISTING USE OF PROPERTY
Commercial & Residential

OWNERS NAME (PLEASE PRINT)
Brent & Valerie Sites, Derald & Laura Brady

ADDRESS
7121 CR 107  &  7013 CR 107  Salida, CO 81201

TELEPHONE

E-MAIL

I AM THE OWNER OF THE ABOVE PROPERTY AND HEREBY GIVE MY PERMISSION FOR THE REPRESENTATIVE LISTED BELOW TO SERVE AS MY AGENT THROUGH THIS LAND PLANNING PROCESS. MY AGENT SHALL HAVE FULL POWER AND AUTHORITY TO ACT ON MY BEHALF DURING THIS PROCESS. THIS PERMISSION MAY BE REVOKED BY ME AT ANY TIME BY PROVIDING WRITTEN NOTICE TO CHAFFEE COUNTY PLANNING.

OWNERS SIGNATURE

REPRESENTATIVE (PLEASE PRINT)
Brent Sites  Derald Brady

REPRESENTATIVES SIGNATURE

TELEPHONE

EMAIL

MAILING ADDRESS
7013 CR 107  Salida, CO 81201

STAFF USE ONLY

Application received by__ Date ________

Fee $____________ Check #________   

Effective October 24, 2017
CHAFFEE COUNTY
Development Services Department
P.O. BOX 699 PHONE (719) 539-2124
SALIDA, CO 81201 FAX (719) 530-9208
WEBSITE www.chaffeecounty.org

STAFF REPORT

Date: March 20, 2018
To: Chaffee County Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Brady Minor Subdivision Final Plat
PC: 3/27/2018 BOCC: 4/10/2018

Applicant: Brady Brothers, LLC and Brent & Valerie Sites.

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on March 8, 2018. Public Hearing notices were sent by certified mail to adjoining property owners on March 8, 2018. The Public Hearing Notice sign was observed by staff on March 19, 2018.

Summary of Application: This application proposes subdivision of two properties totaling approximately 14.1 acres into four lots. The Sites and Brady’s West will each be creating one additional lot. Lot sizes will be 2.00, 2.01, 2.68 and 6.03 acres in size. Brady’s West Garden & Floral will be on the 6.03 acre lot and this application makes no changes to the existing business. Access to all four lots will be on a new 40’ wide right of way, located where the existing driveway is built, and will be dedicated on the plat.

Location and Zoning Map:
Article 7.1 Basic Standards for all Land Use Change Permits

7.1.1 Intent: This section is for applicants to demonstrate that facilities and services are available, that environmental and topographic constraints are considered and that existing vegetation can mitigate impacts to unique natural features.

7.1.2 Compliance with Zone District: This application complies with the density and dimensional standards of the Rural zoning district.

7.1.3 Site Infrastructure Requirements: These two properties have one existing house with well and OWTS, and Brady’s West Garden Center with existing well and OWTS. Forty feet of right of way is proposed to be dedicated to serve the new lots as a Low Volume Road. The existing driveway currently serves three houses (two not a part of this application) and is also used as a rear entrance for Brady’s. An approved Floodplain Permit will be required to be submitted with the building permit application for Lot 3. Adequate utilities are available at County Road 107 to serve the proposed lots. Right of Way dedication for CR 107, 30 feet to the center line of the existing roadway, will be shown on the plat.

7.1.4 Site Drainage: This property has historic drainage patterns that need to be maintained during construction. Construction plans for road improvements have been submitted as part of the Final Plat application. A Drainage Plan has also been received, and concludes that the post-development runoff will be essentially the same as the pre-development runoff. No stormwater facilities are required.

7.1.5 Protection of Wetlands and Riparian Areas: The property has a mapped 100-year FEMA Floodplain (Zone AE: base flood elevations have been mapped). Protection of the 100-year
Floodplain also protects the wetlands and riparian areas. Building envelopes and setbacks for the 100-year Floodplain and the Floodway are shown on the Final Plat.

Google Earth Map:

100-year FEMA Floodplain:

Green: 100-year Floodplain
Yellow: 500-year Floodplain
7.1.6 Wildlife Habitat: The property is in an area rated very high for Significant Wildlife Habitat. Colorado Parks & Wildlife (CPW) did not make comments, however, future owners can refer to the ‘Living with Wildlife’ brochure on the CPW website. The development is not required to be reviewed under the 1041 regulations as the properties are less than 35 acre in size.

7.1.7 Erosion and Sedimentation: Erosion & sedimentation control will be the responsibility of the construction contractor, for Lot 3 improvements and for upgrades to the road.

7.1.8 Dark Sky Standards: New construction is required to comply with downcast and shielded lighting in compliance with this section.

7.1.9 Areas of Archeological, Paleontological or Historic Importance: The Heritage Area Advisory Board did not return comments on the project.

Article 7.2 Site Planning and Development Standards

7.2.1 Other Adopted Plans: Chaffee County Comprehensive Plan: Guiding Objective 5 from Chapter 4, Land Use & Development Patterns: Maintenance of the existing stock of private land in the County and encourages continuation of agricultural activities. This proposal adds residential use close to the City of Salida’s municipal boundary and maintains an existing nursery business in the same area. An approved Floodplain Permit will be required as part of the building permit application, in order to ‘Protect other sensitive natural areas’ in accordance with Guiding Objective 5 from Chapter 5, Community Character/Natural/Cultural Resources.

7.2.2 Infrastructure Requirements: A water augmentation certificate for Lot 3 has been purchased by Derral Brady. A water augmentation certificate for Lot 2 shall be purchased before the plat is recorded. The new lots will have On-site Wastewater Treatment Systems (OWTS), and the applicant has shown the location of the well, OWTS and driveway location for Lot 3 to show suitability for development, and a verbal approval has been obtained. A Low Volume Road within a 40’ wide right of way will be constructed for access to the new and existing lots. The existing driveway also serves two existing residences that are not a part of this application. The right of way will be dedicated on the final plat. Fire protection has been reviewed by the South Arkansas Fire Protection District and the district has no concerns, and has agreed that the cul-de-sac does not need to be constructed as the emergency vehicles can drive around the existing trees to turn vehicles around. The plat needs to be amended to show the existing driveways to be used, or easements for use by emergency vehicles should be added. The size and topography of the lots will allow for the required two parking spaces per residential lot.

7.2.3 Site Planning and Design: The design uses an upgrade of the existing driveway for access to the lots. Plans for upgrades to the existing driveway to a Low Volume Road have been submitted with the Final Plat application. The fire district has approved the use of the existing turnaround for emergency vehicles, instead of removing the trees and building a cul-de-sac. A re-configured cul-de-sac or easement are required for use of emergency vehicles and the public to be able to turn around. This property includes continuation of the existing commercial use with the creation of a new residential lot. The Colorado Geological Survey has made comments concerning development on Lot 2 being at the terminus of a large alluvial fan and being limited by shallow groundwater, and that Lot 3 is within the 100-year flood hazard zone. An erosion setback from the flood zone boundaries is recommended to reduce erosion, scour and undercutting of foundations and structures. A site-specific analysis of topography, river morphology and soil erosion properties should be used to determine setbacks for the building envelope on Lot 3.

7.2.4 View Protection Guidelines: The applicant has represented that existing vegetation can be utilized as a buffer between the commercial and residential uses.

7.2.5 Weed Control: N/A (applies to construction with cuts or fills greater than 8 feet).
7.2.6 Stormwater run-off: No changes to grades are anticipated, and historic drainage patterns must be maintained.

7.2.7 Protection of water quality: N/A (applies to non-residential land use changes).

**Article 7.3 Subdivision Design Specifications:**

7.3.1 Basic Subdivision Standards: This application upgrades an existing driveway to a Low Volume Road, and a Maintenance Agreement or homeowners association will be required to be created to address maintenance. Further subdivision of these lots may only be done through the Major Subdivision process.

7.3.2 Subdivision Lots: This application creates two additional lots with adequate building sites, one of which is within the 100-year Floodplain. Section 7.3.2.A.2 and 7.3.2.B allow an applicant to provide an engineering study showing the hazard can be mitigated. An approved Floodplain Permit will be required to be submitted with the building permit application for Lot 3. Colorado Geological Survey has reviewed the application and made comments concerning a site-specific analysis to determine the building setbacks on Lot 3. All lots will have access to a Low Volume Road on dedicated right of way that will connect to County Road 107, which is County maintained. The Low Volume Road will also provide access to two adjacent properties in the location of an existing access easement. Lots are not divided by any roads, municipal or tax district boundaries.

7.3.3 Subdivision Roads: A new Low Volume Road off County Road 107 will be built where the existing driveway is located, to serve the two new lots, in addition to the existing houses it currently serves. The road will be improved from the existing driveway to a County road standard, within right of way dedicated with the plat.

7.3.4 Subdivision Fire Protection: This development is within the South Arkansas Fire Protection District. The District has no concerns and has met the applicants on site to review the existing turnaround for use by emergency vehicles.

7.3.5 Utility Easement Requirements: Easements meeting the requirements of the Land Use Code are shown on the final plat.

7.3.6 Survey Monuments: Monuments are indicated on the plat.

7.3.7 Standards for Public Sites and Open Space: Two additional residential lots are created by this plat, and the applicant is dedicating right of way for access to the new lots and to existing houses. The applicants are requesting a waiver of the open space requirement as the properties are not adjacent to trails or existing open space, and the river access is not suitable for development as a public access point. A School Fee-in-Lieu note will be required to be added to the plat for Lots 2 and 3.

**Agency Review Comments:**

Colorado Parks and Wildlife – No comments have been received.

Colorado Geological Survey – Applicant should be aware that the terminus of a large alluvial fan is approximately 400 feet away. A large rainfall event could trigger runoff and sedimentation. The site is limited by shallow groundwater. Lot 3 is within the 100-year flood hazard zone. It is not clear that there is space for a home and septic system outside the 100-year flood hazard zone on this lot. An erosion setback from the flood zone boundaries is recommended to reduce erosion, scour and undercutting of foundations and structures. A site-specific analysis of topography, river morphology and soil erosion properties should be used to determine setbacks for the building envelope on Lot 3.

Colorado Division of Water Resources – The applicant must clearly describe which wells will continue to be used in the proposed subdivision and for what uses.

South Arkansas Fire Protection District – No concerns.
Chaffee County Environmental Health — Lot 3 has difficulties due to identified floodway, lot configuration and driveway location. A Site Plan, prepared by a Colorado Professional Licensed Surveyor, showing house footprint, utility locations, driveway access and location of all OWTS elements, as designed by a Colorado Professional Licensed Engineer, is needed for accurate review.

Heritage Area Advisory Board — No comments have been received.
City of Salida — No comments have been received.
Road & Bridge Department — The 30’ of right of way along CR 107 is needed.
Salida School District — No comments have been received.
Upper Arkansas Water Conservation District — Augmentation is needed on the new lots.
US Army Corps of Engineers - No comments have been received.

Potential Finding of Fact:
1. The application meets, with conditions of approval, the requirements of the Land Use Code for a Minor Subdivision Final Plat.
2. Lot 3 is impacted by the South Arkansas River Floodplain.
3. Mitigation for development of the site has been submitted for review, and determined to meet OWTS standards.

Potential Conditions:
1. An approved Floodplain Development Permit shall be submitted with the building permit application for Lot 3.
4. A water augmentation certificate shall be purchased for Lot 2 before the plat is recorded.
5. Thirty (30) feet of right of way will be dedicated for County Road 107 on the plat.
6. The 60-foot wide dedicated right of way can be changed to a 40-foot wide right of way for the Low Volume Road.
7. The cul-de-sac shall be re-configured or an easement established on the plat for the turnaround for the use of emergency vehicles and the public at the end of the dedicated right of way.
8. A Maintenance Agreement or homeowners association will be required to be created to address maintenance on the new access road.
9. A site-specific analysis of topography, river morphology and soil erosion properties shall be used to determine if additional building envelope setbacks are needed for Lot 3.

Potential Action:

Commissioner _________________ moved and Commissioner _________________ seconded to recommend to the Board of County Commissioners to APPROVE/APPROVE WITH CONDITIONS/DENY the application for the Brady Minor Subdivision Final Plat submitted by Brady Brothers, LLC and Brent & Valerie Sites based on the following findings of fact and conditions:

Findings of Fact:
1. 
2. 

Conditions:
1. 
2. 

Page 6 of 6
Date: March 21, 2018
To: Chaffee County Planning Commission and Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Land Use Code Text Amendments

Amendments: Agricultural Subdivision Exemption: Add the following phrase to the end of Section 5.2.3.C.1: “for 12 months from the date of recording the plat.”

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on March 8, 2018.

Summary of Application: This text amendment was initiated by the Chaffee County Planning Commission to link the 12-month time period for subsequent agricultural subdivision exemptions to the agricultural use of the property.

Proposed Text Amendments:

C. Agricultural Subdivision Exemption. Agricultural subdivision exemptions are intended to assist members of the productive agricultural community to continue in agriculture, thus continuing to provide economic benefit to the County. Criteria specific to an agricultural subdivision exemption include:

1. Agricultural Subdivision Exemptions are allowed only for land currently used for agricultural purposes. Under this Subdivision Exemption process, an additional lot may be created, provided that the lot meets the criteria of this section, all development standards and all other applicable provisions of this Land Use Code and the parcel not conveyed (remainder parcel) shall be greater than 35 acres and remain in agricultural use for 12 months from the date of recording the plat.

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.
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.
c. The proposed use is compatible with the uses allowed in the zone district to which it would be added.
N/A This text amendment does not add uses to the zone district regulations.
Staff Findings
The Land Use Code Text Amendment is to create an end date for the implied requirement that the property remain in agricultural use in perpetuity. The intent is to clarify that an agricultural subdivision exemption can be created every 12 months, but if the property owner wants to change the use of the property, and the 12 month time restriction has passed, the previous use of the property for the agricultural subdivision exemption does not limit the future use of the property.
The approval criteria in Section 4.4.2 of the Land Use Code are not applicable.

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 as shown above based on the following findings of fact and conditions:

Findings of Fact:
1.
2.

Conditions:
1.
2.
C. **Agricultural Subdivision Exemption.** Agricultural subdivision exemptions are intended to assist members of the productive agricultural community to continue in agriculture, thus continuing to provide economic benefit to the County. Criteria specific to an agricultural subdivision exemption include:

1. Agricultural Subdivision Exemptions are allowed only for land currently used for agricultural purposes. Under this Subdivision Exemption process, an additional lot may be created, provided that the lot meets the criteria of this section, all development standards and all other applicable provisions of this Land Use Code and the parcel not conveyed (remainder parcel) shall be greater than 35 acres and remain in agricultural use for 12 months from the date of recording the plat.

2. Any resident of Chaffee County who is involved in agriculture may apply for an Agricultural Subdivision Exemption in order to convey a parcel of land provided the applicant can prove such agricultural involvement by providing all of the following:
   a. Current assessor property land use classification as agricultural, for 5 years
   b. Proof of ownership of the property for the past 5 years
   c. The applicant has not received approval of a subdivision exemption within the previous 12 months.
   d. Previous subdivision exemptions shall be reviewed to see if the use has been consistent with the intent of this policy. The application may be required to meet the requirements of the Minor Subdivision or Major Subdivision process if the Board of Commissioners determines the application does not meet the intent of this policy.

3. Residential lot standards:
   a. A residential lot created through this process shall conform to the overall zoning density and zoning lot size requirements.
   b. Any residential parcel shall include all requirements detailed in the Land Use Code, including minimum setbacks, easements, access permits, and addressing. These items may not be required for an agricultural parcel.
   c. The residential lot may have direct access to a County Road designated as a local or minor collector, and may be permitted to have direct access to a major collector or arterial if approved by the Board of County Commissioners. Access Permits shall be required, and all driveways and accesses shall meet the requirements detailed in the County Road standards.
   d. If the residential lot is adjacent to an existing County Road, the appropriate right-of-way for that road shall be dedicated to Chaffee County along the residential lot frontage, and right-of-way may have to be dedicated along the agricultural parcel frontage if required by the Board of County Commissioners. Criteria for requiring right-of-way dedication could include road classification, existing drainage or maintenance problems, or other issues relating to the safety of the road such as sight distance, or intersection design.
   e. The subdivision exemption shall be exempt from the provisions of Chapter 9 of the Chaffee County 1041 Regulations, provided that any future land use changes on the remainder parcel may be subject to the 1041 Regulations.
STAFF REPORT

Date: March 21, 2018
To: Chaffee County Planning Commission and Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Land Use Code Text Amendments

PC: 3/27/2018 BOCC 4/10/2018

Amendments:
Section 1.3.3.B.2.a – amend Appeals of Administrative Decision section under BOA Powers & Duties.
Section 1.4.2.C.1 b 4 – amend Enforcement Process, Land Use Violations.

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on March 8, 2018.

Summary of Application: This text amendment was initiated by the Chaffee County Attorney to correct and update the section dealing with appeals to the Board of Adjustment.

Proposed Text Amendments:

1.3.3 Board of Adjustment

2. Appeal of Administrative Interpretation. The Board of Adjustment may consider an appeal by any person aggrieved by a final written administrative interpretation or decision based upon or made in the course of the administration or enforcement of the zoning regulations of this Code. The appeal process is set forth in Section 4.5.2.

a. Appeal to the Board of Adjustment shall not be allowed for building use violations that may be prosecuted by the court pursuant to C.R.S. 30-28-124 (1)(b).

b. In order for the Board of Adjustment to grant an appeal which overturns an administrative interpretation or decision, at least three (3) members of the Board of Adjustment must vote in favor of the appellant.

1.4.2 Enforcement Process – Land Use Violations (see Section 1.4.4 for Enforcement of the Subdivision Process).

C. Notice of Violation and Response. If the Director verifies a complaint as a violation, the County shall provide written notice of the violation and the requirements for abatement to the property owner of record as identified on the Chaffee County tax records, and to any other responsible party whose identity and whereabouts are known to the Director.

1. Notice Requirements.

a. Service by Mail. The notice shall be served by certified mail, return receipt requested, to both the address in the tax records and the property address, if different.

b. Content of Notice. The notice of violation shall contain the following
information.
1. A list and description of all violations with references to the section or sections of
the Code violated.
2. An order requiring correction of the violation(s) and the requirements for
correction or abatement.
3. The date by which compliance shall be attained, with a proposed re-inspection
date to verify correction or abatement. Thirty (30) calendar days shall be
provided for abatement, unless the Director determines that a shorter or longer
time is justified to protect health, safety, and welfare.
4. A statement of the right to appeal the determination of violation to the Board of
County Commissioners and the time within which a written appeal must be filed,
if applicable for the violation(s). **Appeal to the Board of Commissioners shall not be allowed for violations that may be prosecuted pursuant to C.R.S. 30-28-124(1)(b).**

**Section 4.4.2 Land Use Code Text Amendment**

C. Evaluation and Staff Review (Section 4.1.3 F): 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.
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.
c. The proposed use is compatible with the uses allowed in the zone district to which it would be added.

*N/A This text amendment does not add uses to the zone district regulations.*

**Staff Findings**

These Land Use Code Text Amendments are to correct and update references to state statutes in the Land
Use Code.

The approval criteria in Section 4.4.2 of the Land Use Code are not applicable.

**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 as shown above based on the
following findings of fact and conditions:

**Findings of Fact:**
1. 
2. 

**Conditions:**
1. 
2. 
1.3.3 Board of Adjustment

A. Membership and Term

1. Appointment. The Board of County Commissioners shall appoint three (3) regular Board of Adjustment members. The Board of County Commissioners may appoint up to two (2) associate members for the purpose of filling a vacancy on the Board of Adjustment in the event that any regular member is temporarily unable to fulfill his or her responsibilities as a member of the Board of Adjustment.

2. Qualifications. All members must be residents of the County and may serve no other elected office of Chaffee County, Colorado. Not more than one-half of the Board of Adjustment members may be members of the Planning Commission.

3. Term of Office. The term of regular members shall be three (3) years, and until their respective successors have been appointed. The terms of office shall be staggered so that the term of at least one member will expire each year.

4. Removal from Office. Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners, upon written charges and after a public hearing.

5. Vacancy. Whenever a vacancy occurs on the Board of Adjustment, the member’s or associate member’s position shall remain vacant until a new member or associate member can be appointed by the Board of County Commissioners. The vacancy shall be filled for the unexpired term in the same manner as the original appointment.

6. Compensation. The members of the Board of Adjustment shall serve without compensation, with the exception of a stipend for meeting attendance for any month in which a meeting is held, to cover expenses incurred for travel, mileage and continuing education related to service on the Board of Adjustment.

B. Powers and Duties.

1. Variance. The Board of Adjustment is the decision-making body for requests for variance from certain zoning dimensional requirements of this Land Use Code.

   a. The Board of Adjustment shall consider a request for variance based on the procedure set forth in Section 4.5.1. In order for the Board of Adjustment to grant a variance, a majority of members in attendance must vote in favor of the applicant.

   b. The Board of Adjustment does not have the authority to grant the following:
      (1) Variance from uses allowed in a zone district.
      (2) Variance from any definition.
      (3) Variance from the minimum or maximum density allowed in a zone district.
2. **Appeal of Administrative Interpretation.** The Board of Adjustment may consider an appeal by any person aggrieved by a final written administrative interpretation or decision based upon or made in the course of the administration or enforcement of the zoning regulations of this Code. The appeal process is set forth in Section 4.5.2.

   a. Appeal to the Board of Adjustment shall not be allowed for building, use, or violation that may be prosecuted by the court pursuant to C.R.S. 30-28-124 (1)(b).

   b. In order for the Board of Adjustment to grant an appeal which overturns an administrative interpretation or decision, at least three (3) members of the Board of Adjustment must vote in favor of the appellant.
1.4.2 Enforcement Process – Land Use Violations (see Section 1.4.4 for Enforcement of the Subdivision Process).

A. Complaint and Verification of Violation.

1. **Verify Violation.** Upon complaint made or filed by a member of the public or by a County official or employee, the Director shall verify the complaint as a violation.

2. **Authority to Enter and Inspect.** The Director’s authority to enter and inspect land, a building or structure for the purpose of verifying a violation shall be governed by the procedures set forth in Section 1.4.2 B.

B. Authority to Enter and Inspect.

1. **Director Authorized to Inspect.** The Director or his designee is empowered to inspect and examine any building, other structure, or parcel or other area of land where there is reasonable cause to believe that a use exists or construction, reconstruction, alteration, or maintenance is being performed or has been performed in violation of this Land Use Code.

2. **Consent to Enter or Administrative Entry and Seizure Warrant Not Required.** Consent to enter or an administrative entry and seizure warrant shall not be required in the following circumstances.
   
   a. To conduct inspections of commercial or public properties during the regular business hours of that property.

   b. To conduct inspections within the scope of another official document, including without limitation building or other land use change permits.

   c. To make observations of the premises in plain view from public property or from portions of the premises which are open or accessible to the public, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy.

   d. In emergency situations in which the Director has reason to believe that the public health or safety is in imminent danger and could be jeopardized by delay.

3. **Administrative Entry and Seizure Warrant.** Upon authorization by the Board of County Commissioners for abatement of the violation by the County, the Director shall seek an administrative entry and seizure warrant from the County or District Court having jurisdiction over the property.

   a. **Documentation required for Warrant.** The following documents shall be required for the court to issue an administrative entry and seizure warrant:

      1. The applicable regulatory provisions of this Code.

      2. An affidavit stating the factual basis for the warrant.

      3. Evidence that the property owner has received notice of the violation and has failed to abate the violation within the prescribed time.

      4. A general description of the location of the subject property.
5. A general description of the violation, including a general list or description of the rubbish, weeds or brush, or unsafe structure(s) to be removed if applicable.

6. The proposed method and extent of abatement by the County, including proposed disposal or temporary impoundment of property.

C. Notice of Violation and Response. If the Director verifies a complaint as a violation, the County shall provide written notice of the violation and the requirements for abatement to the property owner of record as identified on the Chaffee County tax records, and to any other responsible party whose identity and whereabouts are known to the Director.

1. Notice Requirements.
   a. Service by Mail. The notice shall be served by certified mail, return receipt requested, to both the address in the tax records and the property address, if different.
   b. Content of Notice. The notice of violation shall contain the following information.
      1. A list and description of all violations with references to the section or sections of the Code violated.
      2. An order requiring correction of the violation(s) and the requirements for correction or abatement.
      3. The date by which compliance shall be attained, with a proposed re-inspection date to verify correction or abatement. Thirty (30) calendar days shall be provided for abatement, unless the Director determines that a shorter or longer time is justified to protect health, safety, and welfare.
      4. A statement of the right to appeal the determination of violation to the Board of County Commissioners and the time within which a written appeal must be filed, if applicable for the violation(s). Appeal to the Board of Commissioners shall not be allowed for violations that may be prosecuted pursuant to C.R.S. 30-28-124(1)(b).
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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 **March, 2018** from **Chaffee** county.

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<td><strong>TOTAL</strong></td>
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**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 of the following month.

Mail to:

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