Chaffee County Board of Commissioners
P.O. Box 699/104 Crestone Ave.
Salida, CO 81201
719.539.2218/www.chaffeecounty.org

AGENDA

March 13, 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
❖ Minutes from December 5, 12, 2017, January 2, February 20, March 1 Special Meeting, March 6, 2018

A. Contracts/Grant Consideration:
❖ Computer Information Concepts (Finance Director Short)

B. 9:15 a.m. - Public Hearings and consideration of recommendations from the February 27, 2017 Planning Commission Meeting (see attached) with regard to the following matters:

a. Whispering Pinos Acres Major Subdivision - Applicants: Robert Wyzykiewicz and Rachel Hirschey Location: 11341 County Road 206, Salida Zone: Rural Request: To divide 40.68 acres into 12 lots with the minimum being 2.0 acres. Water by wells, wastewater treatment by on-site wastewater systems. (Planner Barton)

b. Updates to the Chaffee County Land Use Code – 1. Add to Article 15 – Definitions – Animal Shelter. 2. Add new Section: 5.2.3.K – Heritage Water Subdivision Exemption (Planning Director Roorda)

C. 10:00 a.m. – Public Hearing – To consider a request for an Agricultural Subdivision Exemption. Applicant: E. Michael Senter Location: 12135 County Road 190-E, Salida Legal: Lot 2 of Senter Agricultural Subdivision Exemption #2. Zone: Rural Request: To divide 37.8 acres into two lots of 2.7 acres and 35.1 acres. (Planner Barton)

D. 10:15 a.m. – Public Hearing – For the purpose of receiving input regarding a petition to vacate a portion of County Road 154 near the intersection of U.S. Highway 291, Salida. Applicant is also requesting application fees be waived. Request is from the Salida Hospital District, dba Heart of the
Rockies Medical Center (HRRMC) for the purpose of relocating the Colorado Department of Transportation (CDOT) access for County Road 154 to U.S. Highway 291 south to improve the site distance from the Arkansas River Bridge at U.S. Highway 291. (Planning Manager Roorda)

E. Consider Road Easement for County Road 154. (Planning Manager Roorda)

F. Consider resolution for the Live Nation Special Event Permit. (Attorney Davis)

G. Consider resolution for the Oak Leaf Limited Impact appeal. (Attorney Davis)

H. Consider repeal of the County Assessor’s decision regarding the Senior Property Tax Homestead Exemption. (Assessor Mosby)

I. County Road 301 Impact Mitigation Agreement (Attorney Davis)

J. Determine the 8 event days in June under the County recreational in-channel diversion (RICD) (Select the 8 days in June when water rights for the RICD shall be 1,800 cfs) (Attorney Davis)

K. Executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice on specific legal questions and strategy involving the pending Rule 106 appeal in the ACA/Holman mining permit application matter.

Consent Agenda:
   ◆ Report from the County Treasurer for the month of February, 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.****

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.

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 at least three (3) business days prior to the scheduled meeting or event to request an accommodation.
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

| DATE: | March 12, 2018 |
| TIME: | 9:00 a.m. |
| SUBJECT: | Regular meeting of Landfill Committee and Boards of Health and Human Services followed by Work Session |
| LOCATION: | Commissioners Meeting Room |

| DATE: | March 13, 2018 |
| TIME: | 9:00 a.m. |
| SUBJECT: | Commissioner’s Regular Meeting |
| LOCATION: | Salida |

| DATE: | March 20, 2018 |
| TIME: | 9:00 a.m. |
| SUBJECT: | Commissioner’s Regular Meeting |
| LOCATION: | Buena Vista |

| DATE: | March 27, 2018 |
| TIME: | 3:00 p.m. |
| SUBJECT: | Visitors Bureau |
| LOCATION: | Salida |

| DATE: | March 27, 2018 |
| TIME: | 4:00 p.m. |
| SUBJECT: | Planning Commission Work Session followed by Regular Meeting |
| LOCATION: | Commissioners Meeting Room |

| DATE: | March 28, 2018 |
| TIME: | 9:00 a.m. |
| SUBJECT: | Airport Advisory Board Meeting |
| LOCATION: | Harriet Alexander Field |

| DATE: | April 3, 2018 |
| TIME: | 9:00 a.m. |
| SUBJECT: | Commissioner’s Regular Meeting |
| LOCATION: | Salida |

| DATE: | April 5, 2018 |
| TIME: | 6:30 p.m. |
| SUBJECT: | Fair Board & Planning Meeting |
| LOCATION: | Fairgrounds |

3/9/18
This list may be updated daily. Posted in posting area outside of Commissioners Office
PLANNING COMMISSION RECOMMENDATION

Date: March 2, 2017
To: Chaffee County Board of County Commissioners
From: Chaffee County Planning Commission
Subject: Whispering Pinons Acres Major Subdivision

Note: The following recommendation is an excerpt of the draft Planning Commission meeting minutes of February 27, 2018 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: Bruce Cogan, Dan McCabe, Karin Adams, Mike Allen, Tracy Vandaveer, Bill Baker and Joe Stone.

Finding of Fact:
1. The application meets the initial requirements of the Land Use Code for a Major Subdivision Sketch Plan.
2. Hazard areas will be identified as part of the Preliminary Plan application.
3. Access easement dedication will go all the way to the property line, and CR 206 needs to be dedicated all the way across the property.
4. Chaffee County will determine if an access easement or right of way is preferred for County property adjacent to the subdivision.

Conditions of Approval:
1. Water augmentation certificates shall be purchased for the lots before the plat is recorded.
2. Abandon easement and replace with ROW 40’ on plat and 30’ in conditions – change to 40’ reword to ‘the existing 30’ wide easement btw lots 10 & 11 will be abandoned, and be replaced with a 40’ ROW btw Lots 9 & 10, and continuing to the southern property boundary along the existing easement. A draft easement abandonment will be submitted
3. Any work within a waterway will be reviewed by the Army Corps of Engineers.
4. County Road 206 dedication extends to applicants northern property line.
5. The property owner shall dedicated sufficient row to allow continuing access to the PS cemetery.
6. Waive the OS requirement as there is a large amount of ROW dedication.

Bill Baker moved to approve the Whispering Pinons Acres Major Subdivision Sketch Plan based on the above Findings of Fact and Conditions. Bruce Cogan seconded and the motion carried unanimously.
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

Property Address or General Location: 11341 CR 206 Porchia Springs CO 81242

Name of Applicant: Robert Wyzykiewicz

Mailing Address: PO Box 2021 Eagle CO 81631

Telephone: ___________________ E-mail: ___________________

Total Acreage to be Subdivided: 40

# of Proposed Lots: 12

Minimum Lot Size: 1 Acre

Proposed Water Supply: Wells

Proposed Sewage System: Septic Systems

Existing Use of Property: Vacant Land

Existing Zoning: Rural

Parcel #: R38076161006

Legal Description: NW 1/4 of Section 16, Township 11 North, Range 8 East of the N1 Principal Meridian, Chaffee County, Colorado

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: Robert Wyzykiewicz, Rachel Hirschey

Signature: __________________________

Interest in Property: Owners

Address: PO Box 2021 Eagle CO 81631

Telephone: ___________________ E-mail: ___________________

Staff Use Only

Application received by ___________________ Date __________

Fee $ ___________________ Check # ___________________ Completeness Date __________

Certified Mailing Labels: ___________________
STAFF REPORT

Date: February 13, 2018
To: Chaffee County Planning Commission & Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Whispering Pinons Acres Major Subdivision Sketch Plan
PC: 2/27/2018 BOCC: 3/13/2018

Applicants: Robert Wyzykiewicz and Rachel Hirschey

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on February 8, 2018. Public Hearing notices were sent by certified mail to adjoining property owners on February 8, 2018. The Public Hearing Notice sign was observed by Staff on February 13, 2018.

Summary of Application: This application proposes to subdivide a 40 acre parcel into twelve lots, ranging in size from 2.0 acres to 6.59 acres. The property currently has a pre-fabricated storage building on it, but is otherwise vacant. Proposed lots will have wells, On-site Wastewater Treatment Systems (OWTS) and individual driveways from new roads off County Road 206. The narrative states that no change will occur to the historic use of roads on the property.

Location and Zoning Map:
Zoning: This application complies with the density and dimensional standards of the Rural zoning district.

Whispering Pinons Acres Major Subdivision Sketch Plan:
The Sketch Plan can meet Section 7.1, 7.2 and 7.3, with the following issues identified during review:

- A Land Survey Plat will be submitted with the Preliminary Plan application.
- Augmentation certificates will be purchased for the lots.
- A Drainage Report will be required at the Preliminary Plan phase.
- The plat shall show the existing drainages, and associated drainage easements.
- Property is not in the FEMA-mapped Floodplain. The narrative mentions improvements to existing drainage on site due to flash flooding. The Army Corps of Engineers will be a review agency for this project.
- Provide topographic contours, and identify if there are any steep slopes (> 30%) on the property.
- Building envelopes shall be shown to avoid hazard areas.
- Determine if additional right of way is required to be dedicated for County Road 206.
- Chaffee County maintains 0.34 miles of County Road 206. Verification of maintenance will be determined as part of the Preliminary Plan process.
- A 15,000 gallon fire cistern will be installed as required by Chaffee County Fire Protection District.
- The property is in the Moderate to High Wildfire Risk Wildfire Rating area. This will be reviewed for wildfire impacts at the Preliminary Plan phase.
- Little visual impact is expected. The property is located approximately 750 feet from Highway 285 and is separated from the highway by a ridge.
- Open space is not shown on the plat. The applicant is providing right of way for CR 206, and access to private property to the east and to State Land Board property to the south. The property is not adjacent to any trails or other open space. The property is adjacent to the Poncha Springs Cemetery property, and right of way needs to be
dedicated for the access road. The property is also adjacent to Chaffee County property, and at a minimum, an easement needs to be granted for access to the property. Staff will check with Chaffee County Administration to determine what kind of access is preferred.

Potential Finding of Fact:
1. The application meets the initial requirements of the Land Use Code for a Major Subdivision Sketch Plan.
2. Hazard areas will be identified as part of the Preliminary Plan application.
3. Right of way is being dedicated for County Road 206, and for existing access easements. **What about the**
4. Chaffee County will determine if an access easement or right of way is preferred for County property adjacent to the subdivision.

Conditions of Approval:
1. Water augmentation certificates shall be purchased for the lots before the plat is recorded.
2. The 30-foot wide easement that will change location must be vacated by the easement owner and replaced with right of way. A draft easement abandonment will be submitted for review at the Final Plat phase.
3. Any work within a drainage or waterway shall require consultation with the US Army Corps of Engineers to determine if a permit is needed.

Potential Action:

Commissioner __________________ moved and Commissioner __________________ seconded to APPROVE/APPROVE WITH CONDITIONS/DENY the application for the Whispering Pinons Acres Major Subdivision Sketch Plan submitted by Robert Wyzykiewicz and Rachel Hirschey based on the following findings of fact and conditions:

Findings of Fact:
1. 
2. 

Conditions:
1. 
2. 

PLANNING COMMISSION RECOMMENDATION

Date: March 2, 2018
To: Chaffee County Board of County Commissioners
From: Chaffee County Planning Commission
Subject: Updates to the Chaffee County Land Use

Note: The following recommendation is an excerpt of the draft Planning Commission meeting minutes of February 27, 2018 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: Bruce Cogan, Dan McCabe, Karin Adams, Mike Allen, Tracy Vandaveer, Bill Baker and Joe Stone.

1. Add to Article 15 – Definitions – Animal Shelter

Mike Allen moved to recommend approval of these changes to the County Commissioners. Dan McCabe seconded, and the vote was 7-0.

2. Add new section: 5.2.3.K – Heritage Water Subdivision Exemption. Add to #2. An augmentation certificate, or other augmentation plan, or other proof of adequate water, shall be required for the remainder parcel, regardless of size, before the plat is recorded.

Tracy Vandaveer moved to recommend to the Board of Commissioners approval of the text as amended. Mike Allen seconded. The motion carried with Allen, Vandaveer, Baker and Stone in favor, Adams and McCabe opposed and Cogan abstaining.
Date: February 14, 2018
To: Chaffee County Planning Commission and Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Land Use Code Text Amendment
PC: 2/27/2018 BOCC 3/13/2018

Amendments: Addition of new section 5.2.3.K Heritage Water Subdivision Exemption

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

Summary of Application: This text amendment was initiated at the request of the Board of County Commissioners after a number of subdivision exemptions were granted to allow property owners to retain their exempt wells. This adds a new section to the Land Use Code that allows one lot to be created that will allow a property owner to subdivide their property and keep the exempt well. The owners will purchase an augmentation certificate for the remainder parcel, and the remainder parcel can be re-subdivided in a concurrent process, if the owner chooses to do so.

Proposed Text Amendment:

5.2.3 K Heritage Water Subdivision Exemption
The intent of this section is to identify particular conditions which might allow a property owner seeking to create one new lot through a division of land to, in certain situations, avoid the requirement of obtaining an augmentation certificate for an existing exempt well as may be permitted consistent with C.R.S. §37-92-602 et seq. The remainder parcel shall be subject to water augmentation. In order to qualify for a finding that such division of land is a “subdivision exemption” as contemplated by C.R.S §30-28-101(10)(d), each of the following conditions must be met:

1. One additional lot may be created on a property that has not been created by a previous subdivision exemption.
2. An augmentation certificate, or other augmentation plan, shall be required for the remainder parcel, regardless of size, before the plat is recorded.
3. The review process and submittal requirements shall be as described in Section 4.3.1 of the Chaffee County Land Use Code.
4. The following note shall be added to the subdivision exemption plat: ‘Further subdivision of the Remainder Parcel, platted through the Heritage Water Subdivision Exemption process, shall be subject to the subdivision regulations in the Chaffee County Land Use Code.’
5. The following note shall be added to the subdivision exemption plat: ‘The permitted well associated with the Heritage Well parcel was issued by the Colorado Division of Water Resources on the basis of certain criteria which may or may not remain satisfied following the subdivision exemption process, and the owner of the parcel retaining the Heritage Well is
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.

The subdivision exemption process is reviewed for hazards and impacts to the natural environment. While the subdivision exemptions are not sent to the Colorado Geologic Survey for review, staff can request additional information if it appears hazard areas are located on the property. Building envelopes can be required to avoid the hazards. Additionally, subdivision of the remainder parcel will be reviewed as a minor or major subdivision, and these applications are referred to the review agencies for comment. The text amendment for an additional type of subdivision exemption is not expected to result in hazards or to alter the natural environment to an extent greater than the other uses in the zone districts.

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 subdivision exemption creates a lot with the existing residence, which will not create additional noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences. Any re-subdivision of the remainder parcel will be reviewed for impacts to the area.

c. The proposed use is compatible with the uses allowed in the zone district to which it would be added.

The proposed subdivision exemption creates a lot with the existing residence on it, which is already a compatible use in the zone district. The owner of the remainder parcel will have the right to construct a residence, which will also be in compliance with the uses allowed in the zoning district.

Staff Findings

The Land Use Code Text Amendment adds a new subdivision exemption that allows property owners to retain their exempt well after subdividing their property. The remaining land will have a water augmentation certificate, and can be built on or can be re-subdivided in conformance with the regulations in 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 as shown above based on the following findings of fact and conditions:

Findings of Fact:
1. 
2. 

Conditions:
1. 
2. 

Page 2 of 2
STAFF REPORT

Date: February 14, 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: 2/27/2018   BOCC 3/13/2018

Amendments: Add definition of ‘Animal Shelter’ to Article 15 Definitions.
Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on February 8, 2018.

Summary of Application: This text amendment was initiated by staff in response to public testimony during the hearing to amend the definition of ‘kennel’. The addition of Animal Shelter to the same line as ‘Kennel’ in Table 2.2., the Use Matrix, was approved November 7, 2017 under Resolution 2017-67 and recorded under Reception #439322. This text amendment allows the use to be regulated the same way as Chaffee County regulates kennels. At present, no animal shelters are located in Chaffee County jurisdiction and the use is not presently defined (shelters are located in Poncha Springs and Buena Vista). This text amendment adds the definition to Article 15 Definitions, and adds the use to Section 7.8.17, which is the Use Specific Standards section for Kennels.

Proposed Text Amendments:
Add to Article 15 Definitions:
Animal Shelter. A facility used to temporarily house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, or other organization for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals.

Add Animal Shelter to the heading for Section 7.8.17 Kennel:
7.8.17 Kennel/Animal Shelter

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.
The addition of ‘Animal Shelters’ to Section 7.8.17 allows the use to be reviewed under the same Use Specific Standards as Kennels.
The text amendment to add Animal Shelters to Section 7.8.17 and to Article 15 is not expected to result in hazards or to alter the natural environment to an extent greater than the other uses in the zone districts.
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 potential to create additional noise or other objectionable influences, or more traffic hazards is reviewed by the Planning Commission under a Limited Impact Review process (or Staff review in the Industrial zoning districts). The Planning Commission or Staff can add conditions of approval to mitigate impacts that may be generated by these uses. The Use Specific Standards in Section 7.8.17 address noise, waste disposal and measures to protect health and safety.

c. The proposed use is compatible with the uses allowed in the zone district to which it would be added. The proposed Animal Shelter use has already been added to Table 2.2, the Use Matrix. This text amendment adds a definition for 'Animal Shelter', and adds 'Animal Shelter' to Section 7.8.17 so it will be regulated the same as Kennels. This use can be compatible with the uses allowed in the zone district with conditions of approval, if required.

Staff Findings
The Land Use Code Text Amendment updates Section 7.8.17 Kennels to add 'Animal Shelters' to the title. This allows animal shelters to be reviewed the same way as kennels are regulated. Impacts can be mitigated in the decision-making process. A new definition for 'Animal Shelter' is also added to Article 15: Definitions.

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.
Application Fee $450.00

**GENERAL INFORMATION**

**NAME OF SUBDIVISION EXEMPTION**  SENTER AGRICULTURAL SUBDIVISION NO. 3  
**PROPERTY ADDRESS OR GENERAL LOCATION**  12135 COUNTY ROAD 190 E.  
**NAME OF APPLICANT**  E. MICHAEL SENTER  
**MAILING ADDRESS**  P.O. Box 1688 Buena Vista Co. 81211  
**TELEPHON**  E-MAIL  
**TOTAL ACREAGE TO BE DIVIDED**  37.8  
**TOTAL ACREAGE OF EACH TRACT CREATED**  1. 35.1 AC.  2. 2.7 AC.  
**PROPOSED WATER SUPPLY**  WELL  **PROPOSED SEWAGE SYSTEM**  1. W.T.S.  
**EXISTING USE OF PROPERTY**  RANCHING  
**EXISTING ZONING**  Rural  **PARCEL #**  36B310400 115  
**LEGAL DESCRIPTION**  LOT NO. 2, SENTER SUBDIVISION EXEMPTION  

**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**  E. MICHAEL SENTER  **SIGNATURE**  E. MICHAEL SENTER  
**INTEREST IN PROPERTY**  OWNER  
**ADDRESS**  
**ADDRESS**  
**TELEPHONE**  FAX  E-MAIL  

**STAFF USE ONLY**

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

Effective February 15, 2014
STAFF REPORT

Date: March 8, 2018
To: Chaffee County Board of Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Senter Agricultural Subdivision Exemption No. 3
BOCC: 3/13/18

Applicant: E. Michael Senter

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

Summary of Application: This purpose of this application is to create a new 2.7 acre residential parcel (Tract 3) from a 37.8 acre parcel under the Agricultural Subdivision Exemption regulations. Building envelopes are created that avoid an 85-foot wide easement for buried irrigation pipe. The water augmentation certificate will be purchased before the plat is recorded.

Zoning and Density: The property is zoned Rural; an agricultural subdivision creating one 2.7 acre single family residential parcel is within density limitations for the zoning district.

Location Zoning Map:
Article 5.2.3 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. The remainder parcel not conveyed is 35.1 acres. The property is classified as Agricultural in the Assessor’s records.

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. A review of the Chaffee County Assessor’s database shows the property has been classified as Agricultural for at least 5 years. The Assessor’s Office created a new file for this property in 2017 due to the previous subdivision exemption, and documentation of the agricultural use was provided as part of the application.
   b. Proof of ownership of the property for the past 5 years. The property has been owned by Michael Senter for more than five years.
   c. The applicant has not received approval of a subdivision exemption within the previous 12 months. The Senter Agricultural Subdivision Exemption No. 2 was approved on
February 7, 2017. This application will be reviewed by the Board of County Commissioners on March 13, 2018, and meets the intent of this section.

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. A review of previous subdivision exemptions determined that this application is consistent with this section of the Land Use Code.

3. Residential lot standards:

a. A residential lot created through this process shall conform to the overall zoning density and zoning lot size requirements. *The proposed lot meets the zoning density of two acres per dwelling unit and meets the minimum lot size of two acres.*

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. *The proposed lot can meet the requirements in the Land Use Code. Easements for the Senter Lateral Ditch are not required as it is only for use of the property owner. Setbacks and easements from the Salida Ditch have been shown on the plat for the remainder parcel (Tract 1-R), as allowed by this section.*

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. *The proposed lot will have frontage on County Road 190E. The property owner will apply for an access permit through the Development Services Department.*

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. *Thirty feet of right of way was dedicated with the Senter Subdivision Exemption, and no additional right of way is required to be dedicated.*

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. *A note with this information has been added to the plat.*
Tract 1, Senter Agricultural Subdivision Exemption Plat:
Article 7.1 Basic Standards for All Land Use Change Permits:

7.1.1 Purpose and 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 Rural zoning district requirements.

7.1.3 Infrastructure Requirements: The new tract will have water supplied by a new well, sewage disposal by an On-site Wastewater Treatment System (OWTS) and access by an individual driveway. Utilities are available in County Road 190 E for service to the new lot. A water augmentation certificate will be purchased for the new lot before the plat is recorded.

7.1.4 Site Drainage: Land disturbance will be limited to a driveway, residence, well and OWTS construction for the new lot. The lot has an irrigation lateral and a tailwater ditch through it. Agricultural and historic drainage patterns shall be maintained during and after house construction.

7.1.5 Protection of Wetlands and Riparian areas: A tailwater ditch flows seasonally through the eastern side of Tract 3 but is not regulated wetlands or riparian areas.

7.1.6 Wildlife Habitat Areas: The property is rated high for significant Wildlife Habitat. The applicant is encouraged to consult with CPW to determine and possibly mitigate impacts through natural buffers, minimization of land disturbance and preservation of native vegetation. According to Section 5.2.3.C.3.e, an agricultural subdivision exemption is exempt from the provisions of Chapter 9 of the Chaffee County 1041 regulations, with the provision that any future land use changes on the 35 acre parcel may be subject to the 1041 regulations. A note stating this has been added to the plat.

7.1.7 Erosion and Sedimentation: N/A - this applies to land disturbance within 50 feet of a waterbody.

7.1.8 Lighting/Dark Sky Standards: Downcast or shielded lighting is required on all new residential construction. This is addressed at time of construction.

7.1.9 Areas of Archeological, Paleontological or Historic Importance: There are no known areas of archeological, paleontological or historical importance on this land.

Article 7.2 Site Planning and Development Standards:

7.2.1 Other Adopted Plans: This property is not the subject of any other plan adopted by the Chaffee County Board of Commissioners. The Chaffee County Comprehensive Plan encourages the preservation of agricultural land, and this proposal creates a new lot for a family member and maintains the existing agricultural use.

7.2.2 Infrastructure Requirements: This tract will be served by an individual well, and an On-site Wastewater Treatment System (OWTS). The size and topography of the new tract allows for adequate parking. No right of way dedication is required as it was dedicated with the previous agricultural subdivision exemption.

7.2.3 Site Planning and Design: Construction of a drive, residence, well and OWTS are not anticipated to cause excessive site disturbance. This subdivision exemption does not pose a wildfire threat. It does not appear the property has natural or geologic hazards.

7.2.4 View Protection Guidelines: A new single family house is not expected to impact visual resources. The property is buffered on the west from Highway 291 by the Union Pacific Railroad (inactive), topography and existing vegetation.

7.2.5 Weed Control: N/A - applies to road and drive construction with cuts/fills greater than 8-ft.

7.2.6 Stormwater runoff: Historic drainage patterns are to be maintained. Residential construction and use are required to maintain historic patterns.

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 Standards: This application does not create shared facilities. Irrigation water will remain with the 35.1 acre tract for the agricultural use.
7.3.2 Subdivision Lots: This application creates a conforming residential lot that is outside of any flood, geologic or natural hazard area. Access will be on an individual driveway from CR 190E. Further right of way dedication is not required as it was dedicated with the 2007 subdivision exemption. The lot is not divided by any roads, municipal or tax boundaries. The land does not have any slopes greater than 30%.
7.3.3 Subdivision Road Layout: No roads are proposed for this project.
7.3.4 Subdivision Fire Protection: This development is within the Chaffee County Fire Protection District. Wildfire hazard is Low for this property.
7.3.5 Utility Easement Requirements: A 16’ wide utility easement along County Road 190E is shown on Tract 3. An 85-foot wide easement for a buried irrigation pipe is shown on the Plat.
7.3.6 Survey Monuments: Not applicable until final approval.
7.3.7 Public Sites and Open Space: Per Section 7.3.7 C.2, dedications are not required.
7.3.8 Subdivision Plat Review Criteria: N/A, applies to Final Plat.

All required materials were submitted. The following condition of approval is recommended:
   1. A water augmentation certificate will be purchased for Tract 3 before the plat is recorded.

BOARD OF COMMISSIONERS ACTION: Commissioner __________ moved and Commissioner __________ seconded and the Board voted to APPROVE / DENY / CONTINUE the Senter Agricultural Subdivision Exemption No. 3 based on the following findings of fact and conditions:

Findings:
1. __________________________________________________________________________
2. __________________________________________________________________________

Conditions:
1. __________________________________________________________________________
2. __________________________________________________________________________
Application Fee $400.00

GENERAL INFORMATION
(Attach additional sheets if necessary)

**NAME OF APPLICANT:** Heart of the Rockies Regional Medical Center (Dan Christianson)

**MAILING ADDRESS:** 1000 Rush Drive, Salida, CO 81201

**TELEPHONE:** 123-456-7890  **ROAD NAME:** CR154  **E-MAIL:**

**LENGTH OF VACATED PORTION:** 1,200 feet

**GENERAL LOCATION:** Intersection of CR154 and U.S. Highway 291

**ADJACENT PARCELS:** Parcel No. 368131200070

**EXISTING USE OF PROPERTY:** Department of Wildlife Pasture

**EXISTING ZONING:** Rural

**LEGAL DESCRIPTION OF PORTION BEING VACATED**

**PARCEL #** 368131200070

See Vacation Plat

**REASON FOR REQUEST:** Road Realignment per request of CDOT and Chaffee County

OWNERSHIP INFORMATION
Please list the names of all persons and companies who hold an interest in the described road and adjacent properties (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.

<table>
<thead>
<tr>
<th><strong>NAME</strong></th>
<th>Division of Wildlife</th>
<th><strong>SIGNATURE</strong></th>
</tr>
</thead>
</table>

**INTEREST IN PROPERTY** Adjacent Property

**ADDRESS** 7405 Highway 50, Salida, CO 81201

**TELEPHONE** 123-456-7890  **FAX**  123-456-7890  **E-MAIL**

STAFF USE ONLY

**Application received by**____________________  **Date**____________________

**Fee**  $  __________  **Check #**  __________  **Certified Labels**  __________  **Electronic Copy**  __________________
Date: March 9, 2018
To: Chaffee County Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: HRRMC Vacation of Right of Way for a Portion of County Road 154
BOCC: 03/13/2018

Applicant: Dan Christianson, HRRMC; represented by Joe DeLuca of Crabtree Group, Inc.

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on February 9, 2018. No public hearing notices were sent as the one adjoining property owner is the applicant. The posted sign was observed by County staff on March 8, 2018.

Summary of Application: This application is part of the expansion of the Heart of the Rockies Regional Medical Center (HRRMC) that will include an access to County Road 154. A portion of County Road 154 is being vacated to move the road farther away from the bridge over the Arkansas River. The Colorado Parks & Wildlife (CPW) owns the property surrounding the portion of County Road 154 that is being vacated. CPW has asked that the existing road be left in place and gated for their use. The approach to Highway 291 will be demolished in accordance with CDOT requirements. Right of way replacing the vacated right of way will be dedicated when this right of way vacation is recorded. The new County Road 154 is currently under construction.

The applicant is also requesting fee waivers for the application fee and for the access permit fee to CR 154.

Location & Zoning Map:
Zoning & Density: The lots are located in the Rural zoning district and this application does not change the existing or proposed uses for the properties.

Proposed Relocation of County Road 154:

Project History:
- County Road 154 is considered to be a prescriptive 60-foot wide easement
- 12/8/2016 CDOT Access Permit to relocate County Road 154 issued under Permit #515067
- 7/26/2016 CPW/HRRMC Boundary Line Adjustment approved under Resolution 2016-40; plat recorded on August 8, 2016 at Reception #428625
- 10/24/16 HRRMC purchased land from CPW at Reception #430289
- 7/28/2017 Annexation of property into the City of Salida, recorded at Reception #436079
- Dedication of the new right of way will be recorded with the vacation of the right of way plat.

Section 5.2.3.1H Road and Alley Vacations:
Vacations of public roads are subdivision exemptions. If the Road or street is within a platted Townsite or subdivision, the plat shall be designated as a replat of a portion of the Townsite or subdivision, and the portions of the road or alley vacated shall be incorporated into the adjacent lots. Criteria specific to road or alley vacations are established in CRS 43-2-303 and include:

1. No road vacation shall result in a parcel of land no longer having access.

   County Road 154 is being relocated to create an additional access for the Heart of the Rockies Regional Medical Center (HRRMC) expansion. The portion being vacated will be replaced with right of way dedication of County Road 154. The vacated portion of the road is entirely within lands owned by Colorado Parks & Wildlife (CPW). CPW has requested that the existing road be left in place and gated for private use. The access will be demolished at the approach to Highway 291.
2. A resolution of the Board of County Commissioners is required, and the notice for the Public Hearing shall indicate that a resolution to vacate the county roadway will be presented at the meeting.

*A resolution will be prepared for this action for the Board of County Commissioners.*

3. Rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

*Jim Aragon of CPW does not think there are any utilities associated with the portion of CR 154 that is being vacated. A new water line will be installed as part of the new CR 154 construction.*

All required materials were submitted. If approved by the Commissioners, staff will work with the applicant’s surveyor to make minor plat changes.

**BOARD OF COMMISSIONERS ACTIONS:**
Commissioner __________ moved and Commissioner __________ seconded and the Board voted to APPROVE / DENY / CONTINUE the HRRMC request for a fee waiver for the application fee and for the access permit fee.

Commissioner __________ moved and Commissioner __________ seconded and the Board voted to APPROVE / DENY / CONTINUE the HRRMC Vacation of a Portion of County Road 154 Right of Way based on the following findings of fact and conditions:

**Findings:**
1. ____________________________________________________________________________
2. ____________________________________________________________________________

**Conditions:**
1. ____________________________________________________________________________
2. ____________________________________________________________________________
CHAFFEE COUNTY COLORADO
RESOLUTION 2018-

CONDITIONALLY GRANTING AN APPLICATION FOR A SPECIAL EVENT
PERMIT SUBMITTED BY LIVE NATION WORLDWIDE, INC. AND PROVIDING
FOR A MULTI-DAY MUSIC FESTIVAL TO BE HELD AT A LOCATION IN
CHAFFEE COUNTY COLORADO KNOWN AS “MEADOWS FARM”

FINDINGS AND CONCLUSIONS:
A. Live Nation Worldwide, Inc. (“Applicant”) has submitted an application for a special event
permit under Chaffee County Use Code Section 4.2.7 (“LUC”). The application is to hold a
music festival over labor day weekend on private property in Chaffee County known as
“Meadows Farm.”

B. Meadows Farm is in close proximity to several hundred private residences located in Chaffee
County, Colorado.

C. Applicant requested approval for up to 25,500 people to attend and service/support the
festival.

D. On February 20, 2018 (continued to March 13, 2018), a public hearing was held following
publication of the hearing in The Mountain Mail and Chaffee County Times, both newspapers
of general circulation within Chaffee County, for the purpose of receiving public comments
with respect to the proposed special event permit.

E. The people of Chaffee County have had an opportunity to review the application and the
Board of County Commissioners of Chaffee County (the “BoCC”) has received and carefully
considered numerous letters and emails both for and against the proposed event. Given the
temporary nature of the event and the fact that details are still being developed subject to
many variables and public comment has been provided on these topics, it is reasonable for
the County to allow certain operational plans to be modified in order to address County
concerns and such variables. It is in the County’s best interest that any permit be conditioned
on plans being developed and finalized closer to the proposed event. County land planning
staff has appropriately deemed the application to be substantially complete.

F. Concerns have been raised as to the impact of the festival on County resources and the health,
safety and welfare of County residents and visitors, including without limitation, law
enforcement, safety, emergency services, public health, traffic and congestion, noise
mitigation, and economic impact to the County.
G. County Staff reviewed the application and reported that additional conditions must be
imposed on the planning and operation of the festival in order to ensure the health, safety and
welfare of the citizens of and visitors to Chaffee County and compliance with all criteria set
forth in LUC Section 4.2.7 F.

H. The BoCC finds and concludes that the application submitted by Applicant fails to
adequately mitigate the impacts upon the public health, safety, and welfare of County
citizens, particularly in the areas of safety and security of persons and property, illegal
activity, noise and traffic. Accordingly, additional limitations and conditions beyond those
proposed by Applicant must be imposed on the event to insure the health, safety and welfare
of the persons and property of the citizens of Chaffee County, Colorado and to comply with
LUC Section 4.2.7 F.

I. At its meeting held on February 20, 2018, the BoCC voted to approve the application for an
event permit subject to the development and approval of conditions designed to mitigate
concerns outlined in this Resolution and directed the County Attorney to prepare a written
resolution outlining the findings of the BoCC and such conditions for consideration at the
March 13, 2018 meeting.

RESOLUTION:

The Board of Commissioners of Chaffee County resolves as follows:

1. A special event permit for the proposed 2018 Live Nations Music Festival at Meadows Farm
is hereby approved, with the limitations and conditions set out below and as provided by
LUC Section 4.2.7 G. This Resolution shall constitute the Special Event Permit for the 2018
Festival.

2. General Conditions and Limitations:
   a. This Permit is limited to the Event as described in the permit application by Permittee, as
   amended during the public hearing process orally or in writing, and as further modified
   and set forth in this Permit. The Permit conditions shall include all agreements and
   representations of Permittee made during the application and public hearing processes.

   b. Permittee shall notify the County of any proposed change to the Event (including any
   changes to the submitted plans) and the County shall determine whether a permit
   amendment would be required to ensure that the changes will not violate any standards in
   the County regulations or conditions of this Permit. Any such changes must be approved
   by the County.

   c. If the County determines that any material representation made by Permittee in the permit
application or during the public hearing process is false or deliberately misleading, the County may pursue an enforcement action for violation of this Permit.

d. The Event shall comply with all applicable County and State regulations, including the Standards of Operation set forth in Section 4.2.7.E of the Chaffee County Land Use Code ("LUC"), except as specified in this Permit. In particular, the "Hours of Operation" during the Festival shall be modified as set forth in items 4.d and 6.f and the number of Permitted Events is limited, as specified in item 2.g, below. The conditions set forth in this Permit are in addition to the Standards of Operation set forth in the LUC.

e. This Permit shall not constitute an exemption from Chaffee County building, health or other applicable regulations and is further conditioned upon Permittee obtaining all other required permits from applicable Chaffee County departments (such as Access Permits, Building Permits and Vendor Permits) as well as permits from other entities as required by law (including without limitation The Town of Buena Vista and the Colorado Department of Transportation). The Final Event Plan, Transportation Plan and Emergency Operations Plan and any other submittals required by this Resolution must be approved by the County, as well as the Chaffee County Fire Protection District, when applicable. Such approval shall be in writing and may not be unreasonably withheld.

f. The Special event permit shall authorize Permittee to hold an event during one year, 2018, only. Permittee shall be required to undergo the complete County special event permitting process if it desires to operate events in subsequent years and this Permit shall in no way create a "use by right" and shall not be construed as a right to conduct ongoing commercial activities on the property.

g. The County will appoint a Citizen Event Advisory Committee to help efficiently address neighborhood concerns, provide input and feedback. Permittee shall work with the Committee and endeavor to address its reasonable concerns and suggestions.

3. Transportation and Infrastructure:

a. Permittee must apply dust control on County and private roads accessing the venue, as directed by the County Road and Bridge Supervisor. Permittee shall advise the County Road and Bridge Supervisor of any plan to apply dust control at least two weeks prior to the application of the dust control.

b. All accesses adjoining paved roads must be paved to the right of way line. All work must be completed by June 29, 2018.

c. Traffic to and from the venue must remain on designated routes. Adequate signage will be instituted within camping areas to direct guests to the town with the least impact on
neighbors.

d. Permittee must pay a $10,000.00 non-refundable deposit to be used for repair and maintenance of the roads impacted by the event. Such amount shall be included in the deposit contemplated by item 8.a below.

e. No later than June 29, 2018, Permittee will provide evidence of flood plain development permits for all on-site bridges permitted for agricultural use.

f. No later than June 29, 2018, Permittee shall submit evidence, in such form satisfactory to County staff, establishing permission of the hydrant owner supplying potable water and the well permit(s) establishing rights of use.

g. Permittee must work with the Town of Buena Vista Police Department to identify methods to slow traffic on County Road 350 and other routes being used for event access.

h. Permittee will provide sufficient staffing to keep all roads within a two-mile radius of the event (including side roads not designated for festival traffic) and local parking lots free from festival parking. If festival traffic is parked in areas other than those designated for festival parking and such vehicles must be towed, Permittee will reimburse for all towing expenses.

4. Public Health, Food and Alcohol:

a. Permittee will provide all applications, current license information, menus and food preparation and storage process information for all event food vendors to the Chaffee County Department of Public Health no later than June 29, 2018. Each vendor must be set up for inspection no later than Thursday August 30, 2018 at 2:00 pm and undergo an inspection and clearance by the Chaffee County Department of Public Health before they may begin serving food. Vendors must be notified of these requirements in advance of the event, and that failure to comply with this requirement will result in their inability to serve food.

b. By April 1, 2018, Permittee will develop a Code of Conduct and Drug and Alcohol Policy acceptable to County staff. Ticket buyers must acknowledge they have read and will comply with the Code of Conduct and the Drug and Alcohol Policy before they can complete a ticket purchase.

c. A complete application for a special events liquor permit must be made no later than June 29, 2018. The application must include a diagram of each area to be licensed, clearly showing the boundaries of each area and the location of each area within the overall venue.
d. The time for the sale and consumption of alcoholic beverages shall begin no earlier than noon each day of the Event and shall end no later than the times set forth below:
   - Thursday, August 30, 2018 – no alcohol sales
   - Friday, August 31, 2018 – 11:30 p.m.
   - Saturday, September 1, 2018 – 11:30 p.m.
   - Sunday, September 2 – 11:30 p.m.
   - Monday, September 3, 2018 – no alcohol sales

5. Emergency Medical Services, Emergency Operations, Law Enforcement and Communications:
   a. No later than May 1, 2018, Permittee will submit final emergency service plan addressing the following three areas: 1. emergency medical transports from the venue; 2. Extraction team services within the venue; and 3. Medical/Detox tent within the venue. Chaffee County EMS ("CCEMS") shall manage all transports from the venue and extraction team services within the venue. Permittee shall contract for 24x7 staffing of the medical/detox tent.

   b. A list of all medical providers and personnel of all on-site medical facilities and their credentials shall be provided to Chaffee County EMS no later than July 27, 2018.

   c. Chaffee County EMS reserves the right to dispatch ambulance and/or personnel to other locations if, in the County’s opinion, such ambulance or personnel are required elsewhere in order to respond to an emergency or in the event of a local or regional disaster. In such instance, Permittee shall not owe compensation for the time away.

   d. Permittee shall provide an adequately sized climate-controlled tent to be used exclusively as an emergency and triage clinic to treat conditions such as dehydration and intoxication and to provide basic first aid services. The hospital tent must provide twenty-four hour medical coverage of a medical doctor or physician’s assistant from Thursday August 30, 2018 at 5:00 p.m., to Monday September 3, 2018 at 1:00 p.m.

   e. Permittee will contract security with a professional security provider acceptable to the Chaffee County Sheriff’s office.

   f. By June 29, 2018, Permittee will prepare and submit for County approval drug search procedures.

   g. Permittee will supply law enforcement and emergency personnel with enough gators/golf carts to enable ready access through the venue to enable them to perform their jobs. At a minimum, seven carts shall be provided.
h. Permittee will supply a 12’ by 12’ tent with sides on the East end of the meadow, along with tables and chairs, to be utilized for first aid and extraction staging.

i. Permittee will provide seven double occupancy hotel rooms for August 30th through September 2nd for emergency personnel.

j. Permittee will provide Chaffee County law enforcement and emergency personnel working a shift of 12 or more hours with access to festival catering (Live Nation staff food tent) and sufficient vendor food tokens in order to enable them to eat meals every four hours while on shift at the venue, even when the food tent is closed.

k. No later than June 29, 2018, Permittee shall submit a plan establishing dedicated continuous access corridors around the perimeter of the venue (but inside the perimeter fencing (see item 5.m, below), the stage area, and between first-aid and hospital tents to provide access for emergency, law enforcement and fire personnel. This access shall never be compromised in any way whatsoever, including, without limitation, by storage, staging, or vendor traffic. All traffic on the access corridors must yield to emergency traffic.

l. Festival communication/Dispatch shall be located at a proximity to Chaffee County dispatch that will preclude interference between the systems, as specified by Chaffee County emergency management staff.

m. A dedicated means of communication, satisfactory to Chaffee County emergency management staff must be established between Chaffee County EMS and Law Enforcement and Festival dispatch and hospital tent.

n. Permittee shall supply a secure, reliable wireless network to County’s communication van.

o. Chaffee County Communication Center will function as the dispatch for all emergency personnel.

p. Permittee shall not stage or promote any act or performance which involves the use of pyrotechnics, explosives or displays of open flames, or fire arms. Permittee shall ensure compliance with all fire bans that may be in effect during the festival, including bans that may prohibit smoking or camp stoves.

q. Permittee will provide sufficient staffing and fencing to ensure no trespassing takes place on adjoining properties. Perimeter fencing shall be setback at least 20 feet from the
property line.

r. Permittee will enter into and comply with a memorandum of understanding with the Town of Buena Vista that is intended to promote both the safety of people in the Town (potentially requiring additional law enforcement) and the economic impact of the event on the Town. A copy of the MOU will be provided to Chaffee County no later than June 29, 2018.

6. Noise Mitigation:
   a. Decibel levels shall comply with applicable local, state and federal law at all times. The maximum sound pressure levels (SPLs) allowed will be 108 dBA and 122 dBC, one-minute rolling average, measured real-time at the mix position, approximately 105 feet from the stage.
   b. Permittee shall run computer simulations using those SPLs at the mixing position, with those simulations providing predicted SPLs at various radii from the stage.
   c. Any and all public announcements and other speakers or amplifiers used to amplify music or other sound shall be maintained at decibel levels that comply with state statute.
   d. Permittee shall provide at least three sound meters and recording equipment and, immediately following the Event, shall provide to the County records of the sound meter readings for the duration of the Event. The sound meters shall be positioned at secure locations as close as possible to the property line and at the mix position, as agreed to by the County. Permittee and its contractor shall utilize sound-mitigating design features and shall place and configure speakers for the Event so as to focus volume away from surrounding residences. The County may contract with a sound-monitoring firm, and Permittee shall reimburse County for expenses incurred in monitoring compliance with the decibel level limit during the Event and analyzing the post-Event sound meter readings.
   e. If the decibel levels are exceeded during the Event for more than one-minute calculated on a rolling average, after the first warning, Permittee shall be subject to a $10,000 fine each time either decibel level limit is exceeded for more than one minute calculated on a rolling average. Any fines imposed may, in the County’s discretion, be taken from the cost reimbursement fund discussed in item 8, below. If either decibel level limit is exceeded frequently during the event, it may impact whether the County grants future special event permits, particularly if, in the County’s opinion, the noise levels negatively impact surrounding properties.
   f. Amplified sound will end at the following times:
• Thursday, August 30, 2018 – no amplified sound allowed.
• Friday, August 31, 2018 – 12:00 midnight at the main stage; 1:00 a.m. (on September 1, 2018) at an enclosed dance tent having an approximate occupancy of 1,000 persons.
• Saturday, September 1, 2018 – 12:00 midnight at the main stage; 1:00 a.m. (on September 2, 2018) at an enclosed dance tent having an approximate occupancy of 1,000 persons.
• Sunday, September 2, 2018 – 12:00 midnight at the main stage; 1:00 a.m. (on September 2, 2018) at an enclosed dance tent having an approximate occupancy of 1,000 persons.
• Monday, September 3, 2018 – no amplified sound allowed.

g. Permittee shall utilize sound-proof fencing (such as hay bales) as appropriate to mitigate noise, particularly on the perimeter of the camping sites. Permittee shall include details of the sound-proof fencing plan to the County no later than June 29, 2018.

h. No camping shall be permitted closer than 40 feet from the continuous access corridors surrounding the perimeter of the venue.

7. Insurance and Indemnification:
   a. Permittee shall maintain the insurance coverage as submitted in its application, with Chaffee County named as an additional insured.

   b. Insurance coverage shall not be reduced below the required limits. Should any of the required insurance policies be cancelled before the expiration date thereof, notice of cancellation shall be immediately delivered to the County. All required insurance shall be primary insurance to the full limits of liability stated above.

   c. The release, indemnification and hold harmless agreements and other statements made and agreed to by Permittee in connection with its application shall remain in full force and effect for three years following the Event.

8. Cost Reimbursement and General Operations:
   a. By accepting this Permit, Permittee agrees to the proposed services and estimated anticipated costs directly attributable to the Festival or the Permittee and the application process as outlined by the various county offices and departments, including sound monitoring expenses. The County will provide an estimate of projected costs once final operations plans are submitted by applicant. By accepting this Permit, Permittee acknowledges that preliminary estimates indicate a total deposit of at least $227,000.00 will be required. Additional amounts may be required, depending on the level of County services anticipated.
b. No later than seven days following the effective date of this Resolution, Permittee shall make a contribution of $20,000.00, payable to Chaffee County, for purposes of the initial funding of a cost reimbursement fund as further described in Attachment A. Permittee shall comply with the terms of Attachment A. By May 15, 2018, Permittee shall contribute an additional amount to the cost reimbursement fund, such amount representing the total of the estimated projected costs discussed in 8.a, plus a $70,000.00 cushion, as further discussed in Attachment A. Any refundable balance in the cost reimbursement fund shall be returned to Permittee no later than ninety days following the end of the Event.

c. Permittee shall hire a public liaison who shall serve as a public information officer, available to handle all public inquiries and serve as an operational liaison to County staff and the Citizen Event Advisory Committee, both in preparation for and during the event.

d. No later than May 31, 2018, Permittee shall submit a temporary power and exterior lighting plan identifying all temporary power requirements, proposed lighting fixtures and their locations and explanation of compliance with the LUC and Building Code. In particular, all lighting, including search lights, shall comply with LUC Section 7.1.8.A & B.

e. In order to reduce impact on the local landfill, Permittee will provide or retain facilities and services for sustainable waste disposal, including facilities for the recycling of metals and plastics and composting of compostable waste. Permittee shall take reasonable steps to ensure that recycled materials are not co-mingled with non-recyclable materials. It will further require from its food vendors that they use compostable or recyclable plates, utensils, and cups.

f. Permittee shall provide an updated Trash Disposal Plan, including all provider agreements, no later than June 29, 2018.

g. County staff, with proper credentials, reserves the right to enter all areas of the festival premises at any time for any reason. Notwithstanding the foregoing, Permittee shall maintain reasonable control of all stage and dressing room access, unless safety becomes an issue.

h. With proper advance notice to Permittee and sufficient time provided to Permittee to remedy incidents and issues (which notice and opportunity to remediate will not apply in the case of an emergency), the County reserves the right to close the Event to the public, including to ticket holders, at any time to protect public safety to address overcrowding in exits or entrances or to address attendance counts in excess of the total number of
attendees authorized prior to the Event. For the purposes of this paragraph, "attendees" shall mean all ticket holders, security staff, law enforcement officers, fire safety personnel, life safety personnel, performers, vendors, solid waste personnel and any other persons located inside the perimeter of the Premises.

i. Permittee shall provide to the County statistics and records, including basic Event financial information, sufficient for the County to prepare an economic impact and other studies relating to the Event. Permittee shall provide, at no cost to the County, a prime 20' by 20' Event branded tent within the vendor area of the Premises for the County to setup and staff an informational display from the Chaffee County Visitor's Bureau.

j. Permittee shall ensure that all Event vendors collect and remit all applicable taxes from the sale of products. Within thirty days following the event, Permittee shall furnish the County evidence sufficient to verify fulfillment of such obligations.

k. Permittee shall provide the services and equipment outlined in its application and supporting plans approved by the County. If such services and equipment are not provided in accordance with Permittee's representation, the County may, in its discretion, supply such services and equipment and be reimbursed by Permittee (either directly or through the Cost Reimbursement Fund).

l. The Permittee's failure to meet any condition, including any time limit or deadline, or operational standard stated above or in the permit application may be considered by Chaffee County officials to constitute a violation of the LUC and a danger to the health, safety and welfare of the citizens of Chaffee County, Colorado and shall constitute a sufficient reason to revoke the special event permit and halt the event pursuant to LUC Section 4.2.7 H.2. Any County decision not to invoke its rights under this paragraph when circumstances justifying revocation present themselves shall not operate as a waiver of County rights in the event of a future or an additional failure by Permittee to meet any condition, standard of operation or time deadline set forth above or in the permit application.

9. **Effective Date.** This Resolution shall be in full force and effect immediately upon approval.
ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on __________, 2018.

BOARD OF COUNTY COMMISSIONERS

[Acting] Chairman

The vote on the above Resolution was as follows:

Commissioner Dave Potts
Commissioner Keith Baker
Commissioner Greg Felt

STATE OF COLORADO, CHAFFEE COUNTY
ATTEST:

The above is a true and correct record of Resolution 2018-__ duly adopted by the Chaffee County Board of County Commissioners by a __________ vote at a regular meeting, properly noticed and held on March 13, 2018.

Chaffee County Clerk
CHAFFEE COUNTY COST REIMBURSEMENT FUND
FOR THE 2018 AUGUST LIVE NATION MUSIC FESTIVAL

Fund Purpose: To reimburse costs directly attributable to the Festival and incurred by Chaffee County, its offices, agencies and departments.

Fund Duration and Termination. The Cost Reimbursement Fund will be activated upon funding, as provided for in the Special Events Permit. It will be terminated when the Board of County Commissioners determines that all festival cleanup and reclamation is satisfactorily completed. Upon termination or expiration and after eligible costs have been reimbursed, all remaining funds will be transferred to the Permittee.

Types of Costs. There are three broad types of costs: (a) Ordinary Local Government Services; (b) Anticipated Costs directly attributable to the Festival or the Permittee, and (c) Extraordinary and Unanticipated Costs Directly Attributable to the Festival or the Permittee.

(a) Ordinary Local Government Services. This category includes costs associated with ordinary services provided to all residents, businesses, and property owners in the County. Examples include County administration, clerk and recorder services, environmental health inspections, and building department permits.

(b) Anticipated Costs Directly Attributable to the Festival or the Permittee. There are some costs directly attributable to the Festival or the Permittee and application review process that are anticipated. Examples include:
   (i) Festival Security Costs (such as increased staffing)
   (ii) Festival Emergency Services Costs (such as specialized equipment and increased staffing)
   (iii) Road and Bridge Services
   (iv) Staff time to review the application and plans and related legal advice.

(c) Extraordinary and Unanticipated Costs Directly Attributable to the Festival or the Permittee. There are some costs attributable to the Festival or the Permittee that may occur but are not anticipated or foreseeable by the County or the Permittee. Potential examples include costs associated with:
   (i) Remediation and mitigation action if a permit violation occurs and is not corrected by the Permittee;
(ii) Extraordinary local government services attributable to the Festival or Permittee. Illustrative examples might include evacuation due to fire or flood or unexpected emergency response.

(iii) Arbitration or mediation costs associated with potential disputes;

(iv) Litigation costs and legal fees incurred by the County if legal action is taken that is related to the approval, construction and/or on-going operations of the Festival or the Permittee. This includes legal action initiated by the County to enforce Permit conditions, initiated by the Permittee, or initiated by a third party.

(v) Other currently unforeseen direct costs attributable to the Festival or the Permittee.

Cost Reimbursement Eligibility.

(a) Ordinary Local Government Services. These types of costs are not eligible for reimbursement through this Fund. Revenues to provide these services will be generated by the Permittee and other taxpayers in the County. Standard fees charged to similar-situated applicants will apply and are required to be paid by Permittee (for example, building permit fees must be paid at the time of application).

(b) Anticipated Costs Directly Attributable to the Festival or Permittee. Costs associated with these impacts are eligible for reimbursement through this Fund.

(c) Extraordinary and Unanticipated Costs Directly Attributable to the Festival or Permittee. Costs associated with these issues are eligible for cost reimbursement through this Fund.

It is possible that a Festival impact and related costs are anticipated but follow-up actions become extraordinary or unanticipated. In each case, directly related costs are eligible for cost reimbursement.

Fund Balance and Fund Management. Permittee shall make a contribution of $20,000.00 to the fund within 7 days of the approval of the Special Events Permit. No later than May 15, 2018, Permittee shall make an additional contribution in an amount equal to the Anticipated Costs Directly Attributable to the Festival or Permittee, as estimated by the various County offices and departments, plus $70,000 for changes to those Anticipated Costs prompted by Permittee’s request for an increase in Event services, and Extraordinary and Unanticipated Costs, less the $20,000 initial deposit. This initial Fund Balance amount shall remain in effect until
termination or expiration of the Fund. All amounts set forth in this paragraph shall be returned to Permittee if not used to pay eligible costs incurred as set forth herein.

Fund revenues and expenditures will be managed in a separate account established by the County Finance Director. Documentation associated with Fund activity shall be available for review by the Permittee during normal business hours.

If, at any time, the Fund balance with interest is less than the established minimum amount, then the Permittee will reinstate the Fund balance within 30 days of written notification from the County Finance Director. If the Fund Balance has been drawn down less than 20% of the established minimum amount, then the County Finance Director may use his/her administrative discretion regarding submitting a written request for reinstatement.

**Application for Funds.** The following procedure shall apply to any request for reimbursement through the Fund:

1. The Fund may be used to pay eligible costs incurred. A County office, agency, or department (applicant) will submit an application for reimbursement to the County Finance Director. The applicant may seek approval for costs, prior to incurring the costs.* The application should describe the impact and its direct relationship to the Festival or Permittee and document the costs eligible for reimbursement through this Fund. If a potentially eligible cost is directly but not totally attributable to the Festival or the Permittee, then the applicant will state the estimated percent directly attributable and request that percent in its application. A copy of such documentation shall be provided to Permittee 30 days prior to any BoCC meeting considering such an application for reimbursement.

2. Following input from County staff, the County Finance Director will make a staff recommendation regarding eligibility and submit documentation to the BoCC for review and action.

3. No payment or reimbursement shall be made without BoCC approval. The BoCC shall determine the eligibility of (a) the applicant; (b) the type of cost reimbursement requested, and (c) the specific costs requested for reimbursement. Applicants that bill directly for their services are not eligible to seek reimbursement from this Fund.

* The Permittee may review applications to this Fund at any time during normal business
hours. The Permitee may suggest qualification, bid-scoping and selection processes to ensure costs are reasonable and technical specialists are qualified to complete the work. Nevertheless, the County shall make the final determination regarding the need, qualification and scope of technical specialists and may engage such specialists if, in the County's discretion, such specialists are necessary.

**Reports and Review.** Every month following the end of the Festival until the Fund is terminated as specified above, the County Finance Director will prepare a Report that summarizes requests received and actions taken and submit the report to the BoCC and the designated representative of the Permittee.
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<thead>
<tr>
<th>CHAFFEE COUNTY COLORADO</th>
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<td>Balance Sheet, all funds, Month Ending Feb 28, 2018</td>
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| ADVANCE COLLECTIONS               |                  |                                 |                 |
| Miscellaneous                     | 3,898.15         |                                 |                 |
| City of Salida                    | 153.22           |                                 |                 |
| Town of Buena Vista B.V./I/W      | 0.00             |                                 |                 |
| Buena Vista Sanitation B.V./S     | 3,124.80         |                                 |                 |
| Town of Poncha Springs P.A.       | 540.40           |                                 |                 |
| Appr. Treasurers Deeds           | 250.00           |                                 |                 |

| TOTAL:                            | 21,185,533.03    | TOTAL                           | 21,185,533.03   |
Mar 7, 2018

To: Chaffee County Board of County Commissioners

From: Chaffee County Treasurer

The total amount of interest received in Jan, 2018 was $11,549.57.

The total amount of interest received year to date is $36,331.64.

Dee Dee Copper
Chaffee County Treasurer