AGENDA

May 1, 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. Report from the County Sheriff

B. Contracts/Grant Consideration:
   ➢ Energy Services of Colorado – replacement of boiler in jail (Maintenance Manager Bayless)
   ➢ Southwest Conservation District (Nicole Blaser)

C. Schedule public hearing for a new beer and wine license application filed by Station 24 Café, 12867 Hwy 24/285, Buena Vista, CO and define the neighborhood from which interested parties may present testimony at the hearing. (Attorney Mortimer)

D. Consider a request for from Scanga Meat Company and James & Holly Scanga for a Boundary Line Adjustment. Property is located at 9250 and 9746 County Road 156, Salida. (Planning Manager Roorda)

E. Consider a request from Ronald Southard and Jay Baker for a Boundary Line Adjustment. Property is located at 27414 County Road 319 TBD County Road 319, Buena Vista. (Planning Manager Roorda)

F. Consider a request for a road closure of County Road 162 west of the intersection of Main & 1st Streets within the Town Site of St. Elmo. Road Closure if requested from May 14 – November 16, 2018 for work on the Stark Bros. Store/Home Comfort Hotel and Cash Criss Buildings. (Melanie Roth)
G. Consider Proclamation regarding Public Lands Day Saturday, May 189, 2018. (Commissioner Baker)

H. Consider resolution for Pinon Grove Minor Subdivision. (Attorney Mortimer)

I. Consider resolution for Broadview Rural Open Space Incentive. (Attorney Mortimer)

J. Consider resolution for Brady Minor Subdivision. (Attorney Mortimer)

K. Consider resolution for amendments to the Chaffee County Land Use Code Sections 5.2.3.C.1, 1.3.3.B.2a and 1.4.1.C.1.b4. (Attorney Davis)

L. Consider resolution for D & L Holdings Boundary Line Adjustment. (Attorney Mortimer)

M. Consider resolution for funding of capital projects. (Attorney Mortimer and Ashley S. Dennis, Esq Bond Council Kutak Rock LLP)

N. Executive session pursuant to C.R.S. 24-6-402 (4)(b) for the purpose of receiving legal advice concerning the liquor licensing application process, generally.

Consent Agenda:
  ❖ 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 140, Salida. Meeting places are subject to change and will be posted.

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>SUBJECT</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 1, 2018</td>
<td>9:00 a.m.</td>
<td>Commissioner’s Regular Meeting</td>
<td>Salida</td>
</tr>
<tr>
<td>May 3, 2018</td>
<td>6:30 p.m.</td>
<td>Fair Board &amp; Planning Meeting</td>
<td>Fairgrounds</td>
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<td>May 8, 2018</td>
<td>9:00 a.m.</td>
<td>Commissioner’s Regular Meeting</td>
<td>Salida</td>
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<td>May 14, 2018</td>
<td>9:00 a.m.</td>
<td>Regular meeting of Landfill Committee and Boards</td>
<td>Commissioners Meeting Room</td>
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<tr>
<td></td>
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<td>of Health and Human Services followed by Work</td>
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<td>Session</td>
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<td>May 15, 2018</td>
<td>9:00 a.m.</td>
<td>Commissioner’s Regular Meeting</td>
<td>Buena Vista</td>
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<td>May 22, 2018</td>
<td>3:00 p.m.</td>
<td>Visitors Bureau</td>
<td>Salida</td>
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<td>May 28, 2018</td>
<td>9:00 a.m.</td>
<td>Airport Advisory Board Meeting</td>
<td>Harriet Alexander Field</td>
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<td>May 28, 2018</td>
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<td>Closed in honor of Memorial Day</td>
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<td>May 29, 2018</td>
<td>4:00 p.m.</td>
<td>Planning Commission Work Session followed by</td>
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<td>Regular Meeting</td>
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4/24/18
This list may be updated daily. Posted in posting area outside of Commissioners Office
<table>
<thead>
<tr>
<th>CHAFFEE COUNTY SHERIFF'S OFFICE</th>
<th>SUMMARY OF ACTIVITIES</th>
<th>2018</th>
<th>JAN</th>
<th>FEB</th>
<th>MAR</th>
<th>QUARTER TO DATE</th>
<th>TOTAL QUARTER</th>
<th>TOTAL SECOND QUARTER</th>
<th>TOTAL THIRD QUARTER</th>
<th>TOTAL FOURTH QUARTER</th>
<th>TOTAL YEAR TO DATE</th>
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<td>Sheriff's Office (Administrative, Patrol, Records)</td>
<td>Traffic Citations Issued</td>
<td>64</td>
<td>86</td>
<td>117</td>
<td>267</td>
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<td>Criminal Summons/Arrests</td>
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<td>6</td>
<td>12</td>
<td>23</td>
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<td>Civil Process Service</td>
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<td>Case Reports Completed</td>
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<td>Area Patrol Assignments</td>
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<td>Number of Transports</td>
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<td>Total Transport Miles</td>
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<tr>
<td>Detention Center</td>
<td>Total Inmates Handled</td>
<td>217</td>
<td>218</td>
<td>209</td>
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<td>644</td>
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<tr>
<td></td>
<td>Gross Daily Average Population</td>
<td>87.13</td>
<td>78.71</td>
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<td>Avg. held for other agencies</td>
<td>12.90</td>
<td>12.36</td>
<td>11.90</td>
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<td>12.39</td>
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<td>Avg. housed out of county</td>
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<td></td>
<td>Adjusted Daily Average</td>
<td>74.23</td>
<td>66.36</td>
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<td>Communications Center</td>
<td>Total calls for service</td>
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<td>Ambulance calls</td>
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<td>Fire calls</td>
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<td>Miscellaneous calls</td>
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<td>21135</td>
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<td>Total calls received via 911</td>
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<tr>
<td>Victim's Advocate</td>
<td>Total Crime Victims Served</td>
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<tr>
<td>Administration &amp; Operating</td>
<td>JAN</td>
<td>FEB</td>
<td>MAR</td>
<td>QUARTER FIRST</td>
<td>QUARTER SECOND</td>
<td>QUARTER THIRD</td>
<td>QUARTER FOURTH</td>
<td>YEAR</td>
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<tr>
<td>Sheriff's Fees</td>
<td>3246.82</td>
<td>4471.93</td>
<td>5129.76</td>
<td>12848.51</td>
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<td>12848.51</td>
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<td>Court Reimbursements</td>
<td>1304.37</td>
<td>924.46</td>
<td>1405.73</td>
<td>3634.56</td>
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<td>3634.56</td>
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<td>Records Salary Reimbursement</td>
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<td>3972.25</td>
<td>3972.25</td>
<td>11916.75</td>
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<td>11916.75</td>
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<td>Other reimbursements</td>
<td>273.60</td>
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<td>350.91</td>
<td>746.08</td>
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<td>Model Traffic Code</td>
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<td>20759.33</td>
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<td>Victim's Assistance</td>
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<td>870.00</td>
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<td></td>
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<td>2833.00</td>
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<td>Animal Control</td>
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<td>0.00</td>
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<tr>
<td>Incentive income/other income</td>
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<td>0.00</td>
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<td></td>
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<td>0.00</td>
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<td><strong>Subtotal</strong></td>
<td>16419.72</td>
<td>16491.03</td>
<td>19827.48</td>
<td>52738.23</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>52738.23</td>
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| Detentions                 |        |        |        |                |                |               |                |      |
| Housing for D.O.C.         | 8756.79| 8158.50| 7288.26| 24203.55       |                |               |                | 24203.55 |
| Housing for Salida Police Dept. | 0.00  |        |        | 0.00           |                |               |                | 0.00   |
| Housing for other agencies | 32760.00| 12645.00| 45405.00| 45405.00       |                |               |                | 45405.00 |
| Cost of Care Collected from inmates | 1397.47 | 1461.52 | 1346.03 | 4205.02       |                |               |                | 4205.02 |
| Work Release Fees          | 2590.00| 3579.56| 2947.87| 9117.43        |                |               |                | 9117.43 |
| **Subtotal**               | 45504.26| 13199.58| 24227.16| 82931.00      | 0.00           | 0.00          | 0.00          | 82931.00 |

| Communications             |        |        |        |                |                |               |                |      |
| 911 Dispatch Reimbursement | 60287.22| 16087.22| 76374.44| 76374.44       |                |               |                | 76374.44 |
| Ark Valley Ambulance Contract | 0.00 |        |        | 0.00           |                |               |                | 0.00   |
| 911 CELL SURCHARGE         | 0.00   |        |        | 0.00           |                |               |                | 0.00   |
| EMS Dispatch Contract      | 0.00   |        |        | 0.00           |                |               |                | 0.00   |
| **Subtotal**               | 60287.22| 16087.22| 76374.44| 76374.44       | 0.00           | 0.00          | 0.00          | 76374.44 |

**TOTAL**                   | 122211.20| 29690.61| 60141.86| 212043.67      | 0.00           | 0.00          | 0.00          | 212043.67 |

Other Reimbursements: RESTITUTION $350.91
# Summary of Detentions Activity

## 1st Quarter

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<tr>
<th>Detention Center Activity</th>
<th>JAN</th>
<th>FEB</th>
<th>MAR</th>
<th>2018</th>
<th>2018 Quarter</th>
<th>2018 Fourth</th>
<th>2018 Year</th>
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<tr>
<td>1 Carryover from last period</td>
<td>82</td>
<td>73</td>
<td>88</td>
<td>243</td>
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<tr>
<td>2 New commitments</td>
<td>132</td>
<td>144</td>
<td>119</td>
<td>395</td>
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<td>3 Discharges</td>
<td>144</td>
<td>130</td>
<td>135</td>
<td>409</td>
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<tr>
<td>4 Carryover to next period</td>
<td>73</td>
<td>88</td>
<td>74</td>
<td>229</td>
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<tr>
<td>5 Total prisoners handled</td>
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<td>218</td>
<td>209</td>
<td>644</td>
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<tr>
<td>6 Total days served</td>
<td>2701</td>
<td>2204</td>
<td>2523</td>
<td>7428</td>
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<tr>
<td>7 Number of days this period</td>
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<td>31</td>
<td>90</td>
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<tr>
<td>8 Gross daily average</td>
<td>87.13</td>
<td>78.71</td>
<td>81.39</td>
<td>82.53</td>
<td>82.53</td>
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<td>9 Out of county housed here</td>
<td>52</td>
<td>66</td>
<td>57</td>
<td>175</td>
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<td>10 Out of county days served</td>
<td>400</td>
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<td>369</td>
<td>1115</td>
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<tr>
<td>11 Out of county average</td>
<td>12.90</td>
<td>12.36</td>
<td>11.90</td>
<td>12.39</td>
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<tr>
<td>12 Actual Chaffee Daily Average</td>
<td>74.23</td>
<td>66.36</td>
<td>69.48</td>
<td>70.14</td>
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<tr>
<td>13 Number of females handled</td>
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<td>39</td>
<td>56</td>
<td>145</td>
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<tr>
<td>14 Number of males handled</td>
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<td>153</td>
<td>462</td>
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<td>15 Felony Holds</td>
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<td>16 Misdemeanor Holds</td>
<td>107</td>
<td>93</td>
<td>95</td>
<td>295</td>
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<td>17 Traffic Violation Holds</td>
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<td>18 Other Holds</td>
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<td>19 Transports to doctor</td>
<td>10</td>
<td>12</td>
<td>13</td>
<td>35</td>
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<tr>
<td>20 Transports to dentist</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>9</td>
<td>9</td>
<td></td>
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<tr>
<td>21 Transports to hospital</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>18</td>
<td>18</td>
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<tr>
<td>22 Inmates on medication</td>
<td>25</td>
<td>30</td>
<td>28</td>
<td>83</td>
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<tr>
<td>23 Taken to district court</td>
<td>87</td>
<td>82</td>
<td>89</td>
<td>258</td>
<td>258</td>
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<td>24 Taken to county court</td>
<td>75</td>
<td>38</td>
<td>71</td>
<td>184</td>
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<td>25 Transferred to state corrections</td>
<td>39</td>
<td>41</td>
<td>28</td>
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<td><strong>Inmates Housed Out of County</strong></td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>3</td>
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<td>59</td>
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<tr>
<td>26 Total Number</td>
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<td>1</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 Number of Days Served</td>
<td>28</td>
<td>31</td>
<td>59</td>
<td>59</td>
<td>59</td>
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<td></td>
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<tr>
<td>28 Average out of county</td>
<td>0.00</td>
<td>1.00</td>
<td>1.00</td>
<td>0.66</td>
<td>0.66</td>
<td></td>
<td></td>
</tr>
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</table>

## Home Detention

| 29 Total # on program | 0 | 0 | 0 | 0 |
| 30 Total Days Served  | 0 | 0 | 0 | 0 |
| 31 Average home detention | 0.00 | 0.00 | 0.00 | 0.00 |

<p>| Total Average Daily Population | 74.23 | 67.36 | 70.48 | 70.80 | 0.00 | 0.00 | 70.80 |</p>
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<th># of trips</th>
<th>Srvc Fees</th>
<th>Officer Hrs Wages</th>
<th>Meals</th>
<th>Miles</th>
<th>Mileage</th>
<th>Monthly Totals</th>
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<td>49.49</td>
<td>1555.29</td>
<td>2396.21</td>
<td>1317.92</td>
<td>2873.21</td>
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<tr>
<td>FEB</td>
<td>88</td>
<td>0.00</td>
<td>68.29</td>
<td>2547.60</td>
<td>2751.88</td>
<td>1513.53</td>
<td>4061.13</td>
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<td>MAR</td>
<td>84</td>
<td>0.00</td>
<td>69.04</td>
<td>2693.72</td>
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<td>0.00</td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>JUL</td>
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<td>0.00</td>
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<td></td>
<td></td>
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<td>11316.42</td>
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<tr>
<td># of months</td>
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<tr>
<td>YTD AVG</td>
<td>20.25</td>
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<td>566.38</td>
<td>684.82</td>
<td>376.65</td>
<td>943.04</td>
</tr>
</tbody>
</table>

Page 1
CHAFFEE COUNTY
Development Services Department
P.O. BOX 669 PHONE (719) 539-2124
SALIDA, CO 81201 FAX (719) 530-9208
WEBSITE www.chaffeecounty.org

APPLICATION FOR
BOUNDARY LINE ADJUSTMENT

Application Fee $275.00 +$50.00 per lot (for each lot over 2)

<table>
<thead>
<tr>
<th>GENERAL INFORMATION-PARCEL 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY ADDRESS</td>
</tr>
<tr>
<td>TAX PARCEL #</td>
</tr>
<tr>
<td>ZONING</td>
</tr>
<tr>
<td>EXISTING USE OF PROPERTY</td>
</tr>
<tr>
<td>ACREAGE BEFORE</td>
</tr>
<tr>
<td>ACREAGE AFTER</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GENERAL INFORMATION-PARCEL 2</th>
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</thead>
<tbody>
<tr>
<td>PROPERTY ADDRESS</td>
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<td>ACREAGE BEFORE</td>
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<td>ACREAGE AFTER</td>
</tr>
<tr>
<td>ZONING</td>
</tr>
<tr>
<td>EXISTING USE OF PROPERTY</td>
</tr>
</tbody>
</table>

If the Boundary Line Adjustment involves more than two lots, please list information on the additional properties below:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

<table>
<thead>
<tr>
<th>STAFF USE ONLY</th>
</tr>
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<tr>
<td>Application received by __________________________ Date ____________</td>
</tr>
<tr>
<td>Fee $____________ Check # __________________________</td>
</tr>
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</table>

Updated February 1, 2018
APPLICATION FOR BOUNDARY LINE ADJUSTMENT

PARCEL 1: OWNERS NAME (PLEASE PRINT)  Scanga Meat Co. - Ralph L. Scanga, Jr.

ADDRESS ________________________________________________________________

TELEPHONE ______________________  1  E-MAIL ______________________________

I AM THE OWNER OF THE ABOVE LISTED 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 SHALL CONTINUE TO BE IN EFFECT UNTIL REVOKED, AND MAY BE REVOKED BY ME AT ANY
TIME BY PROVIDING WRITTEN NOTICE TO MY AGENT AND TO CHAFFEE COUNTY PLANNING.

OWNERS SIGNATURE ____________________________________________

PARCEL 2: OWNERS NAME (PLEASE PRINT)  _________________________________

ADDRESS ________________________________________________________________

TELEPHONE ______________________  E-MAIL ______________________________

I AM THE OWNER OF THE ABOVE LISTED 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 SHALL CONTINUE TO BE IN EFFECT UNTIL REVOKED, AND MAY BE REVOKED BY ME AT ANY
TIME BY PROVIDING WRITTEN NOTICE TO MY AGENT AND TO CHAFFEE COUNTY PLANNING.

OWNERS SIGNATURE  James J Scanga, Holly J Scanga

******************************************************************************

REPRESENTATIVE (PRINT)  Mike Henderson

SIGNATURE  _____________________________________________________________

ADDRESS  203 G STREET, Salida, Co 81201

TELEPHONE ______________________  E-MAIL ______________________________
Date: April 20, 2018  
To: Chaffee County Board of County Commissioners  
From: Planning Staff, Jon Roorda & Christie Barton  
Subject: Scanga Boundary Line Adjustment  

BOCC: 5/1/2018

Applicant: Scanga Meat Company and James & Holly Scanga

Public Hearing Notice Information: No public notice is required per Article 5.2.3 A.

Summary of Application: Scanga Meat Company owns 9250 CR 156 which contains the Scanga Meat Company facilities and is in agricultural production, and James & Holly Scanga own 9746 CR 156, which has a house, well and On-site Wastewater Treatment System (OWTS). This project also includes a 0.6-acre parcel that was deeded to Scanga Meat Company as part of a Quiet Title action. The parcel is located along the northern property line of both properties. This application is to adjust boundary lines for the two properties to keep the pivot-irrigated land on one tract and to include the 0.6-acre parcel into the large agricultural tract and into lot 3.

Location & Zoning Map:

Zoning & Density: The parcels are located in the Rural zoning district and this application makes no change to the use of the properties.
Proposed Boundary Line Adjustment:
Yellow is re-configured Lot 3, Green is vacated boundary and Blue is Quiet Title parcel
5.2.3A Boundary Line Adjustments:

1. The boundary line adjustment creates no more than the previously recorded number of parcels and does not create non-conforming parcels or increase existing non-conformities.
   *No additional parcels are created with this application. The project starts with three (3) parcels: two (2) conforming and one (1) non-conforming parcel that was created by a Quiet Title action. The boundary line adjustment creates two (2) conforming lots. Setbacks from property lines to existing structures on Lot 3 are not in conformance with the Land Use Code, however, the house was built before the 1974 Zoning Regulations were adopted. This application makes no change to the*

2. Boundary line adjustment may be permitted to allow land transfers between adjacent property owners, as long as the existing building envelopes are not relocated as a result of the adjustment.
   *No building envelopes are identified on an exhibit attached to the Quit Claim Deed Paplow to Scanga Meat Company (recorded 8/16/2010 at Reception #389318) for the Quiet Title action along the northern boundary of the two properties. Utility easements are not shown on the plat as the existing house on Lot 3 (2.0 acres) does not meet the front setbacks. The house was built in 1974 and is considered legally non-conforming. Future structures can meet the setbacks listed in Table 2.1 of the Land Use Code.*

3. If the request affects a municipal boundary, and the municipal comprehensive or master plan lacks specific guidance to approve a request for boundary line revision, the Board of County Commissioners must find the following exist:
   a. There has been substantial change in the vicinity of the property in question or time and experience have shown that the existing boundary or lot line is unwise or in need of change.
   b. The impact of the boundary or lot line revision request on the immediate neighborhood, vicinity and community as a whole will be neutral or positive.
   *This application does not affect a municipal boundary.*

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 ACTION:** Commissioner ______________ moved and Commissioner ______________ seconded and the Board voted to APPROVE / DENY / CONTINUE the Scanga Boundary Line Adjustment based on the following findings of fact and conditions:

Findings:
1. 
2. 

Conditions:
1. 
2. 

Page 3 of 3
**GENERAL INFORMATION-PARCEL 1**

<table>
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<tr>
<th>PROPERTY ADDRESS</th>
<th>TBD CR 319, Buena Vista, CO</th>
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<tbody>
<tr>
<td>TAX PARCEL #</td>
<td>327121300072</td>
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<tr>
<td>ZONING</td>
<td>Industrial</td>
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<tr>
<td>EXISTING USE OF PROPERTY</td>
<td>Vacant Land</td>
</tr>
<tr>
<td>ACREAGE BEFORE</td>
<td>14.72 acres</td>
</tr>
<tr>
<td>ACREAGE AFTER</td>
<td>12.00 acres</td>
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</table>

**GENERAL INFORMATION-PARCEL 2**

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<tr>
<td>TAX PARCEL #</td>
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<tr>
<td>ACREAGE BEFORE</td>
<td>2.32 acres</td>
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<tr>
<td>ACREAGE AFTER</td>
<td>5.04 acres</td>
</tr>
<tr>
<td>ZONING</td>
<td>Industrial</td>
</tr>
<tr>
<td>EXISTING USE OF PROPERTY</td>
<td>Residential</td>
</tr>
</tbody>
</table>

If the Boundary Line Adjustment involves more than two lots, please list information on the additional properties below:

- 
- 
- 
- 

**STAFF USE ONLY**

Application received by __________________________ Date __________________________

Fee $ __________________________ Check # __________________________
APPLICATION FOR BOUNDARY LINE ADJUSTMENT

PARCEL 1: OWNERS NAME (PLEASE PRINT)  Ronald W. Southard

ADDRESS

TELEPHONE  E-MAIL
I AM THE OWNER OF THE ABOVE LISTED 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 SHALL CONTINUE TO BE IN EFFECT UNTIL REVOKED, AND MAY BE REVOKED BY ME AT ANY
TIME BY PROVIDING WRITTEN NOTICE TO MY AGENT AND TO CHAFFEE COUNTY PLANNING.

OWNERS SIGNATURE

PARCEL 2: OWNERS NAME (PLEASE PRINT)  Jay A Baker

ADDRESS

TELEPHONE  E-MAIL
I AM THE OWNER OF THE ABOVE LISTED 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 SHALL CONTINUE TO BE IN EFFECT UNTIL REVOKED, AND MAY BE REVOKED BY ME AT ANY
TIME BY PROVIDING WRITTEN NOTICE TO MY AGENT AND TO CHAFFEE COUNTY PLANNING.

OWNERS SIGNATURE

*********************************************************************************************************************************************

REPRESENTATIVE (PRINT)  William F. Smith

SIGNATURE

ADDRESS

TELEPHONE  E-MAIL
Date: April 23, 2018
To: Chaffee County Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Baker Boundary Line Adjustment

BOCC: 5/1/2018

Applicant: Ronald N. Southard and Jay A. Baker

Public Hearing Notice Information: No public notice is required per Article 5.2.3 A.

Summary of Application:
Jay Baker owns 27414 CR 319, an unplatted parcel, and Ron Southard owns the vacant property to the east known as Lot 1, Huggs Boundary Line Adjustment. The Baker property has a house, garage and shed. The properties are not in the Buena Vista Sanitation District, which is approximately 1,500 feet away. No right of way dedication is required for this application.

Mr. Southard is transferring 2.72 acres to Mr. Baker. The acres will be as follows:

<table>
<thead>
<tr>
<th>Property</th>
<th>Existing Acreage</th>
<th>Proposed Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baker</td>
<td>14.72</td>
<td>12.00</td>
</tr>
<tr>
<td>Southard</td>
<td>2.32</td>
<td>5.04</td>
</tr>
</tbody>
</table>

Both properties are zoned Industrial, and no changes will be made to the use of the properties with this application.

Location & Zoning Map:
Zoning & Density: The parcels are located in the Industrial zoning district and will meet the density and dimensional standards in Table 2.1 of the Land Use Code with this application.

Aerial Photo:

Proposed Boundary Line Adjustment:
5.2.3 Boundary Line Adjustments:

1. The boundary line adjustment creates no more than the previously recorded number of parcels and does not create non-conforming parcels or increase existing non-conformities. 

   *No additional parcels are created with this application. The project starts with two (2) conforming properties and ends with two conforming lots. The shed on the Baker property appears to have been built too close to the rear property boundary, and this boundary line adjustment corrects that non-conformity to the rear setback. Future structures can meet the setbacks listed in Table 2.1 of the Land Use Code.*

2. Boundary line adjustments may be permitted to allow land transfers between adjacent property owners, as long as the existing building envelopes are not relocated as a result of the adjustment. 

   *No building envelopes are identified on either property. The Baker property is unplatted and no building envelopes are identified on the Huggs Boundary Line Adjustment (recorded at Reception #423142 on October 20, 2015) for the Southard property.*

3. If the request affects a municipal boundary, and the municipal comprehensive or master plan lacks specific guidance to approve a request for boundary line revision, the Board of County Commissioners must find the following exist:

   a. There has been substantial change in the vicinity of the property in question or time and experience have shown that the existing boundary or lot line is unwise or in need of change.
   
   b. The impact of the boundary or lot line revision request on the immediate neighborhood, vicinity and community as a whole will be neutral or positive.

   *This application does not affect a municipal boundary. The Buena Vista town limits are located northwest from these properties across County Road 319.*

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 ACTION:** Commissioner moved and Commissioner seconded and the Board voted to APPROVE / DENY / CONTINUE the Baker Boundary Line Adjustment based on the following findings of fact and conditions:

Findings:

1. 

2. 

Conditions:

1. 

2. 

Page 3 of 3
April 17, 2018  
Patty Baldwin  
Via Email

Request for Road Closure in St. Elmo:

Historic St. Elmo & Chalk Creek Canyon, Inc. (HSE) has been awarded two grants from the Colorado State Historical Fund in the amount of $243,304 for roof and foundation stabilization work to the Stark Bros. Store/Home Comfort Hotel and the Cash Criss Building on west Main Street in St. Elmo. All work is to be completed during the 2018 construction season.

Mike Perschbacher/Older Than Dirt Construction (the contractor) will have vehicles, trailers and large construction equipment on site beginning in May and thru completion of the projects in mid-November.

To insure the safety of the visiting public, HSE would like to request the closure of CR 162 to vehicular traffic just west of the intersection of Main and 1st Streets (within the town site of St. Elmo) from May 14th - November 16th, 2018. See attached map and image.

This closure has been successfully done for many years in connection with various special events held on west Main Street. The roadway would be blocked approximately 60 feet west of the intersection of 1st and Main Streets and would in no way impede thru traffic to Tin Cup or other areas of St. Elmo. The 60-foot area would allow for emergency turn arounds and would be signed and monitored for no-parking. Pedestrian traffic through this area will be limited to an approximate 6-foot fenced path on the south side of Main Street to prevent pedestrians from entering the work area. Access will be provided to the St. Elmo Town Hall and HSE will work with the two private property owners who use this road to access their cabins. Appropriate signage will be placed to notify roadway users of this closure as they approach St. Elmo and at the closure point.

In conjunction with this closure, HSE will also address the following issues to help alleviate parking and vehicle trailer issues in the townsites: See attached map and image for detailed information

- Provide a designated turnaround area for trailers and large vehicles before you reach Main Street along with applicable signage.
- Develop appropriate signs for St. Elmo and Mt. Princeton Hot Springs area that impart “Limited trailer parking and turn arounds in St. Elmo”.
- Develop designated trailer parking slots and work with the USFS to maximize trailer parking in the Grizzly parking area thru signage.

HSE will also develop press releases that will be distributed among the OHV user groups, recreational groups, guides and outfitters through the USFS, Chamber’s of Commerce, etc. outlining the closure.

The contractor and HSE will closely monitor the closure and traffic flow to avoid problems.

If you have any questions, please call/email me. mudd1884@hotmail.com or 395-6879.

With many thanks,

Melanie Roth
PROCLAMATION

WHEREAS, in 2016, Senate Bill 16-021 sponsored by State Senator Kerry Donovan, created the first-in-the-Nation Statewide Public Lands Day, which is now inspiring similar efforts in other states; and

WHEREAS, Colorado Public Lands Day recognizes the significant and positive contributions public lands within Colorado and Chaffee County make to Chaffee Countians’ quality of life, and this day encourages Chaffee Countians to celebrate our public lands that support the vitality of our communities and represent our common heritage; and

WHEREAS, Chaffee County hosts a variety of national, state and local public lands including national forests, wildlife refuges, monuments, wilderness areas, recreation areas, and other public lands; and

WHEREAS, Colorado and Chaffee County’s public lands reflect many of our most noble democratic ideals because they are open and accessible to all, this uniquely American idea, that public lands do not belong to one person but are instead a collective good accessible to all, is a foundational feature of our Nation and State; and

WHEREAS, Chaffee County’s public lands are diverse, from the snow-capped peaks of the Sawatch Ranch down to the rushing Arkansas River, red rock canyons and grassy plains, tree-lined mountain valleys and aspen-covered hills, they provide many benefits to our residents from recreational pursuits to natural resource development and have significant impact on economic development; and

WHEREAS, Chaffee County’s public lands contribute to our clean air and to our vibrant tourist economy, it is important for the County to observe and pay tribute to our public lands;

Therefore we undersigned Commissioners of Chaffee County, Colorado, do hereby proclaim, Saturday, May 19, 2018 as

COLORADO PUBLIC LANDS DAY IN CHAFFEE COUNTY

Dave Potts
Keith Baker
Greg Felt
CHAFFEE COUNTY
RESOLUTION 2018-31

APPROVING THE FINAL PLAT FOR THE
PINON GROVE MINOR SUBDIVISION

FINDINGS AND CONCLUSIONS:

A. The applicant requests approval of the final plat for the Pinon Grove Minor Subdivision under the provisions of Section 5.1.2.C of the Chaffee County Land Use Code ("LUC"). The subject property consists of 15.18 acres to be divided into three lots of with the minimum lot size being 2.12 acres, located at 13700 Highway 50, approximately 2 ½ miles west of Poncha Springs in a rural zone.

B. The parcel has two existing houses, wells and on-site wastewater treatment systems (OWTS).

C. A public hearing was held on the final plat on April 10, 2018 following publication on March 8, 2018 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 adoption of the proposed final plat.

D. The people of Chaffee County have had an opportunity to review the proposed plat and have had an opportunity to make public comment for or against adoption of the minor subdivision and there was no opposition to approval of the minor subdivision.

E. The Chaffee County land planning staff has indicated that all application requirements, development standards, and County Planning Commission conditions for a minor subdivision have been met except:

- Minor revisions to the final plat are required, including a note regarding fair contribution for public school sites for residential construction as required by LUC Section 7.3.7.C.3 and a note regarding Right to Farm and Ranch as required by LUC Section 3.1.7.A.2.

- The applicant has not provided proof of augmentation for Lot 3 as required by Section 7.1.3.A.2 of the LUC.

- There is no dedication of open space as required by LUC Section 7.3.7.C.2.e. The applicant has requested a waiver.

- Recording information for the access easement and maintenance agreement serving lots within the subdivision be added to the plat (see LUC Sections 7.3.1 and 7.3.7.C.1).

- A plat note should be added to the plat concerning restricted use of Lot 3 within the Western Area Power Administration (WAPA) right of way.

All other deficiencies noted land planning staff and by the planning commission have been rectified.

F. At its March 27, 2018 regular meeting, the County Planning Commission found that the conditions
previously required have been met and voted to recommend to the Chaffee County Board of Commissioners approval of the Final Plat for the Pinon Grove Minor Subdivision, subject to certain conditions.

G. No open space is shown on the plat. Given that two of the three proposed lots already have been developed and additional open space would not benefit county citizens in this instance, waiving open space dedication requirements would be appropriate.

H. County legal staff has recommended that certain amendments be made to the proposed maintenance agreement.

I. Provided the applicant complies with certain conditions, the application will meet the requirements for a Minor Subdivision under the LUC. See Section 1.3.6.3 of the LUC.

J. The Chaffee County Board of County Commissioners ("Board") has reviewed the application and all additional submittals and the recommendations of the Planning Commission and the County’s land planning staff in light of the LUC and found that all requirements have been met, except as noted above.

K. At its meeting held on April 10, 2018, the Board approved the application subject to the conditions outlined in this Resolution, directed the County Attorney to prepare a written resolution outlining the findings of the Board for consideration at the May 1, 2018 meeting.

K. The record before the Board includes the Development Services case file, Planning Commission hearing file and testimony and evidence at Board of Commissioner hearings.

RESOLUTION:

The Board resolves as follows:

1. **Exception.** The Board hereby grants an exception to LUC Section 7.3.7.C.2.c. regarding open space dedication or fee in lieu.

2. **Approval of Minor Subdivision.** The Board hereby approves the Pinon Grove Minor Subdivision with the condition that the following requirements be met prior to filing the plat with the Chaffee County Clerk and Recorder:
   a. The applicant make minor revisions to the final plat, including adding plat notes regarding fair contribution for public school sites for residential construction and regarding Right to Farm and Ranch;
   b. The applicant submit proof of augmentation for Lot 3;
   c. A plat note be added concerning restricted use of Lot 3 within the Western Area Power Administration (WAPA) right of way;
   d. The applicant make minor revisions to the final plat as required by staff, including addition of adjoining property owners, notation of easements, setbacks, and wording of certificates and dedications;
   e. Recording information for the access easement and maintenance agreement serving lots within the subdivision be added to the plat;
f. The applicant has submitted an executed maintenance agreement that runs with the land in a form acceptable to the County’s legal department; and

g. A final mylar be delivered to the County within thirty days from the date of this resolution.

Once such requirements are met, the Chairman or Acting Chairman is authorized to sign the plat and deliver it to the Chaffee County Clerk and Recorder for recording.

3. **Effective Date and Vesting.** This Resolution shall be in full force and effect immediately upon approval. Any failure to abide by the terms and condition of this Resolution will result in a forfeiture of any vested property rights, as contemplated by Section 1.2.2 of the LUC.

ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on May 1, 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 2018-31 duly adopted by the Chaffee County Board of County Commissioners by a ______ vote at a regular meeting, properly noticed and held on May 1, 2018.

Chaffee County Clerk
CHAFFEE COUNTY, COLORADO
RESOLUTION 2018-32
APPROVING THE FINAL PLAT
FOR THE BROADVIEW RURAL OPEN SPACE INCENTIVE

FINDINGS AND CONCLUSIONS:

A. A plat has been submitted for a proposed subdivision under the Rural Open Space Incentive ("ROSI"), consisting of 194.3 acres to be divided into 21 lots having a minimum lot size of 2.0 acres, located off of CR 289 in Nathrop. Pursuant to Section 4.3.3 of the Chaffee County Land Use Code ("LUC"), a ROSI Subdivision has a shortened plat review process, as compared to a Major Subdivision.

B. The proposed ROSI consists of two phases. Phase 1 will consist of Lots 1 through 9, Lots 20 and 21, Phase 2 will consist of Lots 10 through 19. A plat showing Phase 2 as available lots will not be filed with the County Clerk and Recorder until such time that the conditions for approval with respect to all lots have been met.

C. A public hearing before the Chaffee County Board of County Commissioners ("BoCC") was held on April 10, 2018, following publication on March 8, 2018 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 rural open space plat approval.

D. The people of Chaffee County have had an opportunity to review the proposed plat and have had an opportunity to make public comment for or against adoption of the plat and there was no opposition to approval of the plat.

E. The Chaffee County land planning staff have indicated that all requirements for a rural open space incentive subdivision have been met except:

- The applicant has not provided proof of augmentation as required by Section 7.1.3.A.2 of the LUC.

- A plat note be added requiring a geotechnical investigation 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. LUC Sections 7.2.2.B and 7.2.3.

All other deficiencies noted in the compliance report have been rectified.

F. Because the application was sent to referral agencies for review, a public hearing before the Planning Commission on the final plat was required pursuant to LUC Section 4.3.3.C. At its March 27, 2018 regular meeting, the County Planning Commission considered the application and recommended approval of the Final Plat to the BoCC, subject to various conditions.

G. The applicant has not executed a Subdivision Improvements Agreement as contemplated by Section 1.6 of the LUC. (The applicant has orally agreed to restrict lot sales until improvements have been
H. A plat note should be added with respect to the Right to Farm and Ranch as required by LUC Section 3.1.7.A.2.

I. Because the property is greater than 35 acres in size, compliance with the County’s 1041 wildlife regulations is required. The proposed covenants promote the comments and recommendations submitted by the Colorado Division of Parks and Wildlife. Accordingly, the development is unlikely to adversely impact wildlife species, wildlife habitat and/or wildlife movement patterns/displacement and adaption of wildlife populations; further, the County Director of General Administration has prepared a statement of “no impact”, subject to compliance with the Colorado Parks and Wildlife recommendations, in accordance with Section 9-301(2) of the County’s 1041 regulations. In order to ensure compliance, a plat note should be added stating the following: “To the extent that the subdivision’s covenants permit fencing, any perimeter lot fencing shall be wildlife friendly, as determined by Colorado Parks and Wildlife.”

J. The BoCC has reviewed the application and all additional submittals and the recommendations of the County’s land planning staff in light of the LUC and finds that all requirements have been met, except as noted above. In particular, the BoCC finds that the open space and clustering promoted by the ROSI as opposed to a Major Subdivision generally results in fewer lots and promotes the Chaffee County Comprehensive Plan by:

a. Maintaining and enhancing the rural character of Chaffee County by protecting, preserving and conserving existing rural landscapes and viewscape between developments and along scenic view corridors and to minimize ridge top development;

b. Preserving critical wildlife habitat and river and stream corridors;

c. Allowing for continued or future agricultural or ranching uses by preserving and considering areas with viable soils, effective land masses and irrigable land;

d. Reducing infrastructure costs and impacts emanating from traditional large lot development by providing greater flexibility and efficiency in the siting and design of services and infrastructure;

e. Improving rural planning practices and designs by encourage appropriate and site-sensitive rural residential development;

f. Preserving and conserving water resources;

g. Protecting historic and cultural resources by preserving and conserving historic buildings and structures and historical or cultural sites and landscapes;

h. Designing and designating open space areas so that they are contiguous with public lands, existing designated open spaces, or along existing game corridors; and

i. Encouraging developments to be designed with the idea that adjacent parcels may also dedicate open space, such that the largest possible contiguous open space areas are preserved.

K. At its meeting held on April 10, 2018, the BoCC approved the application subject to the conditions outlined in this Resolution, directed the County attorney to prepare a written resolution outlining the findings of the BoCC for consideration at the May 1, 2018 meeting.

RESOLUTION:

The BoCC resolves as follows:

1. Approval of Rural Open Space Plat. The BoCC hereby approves both phases of the final plat for the
Broadview Rural Open Space Incentive Subdivision, with the condition that all the following requirements be met prior to filing the final plat with the Chaffee County Clerk and Recorder:

a. The initial final plat must show the lots comprising Phase 2 as greyed out and ineligible for sale until each of the conditions contained in this paragraph are met with respect to both Phase 1 and Phase 2. At such time that the conditions with respect to Phase 2 are met, the applicant may file a final plat showing all approved lots as available for sale.

b. The applicant must submit proof of augmentation of the applicable lots as required by Section 713.2.A.2 of the LUC.

c. A plat note be added requiring a geotechnical investigation 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. LUC Section 7.2.2.B.

d. A plat note be added stating the following: “To the extent that the subdivision’s covenants permit fencing, any perimeter lot fencing shall be wildlife friendly, as determined by Colorado Parks and Wildlife.”

e. A plat note be added with respect to the Right to Farm and Ranch (LUC Section 3.1.7.A.2).

f. The applicant and the BoCC have agreed to and approved subdivision improvements agreements with respect to each Phase. Such agreements shall containing lot sales restrictions and covenants preserving open space.

g. A final mylar meeting the conditions of this paragraph be delivered to the County thirty days from the date of this resolution.

Once such requirement(s) are met, the Chairman or Acting Chairman is authorized to sign the final plat and deliver it to the Chaffee County Clerk and Recorder for recording.

2. **Subdivision Improvements Agreement/Covenant.** The Chairman or Acting Chairman is authorized to execute, deliver, and perform a subdivision improvements and maintenance agreements providing for and securing the completion of certain improvements to the subdivision, in such form acceptable to the County’s land planning staff. The Agreements shall include among other items a Lot Sales Restriction. The following improvements will require completion prior to release of the Lot Sales Restriction: **[INSERT]** Any vested rights which may result from approval of the minor subdivision are subject to compliance with the applicable subdivision improvements agreement.

3. **Acceptance of Roadway Dedication.** The BoCC hereby approves and accepts the dedication to Chaffee County of the right-of-way for CR 289 as shown on the plat, with maintenance responsibility and ownership retained by the County. The BoCC hereby approves and accepts the dedication to Chaffee County of Broadview Road, Skyline Drive, and Oppliger Drive, with maintenance responsibility and ownership retained by the developer and the developer’s successor.

4. **Effective Date and Vesting.** This Resolution shall be in full force and effect immediately upon approval. Any failure to abide by the terms and condition of this Resolution will result in a forfeiture of any vested property rights, as contemplated by Section 1.2.2 of the LUC.
ADMITTED AND APPROVED by the Chaffee County Board of County Commissioners on May 1, 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 2018-32 duly adopted by the Chaffee County Board of County Commissioners by a _________ vote at a regular meeting, properly noticed and held on May 1, 2018.

Chaffee County Clerk
CHAFFEE COUNTY
RESOLUTION 2018-33

APPROVING THE FINAL PLAT FOR THE
BRADY MINOR SUBDIVISION

FINDINGS AND CONCLUSIONS:

A. The applicant requests approval of the final plat for the Brady Minor Subdivision under the provisions of Section 5.1.2.C of the Chaffee County Land Use Code (“LUC”). The subject property consists of 14.1 acres to be divided into four lots, with the minimum lot size being 2.0 acres, located off of County Road 107, in a Rural zone. An existing business will continue to occupy one of the four lots, and an existing residence will occupy another lot.

B. A public hearing was held on the final plat on April 10, 2018 following publication on March 8, 2018 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 adoption of the proposed final plat.

C. The people of Chaffee County have had an opportunity to review the proposed plat and have had an opportunity to make public comment for or against adoption of the minor subdivision and there was no opposition to approval of the minor subdivision.

D. The Chaffee County land planning staff has indicated that all application requirements, development standards, and County Planning Commission conditions for a minor subdivision have been met except:

- The applicant has not provided proof of augmentation for Lot 2 (LUC Section 7.1.3.A.2).
- The cul-de-sac should be re-configured or easements established for emergency vehicle access and turnaround and should be shown on the plat. 7.2.2.
- An approved floodplain development permit should be submitted as part of the building permit application for Lot 3. (LUC Section 7.2.3.2.)
- A fully engineered foundation design plan should be submitted as part of a building permit application for Lot 3. (LUC Section 7.2.2.B.)
- The applicant has not provided covenants or a maintenance agreement addressing the maintenance of the access easement (LUC Section 7.3.1).
- The access easement across Lot 2 should be reconfigured to match the existing roadway and existing easements clarified or relocated. LUC 7.3.7.
- The plat should clearly dedicate to the public right of way for CR 107 and the access easement. (LUC Section 7.3.7.C.1.)
- There is no dedication of open space (LUC Section 7.3.7.C.2.c.) (The applicant has requested a waiver.)
- Minor revisions to the final plat are required, including a note regarding fair contribution for public school sites for residential construction (LUC Section 7.3.7.C.3.)

All other deficiencies noted land planning staff and by the planning commission have been rectified.
E. At its March 27, 2018 regular meeting, the County Planning Commission found that the conditions previously required have been met and voted unanimously to recommend to the Chaffee County Board of Commissioners approval of the Final Plat for the Brady Minor Subdivision, subject to various conditions.

F. The applicant has not executed a Subdivision Improvements Agreement as contemplated by Section 1.6 of the LUC. (The applicant has orally agreed to restrict lot sales until improvements have been completed).

G. A plat note should be added with respect to the Right to Farm and Ranch (LUC Section 3.1.7.A.2).

H. No open space is shown on the plat; however the proposal would dedicate right-of-way for County Road 107. Given the geography of the proposal and the small number of lots created by the proposal, a waiver to the LUC open space dedication requirements is appropriate.

I. Provided the applicant complies with certain conditions, the application will meet the requirements for a Minor Subdivision under the LUC. See Section 1.3.6.3 of the LUC.

J. The Chaffee County Board of County Commissioners (“Board”) has reviewed the application and all additional submittals and the recommendations of the Planning Commission and the County’s land planning staff in light of the LUC and found that all requirements have been met, except as noted above.

L. At its meeting held on April 10, 2018, the Board approved the application subject to the conditions outlined in this Resolution and directed the County Attorney to prepare a written resolution outlining the findings of the Board for consideration at the May 1, 2018.

K. The record before the Board includes the Development Services case file, Planning Commission hearing file and testimony and evidence at Board of Commissioner hearings.

RESOLUTION:

The Board resolves as follows:

1. **Exception.** The Board hereby grants an exception to LUC Section 7.3.7.C.2.c. regarding open space dedication or fee in lieu.

2. **Approval of Minor Subdivision.** The Board hereby approves the Brady Minor Subdivision, as set forth in the submitted plat, with the condition that all the following requirements be met prior to filing the plat with the Chaffee County Clerk and Recorder:
   a. The applicant submit a water augmentation certificate for Lot 2.
   b. The plat show a reconfigured cul-de-sac or easements for emergency vehicle access and turnaround.
   c. A plat note be added indicating an approved floodplain development permit and fully engineered residential design shall be submitted with the building permit application for Lot 3.
   d. The applicant provide covenants or a maintenance agreement acceptable to County staff addressing the maintenance of the access easement.
e. The plat show a reconfigured access easement across Lot 2 matching the existing roadway and clarifying or relocating existing easements in Lot 2 (Reception numbers 311409 & 383713).
f. A thirty-foot public right of way be dedicated on the plat for CR 107
g. A forty-foot public right of way be dedicated on the plat for the access easement.
h. A plat note be added regarding fair contribution for public school sites for residential construction.
i. A plat note be added with respect to the Right to Farm and Ranch.
j. A final mylar be delivered to the County within thirty days from the date of this resolution.
k. The applicant and the Board have agreed to and have approved a subdivision improvements agreement among the applicant and/or the applicant’s successor, as required by Section 1.6 of the LUC.

Once such requirements are met, the Chairman or Acting Chairman is authorized to sign the plat and deliver it to the Chaffee County Clerk and Recorder for recording.

3. **Acceptance of Roadway Dedication.** The Board hereby approves and accepts the dedication to Chaffee County of the right-of-way for CR 107 and the access easement as shown on the plat, with maintenance responsibility and ownership of the access easement retained by the applicants and their successors.

4. **Covenants and Improvements Agreement.** The Chairman or Acting Chairman is authorized to execute, deliver, and perform a subdivision improvements and maintenance agreement providing for and securing the completion of certain improvements to the subdivision, in such form acceptable to the County’s land planning staff. The Agreement shall include among other items a Lot Sales Restriction. The following improvements will require completion prior to release of the Lot Sales Restriction: **construction of access road easement; [INSERT]** Any vested rights which may result from approval of the minor subdivision are subject to compliance with such subdivision improvements agreement.

5. **Effective Date and Vesting.** This Resolution shall be in full force and effect immediately upon approval. Any failure to abide by the terms and condition of this Resolution will result in a forfeiture of any vested property rights, as contemplated by Section 1.2.2 of the LUC.

ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on May 1, 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 2018-33 duly adopted by the Chaffee County Board of County Commissioners by a _______ vote at a regular meeting, properly noticed and held on May 1, 2018.

Chaffee County Clerk
CHAFFEE COUNTY COLORADO
RESOLUTION 2018-34

ADOPTING AMENDMENTS TO THE CHAFFEE COUNTY LAND USE CODE
CLARIFYING LANGUAGE REGARDING
APPEALS TO THE BOARD OF ADJUSTMENT (LUC SECTION 1.3.3),
CLARIFYING THE ENFORCEMENT PROCESS (LUC SECTION 1.4.2.C) AND
REVISIGN A CONDITION FOR AN
AGRICULTURAL SUBDIVISION EXEMPTION (LUC SECTION 5.2.3.C.1)

FINDINGS AND CONCLUSIONS:

A. The Land Use Act (C.R.S. § 29-20-101, et seq.) and the County Planning Code (C.R.S. § 30-28-101, et seq.) and other authorities listed in Section 1.1.2 of the Chaffee County Land Use Code (“LUC”) authorize county regulation of land use in the unincorporated areas of the county.

B. C.R.S. § 30-28-116 and Section 4.4.2 of the LUC authorize the board of county commissioners from time to time by resolution to make text amendments to the LUC, following submittal to the county planning commission, and after public hearing with adequate notice (see Section 1.3.5 of the LUC).


D. On March 27, 2018 (County Planning Commission) and April 10, 2018 (“BoCC”), public hearings were held following publication of the hearings on March 8, 2018 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 adoption of text amendments to the LUC. At its March 27, 2018 regular meeting, the County Planning Commission voted unanimously to recommend to the BoCC approval of the attached proposed amendments to the LUC. The BoCC considered the proposed text amendments and recommendations of the County Planning Commission and determined that certain amendments to the recommended language were warranted.

E. The people of Chaffee County have had an opportunity to review the proposed changes to the LUC and have had an opportunity to make public comment for or against adoption of the proposed changes.

F. The BoCC has had an opportunity to review public comments with respect to the proposed changes and finds that publication of notice of the public hearing has been properly published and the requirements have been satisfied with respect to the public hearing.

G. The BoCC finds and declares it is necessary for the preservation and furtherance of the health, safety and welfare of the citizens of Chaffee County to amend the LUC as set forth in Exhibit A.
RESOLUTION:

The BoCC resolves as follows:

1. Amendments to the County Land Use Code. The Board hereby amends the Chaffee County Land Use Code by adopting the provisions set forth in the attached Exhibit A to this Resolution. Section 1 of Chaffee County Ordinance 2014-01 (referencing the November 19, 2013 version of the Land Use Code) is amended accordingly.

2. Severability. All provisions of this Resolution are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Resolution. If a court or administrative body determines a provision or its application to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

3. Effective Date. This Resolution shall be in full force and effect immediately upon adoption by the Board.

ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on May 1, 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 2018-34 duly adopted by the Chaffee County Board of County Commissioners by a ___ vote at a regular meeting, properly noticed and held on May 1, 2018.

Chaffee County Clerk

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EXHIBIT A
TO CHAFFEE COUNTY RESOLUTION 2018-34
Effective May 1, 2018

The Chaffee County Land Use Code (LUC) is hereby amended as follows:

The following LUC Sections are amended with additions shown in red and deletions crossed out.

1.3.3 Board of Adjustment

B. Powers and Duties.

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).

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 that prior to filing a complaint in Court, the right to appeal the determination of violation to the Board of County Commissioners must authorize such filing. Commissioner authorization shall be by motion at an open meeting and the time...
within which a written appeal must be filed, if applicable for the violation(s).

5.2.3 Additional Types of Subdivision Exemptions. The Board of County Commissioners has established the following additional types of subdivision exemptions.

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.
CHAFFEE COUNTY
RESOLUTION 2018-35

APPROVING THE D & L HOLDINGS, LLC
BOUNDARY LINE ADJUSTMENT AND PLAT AMENDMENT

FINDINGS AND CONCLUSIONS:

A. The applicant has requested a Boundary Line Adjustment for property located at 28875 County Road 331, Buena Vista, in a Residential Zone.

B. The subject parcels are previously recorded, legally created lots and the proposal does not create or increase any non-conformity.

C. The Chaffee County land planning staff has indicated that all requirements for a Boundary Line Adjustment have been met.

D. The Board of County Commissioners ("Board") has reviewed the application and all additional submittals and the recommendations of the County’s land planning staff in light of the Chaffee County Land Use Code and found that all requirements have been met.

E. At its meeting held on April 17, 2018, the Board approved the application and directed the County Attorney to prepare a written resolution outlining the findings of the Board for consideration at the May 1, 2018.

RESOLUTION:

The Board unanimously resolves as follows:

1. **Approval of Boundary Line Adjustment.** The Board hereby approves the boundary line adjustment as proposed on the submitted plat, conditioned on the following:
   a. Adding a plat note indicating that if sewer becomes available, a property owner would be required to connect; and
   b. A final mylar being delivered to the County within thirty days from the date of this resolution.

   Once such requirements are met, the Chairman or Acting Chairman is authorized to sign the final plat and deliver it to the Chaffee County Clerk and Recorder for recording.

2. **Acceptance of Roadway Dedication.** The Board hereby approves and accepts the dedication to the public of all right-of-way for CR 330 and CR 331.
3. **Effective Date.** This Resolution shall be in full force and effect immediately upon compliance with all conditions and/or requirements set forth in paragraph 1, above.

ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on May 1, 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 2018-35 duly adopted by the Chaffee County Board of County Commissioners by a ________ vote at a regular meeting, properly noticed and held on May 1, 2018.

Chaffee County Clerk