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

AGENDA

March 12, 2019

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

Convene as Board of Equalization

A. Appeal of the Revocation of the Senior Property Tax Homestead Exemption. Owner, Michel Kimmell, property is located at 207 D St., Salida

Re-Convene as Board of Commissioners

B. 9:15 a.m. - Public Hearings and consideration of recommendations from the February 26, 2019 Planning Commission Meeting (see attached) with regard to the following matters:
   a. Zoning Map Amendment - Applicant: DVora Kanegis Location: 7727 County Road 150, Salida Zone: Residential Request: To correct the re-zoning done in 2014. Property was incorrectly zoned from Industrial to Residential.
   b. Amendment to sections of the Land Use Code - Table 2.2 and Section 7.8.22 to allow a retail center for Medical/Retail Marijuana in the Industrial Zone.

C. 9:45 a.m. Public Hearing – To consider a request for a Heritage Water Subdivision Exemption.
   Name of Subdivision Exemption: El Rancho Vaquero Applicant: Shirley Graham Location: 28445 Gregg Dr., Buena Vista Zone: Residential Request: To divide 40.6 acres into 9.61 acres (Lot 1) and 29.28 acres (Outlot A) and road right-of-way dedication. Water by wells, wastewater treatment by on-site wastewater systems.

D. Consider appointment of members to the Common Ground Citizens Advisory Board.
E. Informational discussion on interim options for managing residential growth in unincorporated Chaffee County during Comprehensive Plan revision process and subsequent potential amendments to county Land Use Code.

F. Report from NACo Legislative Conference (Commissioner Baker)

G. Executive Session - Consider potential defendants with respect to the opioid class action and possible executive session under 24-6-402(4)(b) for purposes of receiving legal advice on specific legal questions in connection with the opioid class action.

Consent Agenda:
- Letter regarding support of the proposed partnership between Salida School District and Colorado Mountain College.
- Report from the County Veterans Service Officer for the month of February, 2019
- Pay Bills

Old Business:
- County Project Status Report
- Fire Protection Boundary Update
- 7 Peaks Event

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.
PLANNING COMMISSION RECOMMENDATION

Date: February 26, 2019
To: Chaffee County Board of County Commissioners
From: Chaffee County Planning Commission
Subject: Kanegis ReZone

Note: The following recommendation is an excerpt of the draft Planning Commission meeting minutes of February 26, 2019 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: Mike Allen, Bruce Cogan, Marjo Curgus, Joe Stone, Bill Baker, Hank Held, Anderson Horne and David Kelly.

Findings of fact:

1. The applicant is requesting a correction to the 2014 Zoning Map to be rezoned from Residential (RES) to Industrial (IND).
2. The property has an existing house and detached garage.
3. This application is consistent with the Chaffee County Comprehensive Plan
4. The property has no known violations of any Chaffee County regulation

David Kelly moved to recommend to the Board of Commissioners to rezone the property and correct the rezoning error. Bruce Cogan seconded and the motion carried unanimously.
PLANNING COMMISSION RECOMMENDATION

Date: February 26, 2019  
To: Chaffee County Board of County Commissioners  
From: Chaffee County Planning Commission  
Subject: Table 2.2 and Section 7.8.22 to allow a retail center for Medical/Retail Marijuana in the Industrial Zone

Note: The following recommendation is an excerpt of the draft Planning Commission meeting minutes of February 26, 2019 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: Mike Allen, Bruce Cogan, Marjo Curgus, Joe Stone, Bill Baker, Hank Held, Anderson Horne and David Kelly.

Mike Allen moved to recommend approval of the text amendment based on the following findings:
1. This text amendment is not expected to result in hazards or alter the environment more than other uses in the zoning district.
2. A retail establishment is not expected to increase traffic hazards more than any other uses in the zoning district.
3. The proposed use meets the requirements of 4.4.2.c (the proposed land use is compatible with the uses allowed in the zone district to which it would be added).
4. The LUC Text Amendment meets the requirements of 4.4.2.
<table>
<thead>
<tr>
<th>DATE</th>
<th>March 11, 2019</th>
<th>TIME</th>
<th>9:00 a.m.</th>
<th>SUBJECT</th>
<th>Regular meeting of Landfill Committee and Boards of Health and Human Services followed by Work Session</th>
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<tr>
<td>LOCATION</td>
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<th>TIME</th>
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<th>SUBJECT</th>
<th>Interview for Common Ground Citizens Advisory Committee</th>
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<th>TIME</th>
<th>5:00 p.m.</th>
<th>SUBJECT</th>
<th>Commissioner Meeting regarding Centerville Major Subdivision</th>
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3/8/19
This list may be updated daily. Posted in posting area outside of Commissioners Office
APPLICATION FOR
ZONING MAP AMENDMENT
(Rezoning)

Application Fee $600.00 + $25.00 per acre

GENERAL INFORMATION

NAME OF PROJECT  Kaneqis Zone Map Amendment

PROPOSED AMENDMENT/ZONE  Residential to Industrial

TAX PARCEL #  3681-312-00-008  EXISTING ZONING  Residential

PROPERTY ADDRESS  7727 County Road 150

EXISTING USE OF PROPERTY  residence, gallery + dance studio

OWNERS NAME (Please Print)  Dvora Kaneqis

ADDRESS

TELEPHONE  E-MAIL

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

OWNERS SIGNATURE  

COUNTY REPRESENTATIVE (Please Print)  Jon Roorda

REPRESENTATIVES SIGNATURE  

TELEPHONE  EMAIL

MAILING ADDRESS

STAFF USE ONLY

Application received by  Date

Fee $  Check #  Certified Mailing Labels  Electronic Copy

Updated April 17, 2018
STAFF REPORT

Date: February 15, 2019
To: Chaffee County Board of Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Kanegis Rezone

Applicant: Dvora Kanegis

Public Hearing Information: The Public Hearing was advertised in the Mountain Mail and in the Chaffee County Times on February 7, 2019. Public Hearing notices were sent to adjoining property owners on January 31, 2019. The posted sign was observed by County staff on February 14, 2019.

Request: This is a request to correct an error in the zoning map. The property is currently shown as Residential and appears to have been changed to this zoning district during a County-sponsored group rezone project in 2014. The staff report states the property is in the process of being purchased by Dvora Kanegis who wishes the property remain Industrial. The resolution approving the rezones in Smeltertown have the adjacent property owners name (Childs) with the Kanegis address and tax parcel number. The documentation of the zone change is attached to the narrative.

Location & Zoning Map:
Section 4.4.1 Rezoning
No rezoning request shall be processed unless it is accompanied by a request to conduct a specific land use.
A specific land use request has not been submitted as this is a correction of a rezoning error (use of the property is residential).

C. Review Criteria. Unless otherwise provided in these Regulations, the following criteria shall apply to rezoning requests.
1. No Spot Zoning. The proposed rezoning would result in a logical and orderly development pattern and would not constitute spot zoning.
   This application requests a correction to the Industrial zoning that was in place before the 2014 rezone done by Chaffee County Planning. It is adjacent to Industrial zoning and is not considered spot zoning.
2. Change in Area. The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.
   The area surrounding the subject property has not changed significantly. The area is a mix of industrial and residential uses that has remained consistent since 2014.
3. Demonstrated Community Need. The proposed rezoning addresses a demonstrated community need with respect to facilities, services or housing.
   The property owner has requested the zoning be corrected. Industrial zoning is a common need in a community.
4. Original Zone Designation Incorrect. The proposed rezoning addresses errors in the original zone district map.
   There was an error in the original zone designation. Documentation is included in the packets.
5. Compliance with Comprehensive Plan and Intergovernmental Agreements. The proposed rezoning is in compliance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.

The Smeltertown area has a mix of Industrial and Residential zoning and land uses. The 2000 Chaffee County Comprehensive Plan, Land Use and Development Patterns, Guiding Objective 2 states: ‘Focus commercial and industrial development in existing towns, developed industrial parks, and already developed commercial areas in places like Nathrop and other designated areas.’

This property is outside the Municipal Services Area and will not annex into the City of Salida.

Findings:
1. The applicant is requesting a correction to the 2014 Zoning Map to be rezoned from Residential (RES) to Industrial (IND).
2. The property has an existing house and detached garage.
3. This application is consistent with the Chaffee County Comprehensive Plan
4. The property has no known violations of any Chaffee County regulation.

PLANNING COMMISSIONERS ACTION: Commissioner ____________ moved and Commissioner ____________ seconded and the Commission voted to APPROVE / APPROVE WITH CONDITIONS / DENY / CONTINUE the Kanegis Rezone based on the following findings of fact:

Findings:
1.
2.
STAFF REPORT

Date: February 14, 2019
To: Chaffee County Planning Commission & Board of County Commissioners
From: Planning Staff, Jon Roorda & Christie Barton
Subject: Land Use Code Text Amendment – Marijuana Retail Center
PC: 2/26/2019 BOCC: 3/12/2019

Amendment: Sterling Stoudenmire, Pure Greens

Public Hearing Notice Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on February 7, 2019.

Summary of Application: This text amendment was initiated by a member of the public to expand the services available at an existing permitted grow operation.

Proposed Text Amendments:

Medical/Retail Marijuana Center – Table 2.2, Use Matrix

<table>
<thead>
<tr>
<th>P = Permitted subject to Certificate of Zoning Compliance (Section 4.2.1)</th>
<th>ZONE DISTRICT</th>
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<tbody>
<tr>
<td>A = Administrative Review (Section 4.2.2)</td>
<td>RECREATIONAL RUR RURAL RESIDENTIAL COMMERCIAL COMMERICAL INDUSTRIAL USE SPECIFIC STANDARD</td>
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<tr>
<td>L = Limited Impact Review (Section 4.2.3)</td>
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<tr>
<td>M = Major Impact Review (Section 4.2.4)</td>
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<tr>
<td>NP = Not Permitted</td>
<td>USE</td>
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Medical/Retail Marijuana Center

<table>
<thead>
<tr>
<th>USE</th>
<th>RECREATIONAL RUR RURAL RESIDENTIAL COMMERCIAL COMMERICAL INDUSTRIAL USE SPECIFIC STANDARD</th>
</tr>
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<tbody>
<tr>
<td>NP</td>
<td>NP</td>
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</table>

Section 7.8.22
Medical/Retail Marijuana Center (M/R MC). M/R MC shall not be permitted in any zone in unincorporated Chaffee County. M/R MC shall only be permitted on properties where existing and licensed Optional Premises Cultivation Center or Infused Products Manufacturing Facility are located. The following shall be required as part of a zoning application to operate a M/R MC; additional building code provisions and license requirements may apply:

1. License. Complete copies of the state and local license applications for the facility (copy of license applications required for zoning application; copy of approved licenses required prior to operation and current licenses shall be required to be submitted annually by May 1.)
2. Vicinity Map. Map of sufficient size and scale to show the following minimum requirements in the neighborhood of the proposed facility:
   a. 1000 foot minimum distance from the property boundary to any licensed private or public school, including post secondary.
   b. 1000 foot minimum distance from the parcel boundary to any state licensed child care facility.
   c. 1000 foot minimum distance from the parcel boundary to any drug/alcohol treatment facility.
   d. 500 foot minimum distance from the facility to any public park, or public lands.
3. Site Plan. A scaled site plan identifying the access, parking, property boundaries, all structures and utilities on the property.
4. Signage. Exterior signage is permitted subject to the requirements set forth in Section 8.2.1.

Section 4.4.2 Land Use Code Text Amendment
C. Evaluation and Staff Review (Section 4.1.3 E): The staff may recommend modifications or alternatives to the proposed amendment. A request to add use(s) to the zone district regulations shall comply with the following approval criteria:
   a. The proposed use does not result in hazards or alter the natural environment to an extent greater than the other uses allowed in the zone district to which it would be added. This text amendment is not expected to result in hazards or alter the natural environment more than other uses in the zoning district.
   b. The proposed use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or more traffic hazards than that normally resulting from the other uses allowed the zone district to which it would be added. The proposed use may increase the traffic to the site, which is located in an industrial area.
   c. The proposed use is compatible with the uses allowed in the zone district to which it would be added. This section of the Land Use Code is under a moratorium (Resolution 2019-01) for any new licenses and has been since 2010.

Staff Findings
The Land Use Code Text Amendment does not meet the approval criteria in Section 4.4.2 of the Land Use Code. This section of the LUC will be re-written by the County Attorney's office as part of an overall review of the use.

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.

Conditions:
   1.
CHAFFEE COUNTY COLORADO
RESOLUTION NO. 2019-29

APPOINTING THE INITIAL MEMBERS TO THE
CHAFFEE COMMON GROUND CITIZENS ADVISORY COMMITTEE

FINDINGS AND CONCLUSIONS:

A. On November 6, 2018, Chaffee County voters approved Chaffee County Ballot Issue 1A which increased the countywide sales tax by 0.25%, from 2.5% to 2.75%, specifying that the revenues are to be used for strengthening forest health, conserving and supporting working ranches and farms and rural landscapes, and managing the impacts of growth. The sales tax revenues and programs to be funded by such revenues are collectively referred to as “Chaffee Common Ground.”

B. The Chaffee County Board of Commissioners (the “BoCC”) desired that the Chaffee Common Ground revenues be utilized fairly and with input from the community.

C. The ballot language, established by Chaffee County Resolution 2018-46, specifies that all expenditures be subject to the recommendations of a citizen advisory committee.

D. Pursuant to Resolution 2019-11, the BoCC created the Chaffee Common Ground Citizens Advisory Committee (the “CAC”) to establish policy, procedure and recommend the expenditures of the Chaffee Common Ground revenues. The CAC shall consist of seven members who are full-time residents in Chaffee County. At least one member shall be chosen from each of the Commissioner Districts with the remaining four members “at large.” At least one member shall have significant experience, background, and/or education in silviculture and/or forest management. At least one member shall be actively involved in agriculture. At least one member shall have significant experience in outdoor recreation and/or conservation. Members shall be selected and approved by the BoCC, based on diverse and relevant background/skill sets.

E. Except for the members representing from Chaffee County Government, members of the CAC shall serve a three-year term from the date of the appointment. In order to stagger the initial terms of membership, the initial appointed members may have two-year or one-year terms. Terms shall expire on January 31st of each year. Members shall continue to serve until their successors have been appointed. Members shall serve at the pleasure of the BoCC.

RESOLUTION:

1. The BoCC resolves that the following persons be appointed as the initial members of the CAC:
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<thead>
<tr>
<th>Name</th>
<th>Term Expires</th>
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<tbody>
<tr>
<td></td>
<td>January 31, 2020</td>
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ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on March 12, 2019.

BOARD OF COUNTY COMMISSIONERS

[Acting] Chairman

The vote on the above Resolution was as follows:

Commissioner Greg Felt

Commissioner Keith Baker

Commissioner Russell Granzella

STATE OF COLORADO, CHAFFEE COUNTY
ATTEST:

The above is a true and correct record of Resolution 2019-29 duly adopted by the Chaffee County Board of County Commissioners by a ___ vote at a regular meeting, properly noticed and held on March 12, 2019.

______________________________
Chaffee County Clerk
Application Fee $450.00

GENERAL INFORMATION

NAME OF PROJECT El Rancho Vaquero

PROPOSED SUBDIVISION Heritage Water Subdivision Exemption

PROPERTY ADDRESS 28445 Gregg Dr

TAX PARCEL # 327/183 00 123 ZONING RES

EXISTING USE OF PROPERTY Residential/Construction Storage

OWNERS NAME (PLEASE PRINT) Shirley Graham

ADDRESS P.O.B 4797 Buena Vista CO 81211

TELEPHONE 719/396-6808 E-MAIL Graham.BV81211@yahoo.com

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

OWNERS SIGNATURE

REPRESENTATIVE (PLEASE PRINT) Chad Graham

REPRESENTATIVES SIGNATURE

TELEPHONE 719/671-4461 EMAIL

MAILING ADDRESS

STAFF USE ONLY

Application received by _______________ Date _______________

Fee $ ___________ Check # ___________ Certified Mailing Labels ___________ Electronic Copy ___________

Completeness Date _______________
STAFF REPORT

Date: March 4, 2019
To: Chaffee County Board of Commissioners
From: Dan Swallow, Director of Development Services
Subject: El Rancho Vaquero Heritage Water Subdivision Exemption
BOCC: 3/12/2019

Applicant: Shirley Graham

Public Hearing Information: The Public Hearing was advertised in the Mountain Mail and the Chaffee County Times on February 7, 2019. Public hearing notices were sent by certified mail to adjoining property owners on February 7, 2019. The posted sign was observed by County staff on February 14, 2019.

Summary of Application: This purpose of this application is to create a new 9.61 acre lot and a 29.28 acre outlot. The outlot is currently in the Minor Subdivision Sketch Plan process, and was heard and recommended for approval by the Planning Commission on February 26, 2019. The lot and the outlot have frontage on Gregg Drive, and includes dedication of 40’ of right of way for the future lots created by the minor subdivision. This property was de-annexed from Buena Vista in 2011. Thirty (30) feet of right of way will be dedicated for Gregg Drive. The existing roadway bears to the south along this property frontage, so only half the right of way is required to be dedicated. The applicant has worked with the Town of Buena Vista on this existing alignment. The new lot has a domestic well and will have a temporary easement for a water line to the existing house until a new well is completed. An On-site Wastewater Treatment System (OWTS) serves the existing house. A water augmentation certificate will be purchased for the existing house on the outlot, and a new well will be drilled. The existing driveway will be moved to the new road.

Location Zoning Map:

Page 1 of 3
**Zoning and Density:** The property is zoned Residential; a Heritage Water Subdivision Exemption creating one 9.61 acre residential lot is within density limitations for the zoning district.

**Google Earth Photo:**

![Google Earth Photo]

**El Rancho Vaquero Heritage Water Subdivision Exemption Plat:**

![El Rancho Vaquero Heritage Water Subdivision Exemption Plat]
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. This application creates one lot and an outlot. This application is being reviewed concurrently with El Rancho Vaquero Minor Subdivision. If and when this application is approved, the El Rancho Vaquero Minor Subdivision Final Plat will be submitted to create Lots 2-4.

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. The augmentation certificate will be purchased for the existing house 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. This application has been reviewed in accordance with Section 4.3.1.

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.’ This note shall be added to the subdivision exemption plat.

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 Water Heritage Well is encouraged to contact the Division of Water Resources concerning re-permitting of the Heritage Well.’ This note shall be added to the subdivision exemption plat.

Conditions of approval:

1. An augmentation certificate will be purchased for the existing house before the plat is recorded.

2. The plat notes for the Heritage Water Subdivision Exemption shall be added to the plat.

BOARD OF COMMISSIONERS ACTION: Commissioner _____________ moved and Commissioner ___________ seconded and the Board voted to APPROVE / DENY / CONTINUE El Rancho Vaquero Heritage Water Subdivision Exemption based on the following findings of fact and conditions:

Findings:

1.

Conditions:

1.
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<th>GENERAL INFORMATION</th>
<th>REQUEST FOR MEDICAL RECORDS</th>
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<td>Community Events</td>
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<td>Request for Medal</td>
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Certification by County Veterans Service Officer

I hereby certify, the above captioned monthly report is true and accurate. I have been paid the following amount(s) for the month of February, 2019 from Chaffee county.

Salary $1,109.83
Expenses $
Office Space $
Telephone $
Office Supplies $
Travel $
Training Conference $
Other $
TOTAL $1,109.83

Signature of County Veterans Service Officer

Date 3/5/19

Certification by County Commissioner or Designee

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

___________________________________________ County Commissioner or Designee of

___________________________________________ County

___________________________________________ Date

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

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

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