



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

719.539.2218/www.chaffeecounty.org

AGENDA

January 9, 2019

PLANNING COMMISSION MEETING
104 CRESTONE AVE.

COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO

4:00 p.m. Special Meeting

Consider moving into executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice on specific legal questions surrounding a land use application.

4:30 p.m. Work Session

1. Changes to Table 2.2 and Section 7.8.22 to allow a retail center for Medical/Retail Marijuana in the Industrial zoning district.
2. An amendment to Table 2.1 to change the Central Water or Sewer Provision to add "Central Water".
- 3 An amendment to Article 15, Definitions to add definitions of Central Water System and Central Sewer System.
4. An amendment to Article 5.2.3.I, Plat Amendments to require Public Notice.

6:00 p.m. Regular Meeting

Pledge of Allegiance

Consider minutes of the November 5 and November 27, 2018 meetings

6:00 p.m. - Public Hearing – Sketch Plan - Name of Subdivision: Mountain Shadows Major Subdivision **Applicant:** Daniel Shinedling **Location:** 12500 County Road 140, Salida **Zone:** Rural **Request:** To re-subdivide Lots 2 & 3 of the Wooden Flume Minor Subdivision totaling 11.04 acres into 5 lots with the minimum being 2.05 acres. Water by wells, wastewater treatment by on-site wastewater systems.

6:15 p.m. – Public Hearing – Zoning Map Amendment - Applicant: Heart of the Rockies Camping **Location:** 16105 W. Highway 50, Salida **Zone:** Residential **Request:** To rezone Lot 1 of the third replat of a portion of Sunshine Acres to Rural Commercial/Recreational Zone to expand the existing campground

Public Hearing – Major Subdivision Preliminary/Final Plat - Name of Subdivision: Cozart Estates Major Subdivision **Applicant:** Weldon Investments LLC, Arthur Dean Cozart, Managing Member **Location:** 14300 U.S. Highway 50, Salida **Zone:** Rural **Request:** To subdivide 50.68 acres into 8 lots with the minimum being 2.02 acres. Water by wells, wastewater treatment by on-site wastewater systems. (Continued from the November 27, 2018 meeting)

Public Hearing – Rural Open Space Incentive Sketch Plan - Name of Subdivision: Kalivoda
Rural Open Space Incentive Applicants: Nopavan Kalivoda **Location:** 13850 County Road 270,
Nathrop Zone: Rural **Request:** To divide 80.949 acres into 9 lots with the minimum lot size
being 2 acres with 50.443 acres open space. Water by wells, wastewater treatment by on-site
wastewater systems. (Continued from the November 27, 2018 meeting)

CHAFFEE COUNTY PLANNING COMMISSION
January 9, 2019

4:00 p.m. Special Meeting

Members Present: Karin Adams, Mike Allen, Bruce Cogan, Marjo Curgus, Dan McCabe, Joe Stone, and Bill Baker

Members Absent: Tracy Vandaveer

Staff Present: Jon Roorda, Planning Manager, Christie Barton, Planner, Dan Swallow, Development Director, Jennifer Davis, County Attorney Assistant Attorney Daniel Tom and Patty Baldwin, Administrative Assistant, Secretary to the Board

Consider moving into executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice on specific legal questions surrounding a land use application.

Bill Baker moved to move into executive session. Discussion after the motion: Dan McCabe asked why Mr. Stone, as a member of the press, why would he need to recuse himself. Attorney Davis explained Mr. Stone is not serving as a member of the press but as a member of the Planning Commission. There was discussion of what happens in an executive session. Mr. Stone was comfortable either way. Mr. Cogan asked what the purpose of the meeting would be. Ms. Davis explained to obtain legal advice that should be confidential and she went into the reasons why. Bruce Cogan seconded the motion. The motion carried unanimously.

Planning Staff left the room.

The Board went into executive session at 4:22 p.m.

5:05 the executive session ended and the special meeting was closed.

Regular Meeting

Members Present: Karin Adams, Mike Allen, Bruce Cogan, Marjo Curgus, Dan McCabe, Joe Stone, and Bill Baker

Members Absent: Tracy Vandaveer

Staff Present: Jon Roorda, Planning Manager, Christie Barton, Planner, Dan Swallow, Development Director, Daniel Tom, Assistant County Attorney and Patty Baldwin, Administrative Assistant, Secretary to the Board

The meeting was called to order at 6:00 p.m.

Bill Baker moved to accept minutes of November 27, 2018 as written. Dan McCabe and the motion carried with Joe Stone, Karin Adams and Bruce Cogan abstaining as they were absent from the meeting.

6:00 p.m. - Public Hearing – Sketch Plan - Name of Subdivision: Mountain Shadows Major Subdivision **Applicant:** Daniel Shinedling **Location:** 12500 County Road 140, Salida **Zone:** Rural **Request:** To re-subdivide Lots 2 & 3 of the Wooden Flume Minor Subdivision totaling 11.04 acres into 5 lots with the minimum being 2.05 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from Planning Commission members and no members of the audience had any concerns with any Planning Commission member having a conflict of interest.

Planner Christie Barton reviewed the staff report dated January 3, 2019 with a power point labeled Exhibit A.

There was discussion regarding the alignment of the cul de sac.

The public comment portion of the meeting was opened.

Applicant Representative, Michael Wilbur, 839 F St., Salida, was sworn in. He explained the reason for the alignment of the cul-de-sac. If he gives up any property for the re-alignment Lot 4 will need to be redesigned and would lose acreage. Mr. Wilbur would rather not make any changes to plat. Mr. McCabe has concerns with the safety factor on County Road 140.

Ellen Mesaros, 8100 CR 250 was sworn in. Ms. Mesaros is opposed to the proposed subdivision. Her concerns were this would ruin the rural setting with large homes being built, water, traffic on County Road 250 and the intersection of County Roads 250 and 140 is dangerous.

There were no other comments and the public comment portion of the hearing was closed.

The Board discussed the need of the cul-de-sac re-alignment with the driveway across the road.

Findings of Fact:

1. This application meets the density and dimensional standards in the Rural zoning district.
2. No open space is proposed with this application. The property is not adjacent to public lands or trails. Right of way has been dedicated for CR 250 and CR 140 adjacent to this proposed subdivision with the plat of the Wooden Flume Minor Subdivision.
3. An irrigation ditch is located along County Road 250 (the western edge of the proposed subdivision). The ditch owners will receive notice as part of the Preliminary Plan phase of the project.
4. The property is vacant pasture land without discernable geologic hazards:
 - a. The Colorado Geologic Survey (CGS) did not receive a packet for review of the Wooden Flume Subdivision.
 - b. The Preliminary Plan and Final Plat applications can be combined in accordance with Section 4.3.4.B of the Land Use Code if all the application materials are included in the submittal.
5. County Road 250 is a Minor Collector Road and a shared driveway for Lots 1 & 3 is required.
6. The proposed cul-de-sac is located slightly off-set from a driveway on the south side of CR 140, and these should be aligned.

Conditions:

1. An additional three augmentation certificates shall be purchased before the plat is recorded.
2. Lots 1 & 3 shall have a shared driveway in accordance with Section 7.4.2.D1 of the Land Use Code. CR 250 is designated as a Minor Collector Road, which does not allow access for multiple driveways.
3. Lots 2, 4 & 5 shall access from Shavano View Lane.
4. The proposed cul-de-sac is located slightly offset from the driveway on the south side of CR 140. The new subdivision road shall be located directly across the road from the existing driveway.
5. Chaffee County will request a waiver of the Colorado Geologic Survey review.

The public comment portion was re-opened.

Mr. Wilbur told the Board that the surveyor did not give a Meets and Bounds on the existing driveway. On the aerial it is a loose driveway the way the surveyor drew it. Mr. Wilbur explained that the driveway was not well defined on the ground and that there may be some flexibility in the way it was depicted on the plat. Mr. Wilbur committed to contacting the neighbor to move his driveway at the applicants cost. It is difficult getting in touch with anyone from Xcel and Century Link.

The public comment portion was closed

Dan McCabe moved to recommend to the Board of Commissioners approval of the Sketch Plan for the Mountain Shadows Major Subdivision based on the above finding of facts and conditions. Marjo Curgus seconded and motion carried unanimously.

6:15 p.m. – Public Hearing – Zoning Map Amendment - Applicant: Heart of the Rockies Camping **Location:** 16105 W. Highway 50, Salida **Zone:** Residential **Request:** To rezone Lot 1 of the third replat of a portion of Sunshine Acres to Rural Commercial/Recreational Zone to expand the existing campground

There were no conflicts of interest from Planning Commission members and no members of the audience had any concerns with any Planning Commission member having a conflict of interest.

Planning Manager Jon Roorda reviewed the staff report dated January 3, 2019 with a power point labeled Exhibit A.

Letters have been received from Dominic Weilminster and other people in the area.

The property was zoned recreational prior to 2014.

The public comment portion of the hearing was opened.

Applicant Jason Messer, 16105 W Highway 50, Salida, was sworn in. Mr. Messer felt the application addressed concerns that might arise. The reason for the request is to have consistent

zoning in the campground and address a growing demand. Regardless of the zoning the campground will continue to grow and this is a way to address the growth in a productive way. Ms. Curgus asked where the berm would be. Mr. Messer said it would be on the property line and be used to block the sound, which seems to be the biggest concern. Mr. McCabe asked what the different lots were being used for and Mr. Messer explained the uses of the lots.

Opposed to zoning change: (all were sworn in)

Steve Gauss, 7666 W Hwy 50, Salida, Lisa and Casey Wood, 16516 Rocky Mt. Rd lot 7, Salida, Gary Olsen 17152 CR 240F, Salida, Sarah Foster 16548 Rocky Mt Road, Salida, Albert and Jeanette Haegele, 1592 Daily Court, Erie, CO.

Concerns were:

1. If re-zoned commercial there would be no enforceable regulations of what could be on the property. Should come in with different application.
2. Buffer would not be effective for visual barrier.
3. Bought property after doing due diligence and understanding that Sunshine Acres was residential. Changing the zoning is a misrepresentation.
4. Bought property with understanding there would not be an expansion of the campground.
5. There was a violation of the Chaffee County regulations as the applicant was doing some dirt work without the proper permits.
6. Campground regulations are not being enforced ie: dogs running on private property and people trespassing.
7. There have not been significant changes in the area.
8. Devaluation of homes.
9. The county needs affordable housing and this could be done if the campground stayed a residential zone
10. County should support those who live in the area not those who are camping in the campground
11. Detrimental effects on the community
12. Noise
13. Dust
14. Commercial use is incompatible with the community, no demonstration of community need
15. Not for the public good
16. Owners have not been good neighbors
17. The current campground needs a lot of work

Mr. Messer agreed that they could have done a better job with the neighbors. They were just moving the dirt to see if it would be economically beneficial to expand the campground. He and his partner have been managing campgrounds for 20 years and have been successful. The demand for the campground is going to increase and this is an opportunity to come up with a solution for the demand.

Mr. Allen asked if they would be willing to have a deed restriction as a campground only and Mr. Messer said yes they would. Assistant Attorney Tom told the Board that a deed restriction probably would not work. There is no way to lock in a deed restriction. A Major Impact Review is what would lay out the goals.

The public comment portion of the hearing was closed.

Mr. Allen asked about the cease and desist order and Mr. Roorda explained the reason the order to stop construction was issued.

Mr. Allen pointed out there is RCR zoning to the south and east and people will be affected on both sides. He agreed with Ms. Curgus. The region was historically zoned Recreational.

Mr. Cogan said when the property was rezoned one of the primary purposes was to give the neighbor continuity. When it was rezoned RCR is was with the permission of the former owner Mr. Gauss.

Mr. Baker agreed and said that zoning is something done with a fairly long process. He felt a this would be better suited as a Major Impact Review process.

Ms. Adams felt the hard part was that when the County went through the re-zoning process, only the commercial owners were notified.

Mr. McCabe felt if there was a pressing need for a change it is a factor. He did not see a pressing need here.

Mr. Stone agreed with Mr. McCabe, a pressing need had not been demonstrated. A campground could be approved in a Residential zone with the right process.

Findings of Fact:

1. The applicant is requesting that a 2.61 acre lot be rezoned from Residential (RES) to Rural Commercial/Recreational (RCR).
2. The land is vacant.
3. The applicant is proposing an expansion of the existing campground.
4. The lot for the proposed rezoning is in a Residential district and the properties to the west are zoned Residential, and most adjacent uses are residential and vacant, said land currently being advertised for sale as residential properties.
5. The land to the east and south is zoned RCR.
6. The applicant has not demonstrated a community need for additional campground space.
7. The Land Use Code provides for a campground use following a Major Impact Review in a Residential zone.
8. There is additional property properly zoned owned by the applicant for the proposed use.
9. There is no change in the area to such a degree that is in the public interest to encourage a new use.

Bill Baker moved to recommend to the Board of Commissioner to not approve the zoning change requested due to the above Findings of Fact listed. Joe Stone seconded and motion carried with Bruce Cogan, Dan McCabe, Karin Adams, Bill Baker and Joe Stone in favor and Mike Allen and Marjo Curgus opposed.

Public Hearing – Major Subdivision Preliminary/Final Plat - Name of Subdivision: Cozart Estates Major Subdivision **Applicant:** Weldon Investments LLC, Arthur Dean Cozart, Managing

Member Location: 14300 U.S. Highway 50, Salida **Zone:** Rural **Request:** To subdivide 50.68 acres into 8 lots with the minimum being 2.02 acres. Water by wells, wastewater treatment by on-site wastewater systems. (Continued from the November 27, 2018 meeting)

There were no conflicts of interest from Planning Commission members and no members of the audience had any concerns with any Planning Commission member having a conflict of interest.

Planner Christie Barton reviewed the updated staff report dated January 9, 2019 in a power point labeled Exhibit A.

The public comment portion of the hearing was opened.

Arthur Duane Cozart, 14300 US Highway 50, Salida, was sworn in. Mr. Cozart reviewed the issues that needed to be addressed. He met with County Staff, his engineer and Frank Holman at the property and did a walk through. He explained the ways he is addressing staff concerns.

There were no other comments and the public comment portion of the hearing was closed.

Findings of Fact:

1. The application meets the requirements of the Land Use Code for a Major Subdivision Preliminary Plan/Final Plat.
2. Open space is provided in excess of the required 0.1 acre/lot created.
3. The property has Weldon Creek located on Lots 1 through 6.

Conditions:

1. Proof of water augmentation for the lots shall be provided to the Development Services Department before the plat is recorded.
2. The Weed Management Bond shall be paid before the plat is recorded.
3. The following stamped, signed final engineering documents shall be submitted to Chaffee County Development Services for review and approval before the plat is recorded:
 - a. Final Drainage Report, including documentation that the irrigation ditches on the adjacent cut off surface flows to Weldon Creek.
 - b. Final Development Plan (Construction Drawings) updated to document as-built information, including:
 - i. Installed culvert profiles
 - ii. Final location of road
 - iii. Add Western Area Power Administration (WAPA) easement to Lot 2. A re-design for Lot 2 shall be submitted with final construction drawings for review.
4. Submittal of construction description of how road was built is sufficient for slope stability analysis with review and approval by the Chaffee County Development Engineer.
5. Install silt fence and stabilize slopes using native seed & vegetation, and erosion control mats (or similar material) on the east side of the subdivision road (along Lots 2, 3, 4, & 5) to protect Weldon Creek and the wetlands.
6. Install a split rail fence (or equivalent) five (5) feet from the edge on the east side of the two cul-de-sacs to protect traffic.
7. Add Western Area Power Administration (WAPA) easement to Lot 2 on the plat.

8. Add the following notes to the plat:
 - a. The retaining walls on Lots 4 & 5 shall be designed by a Registered Professional Engineer, and such design for retaining wall construction shall be submitted with the building permit application.
 - b. The underdrain on Lot 3 shall be designed by a Registered Professional Engineer, and such design shall include separation of surface and ground water, and be submitted with the building permit application.
 - c. A US Army Corps of Engineers permit is required for crossing wetlands on Lot 3 to install the On-site Wastewater Treatment System.
 - d. Orange barrier fencing shall be placed around the wetlands on Lots 2, 3, 4, 5, & 6 to protect them during construction, and removed when disturbed soils are revegetated.
 - e. Construction phasing shall be submitted for development on Lots with wetlands (Lots 2, 3, 4, 5 & 6) with the building permit application.
 - f. Right to Ranch Note.

Dan McCabe moved to recommend approval of the Cozart Estates Major Subdivision be approved based on the above findings and conditions. Marjo Curgus seconded and the motion carried unanimously.

At this point of the meeting Karin Adams formally resigned from the Planning Commission and took a seat in the audience.

Public Hearing – Rural Open Space Incentive Sketch Plan - Name of Subdivision: Kalivoda Rural Open Space Incentive **Applicants:** Nopavan Kalivoda **Location:** 13850 County Road 270, Nathrop **Zone:** Rural **Request:** To divide 80.949 acres into 9 lots with the minimum lot size being 2 acres with 50.443 acres open space. Water by wells, wastewater treatment by on-site wastewater systems. (Continued from the November 27, 2018 meeting)

There were no conflicts of interest from Planning Commission members and no members of the audience had any concerns with any Planning Commission member having a conflict of interest.

Planning Manager Jon Roorda reviewed the updated staff report dated January 3, 2019 in a power point and labeled Exhibit A.

The public comment portion of the hearing was opened.

Mike Henderson, 203 G St., Salida, Surveyor for the applicant, addressed the Board. Mr. Henderson told the Board that the open space was not included in the Heritage Water Subdivision Exemption and that has been corrected. The shared driveways have been added and meet all the county requirements.

There were no other comments and the public comment portion of the hearing was closed.

Findings of Fact:

1. This plat has been re-designed to meet the requirements in Section 5.3.1B Rural Open Space Incentive.

2. This proposal meets the density and dimensional standards of the Rural zoning district.
3. The proposed layout maximizes open space protection in lieu of mitigating visual impacts from County Road 270.
4. Right of way for CR 270 is dedicated with the Kalivoda Heritage Water Subdivision Exemption Plat.

Conditions:

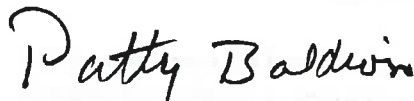
1. The open space outlot at the northeast side of Lot 9 can be an outlot, with the possibility of purchase by the neighbor with a boundary line adjustment (BLA). This process would make it useable property and remove the outlot designation when merged with the adjacent property (a new lot is not created). The use, ownership and maintenance of this open space shall be addressed in the Final Plat. This open space outlot does not contribute to the minimum open space requirement for the subdivision.
2. Augmentation certificates shall be purchased for all lots before the plat is recorded.
3. The Kalivoda Heritage Water Subdivision Exemption shall be recorded before the Final ROSI Plat is recorded.
4. Lots 8 & 9, Lots 6 & 7 and Lots 4 & 5 shall have shared driveways to reduce the number of driveways onto CR 270. These shall be shown as easements on the plat.

Mike Allen moved to approve the Sketch Plan for the Kalivoda Rural Open Space Incentive based on the above findings of fact and conditions. Bruce Cogan seconded and the motion carried unanimously.

Dan McCabe moved to approve the minutes of the November 5, 2018 meeting as corrected. Bill Baker seconded and the motion carried unanimously.

There was no other business and the meeting was adjourned.

Respectfully Submitted,



Patty Baldwin,
Secretary to the Board



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

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AGENDA

January 15, 2019

PLANNING COMMISSION MEETING
104 CRESTONE AVE.

COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO

5:30 p.m. Special Meeting

Pledge of Allegiance

Limited Impact Review – Consideration of Notice of Decision - Applicant: Alison Brown
Location: 11600 Antelope Road, Salida **Zone:** Rural **Request:** To allow for an outfitting facility to provide service, housing or safekeeping to animals that are used in conjunction with guiding services involving riding out or hunting with foxhounds on public lands with other individuals who are not affecting substantial control over the foxhounds. (Continued from the November 2018 meeting)

Public Hearing – Limited Impact Review - Applicant: Alison Brown **Location:** 11600 Antelope Road, Salida **Zone:** Rural **Request:** To allow for a kennel facility to provide service, housing or safekeeping for 25 hounds owned by the applicant. (Continued from the November 2018 meeting)

Planning Commission Special Meeting January 15, 2019.

Members Present: Karin Adams, Mike Allen, Bruce Cogan, Marjo Curgus, Dan McCabe and Bill Baker

Members Absent: Joe Stone was recused from the hearing as he is an employee of Dr. Brown.

Staff Present: Jon Roorda, Planning Manager, Dan Swallow, Development Director, Daniel Tom, Assistant County Attorney and Patty Baldwin, Administrative Assistant, Secretary to the Board

The Special Meeting was called to order at 5:35 p.m.

Limited Impact Review – Consideration of Notice of Decision - Applicant: Alison Brown
Location: 11600 Antelope Road, Salida **Zone:** Rural **Request:** To allow for an outfitting facility to provide service, housing or safekeeping to animals that are used in conjunction with guiding services involving riding out or hunting with foxhounds on public lands with other individuals who are not affecting substantial control over the foxhounds.

Assistant Attorney Daniel Tom reviewed the draft Notice of Decision. He reminded the Board that the applicant raised several concerns with the draft Notice of Decision and with staff having a conflict of interest of the applicant. Bob Christiansen, Director of Administration and Assistant Attorney Chip Mortimer, both came to the conclusion that there was no conflict of interest by staff. Mr. Tom also received an e-mail with a concern that Planning Commission member, Bruce Cogan had a conflict of interest. Mr. Tom reviewed a contract between Mr. Cogan's father and there was no money involved in the contract. Mr. Cogan's father also testified at a court hearing regarding Dr. Brown. He also met with Bruce Cogan and Mr. Cogan felt he could make a non-bias decision on the application. Based on that information Mr. Tom felt there was not conflict of interest.

Mike Allen asked if the confidential memo could be released to the public and Mr. Tom felt it could be released to the public. After discussion it was decided that the Board of Commissions should also agree to releasing the memo before the it was released to the public

Mr. McCabe felt that in light of the allegations of a conflict of interest, he should let the audience know that several Planning Commission members had made a site visit to the property of Dr. Brown. The applicant arrived while the Planning Commission was there and pleasantries were exchanged.

The board had a red-lined version of the Notice with updates. Mr. Allen reviewed those updates.

Mike Allen moved to approve the Limited Impact Review based on the Notice of Decision as modified here this evening as provided by the County Legal Staff. Marjo Curgus seconded. Motion carried as follows: Mike Allen Aye, Marjo Curgus Aye, Bruce Cogan Aye, Dan McCabe Aye, Tracy Vandaveer Aye, and Bill Baker Aye. Joe Stone was recused.

Public Hearing – Limited Impact Review - Applicant: Alison Brown **Location:** 11600 Antelope Road, Salida **Zone:** Rural **Request:** To allow for a kennel facility to provide service, housing or safekeeping for 25 hounds owned by the applicant. (Continued from the November 2018 meeting)

Mr. Cogan explained he met Dr. Brown one time in his parent's kitchen when she was coming to look at hunting on the ranch. They let dozens of people hunt but they need to meet with them to point out the boundaries where the hunting may occur. His dad was subpoenaed for a court hearing and he never discussed the matter with his father again. Mr. Cogan did not receive any compensation from Dr. Brown and he believe he could be impartial.

Planning Manager Roorda reviewed the staff report dated November 15, 2018 with a power point labeled Exhibit A.

Public Comment portion of the hearing was opened.

Representing Dr. Brown, Michael Scott, 965 W 3rd St., Salida, was sworn in. He referred to several inaccuracies in the staff report. The issues were also raised in an e-mail dated November 26, 2018 from Dr. Brown. In an affidavit from Quinton Turner, in charge of security during the sound analysis, he states that there were 26 dogs on the property during the entire sound analysis and the dogs were not removed until after the sound analysis was performed. The sound analysis was also used in the District Court case where the judge determined that the sound produced by the dogs was within the statutory requirements. He then went through the conditions and gave comments.

Condition #1, Dr. Brown's residence is on the site and she has friends involved somehow in fox hunting and or members of the public, if adopted it is said that her friends can't come to visit her house.

Condition #2, in the current housing, they were within the extended requirements for sound, so if that is to address the sound, they are already within those requirements. There is a letter submitted by a representative from PACFA, who states there is no requirement that dogs must remain inside. That is not part of what PACFA regulates.

Condition #4, the commercial access permit, Dr. Brown has submitted, but has not had any action on that. The augmentation certificate and/or well permit, Dr. Brown submitted an e-mail from the Division of Water Manager, saying that it is not considered a commercial use and does not need to be augmented or re-permitted. The PACFA approval of the dog waste composting system, the letter says they don't inspect or approve dog waste composting systems. They just require that the waste be removed or addressed once per week.

There was discussion regarding the removing of the waste from the site and if the County Health Department would need to weigh in.

Ms. Curgus feels the key issue is the noise. She did not see where the applicant had proposed any noise mitigation in the application. She asked if this is an item open for discussion. Mr. Scott felt that noise abatements had been addressed by the placement of the kennels as far away from any residence. Dr. Brown relies on the County statute. Building an indoor enclosure for the dogs, that is the only other option.

Alison Brown, 11600 Antelope Rd., Salida, was sworn in. She has gone through two years of noise abatement. She told the Board that other neighbors will testify to the impact noise has had on them. The complaints started when Mr. Vely and Ms. Barton moved in. One issue with noise it is a personnel level. The decibel is what the requirement is in the County Ordinance. She discussed levels of dbs. Mr. Allen asked Dr. Brown to answer Ms. Curgus question of whether she is will to additional mitigation over and above what she has proposed in her application. Dr. Brown said she would be happy to consider reasonable additional mitigation. She hired experts and taken steps herself, to have determined information for the Board. It is not an option to lock the dogs indoors.

Mr. Allen asked Mr. Roorda to pull up the site map to understand where the neighbors are. Mr. Allen asked if the property sold, would the new owner be subject to the same conditions of the Limited Impact Review. Mr. Roorda felt it would be an option of the Board to make it a run with the land or make it pertinent with the ownership of the land.

Mr. Allen looked at the noise report. Certain breeds are louder than others. Noise could potentially have an impact on other properties depending on what could be built at a later date.

Dr. Brown pointed on where the noise studies were conducted.

Mr. Allen asked for clarification on the deed restrictions in the area.

Ms. Curgus asked Dr. Brown if she would be willing to move the kennel to the other 40 acres she owns. Dr. Brown said she would consider the move if there was a guarantee the complaints would stop.

Mr. McCabe asked about the commercial aspect of the activity. Dr. Brown explained that she owns the dogs and does not make them available for others to use. When she started Headwater Hounds she received donations. She no long receives any compensation for Headwater Hounds. Mr. McCabe asked if she was open to the general public. Dr. Brown replied it is by invitation only.

Ms. Curgus asked if there is any soundproofing within the kennel and if they are kept in at night. The dogs are not locked in at night but the kennels are heavily insulated. Dr. Brown pointed out on the overhead where the dogs are run for exercise. The dogs all wear tracking collars when they are outside the fencing area. There are no set hours for running the dogs.

Mr. Cogan asked what the perimeter fence is made of and high it is. Dr. Brown explained the fence type and the fence is about six feet high. She explained some of the mitigation she has offered to Mr. Vely.

Opposed (all were sworn in)

Brent Smith, 11222 Antelope Rd., Salida, Chris Vely 11444 Antelope Rd., Salida, Layne Kottmeier, 12050 Happy Jack Lane, Salida, Debra Mahoney 11222 Antelope Road, Salida, Laura Barton 11444 Antelope Rd., Salida, Jim Hutchins, 528 G St., Salida, Robert Sedgwick 12399 Happy Jack Lane, Salida

Concerns:

- The operation was judged a commercial operation in court
- Noise
- The dogs have escaped from the 6 ft. fence and trespassed on private property
- Safety of kids if they are in the area, as these are hunting dogs
- Impact on property values
- Issues with enforcement
- There has been up to 40 dogs on the property
- Number of staff hours and taxpayers dollars to make Dr. Brown comply
- Dogs can be heard as far away as Pinon Hills
- The deed restrictions that were present were changed.
- This will not add anything to the County
- Guests complain about the noise
- Dr. Brown testified there is no hunting on the property but DVD's have been submitted that show the dogs going out hunting
- Dr. Brown offered to put in some mitigation, but the proposed mitigation was a fence that would block views
- There is a Conservation Easement on a surrounding property and a kennel is opposite to what the Conservation Easement reflects
- Wildlife routes have changed since the dogs arrived
- Would not have moved to the area if he had known someone would be able to operate a commercial business
- Is an infringement of the surrounding properties
- Traffic
- Neighbors have rights to enjoy their property without undue disruption
- Dog bark around the clock
- People visiting Dr. Brown's property and employees of Dr. Brown are rude
- There are 10 people on Antelope Road opposed to the Limited Impact Review, 8 of the 10 have lived there long before Dr. Brown bought the property.
- Those in favor do not live in the area
- Applicant's employees trespass looking for lost dogs
- How and who will enforce the Limited Impact Review if approved
- Wife has been chased by a pack of dogs while jogging on own property
- Dr. Brown paid for the noise analysis and that should be considered a bias
- Dr. Brown already has a permitted kennel in Fremont County, not opposed to the kennel just the location
- 11600 Antelope Road has deed restrictions
- All citizens need to follow the rules of Chaffee County
- Had to put up a fence because of people from the kennel trespassing on property

In Favor (all were sworn in)

Sandra Hobbs, 1035 J St., Salida, Carla Gershenoff, 11000 Happy Jack Lane, Charlie Beardon
2546 Ute Trail Fremont County.

Reasons:

- The hounds were all present at the time of the sound analysis
- The dogs are not a threat, they will not bite or chase people
- The dogs only bark when they are to be fed or if there is wildlife around
- Rarely hear the dogs

- Dogs Bark
- Dr. Brown is trying to enjoy her life
- Dogs have been at the kennel in Fremont County for 9 months and has no problems

Mr. Allen asked Dr. Brown about the use of Antelope Road for dog training. Dr. Brown stopped using the road because people were trying to scare the dogs. She will be using her property and a neighbor's property, who gave her permission.

Mr. Allen questioned the testimony regarding the change in the deed restrictions. They were changed before Dr. Brown purchased her property but it was a condition of the sale.

Randy Herrick-Stare 350 Shavano, Salida was sworn in. He advised the Planning Commission that the deed restrictions are before the County Court and that it is a pending issue.

The public comment portion of the hearing was closed.

Mr. Allen asked if the application was submitted to Colorado Parks and Wildlife. It was but there was no response.

The Board had concerns that even though there was a sound study it was done in a short period of time and was not done by a 3rd party and may not have as much weight as a 3rd party study may have had. There was testimony that another type of sound analysis could have a different result. There was also testimony from both sides that there is noise. Noise seems to be the biggest issue with the application. The breed of dog that Dr. Brown keeps on her property tends to be a louder breed of dog. It was questioned whether this particular breed is able to be mitigated. The Planning Commission heard a request for a Limited Impact Review for a kennel in the past and there was night mitigation.

Another challenge was there are zoned districts where this is a use by right and it is a challenge to consider this in a Rural Residential Zone. It would be no issue if there were no neighbors. The intended uses around the property are of a rural nature. There is the matter of the conservation easement. Hounds are a natural enemy of wildlife. If the boarding of horses were the request it would be different matter. This is a large scale breeding and living situation. These are large tracts of land used for personnel or agriculture actives, and those are the two basic purposes in the area. This is not the only property where this activity takes place. It appears that the applicant has made other arrangements to house the dogs.

Finding of Fact:

1. This application can comply, with conditions of approval, with the requirements for a Limited Impact Review.
2. Antelope Road, which provides access to all the 35 acre properties, is on an access easement.
3. Antelope Road Outfitting Facility is at the end of two miles of a poorly maintained road.
4. The kennel is for private use with the applicant being the owner of the dogs
5. Nuisance complaints have been made in the past and testimony confirmed those issues
6. The surrounding properties are of a rural residential type with adjacent properties bearing wildlife conservation easements in perpetuity.
7. This quasi commercial activity is inconsistent with the historical or current uses of surrounding properties

8. This is currently in civil litigation regarding the restrictive covenants running with this land
9. Applicant testified that the dogs make the most noise when being exercised
10. The applicant currently has a valid permit under PACFA
11. The county staff will make a determination if a county commercial road permit is required

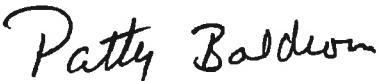
Mike Allen moved to direct the County Assistant Attorney to prepare a Notice of Decision to deny the applicant. The notice will be taken up by the Planning Commission at the next scheduled meeting. Dan McCabe seconded and the motion carried unanimously.

The public hearing was closed.

There was discussion regarding the meeting next month and having a quorum for the vote on the Notice of Decision.

There was no other business and the meeting was adjourned.

Respectfully Submitted

A handwritten signature in black ink that reads "Patty Baldwin". The script is cursive and fluid.

Patty Baldwin,
Secretary to the Board



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

719.539.2218/www.chaffeecounty.org

AGENDA

January 29, 2019

PLANNING COMMISSION MEETING
104 CRESTONE AVE.

COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO

4:30 p.m. Work Session

Swearing in of new members

5:30 p.m. Regular Meeting

Pledge of Allegiance

Consider minutes of the January 9, regular meeting and the January 15, Special Meeting

Election of Officers

Appointment of 1 member to the Chaffee County Transportation Board

Appointment of 3 members to the Regional Planning Commission

Approval of 2019 Meeting Dates

Approval of By -Laws

6:00 p.m. - Consideration Notice of Decision Applicant: Alison Brown **Location:** 11600 Antelope Road, Salida **Zone:** Rural **Request:** To allow for a kennel facility to provide service, housing or safekeeping for 25 hounds owned by the applicant.

6:15 p.m. – Public Hearing - Name of Subdivision: Lion Mountain Minor Subdivision
Applicants: Paul G. Douglas & Paula K. Douglas **Location:** 12995 County Road 190 E **Zone:** Rural **Request:** To divide 40.57 acres into 3 lots with the minimum lot size being 2.20 acres. Water by wells, wastewater treatment by on-site wastewater systems.

6:30 p.m. – Public Hearing - Name of Subdivision: Ruby Mountain Minor Subdivision
Applicants: Mitchell & Windsor Yellen **Location:** 22630 County Road 300, Nathrop **Zone:** Residential **Request:** To divide 19.68 acres into 2 lots with the minimum lot size being 2.86 acres. Water by wells, wastewater treatment by on-site wastewater systems.

6:45 p.m. – Public Hearing - Name of Subdivision: Larks Perch Major Subdivision
Applicants: 9479 Hutchinson LLC, c/o Integrity Trust Company **Location:** 9479 Hutchinson

Lane, Salida **Zone:** Rural **Request:** To divide 36.87 acres into 14 lots with the minimum lot size being 2.01 acres. Water by wells, wastewater treatment by on-site wastewater systems.

7:30 p.m. – Public Hearing - Name of Subdivision: Centerville Ranch Major Subdivision
Applicants: George Love, Don Weeke and Don Love **Location:** 18010 U.S. Highway 285,
Nathrop **Zone:** Rural **Request:** To divide 502.34 acres into 210 lots with the minimum lot size being 1.04 acres. Water by wells, wastewater treatment by on-site wastewater systems.

Minutes of the Planning Commission Meeting January 29, 2019

Members Present: Mike Allen, Bruce Cogan, Marjo Curgus, Joe Stone, and Bill Baker, Anderson Horne, Hank Held and David Kelly

Members Absent: Dan McCabe (Except for the Brown Notice of Decision Hearing, in which he attended by telephone)

Staff Present: Jon Roorda, Planning Manager, Christie Barton, Planner, Dan Swallow, Development Director, Assistant Attorney Daniel Tom and Patty Baldwin, Administrative Assistant, Secretary to the Board

Swearing in of new members

Clerk Lori Mitchell swore in new members Anderson Horne, Hank Held and David Kelly and reappointed member Marjo Curgus.

The meeting was called to order at 5:30 p.m.

Consider minutes of the January 9, regular meeting and the January 15, Special Meeting

Joe Stone moved to approve the minutes of the January 9, 2019 meeting as corrected. Marjo Curgus seconded and the motion carried unanimously.

Marjo Curgus moved to approve the minutes of the January 15, 2019 meeting as presented. Mike Allen seconded and the motion carried unanimously with Joe Stone abstaining.

Election of Officers

Bruce Cogan nominated Mike Allen for Chair. Bill Baker seconded and motion carried unanimously.

Marjo Curgus nominated Dan McCabe as vice chair. Bruce Cogan seconded and motion carried unanimously.

Mike Allen nominated Patty Baldwin for secretary. Anderson Horne seconded and motion carried unanimously.

Appointment of 1 member to the Chaffee County Transportation Board

Mike Allen moved to continue this item to next month pending discussion between Planning Staff, Board of Commissioners and the Transportation Board. Joe Stone seconded and the motion carried unanimously.

Appointment of 3 members to the Regional Planning Commission

Mike Allan moved nominate Anderson Horne, Hank Held, and Marjo Curgus to the Regional Planning Commission. David Kelly seconded and the motion carried unanimously.

Approval of 2019 Meeting Dates

David Kelly moved to accept the Planning Commission meeting dates as proposed. Bill Baker seconded and the motion carried

Approval of By-Laws

Marjo Curgus moved to adopted the Planning Commission By-Laws dated January 29, 2019 David Kelly seconded and the motion carried unanimously.

6:00 p.m. - Consideration Notice of Decision Applicant: Alison Brown **Location:** 11600 Antelope Road, Salida **Zone:** Rural **Request:** To allow for a kennel facility to provide service, housing or safekeeping for 25 hounds owned by the applicant.

Dan McCabe was present by telephone for this hearing, which was a proper way to have a quorum for the hearing.

Attorney Tom reviewed the draft notice of decision. He went over Dr. Brown's notes and felt they were not part of the notice of decision made by the Board.

Mike Allen noted that three Planning Commission members were not part of the previous meeting. They had the opportunity to review the recordings of the hearing but choose not to do so and will not be part of the hearing. Joe Stone recused himself of the hearing and left the room.

Ms. Curgus had recommendations for the notice of decision.

A roll call was taken for the approval of the Notice of Decision as amended by the Planning Commission.

Mike Allen - approve
Marjo Curgus - approve
Anderson Horne - abstain
Dave Kelly – abstain
Bruce Cogan - approve
William Baker - approve
Hank Held - abstain
Dan McCabe – approve
Joe Stone - recused

Mr. Stone returned to the meeting room.

Public Hearing - Name of Subdivision: Lion Mountain Minor Subdivision **Applicants:** Paul G. Douglas & Paula K. Douglas **Location:** 12995 County Road 190 E **Zone:** Rural **Request:** To divide 40.57 acres into 3 lots with the minimum lot size being 2.20 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from Planning Commission members and no members of the audience had any concerns with any Planning Commission member having a conflict.

Planner Barton gave a power point presentation from the staff report dated January 22, 2019 and labeled as Exhibit A.

Mr. Kelly had concerns with the comments from the Colorado Division of Water Resources. Mr. Allen explained the Water Heritage Subdivision Exemption process.

The public comment portion of the hearing was opened.

Applicant Paul Douglas, 12995 CR 190 E, Salida was sworn in. The covenants will follow the CPW recommendations including the statement about bighorn sheep and that no domestic sheep or goats will be allowed. Lot 3 will be included in the covenants. Mr. Douglas is in discussion about the placement of the fire cistern. If they cannot come to an agreement he will pay the fee in lieu. Applicant agreed to accept a shared driveway for Lots 1, 2, and 3.

There were no other comments and the public comment portion of the hearing was closed.

Findings of Fact:

1. The application meets the initial requirements of the Land Use Code for a Minor Subdivision Final Plat.
2. This development is in an area currently inhabited by bighorn sheep and has the potential to impact this wild herd.
3. A portion of the property is adjacent to Bureau of Land Management (BLM), however, that portion does not have public access to it.
4. Right of way for County Road 190 E was dedicated as part of the Heritage Water Subdivision Exemption.
5. The applicant is willing to create a shared access for Lots 1, 2 & 3.

Conditions:

1. A draft shared maintenance agreement is required to be submitted for review and approval before the plat is recorded.
2. Provide a copy of the approval from the Chaffee County Fire Protection District for either installation of a fire cistern or payment of the fee-in-lieu.
3. A turnaround for emergency vehicles shall be added to the plat.
4. A waiver of the open space requirement is warranted based on the dedication of County Road 190 E right of way with the Lion Mountain Heritage Water Subdivision Exemption.
5. The following notes shall be added to the plat:
 - a. Label shared access for Lots 1, 2 & 3.
 - b. On-site Wastewater Treatment Systems shall be engineered.

- c. Domestic sheep and/or goats are prohibited on this property.
- d. Colorado Parks & Wildlife recommends that: No fences be constructed or that wildlife friendly fencing be constructed in accordance with “Fencing with Wildlife in Mind”, available from CPW; pets not be allowed to roam free, and are fed inside or, if outside, that feeding occur only for a specified period of time, and food bowls stored inside; any bird feeders be brought in at night or be placed so that they are inaccessible to other wildlife species; barbeque grills be cleaned after each use and be placed in a secure area; and trash be secured in an animal proof facility or receptacle.

Joe Stone moved to recommend to the Board of Commissioners approval of the application for the Lion Mountain Minor Subdivision based on the Findings of Fact and Conditions. Anderson Horn seconded and motion carried unanimously.

Public Hearing - Name of Subdivision: Ruby Mountain Minor Subdivision **Applicants:** Mitchell & Windsor Yellen **Location:** 22630 County Road 300, Nathrop **Zone:** Residential **Request:** To divide 19.68 acres into 2 lots with the minimum lot size being 2.86 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from Planning Commission members and no members of the audience had any concerns with any Planning Commission member having a conflict.

Planning Manager Roorda gave a power point presentation from the staff report dated January 22, 2019 and labeled as Exhibit A.

Planning Manager Roorda gave a power point presentation.

There was discussion regarding the deed restrictions on lots 1 and 2 that restricted additional subdivision of lot 1.

The public comment portion of the hearing was opened.

Representative for the applicant, Mike Wilbur, 839 F St., Salida, was sworn in. He gave an explanation of the deed restriction. There will be self-restricting of the property owners. He is willing to identify building lots.

The public comment portion of the hearing was closed.

Findings

1. The property is limited by 100-year FEMA Floodplain.
2. No open space is proposed with this application. The property is adjacent to public lands; however, an expansion of the adjacent boat launch has been the subject of a previous land transfer.
3. Access is across BLM/AHRA – managed land.
4. Access is on an existing shared driveway.

5. A Colorado Geologic Survey (CGS) review is appropriate due to floodplain and steep slopes.
6. The property will have visual impact from the Arkansas River (Section 7.2.4 in the LUC).
7. A covenant restricting further subdivision of Lot 1 was recorded between the owners of Lots 1 & 2. A proposed release of the deed restriction has been submitted, signed by the owner of Lot 2. Chaffee County Planning has no information on any other covenants on the property.

Conditions

1. An additional augmentation certificate shall be purchased before the plat is recorded.
2. A right of way permit from the BLM/AHRA shall be submitted to Development Services before the plat is recorded.
3. A draft maintenance agreement for the shared driveway between Lots 1-A and 1-B shall be submitted with the Final Plat application.
4. A building envelope and/or proposal to minimize visual impact and to protect riparian and floodplain areas shall be submitted with the Final Plan application.
5. The release of the deed restriction will be finalized as part of the Final Plan application, and recorded before the plat.

Mike Allen moved to approve the Sketch Plan for the Ruby Mountain Minor Subdivision based on the Findings of Fact and Conditions. Bill Baker seconded and the motion carried.

Public Hearing - Name of Subdivision: Larks Perch Major Subdivision **Applicants:** 9479 Hutchinson LLC, c/o Integrity Trust Company **Location:** 9479 Hutchinson Lane, Salida **Zone:** Rural **Request:** To divide 36.87 acres into 14 lots with the minimum lot size being 2.01 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from Planning Commission members and no members of the audience had any concerns with any Planning Commission member having a conflict.

Planner Barton gave a power point presentation from the staff report dated January 23, 2019 and labeled as Exhibit A.

Two letters were received with comments regarding access to public land and one letter was received from the Little River Ranch HOA with geological concerns.

The public comment portion of the hearing was opened.

Tracy Vandaveer 325 D St., Salida, was sworn in. Mr. Vandaveer felt this was a simple subdivision. The cul-de-sac at the easterly end of Hutchinson Lane is already built. The owner is willing to consider an access to public lands but does have concerns with parking. The drainage channels on the westerly end of the property are minor and a culvert will be installed when the road is built. The main drainage through the eastern part of the property will need a geological study and will be provided at the preliminary plan.

Mr. Vandaveer did not feel the Army Corp of Engineers needed to be involved. He also told the Board that there is no access to BLM and never has been. Open space has not been provided but this can be looked at by providing a public easement to the public lands. This can be discussed at the preliminary plan stage. There is a lot of land that could be used for open space.

Opposed: (All were sworn in)

Art Hutchinson, 9104 W. Highway 50, Salida, Maureen Murphy, 1121 E Ouray President of Little River Ranch HOA, and Kathy Gates, 1124 E Sabeta Ave., Poncha Springs

- This parcel was not supposed to have ever been a subdivision, it was supposed to be a wildlife corridor
- There is a history of flash floods
- The property is very steep
- Too many wells will injure all property owners in the area
- Not opposed to just one house
- Need to have a geological and hydrology study
- There is a conservation easement that abuts to the east of this property
- Soil is not stable and putting in more septic tanks could make the soil less stable. There are areas with the same type soils that have had issues in the past
- One corner this property is less than 400 feet from the Salida Sewer
- Hutchinson Lane is not passable in the winter and would need major improvements. This would impact roads in Little River Ranch community and cause more traffic in their community
- The manager of Poncha Springs has concerns with impacts
- There will be additional impacts on the highway access points
- Poncha Springs is land locked and there is no access to BLM lands
- The bridges are not built to hold construction traffic and should be evaluated
- Visual impact could be affected and request no metal buildings

Mr. Vandaveer addressed the concerns:

- There are already many wells in the Canyons and there are no problems
- Does not believe the sewer line is close enough to the property line. It would be a great expense to connect to the City line
- The bridges are approved for 10 – 50 ton loading, the same as highway bridges
- Soils are something that will be worked out
- Explained the diversion of the drainage

The public comment portion of the hearing was closed.

Findings of Fact:

1. The application meets the initial requirements of the Land Use Code for a Major Subdivision Sketch Plan.
2. No open space is proposed but applicant's representative stated a willingness to consider providing public access to public lands with Preliminary Plan.
3. The design of the subdivision has addressed mitigation of visual impact.
4. Property has three (3) drainages and slopes that exceed 30%.

5. A geotechnical report and geologic hazard investigation is required to be submitted with the Preliminary Plan application.

Conditions of Approval

1. Augmentation certificates will be purchased before the plat is recorded.
2. A Drainage Report and related construction plans, including an evaluation of existing culverts on Hutchinson Lane, shall be submitted with the Preliminary Plan application.
3. Add drainage easements to existing drainage channels on property.
4. Building envelopes shall be shown on the Preliminary Plan.
5. Add areas of steep slopes (>30%) to the plat.
6. Open space or an access easement providing access to BLM land shall be added to the plat.

Anderson Horne moved to recommend to the Board of Commissioners approval of the Larks Perch Major Subdivision based on the Findings of Fact and Conditions. Hank Held seconded and the motion carried unanimously.

Public Hearing - Name of Subdivision: Centerville Ranch Major Subdivision **Applicants:** George Love, Don Weeke and Don Love **Location:** 18010 U.S. Highway 285, Nathrop **Zone:** Rural **Request:** To divide 502.34 acres into 210 lots with the minimum lot size being 1.04 acres. Water by wells, wastewater treatment by on-site wastewater systems. There were no conflicts of interest from Planning Commission members and no members of the audience had any concerns with any Planning Commission member having a conflict.

Planning Manager Roorda gave a power point presentation from the staff report dated January 23, 2019 and labeled as Exhibit A.

The public comment portion of the hearing was opened.

Representative Tracy Vandaveer, 325 D St., Salida and Applicant, Jeff Ince 18011 Hwy 285, Nathrop were sworn in. Mr. Vandaveer told the Board that this is a complicated project. He pointed out the correct subdivision lines. The applicant is trying to also do a conservation easement which cannot be tied to the subdivision so that makes the subdivision lines different than what the planning staff had presented. The irrigated land will remain in agriculture use.

There was lengthy discussion regarding the proposed conservation easement and open space. There was also discussion regarding 35 acre plots.

Mike Henderson 203 G Street, Salida was sworn in. He explained how a plat creating 35 acre plus parcels is exempt from the subdivision regulations.

There was discussion of how creating large parcels may create a framework for this subdivision.

The applicant explained some of the plans for the subdivision.

Opposed (All were sworn in)

Bill Dvorak, 17921 Hwy 285, Nathrop, Rick Hum 13405 CR 261C, Nathrop, Frank Pirofaloi 16189 US Hwy 285, Nathrop, Brenda Dempsey 12862 CR 261P Nathrop, Mary Gontero, 13510 CR 261D, Nathrop, Eddy Colyer, 15707 Hwy 285, Keith Crebs 1297 CR 269C, Peggy Alexander 15998 285, Tera Flannigan, 16021 Hwy 284, Nathrop, Cheri Charter 16103 Hwy 285, Nathrop

- Water
- Visual Impacts
- Property Values
- Wildlife
- Mesa Antero has own water system and water should be on a central water system
- Traffic
- 1 acre lots with OWTS with the soils in the area are not sustainable
- Growth of this size should be in the urban areas
- Commended for trying to protect the meadow
- Moved to the area because of the lack of large subdivisions
- Growth is not always positive
- Will these be single family homes, duplexes, or spec houses
- What is the buildout time
- What type of covenants will there be
- Fire Safety
- Don't see the wisdom of the lots next to the highway
- Not in context with the area, some of the lots are bigger than the ones in Mesa Antero
- A conservation easement is better than deed restrictions, which can be changed
- Crime
- Don't want to see another Summit County
- 210 lots are too many
- 1 acre lots are too small
- Density
- Scenic by-way will be destroyed
- Concern with the infrastructure
- Why can't the property be broken into 20 -25 acre lots

In Favor:

Karin Adams 10460 CR 140, Salida, was sworn in. She has been on the property. Mr. Ince did a good job with Broadview ROSI. He preserved the views and the property. Mr. Ince is looking at preserving the old buildings on the property. This is a sketch plan and the applicant is looking for more plans to make it complementary to the county. Ms. Adams did not feel there would be any adverse effects to the wildlife.

Mr. Vandaveer and Mr. Ince replied to the concerns. Two hundred and ten lots are a lot but people need to keep in mind the scale of the subdivision. The one acre lots keep the subdivision dense for the conservation easement. CDOT access permits will be submitted. Mr. Vandaveer explained the flow of the water. He acknowledged that there will need to be envelopments for septic and wells on the one acre lots. Mr. Ince is looking at a way for the HOA to pay for the covenant of maintenance of the septic systems. Nothing is being proposed that is not allowed for

the commercial zone. Mr. Ince spoke with Terry Scanga at the Upper Arkansas Water Conservancy District and was shown some good studies about the water in the area. The Board will want to see a water supply plan.

The public comment portion of the hearing was closed.

Comments from the Planning Commission:

- Commended the plan for a conservation easement
- Visual impact is a concern
- Looking at the view corridor as a commercial development, but recognize there is some commercial across the way
- One acre lots are a concern
- A water and hydrology should be required, more information is needed.
- Single biggest threat to wildlife are stray dogs
- Seems to be a lot of lots not connected to the cul-de-sacs
- Feels as if this will be another municipality in the County with no government
- One acre lots are related to the clustering idea but the plan doesn't show the shared values of the people in the County.
- Appreciate the idea the applicant is looking at the best places to put the houses

Findings

1. This application complies with the density and dimensional standards of the Rural zoning district.
2. Review by the Colorado Geologic Survey is warranted.
3. The excluded acreage is currently the subject of a conservation easement negotiation.
4. The irrigated land is labelled 'Excluded from Subdivision.'
5. The development is proposed along the Scenic Byway which requires visual mitigation.
6. The open space requirement for this subdivision is 21.0 acres but has not been identified.
7. Without the excluded acreage being legally defined, the approval of this subdivision by default would create a large, undefined separate parcel.

Conditions

1. The excluded acreage shall be defined with an appropriate legal description as a separate parcel acceptable to the County Attorney.
2. Augmentation certificates shall be purchased for lots before each phase of the plat is recorded.
3. A water supply plan is required at Preliminary Plan in accordance with Section 4.6.2.K.
4. A Drainage Report, construction drawings and erosion and sedimentation control plans are required for this project.
5. A geotechnical and hazard investigation report for the subdivision will be required with the Preliminary Plan application.
6. Provide a mitigation plan for the visual impact in conformance with Section 7.2.4.
7. Clarify access for Lot 110.
8. Road connections to the west and north are required to be shown on the Preliminary Plan.
9. Open Space shall be identified in the Preliminary Plan.

10. Building envelopes, well and OWTS locations shall be shown on the Preliminary Plan for any lot under 2.0 acres.

The public comment portion of the hearing was re-opened.

Mr. Vandaveer had comments regarding the findings and conditions. The findings and conditions were amended.

Chuck Azzopardi, 17465 CR 261, Nathrop was sworn in. He asked with respect to the excluded acreage, if approved, would it be possible for the further acreage to be further divided? It could be subdivided further but through another major subdivision application.

The public comment portion was closed.

Marjo Curgus moved to recommend to the Board of Commissioners to approve with the conditions of Findings of Fact and Conditions as presented. David Kelly seconded and the motion carried unanimously.

The Board discussed having a joint work session with the Board of Commissioners in March. Secretary Baldwin will contact the Commissioners and try to set up a joint work session for March 13th.

There was no other business and the meeting was adjourned.

Respectfully Submitted

Patty Baldwin,
Secretary to the Board



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

719.539.2218/www.chaffeecounty.org

AGENDA

February 26, 2019

6:00 p.m.

Amended

**PLANNING COMMISSION MEETING
104 CRESTONE AVE.**

**COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO**

Consider minutes of the January 29, 2019 meeting.

6:00 p.m. – Public Hearing – 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.

6:15 p.m. – Public Hearing – Minor Subdivision Sketch Plan - Name of Subdivision: El Rancho Vaquero Minor Subdivision **Applicant:** Shirley Graham **Location:** 28445 Gregg Dr., Buena Vista **Zone:** Residential **Request:** To divide 29.28 acres,(Outlot A) into into 3 lots with the minimum lot size being 9.6 acres. Water by wells, wastewater treatment by on-site wastewater systems.

6:30 p.m. – Public Hearing – 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.

CHAFFEE COUNTY PLANNING COMMISSION
February 26, 2019

Members Present: Mike Allen, Bruce Cogan, Marjo Curgus, Joe Stone, Bill Baker, Hank Held, Anderson Horne and David Kelly

Members Absent: Dan McCabe

Staff Present: Christie Barton, Planner, Dan Swallow, Development Director, Assistant Attorney Daniel Tom and Patty Baldwin, Administrative Assistant, Secretary to the Board

The meeting was called to order at 6:00 p.m.

Consider minutes of the January 29, 2019 meeting.

Anderson Horne moved to accept the minutes from the January 29, 2019 meeting as amended Joe Stone seconded and the motion carried unanimously.

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 re-zoned from Industrial to Residential.

There were no conflicts of interest from Planning Commission members and no one in the audience had any concerns with any Planning Commission member having a conflict of interest.

Planner Barton reviewed the staff report dated February 15, 2019.

The public comment portion of the hearing was opened.

Nichole Hanson 7727 CR 250, Salida, Dvora Kanegis's, daughter, was sworn in. They purchased the property with the intention of putting a blacksmithing shop in the garage. They do not want to have issues with neighbors so they are requesting the zoning to be changed back to industrial.

There were no comments and the public hearing portion of the meeting was closed.

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

Minor Subdivision Sketch Plan - Name of Subdivision: El Rancho Vaquero Minor Subdivision **Applicant:** Shirley Graham **Location:** 28445 Gregg Dr., Buena Vista **Zone:** Residential **Request:** To divide 29.28 acres,(Outlot A) into into 3 lots with the minimum lot size being 9.6 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from Planning Commission members and no one in the audience had any concerns with any Planning Commission member having a conflict of interest.

Building Official, Dan Swallow disclosed that Jon Roorda did the original application work on this application before he was hired as the County Planning Manager. Because of issues with the Town of Buena Vista the applicants could not continue with application until recently when they de-annexed from the Town. Because of a prior commitment with the applicants, Mr. Roorda completed the current application. He did not do any of the staff work on the application.

Mr. Swallow gave a power point presentation from the staff report dated February 15, 2019 and labeled as Exhibit A.

The public comment portion of the hearing was opened.

Shirley Graham, 11215 CR 197A, Nathrop was sworn in.

She gave clarification for the reason of the de-annexation from the Town of Buena Vista.

Chad Graham, 1030 S St. Penrose, was sworn. He explained the reason for the de-annexation. He sees no purpose to annex back into the Town.

There were no other comments and the public comment portion of the hearing was closed.

Findings of Fact:

1. This application is being reviewed concurrently with a Heritage Water Subdivision Exemption application.
2. The subdivision can meet the density standards for the minor subdivision regulations in this zoning district.
3. The applicant has dedicated a thirty (30) foot trail easement to the Town of Buena Vista and therefore satisfies the open space requirement.
4. Thirty feet of right of way for Greg Drive is being dedicated with the Water Heritage Subdivision Exemption.

Conditions

1. An augmentation plan shall be submitted or augmentation certificates purchased for Lots 2&3 before the plat is recorded.
2. The El Rancho Vaquero Heritage Water Subdivision Exemption shall be recorded before the Minor Subdivision Final Plat is recorded. An augmentation certificate for Outlot A will be obtained as part of the Heritage Water Subdivision Exemption.
3. The existing driveway for the construction company will be relocated to the new cul-de-sac, and the present driveway removed and reclaimed.

Joe Stone moved to approve the El Rancho Vaqueros Minor Subdivision based on the Findings of Fact and Conditions. Anderson Horne seconded and the motion carried unanimously.

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.

Planner Barton reviewed the staff report dated February 14, 2019.

The public comment portion of the hearing was opened.

Attorney Tom explained to the Board that the Board of Commissioners are still working on the licensing. Mr. Swallow thought the Board of Commissioners was concerned that by opening up the issuance of more licenses would take up more of the Industrial Zones in the County.

Mr. Allen felt that the Board of Commissioners may need to look at licensing in Commercial Zones at some point.

The board held discussions regarding the application.

The public comment portion of the hearing was opened.

Sterling Stoudenmire, Pure Greens, 6990 County Road 111B, Salida, was sworn in. Mr. Stoudenmire told the Board he has been through licensing and moratoriums for the last 5 years with both the State and County. He clarified the moratorium as discussed with Attorney Davis. It is to limit the number of licenses in the county. There are presently 3 licensed businesses in Smeltertown at this time and there are 2 licenses that anyone could take and have been available for the last 3 years. He wants to maintain a successful business. If the product is produced and sold at here, there is a benefit to the County with tax dollars. The number of wholesale operations is in decline statewide.

The public comment portion of the hearing was closed.

Mr. Stone felt this amendment is a good first step. Mr. Stoudenmire testified that it took seven months to get to this point. If this is not approved it could take an indefinite amount of time to get this approved.

There was discussion regarding all the issues regarding marijuana that need to be addressed in the Land Use Code.

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.
Joe Stone seconded and the motion carried unanimously.

There was no other business and the meeting was adjourned.

Respectfully Submitted,

Patty Baldwin, Secretary to the Board



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

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AGENDA

March 26, 2019

**PLANNING COMMISSION MEETING
104 CRESTONE AVE.**

**COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO**

Consider minutes of the February 26, 2019 meeting.

6:00 p.m. – Public Hearing – Sketch Plan - Name of Subdivision: Williamson Minor Subdivision **Applicants:** Frederick Williamson & Lance Parker **Location:** 6275 CR 178E, Salida **Zone:** Residential **Request:** To divide 9.6 acres into 2 lots with the minimum lot size being approximately 4.8 acres. Water by wells, wastewater treatment by on-site wastewater systems

6:15 p.m. – Public Hearing – Sketch Plan – Name of Subdivision: Glenview South Major Subdivision (Wilson Minor Subdivision) - **Applicants:** Art and Linda Wilson **Location:** 30800 Tanner Drive, Buena Vista **Zone:** Residential **Request:** To divide 8.79 acres into 2 lots with the minimum lot size being approximately 2.03 acres. Water by central water system, wastewater treatment by on-site wastewater system

6:30 p.m. – Public Hearing – Final Plat - Name of Subdivision: Kalivoda Rural Open Space Incentive **Applicants:** Nopavan Kalivoda **Location:** 13850 County Road 270, Nathrop **Zone:** Rural **Request:** To divide 66.774 acres into 8 building lots and 9 open space lots with the minimum lot size being 2.0 acres with 50.443 acres open space. Water by wells, wastewater treatment by on-site wastewater systems

6:45 p.m. – Public Hearing – Sketch Plan - Name of Subdivision: Monarch Shadows Minor Subdivision **Applicant:** Monarch Shadows Inc., Joseph L. Speers **Location:** 8526 County Road 240E, Salida **Zone:** Rural **Request:** To divide 54.8 acres into 4 lots with the minimum lot size being 3.5 acres. Water by wells, wastewater treatment by on-site wastewater systems.

CHAFFEE COUNTY PLANNING COMMISSION

March 26, 2019

Members Present: Bruce Cogan, Marjo Curgus, Hank Held, Dan McCabe, Anderson Horne and David Kelly

Members Absent: Mike Allen, Joe Stone and Bill Baker

Staff Present: Jon Roorda, Planning Manager; Christie Barton, Planner; Dan Swallow, Development Director; Assistant Attorney Daniel Tom and Patty Baldwin, Administrative Assistant, Secretary to the Board.

The meeting was called to order at 6:02 p.m.

Hank Held moved to approve the minutes of the February 26, 2019 meeting as amended. Anderson Horne seconded. Motion carried with Dan McCabe abstaining as he was not present at the meeting.

Sketch Plan - Name of Subdivision: Williamson Minor Subdivision **Applicants:** Frederick Williamson & Lance Parker **Location:** 6275 CR 178E, Salida **Zone:** Residential **Request:** To divide 9.6 acres into 2 lots with the minimum lot size being approximately 4.8 acres. Water by wells, wastewater treatment by on-site wastewater systems

Planner Barton gave a PowerPoint presentation from the Staff Report dated March 20, 2019, labeled as Exhibit A.

There were no conflicts of interest from Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

The public comment portion of the hearing was opened.

Applicant, Fredrick Williamson, 1521 N Wasatch Ave Colorado Springs, was sworn in.

Bruce Cogan asked about the access easement to the property, and it is a recorded document. Anderson Horne suggested using the Dead Horse Gulch area for the open space. The Commission discussed the dedication of right of way along the easement, and Hank Held said that dedicating right of way would create an unbuildable parcel at the southeast corner. Mr. Williamson said the lot has steep slopes and has no intention of building on that portion as it leaves a buffer between him and neighbors. Will have building envelopes.

Bob Daniel, 6050 CR 178, Salida, was sworn in. Owns property to the south. Concerns with water, how they would get power, and if this will set a precedent for more subdivision in the area. Dan McCabe said the property to the east has already been subdivided.

Ivar Reimanis, 1438 48th Place, Boulder, was sworn in. He owns 6055 CR 178 E to the east of this property. Concerned about the ability of building housing and keeping area the same, water, use of roads. He shares the access road. He is not aware of any agreement for the maintenance

of the road. The homeowners are maintaining the road at this time. There is no HOA or formal agreement.

Fredrick Williamson addressed the concerns. The lot directly to the east is split into 2 lots, similar to what he is asking to do. He is trying to be respectful of what the county is asking for and to maintain the reason he wants to be there and the reasons the neighbors want to be there. Has plans for power and water which will be addressed at a later date. The only full time resident is Bob Daniel. When he purchased the property in 2016 there were no covenants or deeds and does not think any exist.

The public comment portion of the hearing was closed.

Findings of Fact:

1. The application meets the initial requirements of the Land Use Code for a Minor Subdivision Sketch Plan.
2. The property has one existing well permit
3. A waiver of the open space dedication is requested as the property is not adjacent to access to public lands.
4. The new property line will be located along the existing access easement.
5. Dead Horse Gulch crosses the north lot.

Conditions of Approval

1. One augmentation certificate shall be purchased before the plat is recorded.
2. A waiver of the 0.1-acre of open space requirement is requested.
3. The north lot shall have a building envelope established to avoid Dead Horse Gulch.
4. Building envelopes avoiding steep slopes (>30%) shall be established if needed.
5. Utility easements shall be shown on the Final Plat.

David Kelly moved to approve the Sketch Plan for the Williamson Minor Subdivision. Marjo Curgus seconded and motion carried unanimously.

Sketch Plan – Name of Subdivision: Glenview South Major Subdivision (Wilson Minor Subdivision) - **Applicants:** Art and Linda Wilson **Location:** 30800 Tanner Drive, Buena Vista **Zone:** Residential **Request:** To divide 8.79 acres into 2 lots with the minimum lot size being approximately 2.03 acres. Water by central water system, wastewater treatment by on-site wastewater system

There were no conflicts of interest from Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Planner Barton gave a PowerPoint presentation from the Staff Report dated March 20, 2019, labeled as Exhibit A.

The public comment portion was opened.

Art Wilson 30380 CR 383, BV was sworn in. According to the covenants, it is permissible to re-subdivide a lot of 6 acres or more. There is an elk corridor on the west side of 391. The Glenview Owners Association (GOA) has approved the proposal and it is accordance with the covenants.

There is expansion capacity with the central water system that is in place in the Glenview Subdivision.

There were no comments on the application and the public comment portion of the hearing was closed.

Marjo Curgus asked about the capacity of the well to provide water to additional lots, to provide 'proof of adequate water supply'. Dave Kelly said the GOA has the ability to drill more wells if needed. The next step included review agency comments.

Findings of Fact:

1. The application meets the initial requirements of the Land Use Code for a Minor Subdivision Sketch Plan.
2. A request for a waiver from the Colorado Geologic Survey review is reasonable.
3. A waiver of the open space dedication is requested as the property is not adjacent to access to public lands.
4. The new lot will be included in the Glenview Subdivision central water system.

Conditions of Approval

1. Augmentation shall be purchased for the new lot before the plat is recorded.
2. A waiver of the 0.1-acre of open space requirement is requested.
3. The Glenview Owners Association (GOA) will be a referral agency.
4. The new lot will be subject to the GOA covenants.

Anderson Horne moved to approve the Wilson Minor Subdivision based on the above conditions Hank Held seconded and the motion carried unanimously.

Final Plat - Name of Subdivision: Kalivoda Rural Open Space Incentive **Applicants:** Nopavan Kalivoda **Location:** 13850 County Road 270, Nathrop **Zone:** Rural **Request:** To divide 66.774 acres into 8 building lots and 9 open space lots with the minimum lot size being 2.0 acres with 50.443 acres open space. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Planning Manager Roorda gave a PowerPoint presentation from the Staff Report dated March 21, 2019, labeled as Exhibit A.

The public comment portion of the hearing was opened.

Mike Henderson, representative, 203 G St., Salida, was sworn in. Only issue with the conditions is that the applicant would prefer not to have covenants or HOA. The weed management requirements could be added to the plat. The outlot will be used for the fire cistern, and access to the cistern and for the continued use of the driveway for the adjacent property owner through the outlot. All the plat notes required in the staff report will be added to the plat.

Karin Adams, also representing the applicant, 11460 CR 140, Salida, was sworn in. The applicant does not want an HOA and she is very firm about that condition. Asked about the

shared driveways, does not remember in the code where that needs to be addressed. To make it a requirement without an HOA would be difficult because property owners do change. Staff feel SIA should include the paving of all the driveways.

Mike Henderson asked about the requirement for the use and ownership of the open space. The use will be for access for the adjoining property owner and the fire cistern easement. Could put a note on the plat the owner of the open space will be the dedicicator.

The public comment portion of the hearing was closed.

Findings of Fact

1. The application meets the requirements of the Land Use Code for a Rural Open Space Incentive Subdivision Final Plat.
2. The open space is designed to be contiguous for wildlife movement, and to maintain a separating distance between wildlife and County Road 270.

Conditions of Approval

1. Water augmentation certificates shall be purchased for all lots before the plat is recorded.
2. The Subdivision Improvements Agreement (SIA) will include the paving for the driveways.
3. The developer shall be responsible for paving the area between the road and the right of way line on all driveways.
4. The fire cistern easement and access easement shall be added to the plat.
5. The following notes shall be added to the plat:
 - a. The property is classified as winter and summer range for deer, elk and antelope. The area between CR 270 and the south side of Buena Vista is considered the primary concentration area for pronghorn. CPW recommends wildlife-friendly fencing for building envelopes only and no fencing for open space and between lots. Pets should not be allowed to roam free, that they be fed and the food stored inside; if pets are fed outside, the pets are fed for a specified period and the food bowls stored inside. Bird feeders should be brought inside at night or placed so they are inaccessible to animals. BBQ grills should be cleaned after use and stored inside.
 - b. All On-site Wastewater Treatment Systems (OWTS) shall be designed by a Colorado Registered Professional Engineer.
 - c. A lot-specific soil and foundation or geotechnical investigation shall be performed before building permits are issued on each lot to characterize soil and engineering properties, determine depth to groundwater and bedrock, and surface and subsurface drainage.
 - d. Outlot A is an unbuildable parcel, and ownership shall be retained by the applicant.
 - e. Property owners shall be responsible for noxious weed management.
 - f. The maintenance of the driveways shall be the responsibility of the property owner(s).

David Kelly moved to approve with the conditions as presented. Bruce Cogan seconded and the motion carried unanimously.

Sketch Plan - Name of Subdivision: Monarch Shadows Minor Subdivision **Applicant:** Monarch Shadows Inc., Joseph L. Speers **Location:** 8526 County Road 240E, Salida **Zone:** Rural **Request:** To divide 54.8 acres into 4 lots with the minimum lot size being 3.5 acres. Water by wells, wastewater treatment by on-site wastewater systems.

Planning Commission Member Hank Held disclosed that he had a conflict of interest and left the room. There were no other members of the Planning Commission with a conflict of interest and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Planning Manager Roorda gave a PowerPoint presentation from the Staff Report dated March 20, 2019, labeled as Exhibit A.

The public comment portion of the hearing was opened.

Mike Henderson, representative, 203 G St., Salida, was previously sworn in. It is way overboard for a minor subdivision to be required that the road connect between Miller Drive and Hanging Tree Drive. If the P & Z insists on the road connection, the applicant asked that the application be tabled. Mr. Henderson can't speak for the applicant if he would want to continue as a major subdivision.

Opposed: All were sworn in.

William Gorentz, 8960 Hanging Tree Dr., on the road board in North Fork Acres. Read from covenants of the North Fork Acres Subdivision. Hanging Tree Drive is a land locked road and does not access CR 240. Feels Lot 4 cannot access Hanging Tree Drive as it is owned by North Fork Acres (not dedicated to the County). He submitted four documents concerning the road and access in case of an emergency. These were labeled as Exhibits B, C, D & E.

Todd Van Santen, 16785 CR 240D (aka Miller Drive). CR 240 D is a single access to the 2 lots. There is a critical fire danger. There are no other access points if lots 3 & 4 are developed later there could be access problem. Water is a concern.

Mary Brown, 16780 CR 220, Salida, serves on the board of directors of the CCFPD but is only speaking as a fire wise community member. Lack of access for people of the community and those who camp in the area who will need a way out when there is a wildfire. There is an agreement to go through the property of North Fork Acres. There used to be a gate on Miller Way to Highway 50 but now there is a house going in there. North Fork Acres could put in a gate at the end of Hanging Tree Drive. Concerns that the lots could be further subdivided in the future.

Beverly Van Santen, 16785 CR 240D, this area has one access out to Highway 50.

Martha Jo Myers, 16790 CR 240C, well has run dry twice in the last 5 years.

There were no other comments and the public comment portion was closed.

The public hearing comment portion was reopened. Mike Henderson will research Hanging Trail Drive ownership. He would like to see the documents that were presented as exhibits. The easement to Highway 50 from CR 240 E (Miller Way) is platted so it has not gone away. He has no objection to tabling the application.

Anderson Horne moved that in light of evidence presented at the hearing the request be tabled to the April 30th meeting. Marjo Curgus seconded and the motion carried 5-0.

The meeting was adjourned at 8:15 pm.



Chaffee County Planning Commission

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Salida, CO 81201

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AGENDA

April 30, 2019

**PLANNING COMMISSION MEETING
104 CRESTONE AVE.**

**COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO**

4:30 p.m. Joint Work Session with Board of Commissioners

To consider selection of consultant for the update of the Chaffee County Comprehensive Plan.

6:00 p.m. – Regular Meeting

Consider minutes of the March 26, 2019 meeting.

6:00 p.m. – Public Hearing – Sketch Plan – Nola Minor Subdivision **Applicants:** Willem Adams and Derek Aker **Location:** 7505 County Road 156W, Salida **Zone:** Residential **Request:** To divide 4.06 acres into 2 lots with the minimum lot size being 2.03 acres. Water by wells, wastewater treatment by on-site wastewater systems.

Public Hearing – Sketch Plan - Name of Subdivision: Monarch Shadows Minor Subdivision **Applicant:** Monarch Shadows Inc., Joseph L. Speers **Location:** 8526 County Road 240E, Salida **Zone:** Rural **Request:** To divide 54.8 acres into 4 lots with the minimum lot size being 3.5 acres. Water by wells, wastewater treatment by on-site wastewater systems. (Tabled from the March 26, 2019 meeting)

CHAFFEE COUNTY PLANNING COMMISSION
April 30, 2019

Members Present: Bruce Cogan, Marjo Curgus, Bill Baker, Anderson Horne and Joe Stone

Members Absent: Mike Allen, Hank Held, Dan McCabe and David Kelly

Staff Present: Jon Roorda, Planning Manager; Christie Barton, Planner; Dan Swallow, Development Director; Assistant Attorney Daniel Tom and Patty Baldwin, Administrative Assistant, Secretary to the Board.

Joint Work Session with Board of Commissioners to consider selection of consultant for the update of the Chaffee County Comprehensive Plan.

Bill Baker moved that after careful deliberation and thorough process of evaluation that we the Chaffee County Planning Commission recommend to the Board of Commissioners CTA as the firm to lead us on the development for the new Chaffee County Comprehensive Plan. Marjo Curgus seconded and motion carried unanimously.

The meeting was called to order at 6:02 p.m. by acting Chair Anderson Horne.

Marjo Curgus moved to approve the minutes of the March 26, 2019 meeting as corrected. Bruce Cogan seconded with Joe Stone abstained as he was absent from the meeting.

6:00 p.m. – Public Hearing – Sketch Plan – Nola Minor Subdivision **Applicants:** Willem Adams and Derek Aker **Location:** 7505 County Road 156W, Salida **Zone:** Residential **Request:** To divide 4.06 acres into 2 lots with the minimum lot size being 2.03 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Planner Christie Barton gave a power point presentation from the Staff Report dated April 24, 2019 labeled as Exhibit A.

The public hearing was opened.

Applicant Willem Adams 1352 N. El Paso St., Colorado Springs, was sworn in. He will be improving some of the easement and fire access.

Phil Gamache, 6600 CR 110A, Salida, was sworn in. He is working with the applicant who did communicate with other property owners and there were no concerns from those property owners contacted.

The public comment portion of the hearing was closed.

Finding of Fact:

1. The application meets the initial requirements of the Land Use Code for a Minor Subdivision Sketch Plan.
2. The originally platted cul-de-sac has not been built.

Conditions:

1. Proof of water augmentation shall be submitted with the Final Plat application.
2. A maintenance agreement shall be required for maintenance of the access easement. A draft agreement shall be submitted for review and approval with the Final Plat application.
3. A Subdivision Improvements Agreement (SIA) will be required for construction of the portion of the road and cul-de-sac.
4. The originally platted cul-de-sac shall be vacated and relocated to the shared boundary between Lots 1 & 2 as part of this project.

Margo Curgus moved to approve the Nola Minor Subdivision Sketch Plan with potential conditions as identified. Joe Stone seconded and motion carried unanimously.

Public Hearing – Sketch Plan - Name of Subdivision: Monarch Shadows Minor Subdivision
Applicant: Monarch Shadows Inc., Joseph L. Speers **Location:** 8526 County Road 240E, Salida
Zone: Rural **Request:** To divide 54.8 acres into 4 lots with the minimum lot size being 3.5 acres. Water by wells, wastewater treatment by on-site wastewater systems. (Tabled from the March 26, 2019 meeting)

Anderson Horne told the audience and other board members that he knows the applicant, Walt Harder, socially but has no monetary interest with the application.

No one in the audience had any concerns with the information from Mr. Horne or any other Planning Commission member having a conflict of interest and no other Planning Commission members had any conflicts of interest with the application.

Planning Manager Jon Roorda gave a review of the Staff Report dated March 20, 2019. Mr. Roorda also reviewed Land Use Code Section 7.7.3D regarding requirement to connect roadways.

Walt Harder, 300 Park Ave., Salida was sworn in. Mr. Harder feels the road is a gross overreach. Discussed in pre-app and made it clear a road will not be built. If a road is mandated they are done. Hanging Tree Drive was never dedicated to the County. There is a triangle of land that is privately owned and not available to the public.

Mike Henderson was sworn. Hanging Tree Drive was never dedicated as a public right of way.

There was discussion regarding roads and easements with use crossing the bridge on private property.

There was discussion regarding fire access easement for fire service. Mr. Harder referenced a fire plan from 2008 with Chaffee County Fire Protection District.

Mr. Harder asked that the Colorado Geological Survey review be waived as he did not see the need for their review. He also asked for the drainage report to be waived. Mr. Harder would accept adding building envelopes avoiding the flood plan and back to the steep slopes.

In favor

James Rodrique, 16665 Hwy 50, was sworn in. This land was originally part of the property he now owns and he has a contract on lots 2 and 3. The driveway would need significant improvements for a fire truck.

Opposed

William Gorentz, 8960 Hanging Tree Drive was sworn in. The North Fork Acres road committee maintains the road and has maintained the road since it was created. The County has never maintained Hanging Tree Road. When North Fork Acres was approved the road should have been transferred to the HOA, but it was recently discovered that this never took place. North Fork Acres HOA opposes the application for the proposed minor subdivision. The road will not handle the traffic and there could potentially be more re subdividing of the proposed lots. The HOA does support a creation of an emergency fire access through their subdivision.

Beverly Van Santen 16785 CR 240D Salida was sworn in. There is a home being built on the east end of Miller Drive and will block any fire egress/ingress to the road from the area.

The public comment portion of the hearing was closed.

There was discussion regarding the access and requirement of the Land Use Code.

Mr. Baker did not feel a subdivision should be allowed with questionable access. It was not the responsibility of the Planning Commission to solve the problem of the access.

The public comment portion was reopened.

The Board and Mr. Harder discussed the access and the drainage issue on the lots.

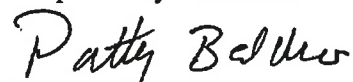
The public comment of the hearing was re-closed.

Bill Baker moved to deny the application because of problematic access. Joe Stone seconded. Discussion after the motion, Mr. Baker added that beside the access there are other concerns with the subdivision. Motion carried unanimously.

Ms. Curgus will not be at the May or June meetings and Mr. Horne will miss the June meeting.

There was no other business and the meeting was adjourned.

Respectfully submitted



Patty Baldwin, Secretary to the Board



Chaffee County Planning Commission

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AGENDA

May 28, 2019

PLANNING COMMISSION MEETING
104 CRESTONE AVE.

COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO

6:00 p.m. – Regular Meeting

Consider minutes of the April 30, 2019 meeting.

6:00 p.m. – Public Hearing – Final Plat - Name of Subdivision: Wilson Minor Subdivision
Applicants: Art and Linda Wilson **Location:** 30800 Tanner Drive, Buena Vista **Zone:** Residential **Request:** To divide 8.79 acres into 2 lots with the minimum lot size being approximately 2.03 acres. Water by central water system, wastewater treatment by on-site wastewater system.

6:15 p.m. – Public Hearing – Final Plat - Name of Subdivision: Melton Minor Subdivision
Applicant: Jeanette Melton **Location:** 32900 County Road 371, Buena Vista **Zone:** Residential **Request:** To divide 16.53 acres into 2 lots with the minimum lot size being 6.29 acres. Water by wells, wastewater treatment by on-site wastewater systems.

6:30 p.m. – Public Hearing – Sketch Plan - Name of Subdivision: Hawkins Minor Subdivision
Applicant: Barry & Wendy Hawkins and Brandon & Jessica Hawkins **Location:** 16556 Rocky Mountain Road, Maysville **Zone:** Rural **Request:** To divide 9.13 acres into 2 lots with the minimum lot size being 6 acres. Water by wells, wastewater treatment by on-site wastewater systems.

6:45 p.m. – Public Hearing – Sketch Plan - Name of Subdivision: North Fork Ranches Major Subdivision
Applicant: THS Investments, LLC **Location:** 15350 Lionelle Road, Salida **Zone:** Rural **Request:** To divide 149.93 acres into 17 lots with the minimum lot size being 5.01 acres. Water by wells, wastewater treatment by on-site wastewater systems.

7:00 p.m. – Public Hearing – Preliminary/Final Plat - Name of Subdivision: Cactus Ranch Major Subdivision
Applicants: Wade & Sheila Veazey **Location:** 9412 County Road 175, Salida **Zone:** Rural **Request:** To divide 13.08 acres into 6 lots with the minimum being 2.0 acres. Water by wells, wastewater treatment by on-site wastewater systems.

7:15 p.m. Public Hearing – To consider adding 'Board of Health' to the 15 day sign posting requirements in Section 1.3.5 of the Chaffee County Land Use Code.

CHAFFEE COUNTY PLANNING COMMISSION
May 28, 2019

Members Present: Mike Allen, Hank Held, Dan McCabe, David Kelly, Bill Baker and Anderson Horne.

Members Absent: Bruce Cogan (finding escaped cows), Marjo Curgus (working in Nepal) and Joe Stone (said he would be absent this meeting).

Staff Present: Jon Roorda, Planning Manager; Christie Barton, Planner/minutes; Assistant Attorney Daniel Tom. Dan Swallow, Development Director came in at 6:57 pm.

Consider minutes of the April 30, 2019 meeting.

Public Hearing – Final Plat - Name of Subdivision: Wilson Minor Subdivision
Applicants: Art and Linda Wilson **Location:** 30800 Tanner Drive, Buena Vista **Zone:** Residential **Request:** To divide 8.79 acres into 2 lots with the minimum lot size being approximately 2.03 acres. Water by central water system, wastewater treatment by on-site wastewater system.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest. Jon Roorda, Planning Manager gave a PowerPoint presentation from the Staff Report dated May 22, 2019 labeled as Exhibit A. The public hearing was opened. Applicant Art Wilson, 30800 Tanner Dr., Buena Vista, was sworn in and had no additional comments. There were no other comments, and the public comment portion was closed. The Planning Commission discussed the request for a waiver of the open space, access will be from Tanner Drive, and adding 'licensed' engineer for the plat note.

Findings of Fact:

1. The application meets the requirements of the Land Use Code for a Minor Subdivision Final Plat with conditions of approval.
2. The application has received approval from the Glenview Owners Association (GOA).
3. The applicants have paid the augmentation fee for the Glenview central water system.
4. The property that was subdivided into Glenview Subdivision contained hazardous waste from to a previous owner. This was cleaned up as part of the original subdivision approval.
5. A waiver of the open space requirement is requested.
6. A letter from COBank, the mineral estate owner, had no objection to the subdivision.

Conditions:

1. A waiver of the open space requirement is warranted as the property is not adjacent to any public lands.
2. The following notes shall be added to the plat:

- a. The On-site Wastewater Treatment System shall be designed by a licensed engineer.
- b. Colorado Parks & Wildlife recommends that any fences be constructed as wildlife friendly fencing in accordance with "Fencing with Wildlife in Mind".

Bill Baker moved to recommend approval to the County Commissioners based on the amended Findings of Fact and conditions of approval, and Dan McCabe seconded. The motion carried 6-0.

Public Hearing – Final Plat - Name of Subdivision: Melton Minor Subdivision

Applicant: Jeanette Melton **Location:** 32900 County Road 371, Buena Vista **Zone:**

Residential Request: To divide 16.53 acres into 2 lots with the minimum lot size being 6.29 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Jon Roorda, Planning Manager gave a PowerPoint presentation from the Staff Report dated May 22, 2019 labeled as Exhibit A. The Planning Commission asked about the Cesare report and the Colorado Geological Survey stating they had no objection due to the Cesare report, if the recommendations are followed. The Cesare letter received today included a location for the building envelope.

The public hearing was opened. Mike Henderson, 203 G St., representing the applicant, was sworn in. He said he would amend wording for the plat note concerning 'Cesare or other qualified geotechnical professional or qualified engineer.' No other public comments were made, and the public comment portion was closed.

Findings of Fact:

1. The application can meet the requirements of the Land Use Code for a Minor Subdivision Final Plat with conditions of approval.
2. Cesare, Inc. provided a Geotechnical Hazard Assessment dated April 26, 2019.
3. The right of way dedication can meet the open space requirement. Access to public land through this property is not appropriate as the BLM provides and maintains access to the Four-Mile Recreation Area.

Conditions of Approval

1. An augmentation certificate for Lot 1 shall be purchased before the plat is recorded.
2. A building envelope for Lot 1, based on the Cesare, Inc. April 26, 2019 Geological Hazard Assessment, shall be added to the plat.
3. A waiver of the 0.1-acre of open space requirement is requested.
4. The following notes shall be added to the plat:
 - a. A Geological Hazard Assessment was completed by Cesare, Inc. April 26, 2019. Property owners should consult with Cesare, Inc. for the creation of a catchment ditch and/or deflection berm to the east of the building site. The berm and/or catchment ditch will require periodic maintenance to maintain effectiveness, and designed so that hazards to other properties or roads are not exacerbated.

- b. The On-site Wastewater Treatment System shall be designed by a licensed engineer.
- c. Colorado Parks & Wildlife recommends that any fences be constructed as wildlife friendly fencing in accordance with "Fencing with Wildlife in Mind".
- d. Further subdivision of either lot will require meeting the minimum standard for fire protection water supply.

Dan McCabe moved to recommend approval to the Board of County Commissioners with the Findings and Conditions as discussed. Hank Held seconded and the motion carried 6-0.

Public Hearing – Sketch Plan - Name of Subdivision: Hawkins Minor Subdivision
Applicant: Barry & Wendy Hawkins and Brandon & Jessica Hawkins **Location:** 16556 Rocky Mountain Road, Maysville **Zone:** Rural **Request:** To divide 9.13 acres into 2 lots with the minimum lot size being 3 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest. Jon Roorda, Planning Manager gave a PowerPoint presentation from the Staff Report dated May 22, 2019 labeled as Exhibit A. The Planning Commission asked about the width of the 40' access easement, the proposed shared well, and adding an access and maintenance easement that includes cost sharing.

The public hearing was opened. Barry Hawkins, 8870 Washington St., PO Box 26, Hooper, CO, was sworn in. He has no objection to the 40' easement width and is willing to provide access to people who have asked to use the existing historic trail through the property to the BLM land. He just found out recently that it goes through another property before getting to the BLM land. The cost savings for sharing a well are substantial and they expect 9 gallons/minute, which is sufficient with storage. No other public comments were made, and the public comment portion was closed. The Planning Commission discussed public access to the existing historic trail, the existing culvert for the ditch and who installed it. CDOT installed it before the current owner, so it is their maintenance issue. The public comment portion was re-opened to verify the owner is willing to dedicate the trail to the public, and Barry Hawkins said he was amenable to it. No one had any other comments, and the public comment portion was closed.

The following amendments were made: Findings of Fact #5: No open space is proposed with this application. The BLM land is not adjacent to this property (adjacent property owner is Monarch Shadows, Inc.). In anticipation of trail access continuing through Monarch Shadows Inc. property the Applicant has stated a willingness to provide a public pedestrian trail easement through the property along the existing historical trail. Condition #3: A dedication of a public pedestrian trail easement to meet the open space requirements following the path of the existing historical trail on the property.

Findings

1. The application meets the initial requirements for a Minor Subdivision Sketch Plan.
2. The access easement to the property is existing, and goes across Lot 1, Block A of the Sunshine Acres Subdivision.

3. The North Fork Ditch flows across the property, and a portion of the ditch is in a culvert where the driveway is located.
4. The Colorado Department of Transportation (CDOT) is a review agency, and will determine if an amended Access Permit is required.
5. No open space is proposed with this application. The BLM land is not adjacent to this property (adjacent property owner is Monarch Shadows, Inc. In anticipation of trail access continuing through Monarch Shadow's Inc. property the Applicant has stated a willingness to provide a public pedestrian trail easement through the property along the existing historical trail.

Conditions

1. Proof of water augmentation shall be submitted to Development Services staff before the plat is recorded.
2. The following shall to be added to the Final Plat:
 - a. An access easement across the six (6) acre lot in favor of the three (3) acre lot.
 - b. A maintenance and easement agreement for the well and water line.
 - c. A ditch easement for the North Fork Ditch.
 - d. The existing access easement across Lot 1, Block A, Sunshine Acres Subdivision shall be widened to 40'.
 - e. A draft maintenance agreement for the shared driveway shall be submitted for review with the Final Plat application.
 - f. Topographic lines shall be shown, and slopes greater than 30% shall be avoided with building envelopes.
3. A dedication of a public pedestrian trail easement to meet the open space requirements following the path of the existing historical trail on the property.

Bill Baker moved to approve the application with amended Findings of Fact and Conditions of approval. Dan McCabe seconded and the motion carried 6-0.

Public Hearing – Sketch Plan - Name of Subdivision: North Fork Ranches Major Subdivision **Applicant:** THS Investments, LLC **Location:** 15350 Lionelle Road, Salida **Zone:** Rural **Request:** To divide 149.93 acres into 17 lots with the minimum lot size being 5.01 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Jon Roorda, Planning Manager gave a PowerPoint presentation from the Staff Report dated May 22, 2019 labeled as Exhibit A.

Dan McCabe stated he didn't realize Joe DeLuca was speaking tonight, and he used to have business dealings with him, but nothing recently. Daniel Tom had no objection to Mr. McCabe remaining seated. Planning Commission discussed the elk migration corridor, irrigation water, what acreage has historically been irrigated and if the property was properly posted.

The public hearing portion was opened. Joe DeLuca, Crabtree Group, 325 D St., representing the applicant, was sworn in. He has a receipt that has the day he picked

up the sign, and he posted it the next day. Discussion continued on the issue, and it was determined that the BOCC would be the ones to determine if sufficient posting was made. Joe DeLuca returned, was sworn in again, and presented a PowerPoint presentation, labelled Exhibit 1, and handed out a survey and plat labelled Exhibit 2. Joe DeLuca presented a map showing the historically irrigated lands, labelled Exhibit 3. The High Ditch is still a legal entity that uses the North Fork Ditch, and is a minor water right. They will include the cemetery on the Preliminary Plan. The plat of Weldon Creek has a statement that Granite Parkway through this property is reserved for a future subdivision (this serves as public disclosure). The costs of maintenance will be shared with the Weldon Creek homeowners. The HOA will own and manage the irrigation water. The Preliminary Plan will have changes based on topography, drainage and the cemetery.

The following people were sworn in:

Claude & Margaret Dean, 8303 Rocky Mountain Drive; Linda Post, 15131 W. Highway 50; Anthony Cavalea, 14969 Granite Parkway; John Gerow, 14505 Granite Parkway; Frank Holman, 14110 County Road 140; Stu Anderson, Anderson & Hughes, 413 Poncha Blvd, representing the Lionelle's; David McAdow, 14751 Gypsum Court; Robert Ochs, 9945 County Road 120; John Haggerty, attorney for THS Investments, 9145 E. Canyon Ave., Denver.

Comments included: irrigation easements and setbacks, Cameron Ditch should be Hoag Ditch, water hasn't been taken out of the High Ditch for 18 years, elk migration corrido, improper notice and sign not posted in time, utilities, well depths, cemetery, traffic, CDOT Access Permit, use of Granite Parkway, Lionelle Road access easement, gate for Weldon Creek Subdivision, maintenance, and property values.

Findings

6. The application meets the initial requirements for a Major Subdivision Sketch Plan.
7. The access road for the property is existing, and within a road easement.
8. An existing access easement for Lionel Road provides access to two properties to the north. Granite Parkway is an access to Weldon Creek.
9. The property is impacted by natural drainages and irrigation ditches.
10. The property owner has historically irrigated approximately 67.5 acres and intends to continue to do so.
11. A 150' setback will provide screening for the subdivision from Highway 50 right of way and meet open space dedication requirements.
12. A historic cemetery exists within the proposed subdivision.
13. The proposed subdivision will potentially increase the traffic egress and ingress from Highway 50.

Conditions

1. Proof of water augmentation shall be submitted to Development Services staff before the plat is recorded.
2. An amended CDOT Access Permit will be required before the plat is recorded.
3. The following note is required to be added to the plat:

- a. Development of Lots 1-4 cannot restrict access on the existing access easement as per Chaffee County District Case No. 94-CV-90 and Chaffee County Recorded Document #296248.
 4. Building envelopes are shown in each lot.
 5. The historic cemetery shall be identified and located.
- Anderson Horne recommended approval based on the amended Findings and Conditions. Dave Kelly seconded the motion carried 6-0.

Public Hearing – Preliminary/Final Plat - Name of Subdivision: Cactus Ranch Major Subdivision **Applicants:** Wade & Sheila Veazey **Location:** 9412 County Road 175, Salida **Zone:** Rural **Request:** To divide 13.08 acres into 6 lots with the minimum being 2.0 acres. Water by wells, wastewater treatment by on-site wastewater systems. There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest. Jon Roorda presented the PowerPoint presentation, labelled Exhibit A, based on the staff report dated May 22, 2019.

The public hearing was opened. Wade Veazey, 107 Mesa Circle, Salida, was sworn in. Each of the six lots will have a ½ acre building envelope, the rest is to remain in a natural state. The 100-year Floodplain exists on the property and the Drainage Report showed a smaller area of mapped flood elevations, but he is leaving both floodplain delineations on the plat to force the small building envelopes. A site visit by staff prompted the geotechnical study by Cesare. Mike Allen said this is a solid plan shown by the extra work done by the applicant, and Dan McCabe said this is as complete an application as we've seen. No other members of the public spoke, and the public comment portion was closed. Dan McCabe recommended approval with Findings and Conditions in the staff report. Anderson Horne seconded and the motion carried 6-0.

Public Hearing – To consider adding 'Board of Health' to the 15-day sign posting requirements in Section 1.3.5 of the Chaffee County Land Use Code. Jon Roorda stated this section of the Code will add posting notices from the newly-adopted OWTs regulations into the LUC. Dan McCabe moved to recommend approval. Bill Baker seconded, and the motion carried 6-0.

Other Business

Shift in Patty Baldwin's responsibilities; she will be assisting County Administrator in his work. Goal is to hire a part-time person to be a clerk to the Planning Commission. Christie Barton will fill in for now.

Litigation from Alison Brown, no new information. Jenny Davis is working with insurance and risk management on this.

June 10th at 4:00 with CTA, consultant for the Comp Plan update.
June 26th for Comp Plan kick-off at Mt. Princeton

The meeting adjourned at 10:00 pm.



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

719.539.2218/www.chaffeecounty.org

AGENDA

July 16, 2019

**PLANNING COMMISSION MEETING
104 CRESTONE AVE.**

**COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO**

5:30 p.m. – Regular Meeting

Presentation on Health Disparities Grant Program and Land Use Topics

➤ Andrea Carlstrom and Becky Gray

Mountain Shadows Major Subdivision Preliminary/Final Plat

Applicants: Daniel Shinedling & Pamela Roberts

Location: 12500 County Road 140, Salida

Zone: Rural

Request: To re-subdivide Lots 2 & 3 of the Wooden Flume Minor Subdivision totaling 11.04 acres into 5 lots with the minimum being 2.05 acres. Water by wells, wastewater treatment by on-site wastewater systems. ***This application has been re-scheduled to August 27, 2019 at applicant's request***

Vista Sawatch Major Subdivision Preliminary/Final

Applicant: Edge Investments, LLC

Location: Northeast corner of Highways 285 & 291

Zone: Rural

Request: To divide 54.25 acres into 12 lots with the minimum lot size being 3.58 acres. Water by wells, wastewater treatment by on-site wastewater systems.

CHAFFEE COUNTY PLANNING COMMISSION
July 16, 2019

Members Present: Mike Allen, Anderson Horne, David Kelly, Bruce Cogan, Bill Baker and Marjo Curgus

Members Excused: Joe Stone and Hank Held.

Staff Present: Jon Roorda, Planning Manager; Christie Barton, Planner/minutes; Assistant Attorney Daniel Tom.

Presentation on Health Disparities Grant Program and Land Use Topics. Andrea Carlstrom, Public Health Director and Becky Gray, Housing Director.

Mountain Shadows Major Subdivision Preliminary/Final Plat

Applicants: Daniel Shinedling & Pamela Roberts

Location: 12500 County Road 140, Salida

Zone: Rural

Request: To re-subdivide Lots 2 & 3 of the Wooden Flume Minor Subdivision totaling 11.04 acres into 5 lots with the minimum being 2.05 acres. Water by wells, wastewater treatment by on-site wastewater systems. ***This application has been re-scheduled to August 27, 2019 at applicant's request***

Vista Sawatch Major Subdivision Preliminary/Final

Applicant: Edge Investments, LLC

Location: Northeast corner of Highways 285 & 291

Zone: Rural

Request: To divide 54.25 acres into 12 lots with the minimum lot size being 3.58 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Jon Roorda, Planning Manager gave a PowerPoint presentation from the Staff Report dated July 8, 2019 labeled as Exhibit A.

The Planning Commission discussion included whether CDOT will require a new access permit for lot 12 before the lot is developed. Commissioners also discussed requirements/conditions for a water adequacy study.

The public hearing was opened.

Representing the applicant/sworn in:

Applicant, Joe DeLuca, Crabtree Group, 325 D Street, Salida, CO 81201

Applicant, Mike Henderson, 203 G Street, Salida, CO 81201

Applicant, Jeff Post, 8803 CR 150, Salida, CO 81201

Open to public comment/sworn in:

Bill O'Rourke, 13681 Hwy 291, Salida, CO 81201

Judy O'Rourke, 13681 Hwy 291, Salida, CO 81201

The following concerns were raised during the comment period:

- USGS study answers questions of water adequacy
- Structural engineers will require a geotechnical study if needed
- Drainage study to be determined by site via bioswales 1,000 cubic feet by site
- Flow of 3 drainage areas
- Current lot configuration for lots 10 and 11
- Debris fan avoidance
- Legal access to neighboring property is not wanted by adjacent property owner
- Stormwater Basin requirement to be added to covenants or plat notes
- Commercial development on lot 12 (not part of HOA)
- Movement of wildlife through the development's corridor
- Screening fence between new development and existing property is not required by the code
- Access of Xcel through Sangre de Cristo district (this is a transmission line and does not serve customers)

The public comment portion was closed.

Findings

1. The application meets the requirements of the Land Use Code for a Major Subdivision Preliminary Plan/Final Plat.
2. Private open space is provided on Lots 6 & 7 between the electric transmission line and Highway 285
3. A ridge paralleling Highway 291 screens the majority of the new lots from the highway.
4. Private open space along Highway 285 (Lots 6 & 7) exceeds the 0.1-acre per lot open space requirement in Section 7.2.4 of the Land Use Code. This meets the intent of the LUC.

Conditions

1. Augmentation certificates will be purchased before the plat is recorded.
2. The developer will prepare CDOT Access Permit application for the change in use at CR 193, which shall be submitted to CDOT on behalf of Chaffee County who will be the permittee. An approved permit shall be received by Chaffee County Development Services before road construction begins.
3. Provide a Final Drainage Report before the plat is recorded.
4. The fee-in-lieu for fire protection shall be paid before the plat is recorded.
5. Covenants will address lot specific stormwater detention requirements.
6. A CDOT Access Permit for Lot 12 shall be obtained prior to recordation of the final plat.
7. The following notes shall be added to the Final Plat:
 - a. All On-Site Wastewater Treatment Systems (OWTS) shall be designed by a Colorado Licensed Engineer.
 - b. The site is underlain by Dry Union formation, and its derived soils are typically low density, low strength and may consolidate under loading and

wetting. All foundations shall be designed by a Colorado licensed engineer.

- c. Each lot shall provide a 1000 cubic feet stormwater detention. Engineering plans shall be submitted with building permit application showing location and sizing of the detention. These shall be maintained by the property owner in perpetuity.
- d. CPW standard plat note, including 'Trash shall be contained in bear-proof trash containers.'
- e. Right to Ranch Policy.

Anderson Horne moved to approve with amended Findings and Conditions; David Kelly seconded, the motion passed unanimously.

Bill Baker moved to recommend Anderson Horne as Vice Chair, the motion carried 5-0. Anderson abstained.

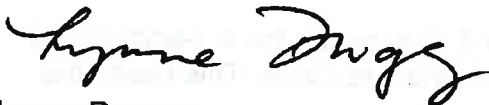
Other Business:

Commissioner Dan McCabe resigned

Planning Commission Secretary will start on 7-30-19

The meeting adjourned at 8:15 pm.

Respectfully submitted,



Lynne Drogosz
Planning Secretary



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

719.539.2124/www.chaffeecounty.org

AGENDA

July 30, 2019

**PLANNING COMMISSION MEETING
104 CRESTONE AVE.**

**COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO**

6:00 p.m. – Regular Meeting

Name of Subdivision: RGP Industrial Park Major Subdivision Preliminary Plan

Applicant: Tracy M Guccione & David R Padoven

Location: 10000 County Road 140, Salida

Zone: Industrial/Rural

Request: To divide 70.31 acres into 6 lots, with 5 lots approximately 2.1 acres in size and 1 lot of 53.5 acres, plus right of way. Water by wells, wastewater treatment by engineered on-site wastewater systems.

Name of Subdivision: Cool Clear Water Major Impact Review for Townhouses

Applicant: Joe Edward Cooper Living Trust/Joe Cooper, Trustee

Location: 9325 County Road 160 and 9693 County Road 163, Salida

Zone: Rural

Request: To create six 2-unit townhouses and a single family residence on individual lots, with the remaining land as common open space, on 26.12 acres, with the minimum lot size of 5000 square feet. Water by wells, wastewater treatment by on-site wastewater systems. ***This application is continued to August 27, 2019***

Other Business

Comp Plan Update

Election of Planning Commission Secretary

Discussion of Electronic Applications/Packets

CHAFFEE COUNTY PLANNING COMMISSION
July 30, 2019

Members Present: Bruce Cogan, Bill Baker, Marjo Curgus, Hank Held

Members Absent: Mike Allen, Joe Stone, Anderson Horne, David Kelly

Staff Present: Jon Roorda, Planning Manager, Christie Barton, Planner, Daniel Tom, Assistant Attorney and Dan Swallow, Development Director, Lynne Drogosz, Acting Planning Secretary

Name of Subdivision: RGP Industrial Park Major Subdivision Preliminary Plan

Applicant: Tracy M Guccione & David R Padoven, Pete Guccione

Location: 10000 County Road 140, Salida

Zone: Industrial/Rural

Request: To divide 70.31 acres into 6 lots, with 5 lots approximately 2.1 acres in size and 1 lot of 53.5 acres, plus right of way. Water by wells, wastewater treatment by engineered on-site wastewater systems. ***This application is continued to September 24, 2019**

Name of Subdivision: Cool Clear Water Major Impact Review for Townhouses

Applicant: Joe Edward Cooper Living Trust/Joe Cooper, Trustee

Location: 9325 County Road 160 and 9693 County Road 163, Salida

Zone: Rural

Request: To create six 2-unit townhouses and a single-family residence on individual lots, with the remaining land as common open space, on 26.12 acres, with the minimum lot size of 5000 square feet. Water by wells, wastewater treatment by on-site wastewater systems. ***This application is continued to August 27, 2019***

The Planning Commission was short of a quorum. Marjo Curgus will be the acting chair for this meeting. Marjo Curgus called the meeting to order. Bill Baker nominated Hank Held as the co-chair. The nomination passed 4-0.

Dan Swallow introduced Lynne Drogosz, the new Acting Secretary for the Planning Commission. Dan stated that because there is no quorum to formally elect the Secretary it will be done at the next meeting.

Assistant Attorney, Daniel Tom reported that the two applications for consideration tonight have been tabled and requested a continuance. Jon Roorda, Planning Manager stated that the RPG application will be considered on September 24, 2019. Applicant Pete Guccione was in attendance and accepted the new date. Cool Clear Water will be considered August 27, 2019. The applicant was not in attendance.

Other Business:

The following is included for informational and record keeping purposes only, no actions were taken in those discussions.

Wayne Freeman, Principle, CTA Architects & Engineers gave a power point presentation on the Comprehensive Plan Update. With him was Sarah Gibb This presentation was given to the Rotary two weeks ago.

After the Comprehensive Plan Update presentation, Marjo Curgus opened discussion about the following:

Community Strategy: How do the Planning Commission and CTA engage the community and what will success look like in this plan? Will diverse age, income, and voter status be considered? What is common ground?

County Commissioner Keith Baker was in the audience and was interested in how the Comprehensive Plan related to the connectedness of our community and its ecology (fire, flood for example).

Outreach Strategy: Specifically of concern is the Public Involvement Plan.

Marjo will create a Google drive with information to share in order to update various group types for engagement. This link will be emailed to the Planning Commissioners with a deadline for action

Marjo stated that existing newsletters and methods of communication could be tapped for outreach. She referred to the *DRAFT Together Chaffee Communication & Outreach Strategy* document dated 7-29-19 (<http://together.chaffeecounty.org>). Margo acknowledged that there was a need to define a compelling story of why we are updating the Comprehensive Plan. Talking points should be developed before the next public meeting. The date of August 8, 2019 was selected for these talking points to be due. A Comprehensive Plan work session for a yet to be created Outreach Committee was suggested. Planning Commissioners, Staff and County Commissioners Keith Baker and Greg Felt (also in the audience) brainstormed names to be selected for the future Outreach Committee. Noted below, the next Comprehensive Plan Update open house is Wednesday, August 28, 2019 from 6-7:30 pm at the SteamPlant.

Electronic Applications/Packets: Dan Swallow, Development Services Director discussed the possibility of going from paper to electronic application packets. In this case, a thumb drive with laptops would be provided to the Planning Commissioners. Commissioners would also have this information before meetings as it would be provided via email and Google Drive.

Possible contacts for future Outreach Committee

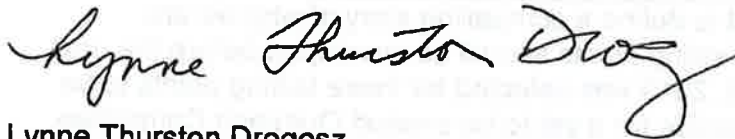
Joel Benson
Karen Dils

Sig Jaastad
Eric Gibb
Jeff Post
Cindy Williams (or someone from Envision)
Greg Felt would also like to help
Ken Matthews
Ted Richardson
Susie Kelly
Earl or Cheryl Richmond
Rick Hum
Kate Garwood
Dale Shoemaker Habitat for Humanity
Mike Orrill, Chaffee County Health Coalition
Reid McColloch, Chaffee Housing Trust
Frank Holman (Ranching community)
Brian Beaulieu, Executive Director, Boys and Girls Club or Kenny Wilcox (FYI)
Lisa Yeats, Buena Vista School Superintendent
Dave Blackburn, Salida School Superintendent
Terry Scanga

Add additional groups for example: Hispanic community members.

The meeting adjourned at 8:15 pm

Respectfully submitted,

A handwritten signature in cursive script, reading "Lynne Thurston Drogosz". The signature is written in dark ink and is positioned above the printed name and title.

Lynne Thurston Drogosz
Acting Planning Commission Secretary



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

719.539.2218/www.chaffeecounty.org

AGENDA

August 21, 2019

PLANNING COMMISSION MEETING
10165 County Road 120

CHAFFEE COUNTY FAIRGROUNDS
SALIDA, COLORADO

5:30 p.m. - Special Meeting

Name of Subdivision: Centerville Ranch Major Subdivision Preliminary Plan-Phase 1.

Applicant: Jeff Ince (21.954%) and Centerville Ranch Investment, LLC (78.0461%)

Location: 18010 Highway 285, Nathrop

Zone: Rural

Request: To subdivide the Remainder Tract of the Centerville Ranch Heritage Water Subdivision Exemption of 903.6 acres into 62 lots, ranging in size from 2.1 acres to 10.0 acres. Water by wells, wastewater treatment by on-site wastewater systems. The Excluded Area and Lots 63-132 are not subject to the Preliminary Plan Phase I application.

CHAFFEE COUNTY PLANNING COMMISSION
August 21, 2019
Special Meeting, Chaffee County Fairgrounds
10165 County Road 120
Salida, CO 81201
5:30 p.m.

Members Present: Bill Baker, Marjo Curgus, Terri Lukas, David Kelly, Mike Allen, Anderson Horne, JoAnne Allen

Members Absent: Bruce Cogan (recused), Hank Held

Staff Present: Jon Roorda, Planning Manager, Christie Barton, Planner, Gary Greiner, County Engineer, Daniel Tom, Assistant Attorney, and Lynne Drogosz, Acting Planning Secretary

5:30 p.m. - Special Meeting

Name of Subdivision: Centerville Ranch Major Subdivision Preliminary Plan-Phase 1.

Applicant: Jeff Ince (21.954%) and Centerville Ranch Investment, LLC (78.0461%)

Location: 18010 Highway 285, Nathrop

Zone: Rural

Request: To subdivide the Remainder Tract of the Centerville Ranch Heritage Water Subdivision Exemption of 903.6 acres into 62 lots, ranging in size from 2.1 acres to 10.0 acres. Water by wells, wastewater treatment by on-site wastewater systems. The Excluded Area and Lots 63-132 are not subject to the Preliminary Plan Phase I application.

Jeff Ince introduced a document, "*Mitigation of House Visibility*", to the Planning and Zoning Department. Seven items were included in the document:

1-Restrictive building envelopes (notwithstanding the building envelopes, houses must be set back 20 feet from the slope).

2-No walkout basements

3-No two story or higher lots above grade on lots 1-18; 20; 24-28; 30-32; 35; 36; 38; 39; 41; 46; 47; 51-55; 58-62

4-Earth tones for roof and siding on lots 25; 24; 26; 27; 28; 20; 1-5; 16; 17; 8-10

5-Trees as screening. Restrictive covenants control tree cutting

6-No driveways on south-facing slopes of lots 26; 27; 20; 16; 17

7-Maximum building height from high grade at foundation to peak of structure 28 feet (restrictive covenants)

Mike Allen opened the meeting with the Pledge of Allegiance. County Clerk Lori Mitchell swore in two new Chaffee County Planning Commissioners' Terri Lukas and JoAnne Allen.

Mike Allen moved to recommend the appointment of Lynne Drogosz as the Planning Secretary. The motion carried 7-0.

Attorney Daniel Tom stated that the two new Planning Commissioners wrote letters against large sub-divisions and made donations to the Chaffee County Conservation Fund. Both Terri Lukas and JoAnne Allen stated that they would be fair and impartial and no conflict of interest was present. No audience members noted a conflict of interest.

Jon Roorda, Planning Manager presented the Staff Report dated 8/22/19, labeled Exhibit A. The Location and Zoning Map was presented as well as an aerial photo from 2015. The project was described and has been properly noticed (1.3.5.4, 4.1.3 section G, and D 3-A) by newspaper and adjacent property owners. The County Attorney, Daniel Tom agrees that the property was properly noticed and the Planning Commission concurs.

A Project Description was outlined including the proposed conservation easement to be held by the Central Colorado Conservancy. The Sketch Plan Approval was outlined. A Review of the Agency Comments, Basic Standards for all Land Use Changes, Site Planning and Development Standards, Visual Impact Mitigation Proposal, Subdivision Design Specifications, Potential Findings, Potential Conditions were reviewed and a discussion ensued.

Marjo asked about augmentation certificates. The certificates will be required prior to the recorded plat for the project. Mike Allen asked to confirm that Phase II was not being considered tonight. Jon Roorda stated that it was not. Anderson Horne asked about water considerations and Jon Roorda stated that it was covered in the augmentation report. Terri Lukas asked for a clarification on the Visual Impact Mitigation Report (Exhibit 1) regarding maximum building height. Mike Allen asked about access on the Preliminary Plan. Jon Roorda said that at this point it will be emergency access only. The planning department is in discussion with Chaffee County Emergency Services and Jon has driven the property boundaries with Fire Chief Bertram. Mike Allen asked for a clarification about open space. The County Attorney stated that consideration of the proposed Central Colorado Conservation Easement (Phase II) can't be applied to Phase I (it can't be considered as open space for Phase I). Anderson Horne commented that he was concerned about the view shed. JoAnne Allen asked about the CPW conditions. These conditions will be addressed in the plat note. She also asked about revegetation and weed control. Terri Lukas asked the difference between a plat note and HOA covenants. Plat notes are equal to public notice and the County can enforce those conditions. If conditions are in the covenants it is entirely up to the HOA and the county has no ability to enforce. SIA's are also enforceable by the County.

Public comment was opened. The applicant, Jeff Inse 18010 Highway 285, Nathrop, CO 81236 was sworn in.

The applicant clarified that the road easement is shown on the plat between lot 73 and 74 and will be part of the conservation easement which is the right of way for future access and is a part of the ranch. Jeff further stated two ridges on the property are close to US 285 (approximately 1/2 mile) and those ridges are too steep to send a driveway up. The applicant wishes to avoid a scar on that land and has stated so in item six of the *Visual Impact Mitigation Report* (Exhibit 1). All of the CPW conditions are acceptable to the applicant except the open ended cost of improvements to the gun range. A plat note will be added affirming that if the developer or HOA request changes to the gun range, they will be responsible for those costs.

The applicant stated that emergency egress on the southern end of the ranch has been surveyed. And, further the landowners to the north have allowed them egress for emergency access (CR 263) and that has also been surveyed. The Central Colorado Conservancy will allow egress on the southern end of the property if the conservation easement is granted.

JoAnne Allen asked for clarification on Item 7 (*Visual Impact Mitigation Report*, Exhibit 1) and Item 3 on ridge areas which states no two story lots will be allowed. The height maximum of 28 feet tall applies to all building lots on the project. The applicant affirms the HOA will have architectural control. Membership to the HOA will be required for all property owners. The height limit in Chaffee County is 35 feet. The height limit for homes in this project will be less than the County requirement.

Tree control in the HOA requires that residents can only take trees down for defensible space. If a fire occurs and trees are destroyed, that is out of the purview of the developer and the HOA. Assistant Attorney, Daniel Tom stated that the county can require replacement of natural vegetation in some circumstances (7.2.4.b.3).

Anderson Horne asked about the accuracy of the traffic study as it was completed on a Tuesday and Wednesday.

Tracy Vandaveer of Crabtree Engineering, 325 D Street, Salida, CO stated the traffic studies will be reviewed by CDOT. A discussion ensued regarding weekend traffic versus weekday work traffic counts.

The water resource plan was discussed. Gary Greiner, County Engineer stated that the analysis was acceptable. Terri Lukas asked about wetland delineation. Tracy Vandaveer has been consulted and stated that there are no wetlands because the property is irrigated land. The Corp of Engineers doesn't define irrigated land as wetlands. Bill Baker asked if any portion of the project was immediately adjacent to public land and the answer was no.

Ken Wood 20100 196, Nathrop, CO was sworn in.

Mr. Wood had concerns about water and traffic as well as visual considerations for this project and future projects.

There were no other public comments and the public comment portion was closed. The Planning Commissioners discussed the proposed Findings of Fact and Conditions of Approval.

Findings

1. The application meets the requirements of the Land Use Code for a Major Subdivision Preliminary Plan.
2. Open space is dedicated as required by Article 7.3.7.
3. Due to extraordinary effort on the part of the applicant, the Preliminary Plan meets the view protection guidelines pursuant to Section 7.2.4 of the LUC by locating specific building envelopes away from the agricultural lands and viewscapes.
4. Phase 1 will be developed in filings by administrative review of generally 18 lots per phase, for a total of 3-4 filings.
5. CPW does not support development of public access to areas around the proposed development.
6. Chaffee County shooting range is directly south and adjacent to the subdivision. Chaffee County acknowledges and supports the Chaffee County shooting range.

Conditions

1. Augmentation certificates shall be purchased for each lot within that filing before the plat is recorded for that filing.
2. A proposal showing a minimum of a stub road right of way to developable property to the north (in the vicinity of the remote lots) is required, with the possibility of a requirement to obtain an emergency access easement and construction to CCFPD standards in LUC Section 7.4.2.C2.
3. An approved CDOT Access Permit shall be submitted before the plat is recorded.
4. Emergency access easements in the remainder parcel shall be confirmed before recording the Final Plat.
5. The Weed Management Bond shall be paid before the plat is recorded.
6. A Final Drainage Report is required to be submitted to the Chaffee County Development Services with the Final Plat application.
7. Draft covenants shall be submitted with the Final Plat application, including mitigation of house visibility in Exhibit 1.
8. Changes to the shooting range requested by the HOA or the developer and agreed to by CPW and the County shall be funded by the requesting entity.
9. The following notes shall be added to the Final Plat:
 1. All On-Site Wastewater Treatment Systems (OWTS) shall be designed by a Colorado Licensed Professional Engineer.
 2. Right to Ranch Policy.
 3. The property is located adjacent to the Chaffee County Shooting Range and the Chaffee County Landfill.
 4. No further subdivisions of the parcels platted through the Centerville Ranch Major Subdivision shall be permitted under the LUC.
 5. Notice of hunting on adjacent private and public lands.

6. Further CPW recommendations.
7. Chaffee County standard certificates and plat notes.

Mike Allen moved to recommend approval to the Board of County Commissioners based on the amended Findings of Fact and Conditions of Approval. Anderson Horne seconded. The motion carried 7-0.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,



Lynne Drogosz
Planning Secretary



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

719.539.2124/www.chaffeecounty.org

AGENDA

August 27, 2019

PLANNING COMMISSION MEETING
104 CRESTONE AVE.

COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO

5:00 p.m. Joint Work Session with Board of Commissioners

To consider amending the Outfitter definition in Article 15 of the Land Use Code.

6:00 p.m. – Regular Meeting

Election of Secretary for the Planning Commission

Consider minutes of the July 16, 2019 meeting and the July 30, 2019 meeting

Public Hearing: Mountain Shadows Major Subdivision Final Plat, **Applicant:** Daniel Shinedling, **Location:** 12500 County Road 140, Salida, **Zone:** Rural

Request: To re-subdivide Lots 2 & 3 of the Wooden Flume Minor Subdivision totaling 11.04 acres into 5 lots with the minimum being 2.05 acres. Water by wells, wastewater treatment by on-site wastewater systems.

Public Hearing: Cool Clear Water Major Impact Review for Townhouses. **Applicant:** Matt Lamar for Joe Edward Cooper Living Trust/Joe Cooper, Trustee. **Location:** 9325 County Road 160 and 9693 County Road 163, Salida. **Zone:** Rural.

Request: To create six 2-unit townhouses and a single family residence on individual lots, with the remaining land as common open space, on 26.12 acres, with the minimum lot size of 5000 square feet. Water by wells, wastewater treatment by on-site wastewater systems.

Public Hearing: Williamson Minor Subdivision Final Plat, **Applicants:** Frederick Williamson and Lance Parker. **Location:** 6275 County Road 178 E, Salida. **Zone:** Residential. **Request:** To divide 9.6 acres into two lots with the minimum being 4.6 acres on a shared access easement. Water by wells, wastewater treatment by on-site wastewater treatment systems.

Name of Subdivision: Nola Minor Subdivision Final Plat. **Applicants:** Willem Adams and Derek Aker. **Location:** 7505 County Road 156 W, Salida. **Zone:** Residential

Request: To re-subdivide Tract 3 of the Marques Tracts subdivision Exemption of 4.0 acres into two lots with the minimum being 2.0 acres on a shared driveway. Water by wells, wastewater treatment by on-site wastewater treatment systems.

Name of Subdivision: Crosswinds Major Subdivision Sketch Plan. **Applicant:** Ronald Southard. **Location:** 102 Tailwinds Drive, Buena Vista. **Zone:** Industrial.

Request: To re-subdivide Lot 2 of the Southwinds Minor Subdivision and Lot 1 of the Baker Boundary Line Adjustment totaling 42.9 acres into 16 lots. The subdivision will connect to Tailwinds Drive in Southwinds Minor Subdivision to County Road 319 at the north end of the property. All or a portion of Lots 7-16 are in the Airport Overlay District. The minimum lot size is 2.0 acres, with wells and on-site wastewater treatment systems.

Name of Subdivision: SMC Ranch Major Subdivision Sketch Plan. **Applicants:** SMC Ranch, Inc. **Location:** 9250 County Road 156, Salida. **Zone:** Rural.

Request: To re-subdivide Lot 1A Scanga Boundary Line Adjustment, Lot 2 Scanga Meat Company Boundary Line Adjustment and Tracts A & B Rancho Salida Del Sol, totaling 117.4 acres, into 58 lots and rights of way with the minimum lot size being 1.2 acres using density averaging. The Scanga Meat Company market will remain on Lot 52. Wells and on-site wastewater treatment systems will serve the property.

CHAFFEE COUNTY PLANNING COMMISSION
August 27, 2019

Members Present: Hank Held, Bruce Cogan, Marjo Curgus, David Kelly, JoAnne Allen Terri Lukas, Bill Baker, Mike Allen, Anderson Horne

Members Absent: None

Staff Present: Jon Roorda, Planning Manager; Christie Barton, Planner; Dan Swallow, Development Director; Daniel Tom, Assistant Attorney and Lynne Drogosz, Planning Secretary

Consider minutes of July 16, 2019 and July 30, 2019. The July 30, 2019 minutes were amended. The minutes were approved unanimously. The August 27, 2019 agenda was amended to note that the Planning Secretary was sworn in on August 21, 2019.

6:00 p.m. – Regular Meeting

Public Hearing: Mountain Shadows Major Subdivision Final Plat, **Applicant:** Daniel Shinedling, **Location:** 12500 County Road 140, Salida, **Zone:** Rural
Request: To re-subdivide Lots 2 & 3 of the Wooden Flume Minor Subdivision totaling 11.04 acres into 5 lots with the minimum being 2.05 acres. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Christie Barton, Planner gave a power point presentation from the staff report dated August 8, 2019 labeled Exhibit A. Public notification was properly done. Relocation of small wildlife and noise pollution were given as possible concerns in a letter from Carol MacKelvie, dated June 17, 2019.

Planning Commissioners asked about the Colorado Geologic Survey and CPW recommendations.

Public comment was opened. Applicant's Representative, Michael Wilber, Attorney, 839 F Street, Salida, CO was sworn in. Commissioners asked about the open space waiver, property fencing and the movement corridor for wildlife. The applicant's representative suggested he would be willing to work with CPW to discuss these issues. No other comments were made and public comment was closed.

The Planning Commission discussed the proposed Findings of Fact and Conditions of Approval.

Findings

1. The application meets the requirements of the Land Use Code for a Major Subdivision Preliminary Plan/Final Plat.
2. No open space is provided as the property is not adjacent to any public lands. Right of way has been dedicated for CR 250 and CR 140 adjacent to this proposed subdivision. A waiver of the 0.1-acre of open space requirement is requested.
3. CPW identifies areas of critical winter range with known elk herds.
4. Shavano View Drive has been relocated across from the existing driveway
5. County Roads 140 and 250 are Minor Collector Roads.
6. Lots 1 & 3 have a shared driveway in accordance with Section 7.4.2.D1 of the Land Use Code. CR 250 is designated as a Minor Collector Road, which does not allow access for multiple driveways.
7. Lots 2, 4 & 5 access from Shavano View Lane.

Conditions:

1. Proof of three (3) augmentation certificates shall be provided to the Development Services Department before the plat is recorded.
2. Letter from CenturyLink stating they have no objection to the vacation of utility easements associated with the Wooden Flume Subdivision shall be submitted before the plat is recorded.
3. A 20' easement along each side of the Missouri Park Ditch shall be added to the plat, with unrestricted access for maintenance of the ditch.
4. Prior to final approval by the Chaffee County BOCC, open space requirement shall be met by one of the following options:
 - a. Dedication of 0.1 acre/new lot created
 - b. Fee-in-lieu
 - c. Agreement between applicant and CPW regarding creation of wildlife corridor or a no-build zone, including fencing
5. The following notes shall be added to the Final Plat:
 - a. All On-Site Wastewater Treatment Systems (OWTS) shall be designed by a Colorado Licensed Engineer.
 - b. A geotechnical investigation to characterize subsurface conditions such as depth to groundwater and bedrock, and soil engineering properties such as density, strength and swell-consolidation potential for use in design of foundations, floor slabs and pavements.
 - c. CPW recommendations.
 - d. Right to Ranch Policy.
 - e. Standard plat certificates & notes.

Anderson Horne moved to recommend approval to the Board of County Commissioners based on the amended Findings of Fact and Conditions of Approval, and JoAnne Allen seconded. The motion carried 9-0.

Public Hearing: Cool Clear Water Major Impact Review for Townhouses. **Applicant:** Matt Lamar for Joe Edward Cooper Living Trust/Joe Cooper, Trustee. **Location:** 9325 County Road 160 and 9693 County Road 163, Salida. **Zone:** Rural.

Request: To create six 2-unit townhouses and a single family residence on individual lots, with the remaining land as common open space, on 26.12 acres, with the minimum lot size of 5000 square feet. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

A continuation notice was given on this project from July 30, 2019 to August 27, 2019. A discussion of proper notice was held. Assistant Attorney, Daniel Tom stated that notice was adequately given although one sign was improperly posted. The Planning Commissioners agree notice was given and that procedurally they can move forward.

Christie Barton, Planner gave a power point presentation from the staff report dated August 20, 2019 labeled Exhibit A. The Planning Commissioners asked staff about open space, short-term rentals, permitting for ponds on the property, setbacks, visual impact from the river, geotechnical studies and wastewater plans.

Public comment was opened and the applicant's representative Matt Lamar of L 4 Construction, 13 Dos Rios, Greeley CO was sworn in. The Planning Commissioners asked for clarification of the project specifically ADU's, water provisions and public use of the property.

The applicant's representative stated there will be wells (1 well per duplex). He conferred with Terry Scanga of the Upper Arkansas Water Conservancy. ADU's are allowed by Chaffee County and the applicant has an application in for the existing use. The applicant's representative stated that individual property owners would determine property use and the property would not be opened to the public. Planning Commissioners asked about the concrete pads and the inclinometer. The applicant's representative stated that due to the steep slope to the river they would install an inclinometer (a rail with a platform to go up and down to the river). The applicant's representative stated they would like the property owners to be able to use the concrete pads for decks or storage sheds. The Planning Commissioners stated that there is a conflict with the owners' original application and the actual project description.

Anderson Horne stated that due to the conflicts between the owners' application and the project before them and some engineering issues a continuation should be considered to resolve these inconsistencies. Mike Allen recommended a straw poll of the Planning Commission to see if a continuance is in order. Assistant Attorney, Daniel Tom was consulted. Dave Kelly suggested the Planning Commission specifically state what their concerns are.

Planning Commissioners concerns were as follows:

Water supply

Contradictions about the development proposal

Subdivision type

Recreational facilities

Conservation and open space

ADU's

Definition of the use of the structures adjacent to the riparian area and flood plain

Visual impacts

Ridge-top and below grade building

Building styles

Covenants

Trail building.

Anderson Horne made a motion to continue the application to September 24, 2019 and Marjo Curgus seconded. The motion carried 7-2. David Kelly and Terri Lukas opposed. David Kelly opposed based on conditions and Terri Lukas opposed based on lack of public comment at the meeting.

Public Hearing: Williamson Minor Subdivision Final Plat, **Applicants:** Frederick Williamson and Lance Parker. **Location:** 6275 County Road 178 E, Salida. **Zone:** Residential. **Request:** To divide 9.6 acres into two lots with the minimum being 4.6 acres on a shared access easement. Water by wells, wastewater treatment by on-site wastewater treatment systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Jon Roorda, Planning Manager gave a power point presentation from the staff report dated August 16, 2019-updated August 22, 2019 labeled Exhibit A. Planning Commissioners asked staff about buildable lots.

Public comment was opened and the applicant's representative, Mike Hendersen, 203 G Street, Salida, CO was sworn in. He provided a letter (now labeled Exhibit 1) from Frederick Williamson to the commissioners. The applicant's representative addressed wildlife habitat concerns and the buildability of Lot 2. The Planning Commissioners stated that topographic information is needed to make a proper decision on whether lot 2 is buildable. Mr. Henderson stated the area was not in a Right to Ranch area. Jon Roorda agreed and removed this from the Conditions.

The following people were sworn in:

Katheryn Larkin, 6320 CR 178, Salida, CO

Csilla DePille, 6310 CR 178, Salida, CO

The following concerns were raised:
The private maintenance of 178 E
Drainage during the building process
Stability of the land/soil
Location of house

Public comment was closed. The commissioners reviewed the Findings of Fact and Conditions of Approval.

Findings

1. Upon establishment of a building envelope in compliance with Section 7.3.2, the application could meet the requirements of the Land Use Code for a Minor Subdivision Preliminary Plan/Final Plat.
2. The property is impacted by Dead Horse Gulch, steep slopes, and multiple drainages through the property.
3. A waiver of the open space requirement is warranted as the property is impacted by Dead Horse Gulch, multiple drainages, and is not adjacent to any public lands.

Conditions:

1. Proof of water augmentation for Lot 1 shall be provided to the Development Services Department before the plat is recorded.
2. A building envelope for Lot 2 in compliance with Section 7.3.2 shall be established, and shown on the Final Plat prior to recordation.
3. Provide a development plan showing the development of Lot 2 (including wells and OWTS) that meets the Chaffee County requirements submitted with the building permit application.
4. The South Arkansas Fire Protection District fee-in-lieu of a fire cistern shall be paid before the plat is recorded.
5. The Weed Management Plan shall be signed before the plat is recorded.
6. The following notes shall be added to the Final Plat:
 - a. All On-Site Wastewater Treatment Systems (OWTS) shall be designed by a Colorado Licensed Professional Engineer.
 - b. A geotechnical investigation will be needed to characterize subsurface conditions such as depth to groundwater and bedrock, and soil engineering properties such as density, strength, and swell-consolidation potential for use in design of foundations, floor slabs, and surface and subsurface drainage.
 - c. A drainage study shall be required for Lot 2 with the building permit application.
 - d. Standard Plat certificates and notes.

Marjo Curgus moved to recommend approval to the Board of County Commissioners based on the amended Findings of Fact and Conditions of Approval. David Kelly seconded. The motion carried 9-0.

Name of Subdivision: Nola Minor Subdivision Final Plat. **Applicants:** Willem Adams and Derek Aker. **Location:** 7505 County Road 156 W, Salida. **Zone:** Residential
Request: To re-subdivide Tract 3 of the Marques Tracts subdivision Exemption of 4.0 acres into two lots with the minimum being 2.0 acres on a shared driveway. Water by wells, wastewater treatment by on-site wastewater treatment systems.
There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Jon Roorda, Planning Manager gave a power point presentation from the staff report dated August 19, 2019 labeled Exhibit A. Public comments were opened and the applicant's representative, Phillip Gamache, 6600 CR 110 A, Salida, CO was sworn in. No public comments were made. Public comment was closed.

The Planning Commissioners discussed the Findings of Fact and Conditions of Approval.

Findings

1. The application can meet the requirements of the Land Use Code for a Minor Subdivision Final Plat with conditions of approval.
2. The property has no access to public land. A waiver of the 0.1-acre of open space requirement is appropriate.
3. Two augmentation certificates have been purchased.

Conditions:

1. The South Arkansas Fire Protection District fee-in-lieu of a fire cistern shall be paid before the plat is recorded.
2. The following notes shall be added to the plat:
 - a. A geotechnical investigation is needed for use in design of foundations, floor slabs, and surface and subsurface drainage.
 - b. The On-site Wastewater Treatment Systems (OWTS) shall be engineered.
 - c. Colorado Parks & Wildlife notes.
 - d. Noxious weed management wording supplied in review comments.
 - e. Standard plat certificates and notes.
 - f. Right to Ranch Policy.

Anderson Horne moved to recommend approval to the Board of County Commissioners based on the amended Findings of Fact and Conditions of approval. Hank Held seconded. The motion carried 9-0.

Name of Subdivision: Crosswinds Major Subdivision Sketch Plan. **Applicant:** Ronald Southard. **Location:** 102 Tailwinds Drive, Buena Vista. **Zone:** Industrial.
Request: To re-subdivide Lot 2 of the Southwinds Minor Subdivision and Lot 1 of the Baker Boundary Line Adjustment totaling 42.9 acres into 16 lots. The subdivision will

connect to Tailwinds Drive in Southwinds Minor Subdivision to County Road 319 at the north end of the property. All or a portion of Lots 7-16 are in the Airport Overlay District. The minimum lot size is 2.0 acres, with wells and on-site wastewater treatment systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Christie Barton, Planner gave a power point presentation from the staff report dated August 20, 2019 labeled Exhibit A. The property was properly noticed. Staff answered Planning Commissioners questions about the presentation.

Public comment was opened and the applicant's representative, Sid Schieren, 202 N F Street, Salida, CO was sworn in. The Planning Commissioners discussed the Airport Overlay District with regard to the residential area. The representative answered questions about the utilities at the southern end of the property.

The following people were sworn in:
Jim Amster, 27404 CR 319, Salida, CO.
He expressed the following concerns:

Traffic noise
Antelope travel corridor
Emergency access

Public comment was closed. Planning Commissioners discussed the Findings of Fact and Conditions of Approval.

Findings

1. The application meets the initial requirements of the Land Use Code for a Major Subdivision Sketch Plan.
2. A portion of the property is within the Airport Overlay District and Airport Building Restriction area, requiring FAA verification concerning permissible uses.

Conditions:

1. A water augmentation plan shall be submitted with the Final Plat application.
2. A maintenance agreement and Subdivision Improvements Agreement (SIA) will be required for construction of the road.
3. Submit a Landscape/Buffer Plan in compliance with Section 7.2.3.

Mike Allen moved to recommend approval to the Board of County Commissioners with amended Findings of Fact and Conditions of Approval. JoAnne Allen seconded. The motion carried 9-0.

Name of Subdivision: SMC Ranch Major Subdivision Sketch Plan. **Applicants:** SMC Ranch, Inc. **Location:** 9250 County Road 156, Salida. **Zone:** Rural.

Request: To re-subdivide Lot 1A Scanga Boundary Line Adjustment, Lot 2 Scanga Meat Company Boundary Line Adjustment and Tracts A & B Rancho Salida Del Sol, totaling 117.4 acres, into 58 lots and rights of way with the minimum lot size being 1.2 acres using density averaging. The Scanga Meat Company market will remain on Lot 52. Wells and on-site wastewater treatment systems will serve the property.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Jon Roorda, Planning Manager gave a power point presentation from the staff report dated August 20, 2019 labeled Exhibit A. The project was properly noticed. Jim Miller, 7495 County Road 156 W commented via letter that the minimum lot size for a rural area should be two (2) acres. Staff answered Planning Commissioners questions about the presentation.

Public Comment was opened. The applicant's representative, Joe DeLuca 325 D Street, Salida, CO was sworn in. He discussed the properties historical water rights and the visual screening on the lots. The applicant also discussed the grid style of the subdivision. Mr. DeLuca explained drainage issues, open space requirements and utility easements. The applicant's representative states due to the vegetation and green nature (due to irrigation) the visual impact will be insignificant. Planning Commissioners asked about water availability and the time-line of the departure of the agricultural operation.

The following people were sworn in:

Irv Broudy, 10405 W Cherokee Drive, Pinon Hills, Salida, CO; Martha Shoup 10307 W Cherokee Drive, Pinon Hills, Salida, CO; Laura Donovan, 10403 W Cherokee Drive, Pinon Hills, Salida, CO; Kevin Wallace 9801 Shikoba Court, Salida, CO; Bill Donovan 10403 W Cherokee, Salida, CO

The following concerns were raised:

Water availability/Use

Increased traffic and access

Lack of green space

Grid design

Future subdivisions

Septic impact-increase (well contamination-nitrates-nitrites)

Access to CR 175 for recreational riding would be appreciated

Opportunities for fire protection in the region (cisterns in conjunction with this project)

Pedestrian access

Light pollution

Hemp water use (does it use more water)

Ongoing construction as phases develop

Grants for fire protection availability
Fire buffer
Lot sizes
Wildlife corridor
Multi-story homes
Child safety
Possibility of a roundabout at 156
Wildlife migration
Annexation

The applicant's representative responded to the concerns stating that this project will not impact Pinon Hills wells. The applicant would entertain a cost share of cisterns for fire protection. The Planning Commissioners asked how the property irrigation would work.

Public Comment was closed. The Planning Commissioners reviewed the Findings of Fact and Conditions of Approval.

Findings

1. The application can meet the initial requirements of the Land Use Code for a Major Subdivision Sketch Plan.
2. The applicant's representative stated the intention is to keep the irrigation water on the property for on-site landscaping.
3. The applicant is working to meet the open space requirement.
4. Lot 56 is within the 100-year Floodplain and has steep slopes.
5. The two-acre average density is not met.

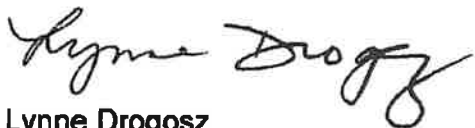
Conditions:

1. Water augmentation certificates shall be purchased for the lots before each phase of the plat is recorded.
2. Lot 52 needs to be added to the phasing plan.
3. Due to the size and phasing for this major subdivision, the Preliminary Plan and Final Plat shall be reviewed separately.
4. A water supply plan is required at Preliminary Plan in accordance with Sections 4.3.4.B and 4.6.2.K of the LUC.
5. A Preliminary Drainage Report, civil engineering construction drawings, and erosion and sedimentation control plans are required for this project as required by Sections 4.3.4.B, 4.6.2.I, 7.1.4, 7.1.7, and 7.2.6 of the LUC.
6. A geotechnical and geologic hazard investigation report for the subdivision will be required with the Preliminary Plan application as required by Sections 4.3.4.B, 4.6.2.E & F, 7.2.3.E and 7.3.2.B of the LUC.
7. Applicant is to provide a mitigation plan to address the visual impacts of the subdivision as required by Section 7.2.4 of the LUC.
8. The Preliminary Plat will comply with the density requirements in Table 2.1 and Section 2.2.3.

Hank Held moved to recommend the application to the Board of County Commissioners with the amended Findings of Fact and Conditions of Approval. Bill Baker seconded. The motion carried 9-0.

The meeting adjourned at 11:00 p.m.

Respectfully submitted,

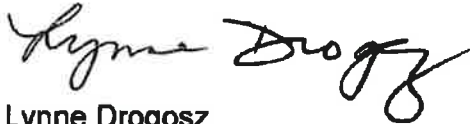
A handwritten signature in cursive script, appearing to read "Lynne Drogosz".

Lynne Drogosz
Planning Secretary

Hank Held moved to recommend the application to the Board of County Commissioners with the amended Findings of Fact and Conditions of Approval. Bill Baker seconded. The motion carried 9-0.

The meeting adjourned at 11:00 p.m.

Respectfully submitted,



Lynne Drogosz
Planning Secretary



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

719.539.2124/www.chaffeecounty.org

AGENDA

September 24, 2019

**PLANNING COMMISSION MEETING
104 CRESTONE AVE.**

**COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO**

6:00 p.m. – Regular Meeting

Update for the Health Disparities Grant/Land Use Topics – Andrea Carlstrom, Director,
Chaffee County Public Health

Consider minutes of the August 21, 2019 and the August 27, 2019 meetings

Project: RGP Industrial Park Major Subdivision Preliminary Plan

Applicant: Tracy M Guccione & David R Padoven

Location: 10000 County Road 140, Salida

Zone: Industrial/Rural

Request: To divide 70.31 acres into 6 lots, with 5 lots approximately 2.1 acres in size and 1 lot of 53.5 acres, plus right of way. Water by wells, wastewater treatment by engineered on-site wastewater systems.

Project: Cool Clear Water Major Impact Review for Townhouses

Applicant: Matt Lamar for Joe Edward Cooper Living Trust/Joe Cooper, Trustee. **Location:** 9325 County Road 160 and 9693 County Road 163, Salida. **Zone:** Rural.

Request: To create six 2-unit townhouses and a single family residence on individual lots, with the remaining land as common open space, on 26.12 acres, with the minimum lot size of 5000 square feet. Water by wells, wastewater treatment by on-site wastewater systems.

Project: Rio Frio Minor Subdivision Sketch Plan

Applicant: S L Jacobson, LLC

Location: 23225 County Road 300, Buena Vista

Zone: Rural

Request: To subdivide Parcel 1 of the Nestle Waters North America, Inc./Jacobson Boundary Line Adjustment of 27.16 acres into four lots that are 5.0 to 5.1 acres in size. Wells and on-site wastewater treatment systems will serve the property.

Project: AVA Rafting Seasonal Employee Camping Limited Impact Review

Applicants: Michael Sheppard for Duke, LLC

Location: 40579 N. Highway 24, Granite

Zone: RCR

Request: Approval for a seasonal employee campground. The use has been operating under a Special Land Use Permit, and this application transitions the existing approval to a Limited Impact Review. The campground provides campsites for 70 employees using an existing well and on-site wastewater treatment system (supplemented by porta-potties) and operates May through September.

Comprehensive Plan Update

CHAFFEE COUNTY PLANNING COMMISSION
September 24, 2019

Members Present: Hank Held, Bruce Cogan, David Kelly, JoAnne Allen, Bill Baker, Terri Lukas, Mike Allen, Anderson Horne

Members Absent: Marjo Curgus

Staff Present: Jon Roorda, Planning Manager; Christie Barton, Planner; Dan Swallow, Development Director; Daniel Tom, Assistant Attorney and Lynne Drogosz, Planning Secretary

6:00 p.m. – Regular Meeting

Andrea Carlstrom, Director of Chaffee County Public Health gave an update on the *Colorado Department of Public Health and Environment: Office of Health Equity Grant*. Assisting in the presentation was Becky Gray, Director of Housing. A PowerPoint presentation was used to review the purpose of the grant, grant details and activities, and the results of community surveys.

Feedback before and after events will be collected and presented to the Planning Commission and other elected bodies. Planning Commissioners asked for a comparison between this project and the Comprehensive Plan. Becky Gray stated that this process will complement the Comprehensive Plan. Becky invited audience members to come out to the events they are hosting.

The Planning Commissioners considered the minutes of the August 21, 2019 and the August 27, 2019 meetings. The minutes are approved with changes noted. Hank Held moved to approve the minutes with changes, Anderson Horne seconded. The motion carried 8-0.

Project: RGP Industrial Park Major Subdivision Preliminary Plan

Applicant: Tracy M Guccione & David R Padoven

Location: 10000 County Road 140, Salida

Zone: Industrial/Rural

Request: To divide 70.31 acres into 6 lots, with 5 lots approximately 2.1 acres in size and 1 lot of 53.5 acres, plus right of way. Water by wells, wastewater treatment by engineered on-site wastewater systems.

The applicant requested a continuance for this application until October 29, 2019. Mike Allen moved to continue and JoAnne Allen seconded. The motion carried 8-0.

Project: Cool Clear Water Major Impact Review for Townhouses

Applicant: Matt Lamar for Joe Edward Cooper Living Trust/Joe Cooper, Trustee.

Location: 9325 County Road 160 and 9693 County Road 163, Salida. **Zone:** Rural.

Request: To create six 2-unit townhouses and a single family residence on individual lots, with the remaining land as common open space, on 26.12 acres, with the minimum

lot size of 5000 square feet. Water by wells, wastewater treatment by on-site wastewater systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Planning Commissioners requested clarification about timely submissions from the applicant. A discussion ensued about the timing for Planning Commissioners to review all of the information. The Planning Commissioners felt they could move forward with the hearing.

Commissioners also discussed the Townhouse Subdivision Exemption plat with regard to townhomes in this application. Assistant Attorney Daniel Tom was asked to clarify.

Christie Barton, Planner gave a PowerPoint presentation from the staff report dated August 20, 2019 and labeled Exhibit B. During the presentation the Planning Commissioners asked for clarification on drainage issues. The PowerPoint included a list of discussion items for review.

The Planning Commissioners asked staff about the potential club house that is currently a residence. Further questions about green space and tree removal were reviewed as well as the visual impact of this project. Additionally, accessibility was addressed with regard to the inclinator.

The public hearing was opened. The applicant's representative, Matt Lamar, L 4 Construction, 13 Dos Rios, Greeley, CO was sworn in. Questions were asked by the Planning Commissioners regarding the club house. This will be considered to be included in Phase I. The HOA will be formed in Phase I and will address the club house. The Planning Commissioners asked about the shielding of completed units from the Arkansas River, accessibility for potential owners, the natural landscape of open space, lot boundaries and common areas around the proposed neighborhood. The Assistant County Attorney, Daniel Tom stated that the County Commissioners meeting to hear this applicant has been changed to October 10, 2019.

The following people were sworn in:

Ed Schlatter, 9195 CR166, Salida, CO

Steve O'Neil, 9395 CR 160, Salida, CO

Joan Pray, 9725 CR 163, Salida, CO

Doug Welch, 20473 CR 282, Nathrop, CO

Jon Pray, 9725 CR 163, Salida, CO

Don Dubin, 9777 CR163, Salida, CO

Brady Beckler, 8495 CR 160, Salida, CO

Sha Whitney, 8495 CR160, Salida, CO

Eric Warner, 9707 CR 163, Salida, CO

Steve Holmes, 12350 Riverbend Road, Salida, CO

Dave Blixly, 9175 CR 166, Salida, CO
Chris Faust, 9700 CR 160, Salida, CO
David Braddock 108 W First Street, Salida, CO
Robert Birney, 9708 160, Salida, CO
Scarlet Massine, 8455 CR 160, Salida, CO

Comments included:

Location of Lots 9-12, boundaries in proximity to existing homes
Unit and population density
HOA bylaws should be set before project begins
Nightly rentals
Multi-story units
Septic locations and magnitude of waste volume
Historic single family use in this neighborhood
Rural lifestyle-project not suitable for this area
Visual impacts from road and river
Negative impact on privacy
Dark sky will be affected even with county regulations to have lights point down
Suburban development not suited to this rural community
Consultation with adjacent landowners was not done by applicant or applicant's representative
Wildlife impact including bald eagle nesting and roosting
Impact to native vegetation
Habitat destruction
Increased garbage and litter
Trespassing on private property
Anglers staircase use
Zoning
Negative impact on recreation
Minimum lot size
Water rights
Traffic increase -volume and noise
Increase noise in general
Residents did not have enough time to review information before this hearing
Precedent being set for removing rural character
Proper posting of sign/information not done
Planning Commissioners should not be designing the project for the applicant
Procedures not followed by Planning Commissioners
Parking per bedroom on VRBO/Airbnb must be followed
Recycling concerns (visitors to area will bring unrecyclable items)
Ambiguity of application
CPW should review project more rapidly
Arkansas Headwaters should review project more rapidly
Concerns about the clubhouse and noise coming from this building
Drainage on property
Geologic studies not clear

Liens on applicant's property
Economic impact of applicant's ability to complete project (i.e. bankruptcy)
Berms should be built before structures
Steepness of river banks for safety
Construction trucks on county roads
Endangerment of bicyclists on county road

Matt Lamar, the applicant's representative clarified some concerns. The Planning Commissioners asked staff about wildlife, lot sizes and the lien on the property (this will be addressed by the title company).

Public comment was closed.

The Planning Commission addressed procedure and possible zoning use of this property. Questions of land use and compatibility of how this project fits due to multi-family units were addressed. Lot averaging was discussed with respect to departure from historic and current use of the area. Staff reviewed code with the Planning Commissioners on this topic. Additionally, Planning Commissioners discussed the visual and traffic concerns. The Planning Commissioners deliberated about rural development, single-family homes with ADU's vs. possible rental properties/townhomes, and changes to the river corridor. The lack of evaluation from the CPW and other natural resource agencies was of concern. Concerns of economic failure were discussed by the Planning Commissioners. Planning Commissioners expressed concern about their role in re-designing/planning the project due to the lack of clarity by the applicant. Staff answered questions about the site planning and water treatment facilities. The Assistant County Attorney, Daniel Tom discussed the legal aspects of the project's compatibility to current land usage.

Joan Pray submitted pictures, which were labelled Exhibit 4.

Neighbors' letters of opposition from Dubin, Bomer and Smith were noted. These letters were labeled Exhibits 1, 2 and 3.

A lengthy discussion of Findings of Fact and Conditions of Approval ensued.

Findings:

1. This application can comply, with conditions of approval, with the requirements for a Major Impact Review.
2. The proposal maintains 90.8% of the property in open space, and avoids development in the 100-year Floodplain.
3. The application will be developed in phases of two townhouse units per phase, with phases recorded as market conditions warrant. The first phase will include the existing house, clubhouse and units 5 & 6.
4. This development does not impact the existing fishing access to the Arkansas River directly north of the property.

5. Access road to existing house (Lot 13) through Spring Green drainage area has been removed; existing access will be used
6. Inclinator and decks are removed from the proposal, but applicant wants to allow the possibility of one inclinator and deck if the owners/HOA want to install one in the future.
7. The riparian vegetation provides valuable wildlife habitat as well as visual impact mitigation.

Conditions:

1. Water augmentation shall be purchased before the plat for each phase is recorded.
2. Final infrastructure plans shall be completed and submitted for review before the townhouse subdivision exemption plat is recorded.
3. A geotechnical study, performed by a Colorado professional engineer, shall be completed and submitted as part of the building permit. Locations of improvements shall be based on demonstration that the intent of Section R403.1.7 of the 2015 International Residential Code and Section 1808.7 of the 2015 International Building Code are met.
4. A final engineered grading and drainage plan for the development that addresses the July 12, 2019 Drainage Study by Ridge Top Engineering & Construction shall be submitted for each phase before the plat is recorded. Drainage report shall be amended to include construction of berms, which shall be designed by a Colorado Licensed Professional Engineer.
5. A copy of the draft covenants shall be submitted for review before they are recorded, and shall address the following: clubhouse use, maintenance and ownership; maintenance of existing vegetation on slopes and in the 100-year floodplain, wording for control of noxious weeds, maintenance of access drives, common open space, maintenance agreement for shared wells and OWTS.
6. A Homeowners Association (HOA) shall be formed before the plat is recorded.
7. A deed conveying the open space to the HOA shall be submitted for recording before the plat is recorded.
8. HOA is responsible for use and maintenance of the open space, including:
 - a. Trail and steps - engineered design and construction
 - b. Berms - engineered design and construction.
 - c. Vegetation management within the development by a professional arborist company in consultation with Colorado State Forest Service and Colorado Parks & Wildlife, with the purpose of maintaining wildlife habitat and visual screening.
 - d. Maintenance of access drives.
 - e. Vehicles prohibited in mowed road along bottom of slope except for maintenance and emergency vehicles.
9. The building envelopes will be identified at the time of townhouse subdivision exemption plat submittal to minimize the visual impact.
10. Structures are limited to 25' in height and 12' below existing grade.
11. A copy of the evaporative permitting from the Colorado Division of Water Resources shall be submitted before the plat is recorded.
12. The following notes are required to be added to the plat:

- a. A statement that the open space is held in common by the subdivision, and cannot be re-subdivided.
- b. No development shall occur in the 100-year Floodplain, besides recreational improvements. A Chaffee County Floodplain permit shall be required for any work in the 100-year Floodplain.
- c. Phasing Plan: Phase 1 will include the existing house (Lot 13), the clubhouse, and units 5 & 6. Subsequent phases will be two-unit townhouses as market conditions warrant.
- d. Chaffee County statements and certificates as required.

Dave Kelly moved to recommend approval of the application to the County Commissioners with amended Findings and Conditions. Bruce Cogan seconded and the motion carried 5-3, with Horne, Lukas and J. Allen opposing.

Project: Rio Frio Minor Subdivision Sketch Plan

Applicant: S L Jacobson, LLC

Location: 23225 County Road 300, Buena Vista

Zone: Rural

Request: To subdivide Parcel 1 of the Nestle Waters North America, Inc./Jacobson Boundary Line Adjustment of 27.16 acres into four lots that are 5.0 to 5.1 acres in size. Wells and on-site wastewater treatment systems will serve the property.

Planning Commissioner Bruce Cogan had a conflict of interest and recused himself from this decision. No one in the audience had any issues with any other Planning Commission member having a conflict of interest.

Jon Roorda, Planning Manager gave a PowerPoint presentation from the staff report dated September 16, 2019 and labeled Exhibit A. Planning Commissioners asked about non-residential structures and proximity of this property to Browns Canyon National Monument.

Public comment was opened. The applicants were sworn in. Steve and Laurie Jacobson, 24800 US Hwy 285, Buena Vista, CO. Staff answered applicants' questions about building envelopes. Planning Commissioners asked about future fishing easements and visual impacts.

The following people were sworn in:
Roberta Norman, PO Box 1834, Fort Collins, CO

Comments included:

Location of lot on bluffs

Wetland area

Wildlife corridor

Tree removal

Noise

Light pollution

Nesting bald eagles

The applicant responded to comments and expressed the fact that they would be good stewards of the land.

Public comment was closed.

A discussion of Findings of Fact and Conditions of Approval continued.

Findings

1. The application meets the initial requirements of the Land Use Code for a Minor Subdivision Sketch Plan.
2. The property has land for residential building lots on a bluff overlooking the Arkansas River, which has 100-year Floodplain associated with it.
3. The landowner is actively working with Nestle Waters to restore open space and the wildlife corridor.

Conditions

1. A water augmentation plan shall be submitted with the Final Plat application.
2. A maintenance agreement and SIA shall be required for maintenance of the road. A draft agreement shall be submitted for review and approval with the Final Plat application. A Subdivision Improvements Agreement (SIA) will be required for construction of the road.
3. Building envelopes shall be established for the lots at the Final Plat.
4. Covenants and notes on the plat shall address the ownership, use and maintenance of the outlots.
5. Residential structures are prohibited in the outlots. Non-residential structures in the outlots (regardless of size) shall meet building envelopes determined at Final Plat.
6. Add a plat note: Domestic sheep and goats will be prohibited from the lots in the subdivision.

Hank Held moved to approve of the Sketch Plan based on the amended Findings of Fact and Conditions of Approval. Bill Baker seconded the motion and the motion carried 7-0.

Bruce Cogan returned to the hearing.

Project: AVA Rafting Seasonal Employee Camping Limited Impact Review

Applicants: Michael Sheppard for Duke, LLC

Location: 40579 N. Highway 24, Granite

Zone: RCR

Request: Approval for a seasonal employee campground. The use has been operating under a Special Land Use Permit, and this application transitions the existing approval to a Limited Impact Review. The campground provides campsites for 70 employees

using an existing well and on-site wastewater treatment system (supplemented by porta-potties) and operates May through September.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Jon Roorda, Planning Manager gave a PowerPoint presentation from the staff report dated September 17, 2019 and labeled Exhibit A. Planning Commissioners asked staff about length of permit with respect to current landowner. Further questions were answered regarding law enforcement, screening/planting buffers, and transferability of the permit.

Public comment was opened. The applicant's representative was sworn in. Michael Sheppard, 191 Huron Road Breckenridge, CO
The applicant's representative discussed the fencing/buffering on property and states he will work with staff to accomplish this screening. The Planning Commissioners discussed the density of camp sites with the representative.

The following people were sworn in:
Mike Miller 40601 N. US Hwy 24, Buena Vista, CO
Karen Farber, 40677 N. US Hwy 24, Buena Vista, CO
Jake Farber 40677 N. US Hwy 24, Buena Vista. CO

Comments include:

Unightly property

Using outside areas for bathroom facilities

Cars, trucks, trailers on site throughout the winter

Squatters

Noise is a problem

Camp fires are large and sometimes made when there are fire bans

Change of use from Lazy J Campground

Clothing hanging in view

Old building on property is a hazard

Density is heavy- 50-60 cars along highway in the summer

Questions regarding whether a campground can be grandfathered

Bears in trash

Erosion from motorcycles traveling on utility corridor

Trespassing

Late night gatherings

Property value decreasing

Speed limit needs to be decreased

The applicant's representative responded to the concerns regarding defecating outdoors, camping, outside vehicles, parking of campers over winter, renovation of the old barn, size of property with respect to camping envelope and the employee-only

living arrangements. Also discussed; bear-proof containers, fencing, quiet hours, and overall management of the campground and staff.

The Planning Commissioners asked about the barriers on the property and if AVA would consider installing a 420 foot privacy fence. A curfew of 10:00 pm was deliberated as well as public health inspections. The removal/relocation of over wintered vehicles was discussed.

Public comment was closed.

The Planning Commissioners discussed the Findings of Fact and Conditions of Approval.

Findings

1. This application complies, with conditions of approval, with the requirements for a Limited Impact Review.
2. This campground has been in use by this owner for approximately 9 years. This application is a change from the Special Land Use Permit (which no longer exists in the LUC) to a Limited Impact Review.
3. This property is not within a Special Flood Hazard Area.
4. The 2018 taxes have been paid.
5. Applicant has agreed to install fencing and additional screening along the north edge of the property and along the highway.
6. Applicant has agreed to develop a plan for organized off-season parking co-located with other AVA-owned equipment and vehicles.

Conditions

1. Apply for an amended CDOT Access Permit and submit a copy to the Development Services Department.
2. Provide a plan showing a landscape/buffer proposal to screen the parking and camping areas from the highway. Plantings and construction of screening and buffering material shall be based on seasonal installation after consultation with Chaffee County Development Services staff.
3. The campground use is limited to a maximum of 70 people.
4. The campground use is limited to use between May 1st and September 30th of each year.
5. The campground will be limited to employees of Arkansas Valley Adventures (AVA).
6. The campground operator shall annually resubmit the camp rules, designate an on-site contact, revise the operating plan as suggested by land planning staff, and a favorable fire protection district inspection report prior to occupancy by employees.
7. The campground's sanitary facilities shall be inspected annually, and a report provided to Chaffee County Development Services.

8. The applicant shall ensure that the camp rules approved by the County's land planning staff are complied with and enforced throughout the season. General organization, cleanliness, and tidiness shall be included.
9. The permit shall expire after due process upon failure to comply.

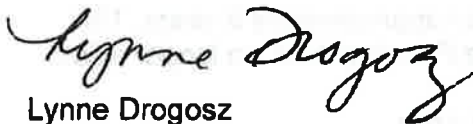
Mike Allen moved to approve the application with amended findings of fact and conditions of approval, and Bill Baker seconded. The motion carried with a 8-0 vote.

Comprehensive Plan Update

Due to the late hour, the Comprehensive Plan Update will be tabled until the next Planning Commission meeting, October 29, 2019.

The meeting adjourned at 12:30 a.m.

Respectfully submitted,



Lynne Drogosz
Planning Secretary



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

719.539.2124/www.chaffeecounty.org

AGENDA

October 29, 2019

November 5, 2019

**Re-scheduled due to Weather
Amended**

**PLANNING COMMISSION MEETING
104 CRESTONE AVE.**

**COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO**

5:00 p.m. – Joint Work Session

Comprehensive Plan Update – Keith Baker

6:00 p.m. – Regular Meeting

Consider minutes of the September 24, 2019 meeting

Consider Notice of Decision for AVA Seasonal Employee Campground LIR

Project: RGP Industrial Park Major Subdivision Preliminary Plan

Applicant: Tracy M Guccione & David R Padoven

Location: 10000 County Road 140, Salida

Zone: Industrial/Rural

Request: To divide 70.31 acres into 6 lots, with 5 lots approximately 2.1 acres in size and 1 lot of 53.5 acres, plus right of way. Water by wells, wastewater treatment by engineered on-site wastewater systems. Continued from September 24, 2019 meeting. Request to table to November 19, 2019 meeting.

Project: Virga Minor Subdivision Final Plat

Applicants: Sacha Halenda and Diane French

Location: 6644 County Road 110, Salida

Zone: Rural

Request: To subdivide 9.4 acres into 2 lots with the minimum lot size being 3 acres. Property will be served by wells and on-site wastewater treatment systems.

Name of Subdivision: Larks Perch Major Subdivision Preliminary Plan

Applicants: 9479 Hutchinson LLC, c/o Integrity Trust Company

Location: 9479 Hutchinson Lane, Salida

Zone: Rural

Request: To divide 36.87 acres into 14 lots with the minimum lot size being 2.01 acres. Property will be served by wells and on-site wastewater treatment systems.

CHAFFEE COUNTY PLANNING COMMISSION
November 5, 2019

Members Present: Hank Held, Bruce Cogan, David Kelly, JoAnne Allen, Terri Lukas, Mike Allen, Marjo Curgus

Members Absent: Anderson Horne, Bill Baker

Staff Present: Jon Roorda, Planning Manager; Christie Barton, Planner; Dan Swallow, Development Director; Daniel Tom, Assistant Attorney; Lynne Drogosz, Planning Secretary and Gary Greiner, County Engineer

5:00 p.m. – Work Session

Comprehensive Plan Update – Keith Baker

6:00 p.m. – Regular Meeting

Consider minutes of the September 24, 2019 meeting. Mike Allen moved to approve meeting minutes, David Kelly seconded the motion. The motion carried 7-0.

Consider Notice of Decision for AVA Seasonal Employee Campground LIR.

The Assistant County Attorney, Daniel Tom put forth the Findings of Fact and Conditions of Approval to the Planning Commission. A discussion followed of whether or not family members would be allowed to camp at the site as opposed to only employees. Overall occupancy limit is 70 people. The Commissioners discussed and finalized amendments to the Findings of Fact and Conditions of Approval. Hank Held made a motion to approve the Decision with amendments and Bruce Cogan seconded. The Decision was approved unanimously 7-0.

Project: RGP Industrial Park Major Subdivision Preliminary Plan

Applicant: Tracy M Guccione & David R Padoven

Location: 10000 County Road 140, Salida, CO

Zone: Industrial/Rural

Request: To divide 70.31 acres into 6 lots, with 5 lots approximately 2.1 acres in size and 1 lot of 53.5 acres, plus right of way. Water by wells, wastewater treatment by engineered on-site wastewater systems. Continued from September 24, 2019 meeting. This application has been tabled until November 19, 2019 per the applicant's request.

Project: Virga Minor Subdivision Final Plat

Applicants: Sacha Halenda and Diane French

Location: 6644 County Road 110, Salida, CO

Zone: Rural

Request: To subdivide 9.4 acres into 2 lots with the minimum lot size being 3 acres. Property will be served by wells and on-site wastewater treatment systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Christie Barton, Planner gave a PowerPoint presentation from the staff report dated October 17, 2019 and labeled Exhibit A. The property was properly noticed.

Staff answered questions from the Commissioners regarding drainage recommendations from the Army Corp of Engineers and the placement of a berm.

Public comment was opened and the Applicant, Sasha Halenda, 6644 CR 110, Salida, CO was sworn in. The Planning Commissioners asked the applicant about the use of the property and also about irrigation practices. No other members of the public came forth to make comments. The public comment portion was closed.

The Planning Commissioners discussed the Findings of Fact and Conditions of Approval.

Findings of Fact:

1. The application meets the requirements of the Land Use Code for a Minor Subdivision Final Plat.
2. The property is limited by drainages and steep slopes. A waiver of the open space requirement is appropriate.
3. The applicant has obtained an Army Corps Nationwide Permit for blocking road drainage onto the property in the area of the building envelope.
4. The plat shows the area of driveway encroachment, and includes an easement for the adjacent property owner.

Conditions of Approval:

1. A water augmentation certificate shall be purchased for Lot 2 before the plat is recorded.
2. The building envelope shall be amended to avoid the drainage easement and to incorporate the area approved in the Nationwide Permit, before the plat is recorded.
3. The plat shall show areas of steep slopes (>30%).
4. The fee-in-lieu of fire cistern installation shall be included in the Subdivision Improvements Agreement (SIA) and paid within one year of the recording of the SIA.
5. The following notes shall be added to the plat:
 - a. A geotechnical report by a licensed professional geotechnical engineer shall be completed for Lot 2 and submitted as part of the building permit application, to characterize subsurface conditions such as depth to groundwater and bedrock, and soil engineering properties such as density, strength and swell-consolidation potential for design of foundations, floor slabs, surface and subsurface drainage, and retaining walls.

- b. A Development plan for Lot 2, including well and OWTS that meets the Chaffee County requirements and/or regulations is to be submitted with the building permit application.
- c. A Drainage Report by a licensed professional engineer shall be completed for Lot 2 and submitted as part of the building permit application.
- d. U.S. Army Corps of Engineers Nationwide Permit SPA-2019-00254-SCO is verified for this property, valid until March 22, 2022.

Hank Held moved to approve the application with amended Findings of Fact and Conditions of Approval. David Kelly seconded the motion. The motion carried unanimously 7-0.

Name of Subdivision: Larks Perch Major Subdivision Preliminary Plan

Applicants: 9479 Hutchinson LLC, c/o Integrity Trust Company

Location: 9479 Hutchinson Lane, Salida, CO

Zone: Rural

Request: To divide 36.87 acres into 14 lots with the minimum lot size being 2.01 acres. Property will be served by wells and on-site wastewater treatment systems.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Jon Roorda, Planning Manager gave a PowerPoint presentation from the staff report dated October 22, 2019 and labeled Exhibit A. This application was properly noticed.

The Planning Commissioners asked staff about changes from Sketch Plan to this Preliminary Plan. Additionally, there were questions about riparian areas on this site. There are no official riparian areas on the property, but when drainage channels are active these might be considered to be riparian areas. Commissioners also asked about an occluded culvert and drainage. Additionally, questions were raised by the Commissioners about movement of boulders as reported to staff by Art Hutchinson and access for fire protection. Further discussion was held about existing public comments regarding the use of Caliente Lane by future property owners on Hutchinson Lane and unrecoverable fiscal impacts on the Town of Poncha Springs regarding maintenance of infrastructure and roads.

Public comment was opened and the applicant's representative, Tracy Vandaveer, of the Crabtree Group, 325 D Street Salida, CO, was sworn in. The applicant's representative presented (Exhibit 4) which included photographs of the visual impact from Highways 291, 285 and 50. Mr. Vandaveer also discussed drainage and runoff issues and discussed the split building envelopes.

The Planning Commissioners asked the applicant's representative about the easement for Hutchinson Lane. Additional questions were asked of the applicant's representative

about culverts on Lovely Lane and geologic survey recommendations. Concerns were raised about mitigation and risk of drainage especially on lots 3-14. Other concerns presented were: Access to the subdivision with respect to fire areas, drainage and debris flow/basins, residential builds on split building envelopes, communication with commenters (Little River Ranch Home Owners Association, Town of Poncho Springs), extension of Hutchinson Lane, traffic impact study and fee per lot to the Town of Poncha Springs.

Gary Greiner, staff engineer was consulted. He reviewed the plat with the Planning Commissioners and asked the applicant's representative for an amended document with a clear outline of drainage and containment.

The Planning Commissioners further asked the applicant's representative about an easement to BLM land. Assistant County Attorney Daniel Tom was consulted.

Also sworn in were:

Kirby Perschbacher 8975 CR 126, Salida, CO
Brad Hack, 1121 Ouray Ave, Salida, CO
Maureen Murphy 1121 E Ouray Ave, Poncha Springs, CO

Comments include:

- Gate on public easement should remain open
- Would appreciate trail access on the south end of the lots to BLM land although Colorado Wildlife comments suggest this be denied due to migratory patterns
- Historical information from commenter was relayed regarding the drainage on this site
- Hazardous location because of the drainage
- Impact to wildlife migration
- Question as to who educates the consumer (buyers) with respect to land developments
- Lot size and the expense to buyers to properly engineer lots for residences

The public comment period was closed.

The Planning Commissioners brought forth a number of concerns to be addressed by the applicant before bringing this application to the Chaffee County Commissioners. The following items are to be resolved:

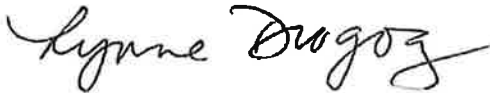
- Agreements with the Town of Poncha Springs concerning road impact fees, CDOT access and an amended Permit to access Highway 50
- An amended drainage report and engineering and potential Plat amendment regarding the cul-de-sac. (e.g. the channel flow to historic channel and the impact on the newly created smaller drainage)
- USACE determination of jurisdiction
- Confirmation of legal access on Hutchinson Lane

- No dwelling units on building envelopes that require crossing drainage easements
- Plats notes required:
 - Engineered foundation and crossing with any structure (ex. bridge)

A discussion ensued of tabling this application until the previously noted concerns are resolved. The Planning Commissioners asked the applicant's representative when he would be able to comply with the listed Commissioners' concerns. A written consent was requested from the applicant's representative and must be produced in order to table this meeting after 40 days. David Kelly made a motion to table the application, Hank Held seconded. The motion carried 7-0. The meeting is tabled until January 14, 2020.

The meeting adjourned at 9:37 pm.

Respectfully submitted,



Lynne Drogosz
Planning Commission Secretary



Chaffee County Planning Commission

P.O. Box 699/104 Crestone Ave.

Salida, CO 81201

719.539.2124/www.chaffeecounty.org

AGENDA

November 19, 2019

(Rescheduled from November 26, 2019)

**PLANNING COMMISSION MEETING
104 CRESTONE AVE.**

**COMMISSIONER'S MEETING ROOM
SALIDA, COLORADO**

4:00 p.m. – Joint Work Session with the County Commissioners

Outfitting Facility Definition

Agricultural Subdivision Exemption Text Amendment

6:00 p.m. – Regular Meeting

Consider minutes of the November 5, 2019 meeting

Consider meeting schedule for 2020

Project: RGP Industrial Park Major Subdivision Preliminary Plan

Applicant: Tracy M Guccione & David R Padoven

Location: 10000 County Road 140, Salida

Zone: Industrial/Rural

Request: To divide 70.31 acres into 6 lots, with 5 lots approximately 2.1 acres in size and 1 lot of 53.5 acres, plus right of way. Water by wells, wastewater treatment by engineered on-site wastewater systems. Continued from November 5, 2019.

Name of Project: Hawkins Minor Subdivision Final Plat

Applicants: Barry & Wendy Hawkins, and Brandon & Jessica Hawkins

Location: 16556 Rocky Mountain Road, Salida

Zone: Rural

Request: To subdivide 9.14 acres into two lots with the minimum size being 3.07 acres. Wells and on-site wastewater treatment systems will serve the property.

Name of Project: Morrison Minor Subdivision Sketch Plan

Applicant: Gerald Morrison

Location: 15974 County Road 306, Buena Vista

Zone: Residential

Request: To designate a 6.28 outlot (Outlot A of the Morrison Heritage Water Subdivision Exemption) as a buildable lot through the Minor Subdivision process. A well and on-site wastewater treatment system will serve the property.

Name of Project: Schwitzer Major Subdivision Sketch Plan

Applicant: Irene Schwitzer

Location: 10350 County Road 155, Salida

Zone: Rural

Request: To subdivide 9.8 acres into two lots with the minimum being 3.78 acres. Wells and on-site wastewater treatment systems will serve the property.

CHAFFEE COUNTY PLANNING COMMISSION

November 19, 2019

(Rescheduled from October 26, 2019)

Members Present: Hank Held, Bruce Cogan, David Kelly, JoAnne Allen, Bill Baker, Terri Lukas, Anderson Horne and Marjo Curgus

Members Absent: Mike Allen

Staff Present: Jon Roorda, Planning Manager; Christie Barton, Planner; Dan Swallow, Development Director; Daniel Tom, Assistant Attorney and Lynne Drogosz, Planning Secretary

5:30 p.m. – Joint Work Session with the County Commissioners

Outfitting Facility Definition

Agricultural Subdivision Exemption Text Amendment

Comprehensive Plan Update

6:00 p.m. – Regular Meeting

The Planning Commissioners considered the minutes of the November 5, 2019 meeting. The minutes were approved with changes noted. Hank Held moved to approve the minutes with changes, Bruce Cogan seconded. The motion carried 7-0.

The meeting schedule for the 2020 calendar year was discussed by the Planning Commissioners. Marjo Curgus moved that the schedule be accepted, JoAnne Allen seconded the motion. The motion carried without amendment 7-0.

Project: RGP Industrial Park Major Subdivision Preliminary Plan

Applicant: Tracy M Guccione & David R Padoven

Location: 10000 County Road 140, Salida

Zone: Industrial/Rural

Request: To divide 70.31 acres into 6 lots, with 5 lots approximately 2.1 acres in size and 1 lot of 53.5 acres, plus right of way. Water by wells, wastewater treatment by engineered on-site wastewater systems.

RGP representatives requested this Plan be tabled to January 28, 2020.

It was requested that the Schwitzer Major Subdivision Sketch Plan be moved to be heard first on the agenda.

Name of Project: Schwitzer Major Subdivision Sketch Plan

Applicant: Irene Schwitzer

Location: 10350 County Road 155, Salida

Zone: Rural

Request: To subdivide 9.8 acres into two lots with the minimum being 3.78 acres. Wells and on-site wastewater treatment systems will serve the property.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest. Jon Roorda, Planning Manager gave a PowerPoint presentation from the staff report dated November 8, 2019 and labeled Exhibit A.

Staff answered Planning Commissioners questions. The location of Happy Jack Road was confirmed as well as the location of the proposed driveway and the rights-of-way.

Public Comment was opened.

The applicant's representative, Mike Henderson 203 G Street, Salida, CO was sworn in. Mr. Henderson accepts the Findings of Fact and Conditions of Approval proposed by the staff. Mr. Henderson reiterated there are issues with the County Road maintenance. Mr. Roorda is in communication with the Road and Bridge Department regarding these issues.

Also sworn in was Tom Kottmeier, 12050 Happy Jack Lane, Salida, CO. Mr. Kottmeier asked staff about maintenance on CR 155. Staff explained that the County maintenance will be extended to the new driveway of this project.

Public Comment was closed.

The Planning Commissioners discussed the Findings of Fact and Conditions of Approval:

Findings:

1. The application meets the requirements of the Land Use Code for a Major Subdivision Sketch Plan.
2. A recommendation of an open space waiver is appropriate as this property is not adjacent to any public land or to any access to public lands.
3. Little visual impact is expected from this project as County Road 155 is a local road and the Union Pacific Railroad right of way is between the new house and Highway 291.
4. Proposed Lot 1-B is vacant.
5. A waiver of the review by Colorado Geologic Survey is warranted.

Conditions:

1. One augmentation certificate shall be purchased before the plat is recorded.
2. The driveway for Lot 2 shall be located a minimum of 50 feet from Happy Jack Lane.

Commissioner Hank Held moved to approve the Schwitzer Major Subdivision Sketch Plan with the above amended Findings of Fact and Conditions of Approval and Commissioner Bruce Cogan seconded the motion. The motion carried 7-0.

Name of Project: Hawkins Minor Subdivision Final Plat

Applicants: Barry & Wendy Hawkins, and Brandon & Jessica Hawkins

Location: 16556 Rocky Mountain Road, Salida, CO

Zone: Rural

Request: To subdivide 9.14 acres into two lots with the minimum size being 3.07 acres. Wells and on-site wastewater treatment systems will serve the property.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Christie Barton gave a PowerPoint presentation from the staff report dated November 8, 2019 and labeled Exhibit A. The Planning Commissioners asked how access to Rocky Mountain Road and the access easement to the subdivision will occur. Additional questions were asked of staff relating to access.

The property was identified as a wildfire hazard area per Colorado State Forest Service. Planning Commissioners asked about the State Forest Service recommendations for building materials etc. The Planning Commissioners asked questions about the easement. Drainage issues were identified on the aerial map and staff addressed concerns from the County Engineer, Gary Griener.

It was noted that correspondence was received from Gary Olson. Public comment was opened.

The applicant, Barry Hawkins PO Box, 26 Hooper CO, 8870 Washington Street, Hooper, CO was sworn in.

Mr. Hawkins stated they would be required to put a cistern in along Rocky Mountain Road. The applicant agrees with the findings and conditions proposed by staff. The Planning Commissioners asked Mr. Hawkins about fire mitigation. The applicant's will be following defensive space recommendations from the Colorado State Forest Service. Mr. Hawkins discussed the CDOT culvert on the property with the Planning Commissioners and the addition of another culvert or a 12' wide bridge.

Also sworn in: Frank Holman, 14110 CR 140, Salida, CO

Comments:

Access to North fork ditch and placement of culverts is important

Approval from ditch company if a culvert is entered

Notification to be done so ditch company can supervise work

Access to ditch

Public comment was closed.

The Commissioners pointed out that bears are present in the area. Colorado Parks and Wildlife has commented on this project although this information was not included in the Planning Commissioners packet. The Planning Commissioners discussed the Findings of Fact and Conditions of Approval:

Findings of Fact:

1. The application meets the requirements of the Land Use Code for a Minor Subdivision Final Plat.
2. The property is limited by irrigation easements and steep slopes. A waiver of the open space requirement is appropriate.
3. The plat shows the area for a driveway easement that will serve both lots.
4. Grading has occurred on the property (without geotechnical investigation).
5. Access is from Rocky Mountain Road. There is no current access across the Olson property.

Conditions of Approval:

1. A water augmentation certificate shall be purchased for Lot 1 before the plat is recorded.
2. The existing well permit shall be amended to show it will supply water for two households.
3. The well location shall be identified on the plat, and a maintenance easement added for Lot 1 before the plat is recorded.
4. Irrigation easements shall be extended from the existing easement to include the two sections of irrigation ditch that are not covered by an easement.
5. Add the irrigation ditch road to the irrigation easement on the plat.
6. If there is to be a new crossing of the ditch, permission from the ditch owners shall be obtained before design and construction in accordance with Section 3.1.3C of the Land Use Code.
7. Steep slopes (>30%) shall be shown on the plat before recording.
8. The building envelope shall be identified to avoid the irrigation easement, the major drainage, and steep slopes before the plat is recorded.
9. A fire cistern shall be installed and security for the construction added to the Subdivision Improvements Agreement (SIA).
10. A geotechnical investigation is needed for the property (including existing grading on Lot 2) before the plat is recorded.
11. A Drainage Report is required for the subdivision before the plat is recorded.
12. Appropriate erosion and sedimentation control shall be conducted during grading and construction until vegetation is re-established.
13. Noxious weed wording (supplied in review agency comments) shall be added to covenants or added as a plat note.
14. A Weed Management Plan shall be signed by the applicant and a refundable fee paid before the plat is recorded.
15. The following notes shall be added to the plat:
 - a. All On-site Wastewater Treatment Systems (OWTS) shall be designed by a Colorado Professional Engineer, according to Chaffee County regulations.
 - b. A geotechnical investigation by a licensed professional geotechnical engineer shall be completed and submitted as part of the building permit application, to characterize subsurface conditions such as depth to groundwater and bedrock, and soil engineering properties such as density, strength and swell-consolidation potential for use in design of

foundations, floor slabs, surface and subsurface drainage, and retaining walls.

- c. Standard Chaffee County Plat Certificates and Notes (including restriction of future changes, Fair Contributions to Schools, CPW comments and Minor Subdivision note).

Commissioner Bill Baker moved to approve the application for the Hawkins Minor Subdivision Final Plat, based on the above amended Findings of Fact and Conditions of Approval. Commissioner Hank Held seconded the motion. The motion carried 7-0.

Name of Project: Morrison Minor Subdivision Sketch Plan

Applicant: Gerald Morrison

Location: 15974 County Road 306, Buena Vista

Zone: Residential

Request: To designate a 6.28 outlot (Outlot A of the Morrison Heritage Water Subdivision Exemption) as a buildable lot through the Minor Subdivision process. A well and on-site wastewater treatment system will serve the property.

There were no conflicts of interest from the Planning Commission members and no one in the audience had any issues with any Planning Commission member having a conflict of interest.

Jon Roorda, Planning Manager gave a PowerPoint presentation from the staff report dated November 8, 2019 and labeled Exhibit A. The Planning Commissioners asked staff about the Heritage Water Subdivision and its relationship to this plan. Commissioners asked staff for the definition of an "outlot". Assistant County Attorney, Daniel Tom weighed in on the reason for this outlot coming before the Commissioners. Staff described the lot with respect to geologic hazards and density. Further discussion ensued regarding annexation to Buena Vista for water and sewer.

Public comment was opened.

The applicant, Gerald Morrison, 15974 CR 306, Buena Vista, CO was sworn in. Mr. Morrison accepts the Findings of Fact and Conditions of Approval proposed by staff. He will irrigate the first 2 lots until the third lot is sold.

Public comment is closed.

The Commissioners discussed the Findings of Fact and Conditions of Approval:

Findings of Fact:

1. A Heritage Water Subdivision Exemption has been approved for this property.
2. This application can meet the requirements for a Minor Subdivision Sketch Plan.
3. The location of the driveway onto County Road 306 needs to be determined in conformance with the Land Use Code.
4. Although the property does not lie within the service area, central water and central sewer are available.

Conditions of Approval:

1. Either an augmentation certificate for Lot 3 or a Letter to Serve for public water shall be submitted before the plat is recorded.
2. The Morrison Heritage Water Subdivision Exemption shall be recorded before the Minor Subdivision Final Plat is recorded.
3. The location of the driveway onto County Road 306 shall be determined in conformance with the Land Use Code.

Commissioner Marjo Curgus moved to approve the application for the Morrison Minor Subdivision Sketch Plan based on the above amended Findings of Fact and Conditions of Approval. Commissioner Bruce Cogan seconded the motion. The motion carried 7-0.

The meeting was adjourned at 7:40 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lynne Drogosz".

Lynne Drogosz
Planning Secretary