



**ARCHULETA COUNTY
BOARD OF COUNTY COMMISSIONERS**

**CALL TO ORDER THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF OCTOBER 16, 2018 AT 1:30 P.M.**

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

DISCLOSURES AND/OR CONFLICT OF INTEREST

APPROVAL OR ADJUSTMENTS TO AGENDA

* Executive Session - Specific Agenda Topic

PUBLIC COMMENTS FROM THE FLOOR

This is an opportunity during the session for the public to address the Commissioners on a subject not covered on the agenda. Please step up to the podium, **STATE YOUR NAME AND ADDRESS FOR THE RECORD** and keep your comments to 3 minutes (**the Board is not required to discuss your comment or make a decision regarding your comment, under this section**).

PROCLAMATIONS

A. Domestic Violence Awareness Month

Proclamation by the Commissioners of Archuleta County proclaiming October 2018 to be Domestic Violence Awareness Month.

Presentor	Ashley Wilson
Presentor's Title	Outreach & Evaluation Coordinator

Documents:

[DOMESTIC VIOLENCE PROCLAMATION 2018.PDF](#)

REPORTS

A. Department Of Human Services 3rd Quarter Report 2018

Each quarter the Department of Human Services provides a report which includes information from the third quarter (July, August, and September). Narrative, statistic and performance measure information will be presented for many of our high-level programs.

Presentor	Matthew A. Dodson, LCSW
Presentor's Title	Director, Archuleta County Department of Human Services

Documents:

BOARD OF ADJUSTMENT HEARING

Old Business

A. Continued Public Hearing Of Griffin Lakeside Variance, Lot 2 Block 17 Lake Pagosa Park

Johnny W. Griffin has applied for Variance from a 50' lakeside setback, to permit a deck built approximately 20' from Lake Pagosa and 14' from the rear lot line in the Planned Unit Development (PUD) zone, on Lot 2, Block 17, Lake Pagosa Park, located at 28 Sierra Ct., Pagosa Springs, CO (PLN18-136). This application, concurrent with the Lake Pagosa Park Amendment 2018-01 Minor Lot Line Adjustment (MLLA) final plat (PLN18-134), updates Variance approved in 2015. The lot is owned by the Revocable Inter-vivos Trust of Johnny Wayne Griffin and Jackie Lynn Griffin. This item was opened by the Board at the advertised date on September 18, 2018, and continued to this date to assure a quorum.

Presenter John Shepard, AICP
Presenter's Title Planning Manager

Documents:

[PLN18-136_GRIFFIN_LAKESIDE-BOA_20181016_STAFFREPORT.PDF](#)
[A1-PLN18-134_136 AREAMAPS.PDF](#)
[A2-REVIEW_COMMENTS-CCRS.PDF](#)
[A3-PLN18-134_136_LPP_AMEND_2018-01_MLLA-FINALPLAT_20180926.PDF](#)

BOARD OF ADJUSTMENT HEARING

New Business

A. Public Hearing Of Beaver Run Ranch LLC Lot Size Variance, S11 T35N R2W NMPM

Trevor Gian & James L. Payne, on behalf of Beaver Run Ranch LLC of Montgomery, TX, have applied for the Gian Lot Size Variance to divide an approx. 154 acre tract in Sections 11, 12, 13 and 14, T35N R2W NMPM, at 651 County Rd 411, Pagosa Springs, CO (PLN18-156). Applicants are requesting variance from the minimum 35-acre lot size in the Agricultural/Ranching (AR) zone in Section 3.1.4 of the Archuleta County Land Use Regulations, to be heard by the Board of Adjustment. Applicants are also requesting exemption from subdivision review to create a 4.95-acre lot at 1097 County Rd 411 (with more than 35 acres remaining) (PLN18-155).

Presenter John Shepard, AICP
Presenter's Title Planning Manager

Documents:

[PLN18-156_GIAN_AG_EXEMPT-BOA_20181016_STAFFREPORT.PDF](#)
[A1-PLN18-155_156 AREAMAPS.PDF](#)
[A2-PLN18-155_156_REVIEW_COMMENTS.PDF](#)
[A3-PLN18-156_GIAN_AG_VAR-NARRATIVE_20180830.PDF](#)
[A4-PLN18-155_156 GIAN_AG_EXEMPTION-PLAT_20180824.PDF](#)

B. Public Hearing Of BYOB LLC Accessory Structure Variance, Lot 17XX, A Replat Of Village Service Commercial

Julie Simmons, Tony's Taps, LLC, has applied on behalf of property owner BYOB LLC for Variance from Section 3.2.6.2 of the Archuleta County Land Use Regulations for Accessory Structures, on Lot 17XX, A Replat of Village Service Commercial, at 118 N. Pagosa Blvd, Pagosa Springs, CO (PLN18-189). Applicants are requesting variance to permit a Zircon-type storage container (an accessory structure) to remain located closer than ten (10) feet to a principal structure (Pagosa Brewing Company restaurant). Applicants have also made a concurrent request for a Change of Use of the existing back building to Distillery accessory to the existing Restaurant/Brewpub, an administrative approval (PLN18-188).

Presenter John Shepard, AICP
Presenter's Title Planning Manager

Documents:

[PLN18-189_BYOB_ZIRCON-BOA_20181016_STAFFREPORT.PDF](#)
[A1-PLN18-188_189 AREAMAPS.PDF](#)
[A2-PLN18-188_189 REVIEW.PDF](#)
[A3-PLN18-189 BYOB_ZIRCON_VAR-NARRATIVE_20180910.PDF](#)
[A4-PLN18-188_189 TONY'S_BYOB-PILC_20170308.PDF](#)

LAND USE REGULATION HEARING

Old Business

A. Reopening And Consideration Of BP Cox 3 Well Pad Special Exception

BP Production Company, through their advisor Carolynne C. White LEED AP, of Brownstein Hyatt Faber Shreck, LLP, have made a request to re-open the Public Hearing for the BP Cox 3 Well Pad Special Exception, Pt. SW¹/₄ NW¹/₄ Section 14, T32N R6W NMPM, at 815 County Rd 988, Arboles, CO, held August 7, 2018, to allow sufficient time for the Applicant's rebuttal.

Presenter John Shepard, AICP
Presenter's Title Planning Manager

Documents:

[PLN18-094_BP_COX3_SE-BOCC_20181016_STAFFREPORT.PDF](#)
[A1-PLN18-094 AREAMAPS.PDF](#)
[A2A-REVIEWS_AND_COMMENTS.PDF](#)
[A2B-PETERSON_2008_OGPERMITS.PDF](#)
[A3A-PLN18-094_APP_TAB_A-C.PDF](#)
[A3B-PLN18-094_TABD_SITEPLAN_SURVEY_20180725.PDF](#)
[A3C-PLN18-094_APP_TAB_D-E_SITEPLAN_VICINITY.PDF](#)
[A3D-PLN18-094_APP_TAB_F-K.PDF](#)
[A3E-PLN18-094_APP_TAB_L_GRADING_PLAN_20180529.PDF](#)
[A3F-PLN18-094_APP_TAB_O-R.PDF](#)
[A3F-PLN18-094_APP_TAB_O-R_REV.PDF](#)
[A4-COGCC_APPROVED_WELL_PERMITS.PDF](#)

B. Continued Consideration Of Lake Pagosa Park Amendment 2018-01 Final Plat

Johnny W. Griffin has applied for final plat approval of the Lake Pagosa Park Amendment 2018-01 Minor Lot Line Adjustment (MLLA), a replat of Lots 1 & 2, Block 17, creating Lots 1Z and 2Z at 28 Sierra Ct. (PLN18-134). The property is owned by Johnny W. Griffin and Jackie L. Griffin, individually and as trustees of the Revocable Inter-Vivos Trust of Johnny Wayne Griffin and Jackie Lynn Griffin, and is zoned Planned Unit Development (PUD) R-2 and R-3. At their meeting on August 22, 2018, the Planning Commission recommended approval (5-0). This item was opened by the Board on September 18, 2018, and continued to this date to allow time

to hear the concurrent Variance application.

Presenter John Shepard, AICP
Presenter's Title Planning Manager

Documents:

PLN18-134_LPP_AMEND_2018-01_BOCC-20181016_STAFFREPORT.PDF
A1-PLN18-134_136 AREAMAPS.PDF
A2-REVIEW_COMMENTS.PDF
A3-PLAT CERTIFICATIONS DRAFT 20180525.PDF
A4-PLN18-134_LPP_AMEND_2018-01_MLLA-NARRATIVE_20180727.PDF
A5-PLN18-134_136_LPP_AMEND_2018-01_MLLA-FINALPLAT_20180926.PDF

LAND USE REGULATION HEARING

New Business

A. Consideration Of Beaver Run Ranch LLC AG Exemption Plat, S11 T35N R2W NMPM

Trevor Gian & James L. Payne, on behalf of Beaver Run Ranch LLC of Montgomery, TX, have applied for the Gian Ag Exemption from subdivision review to create a 4.95-acre lot in S11 T35N R2W NMPM at 651/1097 County Rd 411 (with more than 35 acres remaining) for the benefit of a traditional ranching/farming family, under Section 4.7 of the Archuleta County Land Use Regulations, to be heard by the Board of County Commissioners (PLN18-155). Applicants have also applied for concurrent Gian Lot Size Variance from the minimum 35-acre lot size in the Agricultural/Ranching (AR) zoning district, to be heard by the Board of Adjustment (PLN18-156).

Presenter John Shepard, AICP
Presenter's Title Planning Manager

Documents:

PLN18-155_GIAN_AG_EXEMPTION-BOCC_20181016_STAFFREPORT.PDF
A1-PLN18-155_156 AREAMAPS.PDF
A2-PLN18-155_156_REVIEW_COMMENTS.PDF
A3-PLN18-156_GIAN_AG_VAR-NARRATIVE_20180830.PDF
A4-PLN18-155_156 GIAN_AG_EXEMPTION-PLAT_20180824.PDF

LIQUOR BOARD

A. Special Events Permit For Pagosa Rotary Community Assistance Fund, Inc.

This is an application for a Special Events Permit for the Pagosa Rotary Community Assistance Fund, Inc. to sell malt, vinous, spirituous liquor at 344 Hwy 84 for a fundraiser on October 20, 2018. The Sheriff has been notified of this event. The proper fees have been collected and the premises was posted for the required ten (10) days prior to today's hearing.

Presenter Flora Goheen
Presenter's Title Administrative Assistant

Documents:

SPECIAL EVENT - PAGOSA ROTARY COMMUNITY ASSIST FUND.PDF

B. Special Events Permit For The Pagosa Peak Open School

This is an application for a Special Events Permit for the Pagosa Peak Open School to sell malt, vinous, spirituous liquor at 344 Hwy 84 for a fundraiser on November 3, 2018. The Sheriff has been notified of this event. The proper fees have been collected and the premises was posted for the required ten (10) days prior to today's hearing.

Presenter Flora Goheen
Presenter's Title Administrative Assistant

Documents:

[SPECIAL EVENTS PERMIT - PAGOSA PEAK OPEN SCHOOL.PDF](#)

CONSENT AGENDA BY BOCC/LIQUOR BOARD

A. PAYROLL, PAYABLE WARRANTS AND PURCHASE CARDS

Ratification of September 19, 2018 - October 2, 2018

October 3, 2018 - October 16, 2018

B. REGULAR MEETING MINUTES

Regular Meeting Minutes of 09-18-18

Draft of the September 18, 2018 Regular Meeting Minutes for approval.

Documents:

[09-18-18R.PDF](#)

C. Ratify The Vice Chairman's Signature For A Letter Of Support For San Juan Mountain Association

Ratify the Vice Chairman's signature for a letter for support for the San Juan Mountain Association's grant application for listing the Turkey Creek District onto the National Register of Historic Places.

Documents:

[SJMA LETTER OF SUPPORT 9-26-18.PDF](#)
[TURKEY CREEK NRD ARCHULETA COUNTY MAP.PDF](#)

D. Ratify The Vice Chairman's Signature For A Letter Of Support For Aspen House

Ratify the signature of the Vice Chairman for a letter of support for the construction of Aspen House which has applied to be accepted into the Enterprise Zone Campaign Contribution Project.

Documents:

[ASPEN HOUSE LTR OF SUPPORT.PDF](#)

E. Ratify The Vice Chairman's Signature For A State Of Colorado Grant Agreement For Pagosa Springs Rotary Community Assistance Fund

This Grant Agreement is between The Colorado Department of Higher Education on behalf of the Colorado Opportunity Scholarship Initiative and the Pagosa Springs Rotary Community Assistance Fund for the COSI Matching Student Scholarship (MSS) Grant for 2018.

Documents:

[GRANT AGREEMENT.PDF](#)

F. Approval Of The Upper San Juan Hospital District Emergency Medical Services Ambulance License

Pursuant to CRS 25-3.5-301, Upper San Juan Health Services District is requesting a license for a new ambulance to serve as a back up in Archuleta County. The areas to be served include Archuleta County and portions of Mineral and Hinsdale Counties.

Documents:

[UPPER SAN JUAN MEDICAL AMBULANCE LICENSE.PDF](#)

G. Consideration Of Cooperative Service Agreement Between The United States Department Of Agriculture, Animal And Plant Health Inspection Service, Wildlife Services And Archuleta County

This Agreement is a cooperatively funded wildlife damage management program as needed to resolve any problems caused by wildlife in Archuleta County.

Documents:

[2019 WORK AND FINANCIAL PLAN.PDF](#)

H. Consideration Of Assignment Of A Hangar Ground Lease For Hangar 500K

Assignment of a Hangar Ground Lease Agreement for Curtis Hannay and Joni Jill Jones and Archuleta County.

Documents:

[HANGAR GROUND LEASE 500K.PDF](#)

I. Consideration And Approval Of A Hotel And Restaurant Liquor License Renewal For Pamela J. Wallis DBA Aspen Springs Bar & Grill

This is a renewal of a hotel and restaurant liquor license for Pamela J. Wallis DBA Aspen Springs Bar & Grill located at 43 Buttercup Dr., Pagosa Springs, Colorado. This renewal includes no changes. The application is complete and the proper fees have been submitted. The Sheriff's Office has completed their background check and the Building Department has inspected the premises for changes.

Documents:

[ASPEN SPRINGS BAR AND GRILL RENEWAL 18-19.PDF](#)

J. Consideration Of Submitting An Application For The Underfunded Court Facility Grant Program

The BoCC is being asked to consider approving the submittal of an application for a grant to help eligible counties cover costs associated with courthouse master planning services, repair and remodeling, or construction projects. Regardless of the outcome of the November Jail ballot, it serves the County's purposes to apply for grant funding for court construction costs.

K. Consideration And Approval Of The DOLA Peace Officers Mental Health Support Grant Program Application

This Grant is available through the Department of Local Affairs (DOLA) and is for local law enforcement agencies to engage mental health professionals who can provide on scene response services in supporting peace offices with handling persons with mental health

disorders and counseling services to peace officers.

Documents:

[MENTAL HEALTH GRANT - 9-22-2018.DOCX](#)

L. Consideration Of Resolution 2018-___ Amending The November Meeting Dates For The Board Of County Commissioners

This year, the first Tuesday of November is Election Day. This Resolution allows the BoCC to hold their work session and regular meeting on Monday, November 5, 2018.

Documents:

[RESOLUTION 2018-___ AMENDING NOVEMBER MEETING DATE.DOCX](#)

M. Consideration Of A Resolution In Opposition Of Amendment 74

Amendment 74 has qualified for the November 2018 ballot as a statewide proposition that proposes to amend the State Constitution to require either the state of any local government to award "just compensation" to an owner of private property if the government reduces the property's "fair market value."

Documents:

[RESOLUTION 2018-___ AMENDMENT 74.PDF](#)
[AMENDMENT 74 ANALYSIS.PDF](#)
[CML OPPOSITION TO AMENDMENT 74.PDF](#)

NEW BUSINESS

A. Consideration Of Funding Request By TARA For Solar Panels

Consideration of a funding request by the TARA Community Association in the amount of \$2,250.00 as a contribution towards an estimated \$9,000 installation of solar panels on the TARA Community building in Arboles. The TARA Community Association is applying to LPEA for a grant to pay 50% of the cost of the panels.

Presenter Gregory J. Schulte
Presenter's Title Administration Staff Member

Documents:

[TARA SOLAR PANELS STAFF REPORT \(10-16-18\).PDF](#)
[LPEA GRANT APPLICATION.PDF](#)
[SOLAR BID COMPARISONS.PDF](#)

B. Consideration Of A Resolution To Approve And Authorize The Subdivision Of County-Owned Real Estate For Affordable / Workforce Housing Purposes

This item is a proposed Resolution of Intent to authorize the subdivision of 2.5 acres out of the 4.87 acres of the County-owned property on Hot Springs Blvd. for the development of a multi-unit affordable/workforce housing project.

Presenter Gregory J. Schulte
Presenter's Title Administration Staff Member

Documents:

COUNTY PROPERTY LEASE - HOT SPRINGS BLVD STAFF REPORT (10-16-18).PDF
RESOLUTION 2018-___ HOT SPRINGS PARCEL.PDF
ACHA PROPOSAL AND TRANSMITTAL (10-16-18).PDF
HOT SPRINGS BLVD PARCEL MAP.PDF

C. Consideration And Approval Of FAA Grant Application

The Airport is applying for a 100% FAA funded Grant for Asphalt Reconditioning. There are four separate request letters for four different areas of the airport.

Presenter Chris Torres
Presenter's Title Airport Manager

Documents:

AIRPORT STAFF REPORT.PDF
FBO APRON.PDF
NORTH GA APRON.PDF
RUNWAY 1-19.PDF
TAXIWAY B.PDF

D. Consideration Of Resolution 2018-___ Setting Forth Language For Subdivision Of Under 35 Acre Lots

The BoCC will consider a resolution to adopt an interim program that allows owners of lots less than 35 acres in size which lots were created in a manner that does not comply with C.R.S. 30-28-101 et seq. to bring their lots into compliance with the state statutes without having to go through a full subdivision application process. This interim program will be available beginning January 1, 2019 and only during the year 2019 after which landowners will have to fully comply with the subdivision process.

Presenter Todd Starr
Presenter's Title County Attorney

Documents:

UNDER 35 ACRES - STAFF REPORT.PDF
RESOLUTION 2018-___ UNDER 35 ACRE LOTS.PDF

E. Consideration Of Change Of Brokerage Company

John Baer, formerly with Hilltop Securities is now with B. Riley FBR Financial. This is a notification of a change of brokerage firm, however the broker remains the same.

Presenter Todd Starr
Presenter's Title County Attorney

Documents:

B. RILEY FBR INC BROKER DOCUMENTS.PDF

F. 2018 Asphalt Preservation Project

On September 27, 2018 we received bids for the 2018 Asphalt Preservation Project. We

received four bids for the project with Precision Asphalt Paving being our low bidder for the total amount of \$ 242,530.00.

The other bids were:

Stohecker Asphalt & Paving, Inc.	\$287,030.25
Kilgore Companies LLC DBA/Elam Construction	\$295,530.00
Old Castle SW Group, Inc.	\$423,485.25

Staff is requesting that we award the contract to Precision Asphalt Paving for the amount not to exceed \$ 250,000.00.

Presenter	Robert Perry
Presenter's Title	Public Works Director

Documents:

[20181003133719.PDF](#)

G. Consideration Of Submitting A Gray & Black Market Marijuana Enforcement DOLA Grant Application

This DOLA grant program is intended to provide financial assistance to rural law enforcement agencies and district attorneys for the investigation and prosecution costs associated with unlicensed marijuana cultivation or distribution operations conducted in violation of state law. This is a program whereby a jurisdiction must opt-in to the program in order to be eligible for a funding distribution. The funding is sourced from marijuana taxes and is available to rural jurisdictions only.

Presenter	Richard Valdez
Presenter's Title	Archuleta County Sheriff

Documents:

[MMJ ENFORCEMENT GRANT PROGRAM APPLICATION.PDF](#)
[MMJ ENFORCEMENT GRANT PROGRAM GUIDELINES.PDF](#)

H. Authorization Of Law Suit Regarding Oak Ridge Road

This is a request to authorize the County Attorney to file a lawsuit to declare Oak Ridge Road a public road.

Presenter	Todd Starr
Presenter's Title	County Attorney

PUBLIC COMMENTS FROM THE FLOOR*

This is an opportunity during the session for the public to address the Commissioner. Please step up to the podium, **STATE YOUR NAME AND ADDRESS FOR THE RECORD** and keep your comments to 3 minutes (**the Board is not required to discuss your comment or make a decision regarding your comment, under this section**).

COMMISSIONER COMMENTS

EXECUTIVE SESSION

Pursuant C.R.S. 24-6-402(4): The Board reserves the right to meet in executive session for any purposes allowed and announced prior to voting to enter into executive session.

A. Executive Session

Pursuant to C.R.S. 24-6-402(4)(b) for purposes of the Board to receive legal advice regarding public roads and pursuant to C.R.S. 24-6-402(4)(e)(I) for purposes of the Board to instruct negotiators regarding an oil and gas lease.

ADJOURNMENT OF THE REGULAR BOCC MEETING

All meetings to be held in the Archuleta County Administration Offices
398 Lewis Street, unless otherwise stated.
All Regular and Special BoCC Meetings are recorded.