

2016 JTR

July 5, 2016

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting on July 5, 2016 noting County Commissioners Michael Whiting, Clifford Lucero and Steve Wadley, County Administrator Bentley Henderson, County Attorney Todd Starr and June Madrid County Clerk & Recorder present.

Chairman Whiting called the meeting to order at 1:30 p.m.

The meeting began with the Pledge of Allegiance and a moment of silence.

Disclosures and/or Conflicts of Interest

There were none.

Approval or Adjustments to Agenda

Commissioner Wadley moved to approve the agenda with the following adjustment, New Business "Item B" to be continued until the next County Commissioner meeting. A discussion started about what the Commissioners were wanting. County Attorney Starr asked if the Board wanted the item to come back before them or what their intention was. Commissioner Lucero said that there were some changes in the letter requested by a couple of Board members at the last work session and the Board should agree on the letter before it goes on the agenda. Chairman Whiting would like to have the title of the item on the agenda changed. He said the item said the Board was supporting Dry Gulch and they were not. We are not getting into the business of supporting issues without coming to a meeting first. Commissioner Lucero said there were changes given to the County Administrator at the work session but he had not had time to change the letter. **Commissioner Wadley moved to continue New Business 'Item B' until the July 19, 2016 Regular Meeting so that revisions for the Commissioners could be considered. Commissioner Lucero seconded the motion. The motion carried unanimously.**

Public Comments

Chairman Whiting stated that he was opening the floor to public comments for those wanting to comment on items not on this agenda. Comments were asked to be held to 3 minutes for each person who desired to speak. No response from the Board would be given.

Jared Smith of 111 Willard Creek Place, Mosca, CO. had visited Tenele Morris of 10 Pioneer Court a County resident over the 4th of July. She was upset with how Mr. Smith was treated by Bill Delaney and wanted Mr. Smith to read a letter from her and asked it to go into the record. He read the letter and submitted it to the Board. There was a problem with her visitor (Mr. Smith) who was disabled the way he was treated in Good Earth Meds. He was not protected and not respected by Bill Delaney. He was rudely asked to leave the premises and never return. She was stressing the Board educate these businesses in ADA compliance. Ignorance of the law is no excuse. She was requesting some kind of training classes for these businesses and also asking for him (Mr. Delaney) to be disciplined for his actions.

Chairman Whiting recessed the Regular Meeting to convene a Board of Adjustment for a Hearing at

1:43 p.m.

Board of Adjustments

Chairman Whiting swore in Planning Manager John Shepard for testimony.

A. Resolution 2016-04BOA Variance for Michel E. Marchand dba Rocky Mountain Balloon Adventures

Planning Manager Shepard submitted a resolution from the Board of Adjustments for the Board’s consideration. It granted a variance from paving to Michel E. Marchand dba Rocky Mountain Balloon Adventures. The property was located at Cloman Industrial Park, Lot 5 and owned by Michel E. Marchand. This resolution was memorializing the results of the hearing dated June 22, 2016 where the Board approved the variance from paving.

Chairman Whiting opened the floor for comments

Comments “In Favor of the Resolution”

There were none.

Chairman Whiting closed “In Favor of the Resolution” and asked for comments “Against the Resolution”

Comments “Against the Resolution”

There were none.

Chairman Whiting closed comments.

Commissioner Lucero moved to approve Resolution 2016-04BOA approving the Marchand request for a variance from paving for Lot 5, Cloman Industrial Park. Commissioner Wadley seconded the motion and it carried unanimously.

Chairman Whiting closed the Board of Adjustments and convened the Land Use Regulation Hearing at 1:46 p.m.

Land Use Regulation Hearing

Chairman Whiting swore in Planning Manager John Shepard for testimony.

A. Resolution 2016-41 Rezoning Agricultural/Ranching (AR) to Commercial (C) for Kenneth D. Smith

Planning Manager Shepard submitted a resolution to rezone certain property. The property was located in Section 8, Township 35N, RIW and owned by Kenneth D. Smith. The resolution allowed for the property to be zoned Commercial (C) from its original Agricultural/Ranching (AR). The zoning map will be changed and recorded in the Clerk & Recorder’s Office. This property is a 5.167 acre tract. Public comments were allowed from neighbors in a 3 mile radius.

Planning Manager Shepard stated that the application met the review criteria for rezoning in Section 3.2.7.3 of the Archuleta County Land Use Regulations.

H then asked the Board approve the rezoning with the following conditions:

1. Contingent of bringing the site into compliance with the Site Development Standards in Section 5.4.2.6 (Outdoor Storage) and 5.4.4 (Outdoor Lighting) in the Archuleta County Land Use Regulations.
2. Official zoning map be amended and recorded with clerk and recorder.

Commissioner Lucero asked if the property was zoned as Agricultural/Ranching (AR) now. Planning Manager Shepard answered "Yes". Commissioner Lucero asked how much increase in property taxes would this make. Planning Manager Shepard answered that he did not have that figure nor was it a valid criteria for this project. The Assessor does not value based on zoning, she values based on usage. County Attorney Starr stated this was not an appropriate line of questioning since it doesn't apply.

Chairman Whiting opened the floor for comments.

Comments "In Favor of the Resolution"

Duke Eggleston of Eggleston Kosnik, LLC of 475 Lewis Street was present and representing Mr. Smith. He said he wanted to make a couple of corrections in what had been said and noticed. Vormii did not enter the premises until late last year so it was not in there over a year.

The Conditions set by staff are acceptable to the applicant, Mr. Smith. There had been a multitude of businesses in that area over the years and all commercial. They do believe this was an error in 2006 when the zoning was set when it was zoned AR. This 5 acre tract has never been used as agricultural. Across the street from the property is Day Lumber who is zoned Commercial. All surrounding property is Commercial with most of it owned by Mr. Smith. The property had been assessed as commercial although that does not affect this issue. It's in the mixed use corridor.

Commissioner Lucero asked if Mr. Smith was willing to screen the property if necessary according to what business he puts in there. The answer was 'Yes', they are willing to screen and do lighting.

Chairman Whiting closed "In Favor of the Resolution" and asked for comments "Against the Resolution"

Comments "Against to the Resolution"

There were none.

Chairman Whiting closed public comment.

Commissioner Wadley said this was a commercial enterprise and the Board's chance to correct the error. He said it was a shame Mr. Smith had to go through all this to fix it.

Commissioner Wadley moved to approve Resolution 2016-41 amending the Zoning Map of Archuleta County, Rezoning 2025 and 2083 East US Highway 160 from Agricultural Ranching to Commercial. Commissioner Lucero seconded the motion and it carried unanimously.

Chairman Whiting closed the Land Use Regulation Hearing and convened the Liquor Authority Board at 2:08 p.m.

Liquor Board Authority

Chairman Whiting swore in Flora Goheen Administrative Assistant for testimony.

A. Special Events Permit for Humane Society of Pagosa Springs

Flora Goheen Administrative Assistant submitted a Special Events Permit application for the Humane Society of Pagosa Springs. They were requesting to serve malt, vinous and spirituous

liquor at the PLPOA Clubhouse for a fundraiser on July 17, 2016. The Sheriff had been notified of the event, proper fees were submitted and the premises was posted 10 days prior to today's hearing.

Chairman Whiting opened the floor for comments.

Comments "In Favor of the Permit"

There were none.

Chairman Whiting closed "In Favor of the Permit" and asked for comments "Against the Permit"

Comments "Against the Permit"

There were none.

Chairman Whiting closed public comment.

Commissioner Lucero said that he had been to a function where the area containing alcohol was roped off. He asked that they continue to make sure the areas are roped off properly.

Commissioner Lucero moved to approve the Special Events Permit for the Humane Society of Pagosa Springs to serve malt, vinous and spirituous liquor at the Pagosa Lakes Property Owners Association Clubhouse for a fundraiser on July 17, 2016. Commissioner Wadley seconded the motion and it carried unanimously.

B. Special Events Permit for L.A.S.S.O.

Flora Goheen Administrative Assistant submitted a Special Events Permit application from L.A.S.S.O. They were requesting to serve malt, vinous and spirituous liquor at the PLPOA Clubhouse for a fundraiser on July 16, 2016. The Sheriff had been notified of the event, proper fees were submitted and the premises was posted 10 days prior to today's hearing.

Chairman Whiting opened the floor for comments

Comments "In Favor of the Permit"

There were none.

Chairman Whiting closed "In Favor of the Permit" and asked for comments "Against the Permit"

Comments "Against the Permit"

There were none.

Chairman Whiting closed public comment.

Commissioner Wadley moved to approve the Special Events Permit for L.A.S.S.O. to serve malt, vinous and spirituous liquor at the Pagosa Lakes Property Owners Association Clubhouse for a fundraiser on July 16, 2016. Commissioner Lucero seconded the motion and it carried unanimously.

C. Special Events Permit for Pagosa Lakes Property Owners Association (PLPOA)

Flora Goheen Administrative Assistant submitted a Special Events Permit application from the Pagosa Lakes Property Owners Association for the Music in the Mountains of Pagosa Springs fundraiser to serve malt, vinous and spirituous liquor at PLPOA Clubhouse on July 20, 2016. The Sheriff had been notified of the event, proper fees were submitted and the premises was posted 10 days prior to today's hearing.

Chairman Whiting opened the floor for comments

Comments "In Favor of the Permit"

There were none.

Chairman Whiting closed “In Favor of the Permit” and asked for comments “Against the Permit”

Comments “Against the Permit”

There were none.

Chairman Whiting closed public comment.

Commissioner Lucero moved to approve the Special Events Permit for the Pagosa Lakes Property Owners Association to serve malt, vinous and spirituous liquor at the Pagosa Lakes Property Owners Association Clubhouse for the Music in the Mountains fundraiser on July 20, 2016. Commissioner Wadley seconded the motion and it carried unanimously.

D. Special Events Permit for Pagosa Lakes Property Owners Association (PLPOA)

Flora Goheen Administrative Assistant submitted a Special Events Permit application from the Pagosa Lakes Property Owners Association for the Music in the Mountains of Pagosa Springs fundraiser to serve malt, vinous and spirituous liquor at the PLPOA Clubhouse on July 13, 2016. The Sheriff had been notified of the event, proper fees were submitted and the premises was posted 10 days prior to today’s hearing.

Chairman Whiting opened the floor for comments

Comments “In Favor of the Permit”

There were none.

Chairman Whiting closed “In Favor of the Permit” and asked for comments “Against the Permit”

Comments “Against the Permit”

There were none.

Chairman Whiting closed public comment.

Commissioner Wadley moved to approve the Special Events Permit for the Pagosa Lakes Property Owners Association to serve malt, vinous and spirituous liquor at the Pagosa Lakes Property Owners Association Clubhouse for the Music in the Mountains fundraiser on July 13, 2016. Commissioner Lucero seconded the motion and it carried unanimously.

Chairman Whiting closed the Liquor Board Authority and reconvened the Regular Meeting at 2:13 p.m.

Consent Agenda

A. Payroll & Payable Warrants and Purchase Cards for June 22-July 5, 2016

General Fund Payable	200,444.16
Road and Bridge Fund Payable	746,149.75
Department of Human Services Fund Payable	79,140.26
All Combined Dispatch Fund Payable	13,226.78
Solid Waste Fund Payable	6,420.36
Airport Fund Payable	49,560.98
Fleet Fund Payable	348,506.24
Total	\$ 1,443,448.53

General Fund Payroll	150,324.66
Road and Bridge Fund Payroll	34,617.61
Department of Human Services Fund Payroll	31,023.42
All Combined Dispatch Fund Payroll	16,111.88
Solid Waste Fund Payroll	7,684.34
Airport Fund Payroll	4,073.28
Fleet Fund Payroll	8,975.35
Total	\$ 252,810.54

- B. Regular Meeting Minutes
June 21, 2016
 - C. Resolution 2016-42 Lot Consolidation of lots in Twin creek Village owned by Michael Kelvin & Diana Emery Couch
 - D. Resolution 2016-43 Lot Consolidation of lots in Lake Pagosa Park for owners Craig S. & Donna L. Usher
 - E. Resolution 2016-44 Lot Consolidation of lots in Pagosa Highlands Estates for owners Karl K. & Angela A. Thomas
 - F. Resolution 2016-45 Lot Consolidation of lots in Piedra Park Subdivision No 5 for owners David E. & Tori Rae Miller
 - G. Renewal of the Pagosa Springs Valley Golf Club Hotel & Restaurant with Optional Premises and changes to the license
- County Administrator Henderson read the Consent Agenda. **Commissioner Lucero moved to approve the Consent Agenda as read. Commissioner Wadley seconded the motion and it carried unanimously.**

New Business

A. Letter of Support for Axis Health Systems

County Administrator Henderson submitted a Letter of Support for the Board’s consideration. The letter was supporting the grant Axis Health Systems is seeking in an effort to construct a clinic in Archuleta County. Eric Foss representing Axis located at 475 Lewis Street Suite A answered questions. Commissioner Lucero asked that they not take some of the services to Durango but to urge people to stay here and go to our local hospital. How many representatives do you have from Archuleta County on the Board? He thought 2. Commissioner Lucero would like local board members since the County supports the program. He asked how many spots for each county was there. Mr. Foss did not think there were specific numbers per county but he would go back and ask. Being a County resident himself, he always champions for more local participation. Their program reaches, Dolores County, La Plata County, San Juan County and Archuleta County. Commissioner Lucero said that they were helping the most needy. **Commissioner Wadley moved to approve the Letter of Support for Axis Health Systems. Commissioner Lucero seconded the motion. Chairman Whiting asked for public comment. The motion carried unanimously.**

B. Letter of Support for San Juan Water Conservancy District
Continued until July 19, 2016 Regular Meeting

C. Resolution 2016-46 Providing for the Addition of 3.5 FTE Employees to the County Sheriff's Department

County administrator Henderson presented a the resolution requesting for 3.5 employees to meet the minimum staffing needs of the Detention function and the Administrative services function within the department. He explained that the Board had had the opportunity to speak with the Sheriff regarding this addition. The Finance Department had been involved and there was the revenue available to support this request. The Board was granting the addition of 3.5 full time employees for the Detention Department of the Sheriff's Office. Undersheriff Hamilton was present to answer questions.

Commissioner Lucero wanted to say that it was important for the Sheriff to have a jail and justice center. The Board realized early on that this could happen. It's important to get this done. It's important to find a place for the jail really quickly.

Commissioner Wadley said that when times were bad we had to lay people off and cut back. Now that times are better this Board has done everything they can to not bloat the amount of employees. The next request will be for vehicles because they are wearing out vehicles going back and forth to Durango transporting inmates. There are a lot of unforeseen items that come up in transporting. We have no choice to add these employees.

Chairman Whiting said when we first went into this we knew we would have to be flexible. This was not anticipated in the traditional since but was anticipated when the problem arose. Commissioner Whiting asked when the office would hire. Undersheriff Hamilton said because they had just hired, so fortunately they have applicants they can go back over and maybe hired rather quickly. **Commissioner Lucero moved to approve Resolution 2016-46 the addition of 3.5 employees to the County Sheriff's Department and committing the funds necessary to meeting the staffing change. Commissioner Wadley seconded the motion.** Chairman Whiting asked for public comment.

- Undersheriff Hamilton thanked the Board for listening and hearing them. This was a huge step and very much appreciated by the entire department. It was a pleasure working with this Board.
- Bill Hudson of 268 Hermosa Street asked where the funding was coming from. County Administrator answered that there were a number of alternatives. There are some savings already in the Sheriff's budget from previous positions that are gone, the County had received some unanticipated PILT funding so that could be used and/or sales tax had increased largely so anyone of those sources were available.

The motion carried unanimously.

Media Questions

- Bill Hudson of the *Pagosa Daily Post* thought he saw in the agenda last week, the County Commissioners and County Attorney were going to Denver for some event with the Ethics Commission. What has it cost taxpayers for these trips to Denver? Is the public going to receive some kind of report on the costs? Chairman Whiting said the last trip was a hearing with all three Commissioners in attendance along with County Attorney Starr. August 10th is when it should be resolved. That's the final hearing and they should have a comment to

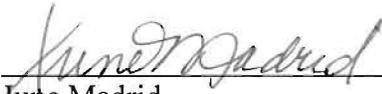
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make at that time. They will absolutely make sure the public knows what has been spent on this.

Commissioner Comments

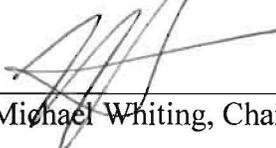
- Commissioner Wadley said 4th of July holiday has been here and it's nice to live in a place where people come to spend their vacations. He was grateful to live in such a community.
- Commissioner Lucero said that John Shepard our Planning Manager gets dinged all the time. He came to work and we had a lot of issues and there are a lot of Land Use Regulations that need to be worked on. He's trying to get people to success.

With no further business coming before the Board, the meeting was adjourned at 2:32 p.m.



June Madrid
County Clerk & Recorder

Approved this 19th day of July, 2016.



Michael Whiting, Chairman

**ARCHULETA COUNTY, COLORADO
RESOLUTION 2016-04BOA**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT APPROVING VARIANCE
FROM THE ARCHULETA COUNTY LAND USE REGULATIONS
FOR LOT 5, CLOMAN INDUSTRIAL PARK**

WHEREAS, the Board of County Commissioners has adopted the *Archuleta County Land Use Regulations*, pursuant to C.R.S. §30-28-101, *et. seq.*, C.R.S. §24-64.1-101 *et. seq.*; C.R.S. §24-67-101 *et. seq.*; and C.R.S. §29-20-101 *et. seq.*; and

WHEREAS, Michel E. Marchand, dba Rocky Mountain Balloon Adventures, applied for Variance from Sections 27.1.7.3 and 27.1.7.4 of the *Archuleta County Road and Bridge Design Standards* and Section 5.4.5.4 of the *Archuleta County Land Use Regulations* requiring paving of access and parking, for a new Outdoor Storage Use on Lot 5, Cloman Industrial Park, located at 628 Cloman Blvd, Pagosa Springs, CO (PLN16-052); and

WHEREAS, Michel E. Marchand is the owner(s) of record of Lot 5 in Cloman Industrial Park; and

WHEREAS, the property is zoned Industrial (I), and a concurrent application has been made for a Use by Right Site Plan for a new Outdoor Storage Use (PLN16-051); and

WHEREAS, the Board of County Commissioners sits as the Board of Adjustment, as provided by Section 1.2.4.2 of the *Archuleta County Land Use Regulations*; and

WHEREAS, the Board of Adjustment conducted a public hearing on the requests on June 22, 2016; and

WHEREAS, public notice of the hearing was given by publication in a newspaper of general circulation in the County, posted on site and mailed to adjacent property owners, at least twenty-one (21) days prior to the public hearing, as required by Section 2.2.3 of the *Archuleta County Land Use Regulations*; and

WHEREAS, at the public hearing testimony was taken from all persons appearing and wishing to give testimony; and

WHEREAS, the Board of Adjustment considered in full the requirements of Section 2.2.3 of the *Archuleta County Land Use Regulations* as to Standards for the Grant or Denial of Variances; and

WHEREAS, the Board of Adjustment voted 3-0 to approve the request.

Rm:

JUNE MADRID
RESOLUTIONS



NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF ARCHULETA COUNTY, COLORADO, AS FOLLOWS:

Section 1. Findings.

The Board of Adjustment finds that:

- a. The application meets each of the standards for a grant of variance in Section 1.2.4.4(1) of the *Archuleta County Land Use Regulations*, and
- b. The application meets the standards for variance from design standards in Section 27.6 of the *Archuleta County Road and Bridge Design Standards and Construction Specifications*, and
- c. Variance is granted for the specific plans proposed by Applicant; and

Section 2. Conditions.

The Board of Adjustment approves Michel E. Marchand's request for the Rocky Mountain Balloon Adventures Variance from Paving, in Sections 27.1.7.3 and 27.1.7.4 of the *Road and Bridge Design Standards* and Section 5.4.5.4 of the *Archuleta County Land Use Regulations*, requiring paving of access and parking, on Lot 5, Cloman Industrial Park, 628 Cloman Blvd, Pagosa Springs, CO, with the following condition:

- 1. Should Cloman Blvd be paved within five (5) years of this approval, the site must be brought into compliance with the access and parking standards then in effect within two (2) years of paving.

APPROVED AND ADOPTED this 5th day of July, 2016, in Pagosa Springs, Archuleta County, Colorado.

BOARD OF ADJUSTMENT
OF ARCHULETA COUNTY, COLORADO

Michael Whiting, Chairman



June Madrid by Sonya McLean
June Madrid, Clerk and Recorder Deputy Clerk

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**BOARD OF COUNTY COMMISSIONERS
ARCHULETA COUNTY, COLORADO
RESOLUTION NO. 2016-41**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING THE
ZONING MAP OF ARCHULETA COUNTY**

WHEREAS, the Board of County Commissioners has authority pursuant to C.R.S. §30-28-101, *et. seq.*, and in particular, C.R.S. §§30-28-112, 30-28-113, 30-28-115 and 30-28-116, to amend the Official Zoning Map of Archuleta County; and

WHEREAS, Kenneth D. Smith, represented by Duke Eggleston, Eggleston Kosnik LLC, applied to rezone property he owns, located at 2025/2083 E US HWY 160, Pagosa Springs; and

WHEREAS, the property to be rezoned includes one 5.17 +/- acre parcel of land, currently zoned Agricultural/Ranching (AR) to be rezoned to Commercial (C), in the SW ¼ Section 8 Township 35N Range 1W NMPM; as described in Exhibit A attached, and

WHEREAS, the Archuleta County Planning Commission conducted a public meeting on June 22, 2016, and recommended approval of the request in accordance with Section 3.1.7 of the Archuleta County Land Use Regulations; and

WHEREAS, the Board of County Commissioners conducted a public hearing on the request to Amend the Official Zoning Map on July 5, 2016; and

WHEREAS, public notice of the hearing was given by publication in a newspaper of general circulation in the County at least fourteen (14) days prior to the public hearing, as required by C.R.S. §30-28-116; and

WHEREAS, at the public hearing testimony was taken from all persons appearing and wishing to give testimony; and

WHEREAS, the Board of County Commissioners has taken into consideration the recommendations of the Archuleta Planning Commission and the public testimony; and

WHEREAS, the Board of County Commissioners finds that amending the Official Zoning Map is in the best interest of the County and its residents.

Rjm: _ _ _
JUNE MADRID
RESOLUTIONS



NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, AS FOLLOWS:

Section 1. Findings.

- a. The application meets the review criteria for rezoning in Section 3.1.7.3 of the *Archuleta County Land Use Regulations*, and

Section 2. Conditions.

- 1. This approval shall be contingent on bringing the site into compliance with the Site Development Standards in Sec. 5.4.2.6 (Outdoor Storage) and 5.4.4 (Outdoor Lighting) in the *Archuleta County Land Use Regulations*.
- 2. The Official Zoning Map shall be amended and filed with the County Clerk and Recorder.

MOVED, SECONDED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, by a vote of 3 in favor to 0 against, this 5 day of July, 2016.

**BOARD OF COUNTY COMMISSIONERS
ARCHULETA COUNTY, COLORADO**

By  _____
Chair

ATTEST:

June Madrid by Sonja McClann
Archuleta County Clerk and Recorder *Deputy Clerk*



Return to Planning

Exhibit A

Legal Description for Smith Property:

A parcel of land located in the SW ¼ Section 8, T35N, R1W, NMPM, more particularly described by metes and bounds as follows:

Assuming that the west boundary of tract described under Reception Number 95004216, being common with the right of way of U.S. Highway 160, bears N 30°00'00" E, and N 27°40'00" E, as described, then beginning at the southwest corner of said tract (Rec. No. 95004216), whence the Southwest Corner of said Section 8, a properly marked 3" brass cap on and iron pipe (LS 9009), bears S 22°31'45" W, 942.92 feet distant; thence N 30°00'00" E, 217.00 feet along the west boundary of said tract (Rec. No. 95004216) to an angle point therein; thence N 27°40'00" E, 263.80 feet along the west boundary of said tract (Rec. No. 95004216) to the northwest corner thereof, which corner is identical with the southwest corner of that certain strip of land described under Reception Number 20803775; thence N 27°40'00" E, 8.93 feet along the west boundary of said strip, to the northwest corner thereof, which corner is identical with the northwest corner of the parcel herein described; thence N. 88°41'03" E, 180.20 feet along the north boundary of said strip; thence N 88°25'10" E, 277.19 feet along the north boundary of said strip to the northeast corner thereof, which corner is identical with the northeast corner of the parcel herein described; thence S 29°09'29" W, 50.10 feet along the east boundary of said strip to the southeast corner thereof, which corner is identical with the north corner of that certain tract of land described under Reception Number 20503315; thence S 24°19'24" W, 523.18 feet along the east boundary of said tract (Rec. No. 20503315) to the southeast corner thereof, which corner is identical with the southeast corner of the parcel herein described; thence N 81°59'47" W, 47.28 feet along the south boundary of said tract (Rec. No. 20503315) to the southwest corner thereof, which corner is identical with the southeast corner of that certain parcel of land described under Reception Number 20005317; thence N 81°59'47" W, 418.06 feet along the south boundary of said parcel (Rec. No. 20005317) to the southwest corner thereof, which corner is identical with the southwest corner of the parcel herein described; thence N 30°00'00" E, 16.67 feet along the west boundary of said parcel (Rec. No. 20005317) to the point of beginning.
The parcel herein described contains 5.17 acres, more or less.

As described by David L. Maley, a duly registered land surveyor in the State of Colorado, Certificate Number 23894, 7/11/08.



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RESOLUTION NO. 2016-42

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN
LOTS IN ARCHULETA COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2006-25); and

WHEREAS, the Board has received an application from Michael Kelvin Couch and Diana Emery Couch, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

WHEREAS, the Board has found that Michael Kelvin Couch and Diana Emery Couch, has met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 592 and 593X, Twin creek Village, according to the plat thereof filed for record November 5, 1973, as Reception No. 78739, Archuleta County, Colorado, to become Lot 593XX with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 5th day of July, 2016.

The Board of County Commissioners
Archuleta County, Colorado

ATTEST:

June Madrid
June Madrid,
Archuleta County Clerk and Recorder

Michael Whiting
Chairman Michael Whiting



Return copy to Planning Dept.

Rtr: _____
JUNE MADRID
RESOLUTIONS



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RESOLUTION NO. 2016-43

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN
LOTS IN ARCHULETA COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2006-25); and

WHEREAS, the Board has received an application from Craig S Usher and Donna L. Usher, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

WHEREAS, the Board has found that Craig S Usher and Donna L. Usher, has met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 22 and 23, Lake Pagosa Park Block 5, according to the plat thereof filed for record March 13, 1970, as Reception No. 72998 through 73013, Archuleta County, Colorado, to become Lot 22X with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 5th day of July, 2016.

The Board of County Commissioners
Archuleta County, Colorado

ATTEST:



June Madrid by June Madrid
June Madrid,
Archuleta County Clerk and Recorder

Michael Whiting
Chairman Michael Whiting

Return copy to Planning Dept.

Rtn. _____
JUNE MADRID
RESOLUTIONS



21604303
1 of 1

7/11/2016 8:04 AM
RES R\$0.00 D\$0.00

June Madrid
Archuleta County

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RESOLUTION NO. 2016-44

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN
LOTS IN ARCHULETA COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2006-25); and

WHEREAS, the Board has received an application from Karl K. Thomas and Angela A. Thomas, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

WHEREAS, the Board has found that Karl K. Thomas and Angela A. Thomas, has met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 78 and 79, Pagosa Highlands Estates, according to the plat thereof filed for record February 7, 1972, as Reception No. 75409, Archuleta County, Colorado, to become Lot 78X with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 5th day of July, 2016.

The Board of County Commissioners
Archuleta County, Colorado

ATTEST:

June Madrid by Ingrid Melam
June Madrid,
Archuleta County Clerk and Recorder
Deputy Clerk

[Signature]
Chairman Michael Whiting

Return copy to Planning Dept.

Rln:
JUNE MADRID
RESOLUTIONS



RESOLUTION NO. 2016-45

A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN LOTS IN ARCHULETA COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2006-25); and

WHEREAS, the Board has received an application from David E. Miller and Tori Rae Miller, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

WHEREAS, the Board has found that David E. Miller and Tori Rae Miller, has met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 7 and 8, Piedra Park Subdivision No. 5 Block 1, according to the plat thereof filed for record August 13, 1963, as Reception No. 64255, Archuleta County, Colorado, to become Lot 7X with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 5th day of July, 2016.

The Board of County Commissioners
Archuleta County, Colorado

ATTEST:

June Madrid by June Madrid
June Madrid
Archuleta County Clerk and Recorder

Michael Whiting
Chairman Michael Whiting



Return copy to Planning Dept.

Rm:

JUNE MADRID
RESOLUTIONS



RESOLUTION NO. 2016 - 46

1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, PROVIDING FOR THE ADDITION OF 3.5 EMPLOYEES (FTE) TO THE COUNTY SHERIFF'S DEPARTMENT AND COMMITTING THE FUNDS NECESSARY TO MEET THE STAFFING CHANGE.

WHEREAS, the Board of County Commissioners of Archuleta County annually adopts an operating budget; and

WHEREAS, that budget defines the staff needs within each department and elected function of the county; and,

WHEREAS, the Sheriff's Department has experienced significant unforeseen changes and demands on it; and,

WHEREAS, in order to continue to meet the safety needs of the community and its personnel, the department has determined the need for additional staffing; and,

WHEREAS, the result of the additional staff will essentially restore the department to 2015 staffing level, and;

WHEREAS, The Board of County Commissioners in consultation with the County Sheriff has determined that the need for additional staff within the department is critical to the Health, Safety, and Welfare of the citizens of Archuleta County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO;

The Board of County Commissioners will dedicate the funds necessary to support the addition of 3.5 FTE to the Sheriff's department to meet the minimum staffing needs of the Detention function and the Administrative services function within the Department. Additionally, the Board of County Commissioners authorizes County staff to effect any necessary adjustments permitted by Colorado Revised Statutes and approved by the Board of County Commissioners.

READ APPROVED AND ADOPTED, this 5th day of July, 2016.

ATTEST

BOARD OF COUNTY COMMISSIONERS



June Madrid by *[Signature]*
June Madrid, County Clerk *[Signature]* Michael Whiting, Chairman

Rtn: _____
JUNE MADRID
RESOLUTIONS

Recorder's Note
• Month corrected
to July - 2016.
Re-recorded

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June Madrid
Archuleta County

I apologize that I am unable to be here to express my anger and indignation of the treatment of my friend who had come to visit me, and myself, a longtime resident. My job and what I do for the community doesn't stop because I have a friend who has been atrociously mistreated by a business member in our community. I am of the belief that what happened yesterday is not an isolated incident and will happen again and that were he to visit me again the same thing would occur. This kind of treatment in our community must desist immediately. Our community must be educated and made to follow the laws that are designed to protect persons with disabilities and there should be accountability for those who blatantly disregard or cherry pick the parts of the laws that suit them and personal beliefs. It should not fall on the disabled person to bring everyone else up to speed. They should be able to walk into an establishment without fear, without anxiety and without humiliation. You are the ones that are here to make sure the disabled persons of your community are protected, treated with respect and to insure businesses follow laws specifically defined for those disabled person, to the fullest extent. To enforce those laws and the consequences that comes with failing to adhere to its entirety. It is not Jared's fault he needs his service animal, it's not Jared's fault that we as a community have failed with regards to providing him with basic dignity and common decency and his right to try and live the best way he knows how, and is capable of.

I moved here in 1991, when there was one stop light and an old fashion ice cream parlor still down town and the Old City Market was the only City Market, when driving to Fairfield was a long way. So I have witnessed the growth and prosperity of our beautiful town. I went to high school here, had my first job here, married and had children here, lost a child here. So even though I am not "native" I feel I have been here long enough and contributed long enough to have a voice in the community, a voice that sadly I rarely use.

You see, my friend Jared is an honorable discharged disabled army veteran, with numerous issues stemming from his service in the US Army. They are not appropriate to discuss at this time because the nature of his disabilities are irrelevant to the situation that occurred yesterday. But I can say that he requires the use of a service animal at all times. His service animal Coco, has been in service for him since 2009. I have come to know Jared over the course of almost a year and have seen what Coco does for him. I have seen that she is required as much as the cane he has to use, or medication he has to take every single day of the rest of his life. You see the two of them as man and his dog, a pet; not a man, limited by disabilities, effectively using a means different from society accepted norms. Because he has no obvious deformities that would indicate disability, he subjected to humiliating, accusatory interrogation about things that are illegal in so many ways. It is the equivalent of your medical records being shared by a medical entity, financial statements being made public by your bank, assets listed in the paper for all to see what you have worked so hard for just because people may not believe you have the money to purchase goods, or that you have the complete ability to provide goods or services. Yet those rights are protected in full by all, and if breached severe consequences ensue. What is the difference between upholding and enforcing those State and Federal laws for everyone to feel safe in knowing their private personal business is not accessible without stringent repercussions and the right of a disabled person to be able to enter an establishment, any establish without have to disclose all of those things listed above, before he is allowed over the threshold.

On July 4, 2016 I had the unfortunate pleasure of meeting the owner of Good Earth Meds, Bill Delany. I had highly recommended his establishment to my friend Jared because I had been in that establishment on several occasions for Jared. But I had never had any direct interaction with Delany until yesterday. The owner had boasted his support of military veterans on his company webpage, and described also in his webpage his dog Rusty as a constant companion. We were met with hostility, the owner shouted and cussed; he even at one point put his hands on my friend. The sheriff's department had to be called to make a report of the incident. Because there is no recourse for a low income 100% service connected disabled veteran in the moment of being discriminated, refused services and all that can be done is a report. Really? A report? The owner is allowed to disregard laws set forth, he is allowed to treat a disabled person the way he did and there is no accountability for his actions? His behavior towards Jared was disgusting and very alarming. He was not sited, summoned or in any other way made to feel that what he did was so very wrong. He was allowed his "victory" of informing the deputy that we were never allowed on the premises again, which is obviously retaliation, discrimination and completely against the law. He will go on with his life and business as usual. He will not lose sleep. He will not be in pain for days possibly a week from the physical toll of being accosted for the

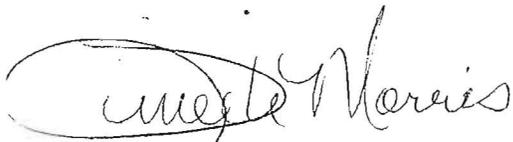
required use of a service animal. It will be a joke to him and he will show his surveillance video to all he can get to watch it.

I have observed firsthand the struggles he faces every single day, both in his home, and in public settings. Jared is a complex man with simple needs and desires. He has only ever wanted to be able to do the things others take for granted. Going to the grocery store, sleeping in a hotel when he traveling to see his grandmother, and even going out to dinner. I have only ever done one of these things with him. The only place I have accompanied Jared to, that he has not had a negative experience with law ignorant businesses, is Walmart. Can you imagine your world so limited that there is only one place in the city which you call home that you can go into without fear for discrimination, refusal of service? That allows you to feel as though you are a functioning human being? Can you imagine every time you try to procure services or goods you are met the constant, humiliating, and completely illegal requirement of having to defend your disability, your need for a service animal and the rights you have to access any establishment that allows non-disabled persons? Without having to recite law to businesses because they are poorly versed in state and federal laws concerning the rights of disable persons and their right to be accompanied by their service animals? Do you know how hard it is to exist in a world like that? Would you be able to carry that burden and fight every single time you needed a haircut? Groceries? Or even to eat out once in a while? Do you think you could handle the extra stress, physical and mental strain on top of medical issues, life issues, and the amount of energy and planning that has to go in for people with disabilities to briefly partake in what is offered to everyone else?

Every business, I think in this town and county have the same misconception about the role and right of service animals. The State and Federal Laws are being blatantly disregarded and discrimination is occurring in our community. Every business, I believe, is issued a license for whatever goods or services they intend to provide. Therefore I would think they would fall under your direction to ensure that they are following all laws to retain that license. So why do people like Jared have to constantly fight for things we don't even give a second thought for. I am appalled at the treatment I witnessed from one of our community businesses. I am fairly certain that the owner will not ever be held accountable, I am fairly certain his license will not be in jeopardy here, I am also fairly certain that nothing will be done to take this matter seriously and steps taken to correct the problem so this never happens to Jared, or any persons disabled requiring the use of a service animal, because as with all things it will come down to the all mighty dollar. My only consolation is that this meeting and my comments will be recorded.

I thank you very much for your time and attention in this matter.

Teneele Morris
10 Pioneer Ct
Pagosa Springs, CO 81147
970-739-5502



2-5-16

Hello, my name is Jared Smith. I am a honorably discharged disabled veteran who requires the assistance of my service animal due to illness and injuries incurred during my service.

I came to speak before you tonight in an attempt to raise awareness and education, but also to respectfully and politely demand action by the council.

On July 4th, none the less, I was denied access to a local store by a Mr. Bill Delany at Good Earth Meds, 600 Cloman Blvd. #1, Pagosa Springs, Colorado, 81147 on the account of my service animal. He repeatedly demanded certification papers and proof she is a service dog. This is a violation of both Federal and Colorado State law; nevermind being impossible.

And once I informed him that his actions were illegal and I would be notifying law enforcement, he retaliated by asking us to never return. Of course, no criminal wants to be caught in the act, repeatedly.

The deputy that responded admitted to me before departing that it his actions are contrary to the laws but that we were still refused service. He also stated that his report would reflect this.

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I was asked even by the deputy if I have any "proof" that she is a service dog. And that, again, is contrary to the law. You must understand that there is not only no certification requirement, there is no certification standard to certify against. The only thing in place that exists is a "guide" or "suggested standard", the Assistance Dogs International (ADI). So I hope you can understand it is physically IMPOSSIBLE to certify a service animal and any documentation or ID cards are invalid. So by demanding papers, however well intentioned it might be, fosters not only ignorance but enables people to easily fake service animals.

It is my highest hopes that everyone can learn from this situation and prevent it in the future. I believe education is what is necessary and I urge you to make efforts to this effect. Perhaps new business should be required to undergo a basic disability and discrimination familiarization or "sensitivity training" as the military was so fond of.

However in the case of Mr. Delany, I do not believe someone who will so openly, knowingly and willfully disregard the law should be operating a sensitive and highly regulated business such as he does. If he is willing to flagrantly break one law, who is to say what other laws he would be willing to break. Or has broken for that matter. I also believe the business license he holds requires him to follow ALL laws, which once again, he is not.

Veterans represent nearly 10% of the County's population and a disabled population of about the same. While I do not speak for anyone other than myself, I hope that you can see where this potentially impacts a large portion of your citizens. One might even say it is proper prudence, aside from being the right thing to do in an effort to protect such a large portion of your public.

Furthermore, the level of disrespect not only to myself but also to the law discourages new investment and development. I am a property and a business owner who was considering bringing my tax revenue here. But, the silver lining to this cloud is I should thank you for reassuring me that the San Luis Valley is a better place for me, one that stands behind its community members and adheres to the law.

I would be happy to speak with you privately in more detail. I thank you for your time and attention to these matters.

Jared Smith
(719) 580-1689

