

**ARCHULETA COUNTY PROCEEDINGS  
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting August 21, 2018 noting Vice-Chairman Ronnie Maez and County Commissioner Michael Whiting, Interim County Administrator Greg Schulte, County Attorney Todd Starr and Mary Helminski, Clerk & Recorder Deputy present. Chairman Wadley was absent.

Vice-Chairman Maez called the meeting to order at 1:30 p.m. with the Pledge of Allegiance and a moment of silence.

**Disclosures and/or Conflicts of Interest**

Vice-Chairman Maez asked for any disclosures or conflicts of interest between the Board and the agenda. There were no conflicts.

**Approval or Adjustments to Agenda**

Executive Session per 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. Interim County Administrator Schulte stated there were a couple of hearing items that would be tabled but that would happen when the item came up. **Vice-Chairman Maez asked for a motion for the minutes and Commissioner Whiting stated "so move". Vice-Chairman Maez asked for a vote and stated the motion carried.**

**Public Comments**

Vice-Chairman Maez stated he was opening the floor for 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 desiring to speak. No response from the Board would be given.

Vice-Chairman Maez recessed the Regular Meeting and convened the Board of Equalization at 1:33 p.m.

**Board of Equalization**

Vice-Chairman Maez noted that the agenda stated June Madrid County Clerk & Recorder was going to be present to submit the minutes for approval but was not. A discussion took place regarding whether or not Interim County Administrator Schulte could be sworn in and submit the minutes. It was not clear to anyone present. **Commissioner Whiting moved to table this matter to the meeting of September 4th. Vice-Chairman Maez seconded the motion and it carried with both Commissioners Maez and Whiting voting "Aye".**

**A. Board of Equalization Minutes for 7-31-2018**

**This item was tabled to the September 4, 2018 Board meeting.**

Vice-Chairman Maez closed the Board of Equalization and convened the Board of Adjustments at 1:35 p.m.

**Board of Adjustments**

Vice-Chairman Maez swore in John Shepard, Planning Manager, for testimony.

**A. Resolution 2018-04BOA Denying Variances from the Archuleta County Land Use Regulations for Horton**

Planning Manager John Shepard presented a Resolution stating the findings denying the Horton Residence Height and Setback Variances in the PUD zone, Lot 37, Block 13, Lake Pagosa Park. The variances were denied August 7, 2018. Vice-Chairman Maez asked if there was anyone present who was challenging the Findings. There were none. **Commissioner Whiting moved to approve Resolution 2018-04BOA stating findings denying the Horton Residence Height and Setback Variances in the PUD zone, Lot 37, Block 13, Lake Pagosa Park which variances were denied by the BoCC on August 7, 2018. Vice-Chairman Maez seconded the motion and it carried with both Commissioners Maez and Whiting voting "Aye".**

**B. Resolution 2018-05BOA Denying Variance from the Archuleta County Land Use Regulations for BP Production Company**

Planning Manager John Shepard presented a Resolution stating findings denying the BP Ross 2 Paving Variance for an approximate 89 acre parcel in Arboles. The variance was denied August 7, 2018. **Commissioner Whiting moved to table consideration of Resolution 2018-05BOA denying the BP Production Company Variance in part being the NE1/4, SE1/4, S13, T32N, R6W, NMPM until September 18, 2018. Vice-Chairman Maez seconded the motion and it carried with both Commissioners Maez and Whiting voting "Aye".**

Vice-Chairman Maez closed the Board of Adjustments Hearing and convened a Land Use Regulation Hearing at 1:39 p.m.

**Land Use Regulation Hearing**

Vice-Chairman Maez swore in John Shepard, Planning Manager, for testimony.

**A. Resolution 2018- Denying the BP Cox 3 Well Pad Special Exception**

Planning Manager John Shepard presented a Resolution stating the findings denying the BP Cox 3 Well Pad Special Exception. The exception was denied by the Board on August 7, 2018. This resolution was memorializing that decision. Planning Manager Shepard stated that Staff was asking the Board to consider continuing this item until the Regular Meeting of September 18, 2018. **Commissioner Whiting moved to table the consideration of Resolution 2018-X denying the BP Cox 3 Well Pad Special Exception in part for the SW1/4, NE1/4, S14, T32N, R6W, NMPM until the September 18, 2018 meeting. Vice-Chairman Maez seconded the motion and it carried with both Commissioners Maez and Whiting voting "Aye".**

Vice-Chairman Maez closed the Land Use Regulation Hearing and convened the Local Licensing Authority for a Hearing at 1:42 p.m.

**Local Licensing Authority**

Vice-Chairman Maez swore in Mary Helminski, Executive Assistant, for testimony.

**A. Renewal of the Retail Marijuana Center License for J&J Enterprises, Inc., dba Pagosa Therapeutics**

Executive Assistant Mary Helminski, submitted a renewal application for a Retail Marijuana Center License for J&J Enterprises, Inc., dba Pagosa Therapeutics located at 235 Bastille Drive. There were no changes from last year, the application was complete and the proper fees were paid. The Sheriff's Office had completed the background checks. The Building, Planning and the Fire Department had completed the inspections of the premises and there were no objections. Vice-Chairman Maez asked for public comment. **Commissioner Whiting moved to approve the Retail Marijuana Center License Renewal for J&J Enterprises, Inc., dba Pagosa Therapeutics located at 235 Bastille Drive. Vice-Chairman Maez seconded the motion and it carried with both Commissioners Maez and Whiting voting "Aye".**

**B. Renewal of the Retail Optional Premises Cultivation License for J & J Enterprises, Inc., dba Pagosa Therapeutics**

Executive Assistant Mary Helminski, submitted a renewal application for a Retail Optional Premises Cultivation License for J & J Enterprises, Inc., dba Pagosa Therapeutics located at 354 Bastille Drive. There were no changes from last year, the application was complete and the proper fees were paid. The Sheriff's Office had completed the background checks. The Building, Planning and the Fire Department had completed the inspections of the premises and there were no objections. Vice-Chairman Maez asked for public comment. **Commissioner Whiting moved to approve the Retail Optional Premises Cultivation License Renewal for J&J Enterprises, Inc., dba Pagosa Therapeutics located at 354 Bastille Drive. Vice-Chairman Maez seconded the motion and it carried with both Commissioners Maez and Whiting voting "Aye".**

Vice-Chairman Maez closed the Local Licensing Authority and reconvened the Regular Meeting at 1:45p.m.

**Consent Agenda**

**A. Payroll for and Payable Warrants with Purchase Cards August 8, 2018 – August 21, 2018**

General Fund Payable	227,014.50
Road and Bridge Fund Payable	231,280.10
Department of Human Services Fund Payable	21,785.53
All Combined Dispatch Fund Payable	15,459.90
Conservation Trust	7,500.00
Solid Waste Fund Payable	37,704.07
Airport Fund Payable	2,113.27
Fleet Fund Payable	<u>48,511.65</u>

General Fund Payroll	191,306.62
Road and Bridge Fund Payroll	30,962.65
Department of Human Services Fund Payroll	36,466.26
All Combined Dispatch Fund Payroll	15,405.12
Solid Waste Fund Payroll	8,476.14
Airport Fund Payroll	4,025.18
Fleet Fund Payroll	9,024.57
Total	<u>\$ 295,666.54</u>

- B. Regular Meeting Minutes  
August 7, 2018
  - C. Special Meeting Minutes  
August 13, 2018  
August 14, 2018
  - D. Consideration and Approval of an Assignment of Hangar Ground Lease Agreement for Douglas G. Dellmore and Archuleta County
  - E. Ratification of Chairman Wadley’s signature for the waiver of building permit fees for the purposed WHEC covered arena located at 344 Highway 84 and for the amount of \$5,621.25
  - F. Resolution 2018-33 Lot Consolidation in Lake Hatcher Park owned by Sabbath, LP
  - G. Resolution 2018-34 Lot Consolidation in Piedra Park Subdivision No. 6 Block 4 owned by William P. and Ginger L. Butero
- Interim County Administrator Schulte read the Consent Agenda for the record. **Commissioner Whiting moved to approve the Consent Agenda as presented. Vice-Chairman Maez seconded the motion and it carried with both Commissioners Maez and Whiting voting “Aye”.**

**New Business**

**A. Resolution 2018 35–Adoption of the Multi-Hazard Mitigation Plan**

Mike Le Roux Director of Emergency Services submitted a resolution to the Board for approval. The resolution would adopt the 2018 Archuleta County Multi-Hazard Mitigation Plan from the version that was drafted in 2012. Director LeRoux stated the County had received a Federal Grant in August of 2018 in the amount of \$60,000. The Plan needed to be updated because of this grant. It had been a two-year process and was now ready to be approved. The Plan had already been approved by the State and FEMA. It included Archuleta County, Town of Pagosa Springs, Pagosa Fire District and Pagosa Area Water & Sanitation District. Both Commissioners agreed this had been a long hard process but happy that Director LeRoux was such a leader. **Commissioner Whiting moved to approve Resolution 2018-35 adopting the 2018 Archuleta County Multi-Hazard Mitigation Plan. Vice-Chairman Maez seconded the motion and it carried with both Commissioners Maez and Whiting voting “Aye”.**

**B. Building Permit Fees Waiver for Community Build Starter Homes**

Interim County Administrator Schulte, submitted a request to waive building permit fees for Community Build Starter Homes on behalf of Robin Gaul, owner, in the amount of \$603.85. Ms. Gaul was wanting to build a one bedroom, 576 square foot home on a budget of \$33,000 using a community-build process. The discussion began regarding the way this item was put on the agenda. It stated there were “Homes” not just one “Home”. The Board was confused as to whether they were setting a precedence by approving this item. A lengthy discussion was then held regarding helping

one person “1-off” or adding a process to help others in the Regulations. It was ultimately agreed by the Board that they would prefer fixing the Regulations.

Vice-Chairman Maez asked Mark Disbrow to speak to the situation. He asked if the Church was asking for the waiver. Mr. Disbrow said no, they were asking on behalf of Robin Gaul not as the church. Mr. Disbrow felt she should be allowed the waiver.

County Attorney Starr explained to the Board that they needed to allow the applicant time to speak.

- Applicant, Robin Gaul of 228 Navajo Circle spoke on her own behalf stating she was asking for help in building her home as money was short.

Another discussion incurred regarding the best way to make this happen. Whether by “1-off” instances or fixing the Regulations. Setting a precedence now was not the Board’s intent. Vice-Chairman Maez asked if anyone from the public wished to speak.

- Steven Keno of 1020 Hurt Drive spoke up about the fact there were already State and Federal programs to help people like this. He did not think it was fair that local taxpayer dollars helped someone else. He felt the County would be opening itself up to civil litigation.
- Bill Hudson of 446 Loma Street agreed the Board had been talking about helping people afford homes for over 2 years now. They needed to step up now. He felt the Board needed to get it out at a work session and make some decisions.
- Ken Source of 292 Navajo Circle spoke against the Board helping someone with building their home. He stated the applicant owns four lots (4.4 acres) and maybe should think about selling one to help finance her own home. He did not feel this was fair to anyone else in the County.
- Mark Disbrow asked the Board what had happened about all their talk over the past couple years about the need for affordable housing; the need to help those people. Now the Board doesn’t agree.
- Mark Weiler of 7 Parelli Way spoke up about the Board needing to step up and lead. The Board had talked about this need for going on well over 3 year. Lots of information had been brought to the Board but they had done nothing. They needed to take that information and lead. He felt the Board needed to make a commitment, not just keep talking. Get the information into a work session and get it added to the Regulations. The Board owes that to the community.
- Robin Gaul, the applicant asked to speak again. She explained she had moved here to be closer to her family. The family had horses so they need the room. She lived paycheck to paycheck, had no place of her own to live, only works 24 hours a week and was ready to get started on building. She needed help. She felt she deserved the County’s help.
- Clifford Lucero with Archuleta Housing spoke about the fact that if the Board doesn’t agree to this waiver today, a policy does need to be created. Sometimes you got to do the right thing and help others.

Commissioner Whiting stated that anyone coming forward for this kind of waiver would feel like they deserve it. It was going to cost the County to get out of the hole they are in. Investing in affordable housing always pays off. He suggested the applicant get with him after the meeting. He felt he may have a couple of avenues where the applicant could get the help for which she was asking.

**Commissioner Whiting moved to not approve the request by Community Build Starter Homes to waive building permit fees in the amount of \$603.85. Vice-Chairman Maez seconded the motion.**

Vice-Chairman Maez said in response to Mr. Weiler's comment that it was always easier to sit in the audience and point fingers are what is not done. There are a lot of other factors that would be coming into this issue that the public was not aware of.

**The motion carried with both Commissioners Maez and Whiting voting "Aye".**

### **C. PILT Class Action Lawsuit**

Finance Director Larry Walton submitted a request for consideration from the BoCC if they wished to join in a class action lawsuit seeking to recover possible PILT underpayments for the years 2015-2017. It was explained by Interim County Manager Schulte that there was a class action law suit out there the County could join. It looks, after research, that counties failed to receive the proper fees from 2015-2017. The County had a chance now to jump on. It was looking like the County could receive somewhere in the amount of \$44,000 less expenses. The County could back out at any time. **Commissioner Whiting moved to approve our participation in a class action lawsuit seeking to recover possible PILT underpayments for the years 2015-2017. Vice-Chairman Maez seconded the motion and it carried with both Commissioners Maez and Whiting voting "Aye".**

### **D. Purchase of County Held Lien**

Interim County Administrator Schulte submitted a request to purchase a County Held Lien by Jeffery and Artis Rains. The properties of interest were located at 201 Paradise Drive, 30 Sandlewood Drive, and 39 Woodsman Drive. 201 Paradise Drive had an actual value of \$5,700 and an Assessed Value of \$1,650, both higher than the amount suggested for purchase. During discussion, it was stated that the following amounts were what were on the properties now: 201 Paradise Drive was \$11,119.68, 30 Sandlewood Drive was \$10,128.88 and 39 Woodsman Drive was \$10,128.88. The current value for each property was over the \$1,500 suggested purchase amount. The purchase amount offered was \$1,500 per property. It was stated the Treasurer does periodically sell properties for tax liens through auction. It was unknown when the last auction was held. No representative from the Treasurer's Office was present. Administrative Assistant Flora Goheen said she had talked to the Treasurer's Office staff and was told there would be more fees having to be paid than just the \$1,500 being offered. No representative was present from the Assessor's Office so true values could not be stated. **Commissioner Whiting moved to approve the request by Jeffery and Artis Rains to purchase County Held Liens for the properties located at 201 Paradise Drive, 30 Sandlewood Drive and 39 Woodsman Drive in Pagosa Springs, CO. Vice-Chairman Maez seconded the motion and it carried with both Commissioners Maez and Whiting voting "Aye".**

### **Public Comments**

Vice-Chairman Maez stated he was opening the floor for 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 desiring to speak. No response from the Board would be given.

- David Campbell of 511 Yarrow Circle stated he had been in the last meeting where the Board discussed the heavy trucks tearing up Bristlecone Dr. He had not seen a Sheriff's Deputy out there giving tickets. It was stated at the meeting he attended, the Board would be asking

August 21, 2018

Public Works Director Bob Perry to see what could be done about recommending higher weight limits on the road along with signage. He was supposed to do this quickly but it didn't seem to have happened. Interim County Administrator Schulte stated he actually had been talking to Public Works Director Perry about this issue and was waiting to hear back from him.

Vice-Chairman Maez stated that the Board had no authority over the Sheriff.  
Commissioner Whiting stated that Mr. Campbell needed to talk to the Sheriff about tickets.  
With no further business coming before the Board, the meeting was adjourned at 2:50 p.m.

  
\_\_\_\_\_  
Jure Madrid  
County Clerk & Recorder

Approved this 4<sup>th</sup> day of September, 2018.

  
\_\_\_\_\_  
Ronnie Maez, Vice-Chairman

**ARCHULETA COUNTY, COLORADO  
RESOLUTION 2018-04 BOA**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT DENYING VARIANCE  
FROM THE ARCHULETA COUNTY LAND USE REGULATIONS  
FOR HORTON ON LOT 37, BLOCK 13, LAKE PAGOSA 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**, Roger Horton, represented by Courtney King, applied for Variance from requirement 4, R-I-P Single Family Patio Residences, Planned Unit Development (PUD) zone, that "All buildings and structures shall be limited to a single story", for a new single family residence; and

**WHEREAS**, Roger Horton also applied for Variance from required 25' Front Yard and 20' Rear Yard setbacks, to build 15' from the front lot line and 13' from the rear lot line, in the R-I-P area, Planned Unit Development (PUD) zone (PLN18-111); and

**WHEREAS**, Callie L. Lewis was the owner(s) of record of the subject property, Lot 37, Block 13, Lake Pagosa Park, located at 33 S. Debonaire Ct., Pagosa Springs, CO, at the time of application, and made Roger Horton her authorized representative for purposes of this application; and

**WHEREAS**, Roger A. Horton and Elizabeth L. Horton purchased the subject property on 18 July 2018, during review of this application; and

**WHEREAS**, the property is zoned Planned Unit Development (PUD); and is designated R-I-P Single Family Residences land use; and

**WHEREAS**, the Pagosa Lakes Property Owners Association (PLPOA) has approved the proposal; 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 opened a public hearing on the request on July 17, 2018, and at the applicant's request continued said public hearing to August 7, 2018; 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

Rth.



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

**WHEREAS**, neighboring property owners did object in writing and in testimony; and

**WHEREAS**, the Board of Adjustment considered in full the requirements of Section 1.2.4.4 and Section 2.4.3.2 of the *Archuleta County Land Use Regulations* as to Standards for the Grant or Denial of Variances; and

**WHEREAS**, the Board of Adjustment voted 2-1 to deny the request for Variance from the height requirements; and

**WHEREAS**, the Board of Adjustment voted 3-0 to deny the request for Variance from front and rear setbacks.

**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 for Variance from requirement 4, R-I-P Single Family Patio Residences, in the PUD zone, does NOT meet all of the standards for a grant of variance in Section 2.4.3.2 of the *Archuleta County Land Use Regulations*; and
- b. The application for Variance from setbacks for the R-I-P Single Family Patio Residences, in the PUD zone, does NOT meet all of the standards for a grant of variance in Section 2.4.3.2 of the *Archuleta County Land Use Regulations*; and

**Section 2. Denial.**

- a. The Board of Adjustment does not approve the Horton Residence Height Variance, for Lot 37, Block 13, Lake Pagosa Park; and
- b. the Board of Adjustment does not approve the Horton Residence Setback Variances, for Lot 37, Block 13, Lake Pagosa Park.

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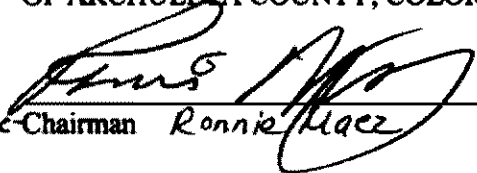
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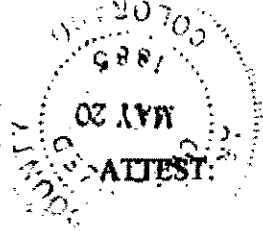
June Madrid  
Archuleta County



APPROVED AND ADOPTED this 21<sup>st</sup> day of August, 2018, in Pagosa Springs,  
Archuleta County, Colorado.

BOARD OF ADJUSTMENT  
OF ARCHULETA COUNTY, COLORADO

  
Vice-Chairman Ronnie Maez



June Madrid by Cheryl Henderson Deputy  
June Madrid, Clerk and Recorder County Clerk Recorder

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**RESOLUTION NO. 2018-33**

**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. 2013-23); and

**WHEREAS**, the Board has received an application from Sabbath, LP, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

**WHEREAS**, the Board has found that Sabbath, LP, have 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 88 and 89, Lake Hatcher Park, according to the plat thereof filed for record November 5, 1973, as Reception No. 78738, Archuleta County, Colorado, to become Lot 88X 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 21<sup>st</sup> day of August 2018.

The Board of County Commissioners  
Archuleta County, Colorado



*June Madrid*  
\_\_\_\_\_  
June Madrid,  
Archuleta County Clerk and Recorder

*Steve Wadley*  
\_\_\_\_\_  
Chairman Steve Wadley  
*Ronnie Maez*  
Vice-Chair Ronnie Maez

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*June Madrid*  
Resolutions

RESOLUTION NO. 2018-34

**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. 2013-23); and

**WHEREAS**, the Board has received an application from William P. Butero and Ginger L. Butero, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

**WHEREAS**, the Board has found that William P. Butero and Ginger L. Butero, have 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 2 and 3, Piedra Park Subdivision No. 6 Block 4, according to the plat thereof filed for record February 1, 1967, as Reception No. 69479, Archuleta County, Colorado, to become Lot ~~3333~~ 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.

2x  
davis

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 21<sup>st</sup> day of August 2018.

The Board of County Commissioners  
Archuleta County, Colorado



June Madrid  
June Madrid,  
Archuleta County Clerk and Recorder

Ronnie Maez  
Vice-Chairman  
Ronnie Maez

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No: \_\_\_\_\_  
JUNE MADRID  
RESOLUTIONS



**RESOLUTION NO. 2018 - 35**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, ADOPTING THE MULTI-HAZARD MITIGATION PLAN**

**WHEREAS**, pursuant to C.R.S. §§ 30-11-101(1)(d), 30-11-103, and 30-11-107(1)(a), the Board of County Commissioners of Archuleta County, Colorado, has the legislative authority to manage the business and concerns of the County to ensure the welfare and interest of the County and its inhabitants; and

**WHEREAS**, the County recognizes the threat natural emergencies pose to the citizens of the County and that undertaking emergency mitigations and response actions will reduce the potential for harm to citizens and property in the County; and

**WHEREAS**, the Archuleta County Emergency Management Office has prepared the Multi-Hazard Mitigation Plan to develop strategies to mitigate the emergency; and

**WHEREAS**, adoption by the Board of County Commissioners of Archuleta County, demonstrates the County's commitment to fulfill the mitigation goals and objectives outlined in the Multi-Hazard Mitigation Plan; and

**WHEREAS**, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan; and

**NOW, THEREFORE**, be it resolved that the Board of County Commissioners hereby adopts the Multi-Hazard Mitigation Plan, incorporated into this Resolution by this reference which plan replaces the 2012 Multi-Hazard Mitigation Plan.

**APPROVED AND ADOPTED** this 21<sup>st</sup> day August, 2018 in Pagosa Springs, Archuleta County, Colorado.

ATTEST:

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

*June Madrid, by*  
*Mary Helminski, by*  
June Madrid, County Clerk *Safety County Clerk* Ronnie Maez, Vice Chairman



Rm;  
JUNE MADRID  
RESOLUTIONS

## Sign In Sheet

### August 21, 2018

NAME	TITLE	STREET ADDRESS
John Shepard	Planning Manager	
Miles Venezia	BP	380 Airport Road Dags CO
Mary Helminski	Exec Asst.	
Mike Le Roux Roux	EM Emerg Director	
MARK SPIS Disbrow		77 Newey Cir
Robino Gaul Gaul	home owner	1220 BECKER LN Pagos
STEPHEN KEND	HOME OWNER	1020 HURT DR
Bill Hudson	U	446 Lowe St.
KEN Soacht Source		297 Navajo CIR
MARK WEILER	PROS	7 PARELL WAY P.S.
Cliff Lucero	? Arch Housing	
David Campbell		511 YARROW CIR
Hoca Cohen	Admin Assist.	



ARCHULETA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**CALL TO THE ORDER THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF AUGUST 21, 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**).

**BOARD OF EQUALIZATION**

**A. Board Of Equalization Minutes For 7-31-18**

Draft of the CBOE minutes for 7-31-18 for approval.

Presenter                      June Madrid  
Presenter's Title              Clerk & Recorder

Documents:

CBOE HEARING MINUTES 7-31-18 PDF

**BOARD OF ADJUSTMENT HEARING**

**A. Board Of Adjustment Consideration Of Resolution 2018-04BOA Denying Variance From The Archuleta County Land Use Regulations For Horton On Lot 37, Block 13, Lake Pagosa Park**

Request to consider and approve a Resolution of the Board of Adjustment stating Findings denying the Horton Residence Height and Setback Variances in the PUD zone. Lot 37, Block 13. Lake Pagosa Park. Variances denied August 7, 2018.

Presenter                      John Shepard, AICP  
Presenter's Title              Planning Manager

Documents:

RESOLUTION\_2018-04BOA-HORTON\_DENIAL.PDF

**B. Board Of Adjustment Consideration Of Resolution 2018-05BOA Denying Variance From The Archuleta County Land Use Regulations For BP Production Company In Pt. NE1/4 And SE1/4 T32N R6W NMPM**

Request to consider and approve a Resolution of the Board of Adjustment stating Findings denying the BP Ross 2 Paving Variance, for an approx. 89 acre parcel in pt. NE¼ and SE¼, S13, T32N R6W, NMPM, at 762 County Rd 975, Arboles, CO. Variance denied August 7, 2018.

Presentor John Shepard, AICP  
 Presentor's Title Planning Manager

Documents:

RESOLUTION\_2018-05BOA-BP\_ROSS2\_DENIAL.PDF

**LAND USE REGULATION HEARING**

Old Business

**A. Consideration Of Resolution 2018-\_\_\_ Denying The BP Cox 3 Well Pad Special Exception Major Oil & Gas Permit, For Pt. SW1/4NW1/4 S14 T32NR6W NMPM**

Request to consider and approve a Resolution stating Findings denying the BP Cox 3 Well Pad Special Exception, on a part of the SW¼NW¼ Section 14, T32N R6W NMPM, Arboles, CO (PLN18-094). Major Oil & Gas Permit denied at public hearing August 7, 2018.

Presentor John Shepard, AICP  
 Presentor's Title Planning Manager

Documents:

RESOLUTION\_2018-\_\_BP\_COX3\_SE\_DENIAL.PDF

**LOCAL LICENSING AUTHORITY**

**A. Consideration Of The Renewal Of A Retail Marijuana Center License For J & J Enterprises, Inc., Dba Pagosa Therapeutics, Located At 235 Bastille Drive**

This is a renewal for a Retail Marijuana Center License for J & J Enterprises, Inc., dba Pagosa Therapeutics located at 235 Bastille Drive. There are no changes, the application is complete and the proper fees have been paid. The Sheriff's Office completed the background checks. Building, Planning and the Fire Department have inspected the premises and there are no objections.

Presentor Mary Helminski  
 Presentor's Title Executive Assistant

Documents:

RETAIL CENTER RENEWAL J-J 2018.PDF

**B. Consideration Of The Renewal Of A Retail Optional Premises Cultivation License For J & J Enterprises, Inc., Dba Pagosa Therapeutics, Located At 354 Bastille Drive**



This is a renewal for a Retail Optional Premise Cultivation License for J & J Enterprises, Inc., dba Pagosa Therapeutics located at 354 Bastille Drive. There are no changes, the application is complete and the proper fees have been paid. The Sheriff's Office completed the background checks. Building, Planning and the Fire Department have inspected the premises and there are no objections

Presenter                    **Mary Helminski**  
 Presenter's Title        **Executive Assistant**

Documents:

RETAIL OPC RENEWAL J-J 2018.PDF

## **CONSENT AGENDA**

### **A. PAYROLL, PAYABLE WARRANTS AND PURCHASE CARDS**

**August 8, 2018 - August 21, 2018**

### **B. REGULAR MEETING MINUTES**

#### **Regular Meeting Minutes of 08-07-18R**

Draft of the Regular Meeting Minutes for August 7, 2018 for approval.

Documents:

08-07-18R.PDF

### **C. SPECIAL MEETING MINUTES**

#### **Special Meeting Minutes of 08-13-18S**

Draft of the Special Meeting minutes for August 13, 2018 for approval

Documents:

08-13-18S.PDF

#### **Special Meeting Minutes of 08-14-18S**

Draft of the Special Meeting minutes for August 14, 2018 for approval

Documents:

08-14-18S.PDF

### **D. Consideration And Approval Of An Assignment Hangar Ground Lease For Hangar Site 500J**

Assignment of Hangar Ground Lease Agreement for Douglas G. Dellmore and Archuleta County.

Documents:

GROUND LEASE AGREEMENT.PDF

### **E. Consideration And Approval To Ratify The Chairman's Signature**

This is to ratify the signature of the Chairman, Steve Wadley for the waiver of building permit fees for the proposed WHEC covered arena located at 344 Highway 84 and for the amount of \$5,621.25.

Documents:

RATIFY CHAIRMAN SIGNATURE PDF

**F. Consideration Of Resolution 2018- \_\_\_\_ To Consolidate 2 Lots Into 1 Lake Hatcher Park Owned By Sabbath, LP**

This request is to consider the Resolution authorizing the consolidation of Lots 88 and 89 Lake Hatcher Park, to become Lot 88X owned by Sabbath, LP

Documents:

LOT CONSOLIDATION SABBATH PDF  
SABBTH LP TITLE WORK PDF

**G. Consideration Of Resolution 2018- \_\_\_\_ To Consolidate 2 Lots Into 1 Piedra Park Subdivision No. 6 Block 4 Owned By William P. Butero And Ginger L. Butero**

This request is to consider the Resolution authorizing the consolidation of Lots 2 and 3 Piedra Park Subdivision No. 6 Block 4, to become Lot 2X owned by William P. Butero and Ginger L. Butero

Documents:

BUTERO TAXES PD PDF  
LOT CONDOLIDATION BUTERO PDF

**NEW BUSINESS**

**A. Consideration Of Resolution No. 2018-\_\_\_\_ Adopting The Multi-Hazard Mitigation Plan**

This is a resolution to adopt the 2018 Archuleta County Multi-Hazard Mitigation Plan from the version that was drafted in 2012.

Presenter	Mike Le Roux
Presenter's Title	Director of Emergency Services

Documents:

MULTI-HAZARD MITIGATION PLAN ADOPTION 8-21-18 PDF

**B. Consideration And Approval Of A Request For Waiver Of Building Permit Fees For Community Build Starter Homes**

This is a request to waive building permit fees for Community Build Starter Homes in the amount of \$603.85.

Documents:

PERMIT FEE WAIVER FOR COMMUNITY BUILD STARTER HOMES PDF

**C. Consideration Of Action To Be Taken By BoCC Related To A PILT Class Action Lawsuit**

This is a consideration of whether or not to join in a class action lawsuit seeking to recover possible PILT underpayments for the years 2015-2017.

Presenter	Larry Walton
Presenter's Title	Finance Director

## Documents:

2019 BUDGET - PILT PAYMENTS - PRIOR YEAR INFO PDF

**D. Consideration To Accept Offer Of Purchase For County Held Lien**

This is a request to purchase a County Held Lien by Jeffery and Artis Rains. There are three properties of interest located at 201 Paradise Dr., 30 Sandlewood Dr., 39 Woodsman Dr., Pagosa Springs, CO.

Presenter	Greg Schulte
Presenter's Title	County Administrator

## Documents:

TREASURER DOCS COUNTY HELD LIEN PDF  
 TREASURER DOCS COUNTY HELD LIEN 1 PDF  
 TREASURER DOC 2 PDF  
 PROPERTY RECORD CARD - R010261 PDF  
 PROPERTY RECORD CARD - R010339 PDF  
 PROPERTY RECORD CARD - R010340 PDF

**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****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.