

The board met in regular session on Wednesday September 13, 2017 at 9:11 A.M.

Present were:

Terry Hart, Chair
Garrison Ortiz, County Commissioner
George Rosenberg, Interim County Attorney
Marci Day, Assistant County Attorney
Joan Armstrong, Director, Planning & Development
Peggy Pleasant, Clerk to the Board

The minutes for August 28, 2017 were approved.

Commissioner Ortiz: Moved to approve the minutes of August 28, 2017.

Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE

HART-AYE

The motion passed unanimously.

The Agenda for September 13, 2017 was approved as Amended.

Marci Day: Requested a Discussion Item, VII C10 be added to the Agenda.

A brief discussion took place between Commissioner Hart and staff.

George Rosenberg: Requested item VII B2 Public Hearing Rescission of Baisol Farm be continued to October 11, 2017.

Commissioner Ortiz: Moved to continue item VII B2 until October 11, 2017.

Commissioner Hart: Confirmed motion and second. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE

HART-AYE

Commissioner Ortiz: Moved to approve the Agenda as Amended by the Assistant County Attorney.

Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE

HART-AYE

PUBLIC COMMENTS

Emily Price, PW Resident: Commented on Monday's BOCC Afternoon Work Session regarding stray animals.

A brief discussion took place between Commissioner Hart and Ms. Price.

Commissioner Ortiz: Stated he toured the Pueblo Animal Shelter yesterday that went very well. He took some of the information that was given in Monday's Afternoon WS with Shanna Farmer and the Pueblo Animal Reform Services. He spoke on a proposed Ordinance in Muncie then stated he would be receiving metrics from that group. Commissioner Ortiz spoke on the stray animal issue.

Commissioner Hart: Commented on the stray animal population and recommended the Oversight Committee look into this issue then work with the different groups. Commissioner Ortiz agreed with Commissioner Hart regarding the Oversight Advisory Committee.

Jay P. O'Niel, American Legion Post 207: Thanked the BOCC for their supporting the Golf Benefit last Saturday.

COMMISSIONERS COMMENTS

Commissioner Ortiz: Stated his comments were already address regarding the Animal Shelter Tour.

Commissioner Hart: Commented on the 10 County Conference he will be attending at 2 P.M. today which is why the BOCC meeting will be short.

NO SPECIAL ISSUES OF PUBLIC INTEREST

PROCLAMATIONS

1. "Victory Outreach Pueblo Inner City Recovery Homes 2nd Annual 'Legacy of Hope Celebration'" – September 16, 2017

Commissioner Ortiz: Moved to approve the Victory Outreach Proclamation.

Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE

HART-AYE

The motion passed unanimously.

NO REPORTS

PLANNING AND DEVELOPMENT

RECESS AS THE BOARD OF COUNTY COMMISSIONERS AND CONVENE AS THE ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS CONSENT AGENDA

Marci Day: The Zoning Board of Appeals Consent Agenda contains items for which the staff is recommending approval and as of publications of the agenda there was no known opposition. The applicants are in agreement with staff recommendations of conditions for approval. I will present the Consent Agenda in summary format and if any member of the Board of County Commissioners or and member of the audience would like to remove an item from the Consent Agenda to facilitate a full public hearing they may request that and it will be moved to the end of the Regular Agenda.

1. **ZONING VARIANCE NO. 2017-006**
(If removed, Public Hearing)
- Jay P. O’Niel and Edith J. Quinton-O’Niel
(Owner/Applicants)

Marci Day: Requested this item be continued to September 25, 2017 at 2:45 due to the fact that all 3 commissioner need to be present to decide.
Commissioner Hart: Requested this be added to their legislation agenda to look into this rule. A brief discussion took place between Commissioner Hart and Ms. Day.

Commissioner Ortiz: Moved to continue the Zoning Board of Appeals item until September 25, 2017 at 2:45.
Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE

HART-AYE

The motion passed unanimously.

RECESS AS THE ZONING BOARD OF APPEALS AND RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS REGULAR ITEMS

Marci Day: Requested staff reports be made part of the official record.
Commissioner Hart: Staff reports dated August 31, 2017 will be made part of the official record.

RESOLUTION NO. P&D 17-044

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

A RESOLUTION RESCINDING APPROVAL OF LOPEZ SUBDIVISION FINAL PLAT NO. 2010-001, A RE-SUBDIVISION OF PARCEL C OF SUBDIVISION VARIANCE NO. 459, LOCATED IN A PORTION OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, PUEBLO COUNTY, COLORADO

WHEREAS, Gilbert Maes and Josie Maes filed a request with the Pueblo County Planning Director to re-subdivide Parcel C of Subdivision Variance No. 459 into two lots: Lot 1 contains 1.64 acres and Lot 2 contains 1.36 acre; and

WHEREAS, proposed Lot 1 contains an existing single-family residence addressed as 28282 Gale Road and proposed Lot 2 is vacant;

WHEREAS, the subdivision is in the A-4, Agricultural (minimum 1/2 acre) Zone District; and

WHEREAS, the Board of County Commissioners approved Lopez Subdivision Final Plat No. 2010-001 on March 16, 2010 with the following conditions:

1. Prior to recordation of Lopez Subdivision Final Plat:
- a) Two copies of the drainage report, approved by the Department of Public Works, signed and stamped by the professional engineer licensed to practice in the State of Colorado who prepared the report, and marked "RECORD SET" shall be submitted to the Department of Public Works. One "RECORD SET" drainage report shall be submitted to the Department of Planning and Development. A note shall be placed on the

Final Plat stating the "RECORD SET" Drainage Report is available at the Department of Public Works for review.

- b) A Reciprocal Access Easement Agreement shall be submitted to staff for review and approval. The signed Agreement shall be recorded concurrently with the Final Plat. A notation of the Reciprocal Access Easement Agreement recording information shall be placed on the Final Plat.
- c) The owners/applicants shall deposit the agreed upon funds in a form acceptable to the Pueblo County Attorney with the Department of Public Works to help offset the impact of this subdivision on the surrounding road and drainage systems. Documentation of the deposit shall be provided to the Department of Planning and Development.
- d) The Final Plat shall show the irrigation ditch and drainage swales, as discussed in the Drainage Report, as easements and be designated as “No Build Area”.
- e) The 60-foot Private Reciprocal Access Easement shall be re-named. The name shall be approved by Pueblo Regional Building Department and placed on the Final Plat. A road name sign with private road designation meeting the standards of the Manual on Uniform Traffic Control Devices (MUTCD) shall be installed by the owners.

RESOLUTION NO. P&D 17-044 (CONT.)

- 2. The following notes shall be placed on the Final Plat:
 - Lot-specific foundation investigations, including subsurface geotechnical testing, should be conducted prior to building to determine subsurface geologic characteristics that may impact foundation design (expansive/hydrocompactive soils, seasonally shallow groundwater, etc.).
 - Site-specific septic investigations, including percolation testing, should be done prior to building to determine design parameters, and whether engineered systems are needed. Specialized septic designs may be required based on groundwater elevations, and percolation rates. The County Health Department should be asked to comment on septic design and location.
 - Finished grading should reflect a positive grade away from structures. Water should not be allowed to pond or infiltrate the soils near buildings.
 - Any subsurface construction within 5 feet of the bedrock surface or seasonally high groundwater tables should have adequate foundation drainage.
 - During grading, any structural fill must be constructed, compacted, and tested under the direction of a Registered Professional Engineer.
 - All building foundation systems should be designed at the direction of a Registered Professional Engineer. This foundation will most likely be of the footing type as the native soil exhibits low swell potential.
 - Cut slopes should be graded no steeper than 1½ to 1.
 - At the conclusion of fine grading, exterior ground surfaces should slope away from exterior walls or footings at a minimum of 10” in the first 10 feet.
 - Completed structures should be equipped with eaves, troughs, and downspouts which expel onto concrete splash blocks and carry across any backfill.
 - If compacted fill is placed over existing areas of artificial fill, it is recommended that the latter deposits first be removed to firm native soil, replaced, and compacted.
 - The approved drainage report can be viewed at the Pueblo County Department of Public Works.
- 3. The original signed Downward Flow Modification letter from Pueblo Rural Fire District shall be recorded concurrently with the Final Plat. A note shall be placed on the Final Plat identifying the Downward Flow Modification letter with recordation information.
- 4. A *NOTICE OF FIRE IMPACT FEE* statement letter stating a \$375.00 per lot Fire Impact Fee shall be collected by the Department of Planning and Development at such time as zoning authorization for a building permit is requested for Lot 2. The letter shall be recorded in conjunction with Lopez Subdivision Final Plat. The recordation information shall be placed on the Final Plat.
- 5. The Mineral Rights Statement for release of those mineral rights within the private ingress-egress easement shall be placed on the Final Plat.
- 6. The plat shall comply with Section 16.68.010, Global Positioning System (GPS) in the Pueblo County Code.

RESOLUTION NO. P&D 17-044 (CONT.)

- 7. Prior to recordation of Lopez Subdivision Final Plat No. 2010-001, the final plat shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and the Department of Public Works, including but not limited to the depiction of any easements (public or private), plat notes, etc. Upon final approval, the owners’/applicants’ representative shall submit to the Department of Planning and Development the final version of the Final Plat in the appropriate digital formats (i.e., .dwg and .pdf).

WHEREAS, it has been over seven (7) years (March, 2010) since the approval of Final Plat No. 2010-001. The Department of Planning and Development is requesting rescission of Final Plat No. 2010-001 due to the lack of the applicants/owners pursuing the conditions of approval; and

WHEREAS, a public hearing, preceded by proper public notice, was heard by the Board of County Commissioners on September 13, 2017 and, at said hearing, all those who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board has reviewed and taken administrative notice of the testimony, documents submitted at the hearings, and the contents of the Planning Director’s file.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, Lopez Subdivision Final Plat No. 2010-001 is hereby rescinded based upon failure of the owners/applicants to comply with requirements in the Pueblo County Code, Title 16, SUBDIVISIONS and the conditions of approval.

PASSED AND ADOPTED this 13th day of September 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:**

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. P&D 17-045

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION RESCINDING APPROVAL OF LOPEZ SUBDIVISION
PRELIMINARY PLAN NO. 2010-001, A RE-SUBDIVISION OF PARCEL C OF SUBDIVISION VARIANCE NO.
459, LOCATED IN A PORTION OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 64 WEST OF THE 6TH
PRINCIPAL MERIDIAN, PUEBLO COUNTY, COLORADO**

WHEREAS, Gilbert Maes and Josie Maes filed a request with the Pueblo County Planning Director to re-subdivide Parcel C of Subdivision Variance No. 459 into two lots: Lot 1 contains 1.64 acres and Lot 2 contains 1.36 acre; and

WHEREAS, Proposed Lot 1 contains an existing single-family residence addressed as 28282 Gale Road and Proposed Lot 2 is vacant; and

WHEREAS, the subdivision is in the A-4, Agricultural (minimum 1/2 acre) Zone District; and

WHEREAS, the Board of County Commissioners approved Lopez Subdivision Preliminary Plan No. 2010-001 on March 16, 2010 with the following conditions:

1. The Preliminary Plan shall show the irrigation ditch and drainage swales, as discussed in the Drainage Report, as easements and be designated as “No Build Area”.
2. Lopez Subdivision Preliminary Plan No. 2010-001 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and the Department of Public Works, including but not limited to the depiction of any easements (public or private), plat notes, etc. Upon final approval, the owners’/applicants’ representative shall submit to the Department of Planning and Development the final version of the Preliminary Plan in the appropriate digital formats (i.e., .dwg and .pdf); and

WHEREAS, it has been over seven (7) years (March, 2010) since the approval of Preliminary Plan No. 2010-001. The Department of Planning and Development is requesting rescission of Preliminary Plan No. 2010-001 due to the lack of the applicants/owners pursuing the conditions of approval; and

WHEREAS, a public hearing, preceded by proper public notice, was heard by the Board of County Commissioners on September 13, 2017 and, at said hearing, all those who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board has reviewed and taken administrative notice of the testimony, documents submitted at the hearings, and the contents of the Planning Director’s file.

RESOLUTION NO. P&D 17-045 (CONT.)

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, Lopez Subdivision Preliminary Plan No. 2010-001 is hereby rescinded based upon failure of the owners to comply with requirements in the Pueblo County Code, Title 16, SUBDIVISIONS and the conditions of approval.

PASSED AND ADOPTED this 13th day of September 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:**

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Marci Day: Read each Resolution up for Public Hearing then explained why these items are up for Public Hearing.
Commissioner Hart: Opened the hearing then asked if anyone wanted to speak in favor or opposition but no one came forward.
Commissioner Hart: Closed the hearing.

Commissioner Ortiz: Move to approve both the Subdivision Final Plat No. 2010-001 Rescission and Subdivision Preliminary Plan No. 2010-001 Rescission.

Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE

HART-AYE

The motion passed unanimously.

Ms. Armstrong: Clarified that this is for both rescissions, which was confirmed.

George Rosenberg: Requested this be continued to October 11, 2017 during the amendment of today's Agenda.

1. PUBLIC HEARING
RESCISSION OF BASIOL FARM SUBDIVISION

*FINAL PLAT NO. 2006-011
RESCISSION OF BAI SOL FARM
SUBDIVISION PRELIMINARY PLAN NO. 2006-011
RESCISSION OF MAP AMENDMENT NO. 2006-005*

RESOLUTION NO. P&D 17-046

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION RESCINDING APPROVAL OF THE VIA DON CARLOS PLANNED UNIT DEVELOPMENT
FOR A 30.97-ACRE PARCEL OF LAND LOCATED WITHIN A PORTION
OF THE SE¼ OF THE NE¼ OF SECTION 18, TOWNSHIP 21 SOUTH, RANGE 61 WEST OF THE 6TH P.M.,
PUEBLO COUNTY, COLORADO**

WHEREAS, Posada, A Colorado Non-Profit Corporation, as applicants and owners filed for an application for a Planned Unit Development with the Pueblo County Director to rezone 30.97± acres from A-1, Agricultural (minimum 35 acre) to a Planned Unit Development District known as “Via Don Carlos Planned Unit Development” to allow development of 30 single-family residences clustered in groups of two, three, and four units; Lot 1, the development site, contains 27.10± acres; Parcel A, located across 57th Lane, contains 2.15± acres and was designated for open space; right-of-way dedication for 58th Lane contains 0.22± acre; and right-of-way dedication for 57th Lane contains 1.49± acres; and

WHEREAS, the parcel is legally described as:

That portion of the SE1/4 of the NE1/4 of Section 18, Township 21 South, Range 61 West of the 6th P.M., described as follows:

Commencing at the SE corner of the SE1/4 of the NE1/4 of Section 18, Township 21 South of Range 61 West of the 6th P.M., thence N along the Ely line of said SE1/4 of the NE1/4 a distance of 440 feet to a point; thence N 37° 49' W a distance of 978 feet to a point; thence N 37°07' W along a line to a point where the said line intersects the Nly line of the said SE1/4 of the NE1/4 of Section 18, Township 21 South of Range 61 West; thence W along the Nly line of said SE1/4 of the NE1/4 to the NW corner thereof; thence S along the Wly line of said SE1/4 of the NE1/4 to the SW corner thereof; thence Ely along the S line of said SE1/4 of the NE1/4 to the Point of Beginning.

Said parcel contains 30.97 acres, more or less; and

WHEREAS, the Pueblo Board of County Commissioners, at its public hearing held on February 17 and 18, 2004, voted to approve Via Don Carlos Planned Unit Development No. 2003-003 by Resolution No. P&D 04-24 dated February 18, 2004 and by Resolution No. P&D 04-24, correcting a typographical error regarding the acreage and legal description, dated August 17, 2004, but was never recorded, with the following conditions:

1. Prior to the recordation of the Planned Unit Development Plan:
 - a) Documentation on the action taken by District Court on the inclusion of the PUD into the Avondale Water and Sanitation District shall be submitted to the Department of Planning and Development.
 - b) Design calculations and construction ready drawings for road improvements design for 58th Lane shall be submitted to the Department of Public Works for review and approval. All required improvements shall be included in the Planned Unit Development Improvements Agreement.

RESOLUTION NO. P&D 17-046 (CONT.)

- c) An approved Drainage Plan signed and stamped by a professional engineer licensed to practice in the State of Colorado marked RECORD SET shall be submitted to the Department of Planning and Development.
- d) An approved Planned Unit Development Improvements Agreement between Posada and Pueblo County for required public improvements, with collateralization guaranteeing the construction of the public improvements in a form acceptable to the Assistant County Attorney, shall be accepted by the Board of County Commissioners by resolution at a regularly scheduled Board meeting. The Improvements Agreement shall be recorded concurrently with Development Plan at the applicant's expense.
- e) An approved Agreement for Revocable Permit for Use of Public Right-of-Way between Posada and Pueblo County shall be accepted by the Board of County Commissioners by resolution at a regularly scheduled Board meeting. The Agreement shall be recorded concurrently with Development Plan at the applicant's expense.
- f) Approved Quit Claim Deeds for rights-of-way for 57th Lane and 58th Lane shall be accepted by the Board of County Commissioners by resolution at a regularly scheduled Board meeting. The Quit Claim Deeds shall be recorded concurrently with the Development Plan at the applicant's expense.
- g) The following note shall be placed on the Development Plan: If the water line is not extended pursuant to the Avondale Water and Sanitation District System Extension Agreement made on _____, 2004 between the District and Posada and if water service is not provided to the Via Don Carlos Planned Unit Development, no building permits will be authorized by Pueblo County; and

WHEREAS, it has been over thirteen (13) years (February 2004) since approval of the Planned Unit Development. The Department of Planning and Development is requesting rescission of Planned Unit Development No. 2003-003 due to the lack of the applicant/owner pursuing the conditions of approval and recording the plat. The property would revert back to the A-1 Zone District with all the uses-by-right, uses-by-review, and required zone district standards; and

WHEREAS, a public hearing, preceded by proper public notice, was held by the Board of County Commissioners on September 13, 2017 and, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board of County Commissioners has reviewed and taken administrative notice of the application, documents, evidence presented at the hearing, and the contents of the Planning Director's file.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, the Via Don Carlos Planned Unit Development approval be and is hereby **RESCINDED** thereby keeping the original A-1, Agricultural Zone District.

RESOLUTION NO. P&D 17-046 (CONT.)

PASSED AND ADOPTED this 13th day of September 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:**

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Marci Day: Read the Resolution and explained why PUD No. 2003-003 is up for Public Hearing.

Marci Day: Requested staff reports dated August 30, 2017 be made part of the official record.

Commissioner Hart: Opened the hearing.

Commissioner Hart: Staff reports dated August 30, 2017 will be made part of the official record.

Commissioner Hart Asked if anyone wanted to speak in favor or opposition but no one came forward so he closed the hearing.

Commissioner Ortiz: Moved to approve Rescission of PUD No. 2003-003.

Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection.

All in Favor:

ORTIZ-AYE

HART-AYE

The motion passed unanimously.

BOARD OF COUNTY COMMISSIONERS CONSENT ITEMS

Marci Day: The Consent Agenda contains items for which the staff is recommending approval and as of publications of the agenda there was no known opposition. The applicants are in agreement with staff recommendations of conditions for approval. I will present the Consent Agenda in summary format and if any member of the Board of County Commissioners

or and member of the audience would like to remove an item from the Consent Agenda to facilitate a full public hearing they may request that and it will be moved to the end of the Regular Agenda.

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| 1. EASEMENT VACATION NO. 2017-001
(If removed, Public Hearing) | <i>Pueblo West Metropolitan
District (Owner/Applicant)</i> |
| 2. MAP AMENDMENT NO. 2017-009
(If removed, Public Hearing) | <i>Pueblo West Metropolitan
District (Owner/Applicant)</i> |
| 3. PLAT VACATION NO. 2017-001
(If removed, Public Hearing) | <i>Pueblo West Metropolitan
District (Owner/Applicant)</i> |

Marci Day: Planning Commission continued these 3 items and staff recommended they be continued by this board to October 11, Public Hearing.

RESOLUTION NO. P&D 17-047

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

A RESOLUTION APPROVING AUTUMN SUBDIVISION FINAL PLAT NO. 2017-001 LOCATED WITHIN LOT 1, BLOCK 49, ST. CHARLES MESA BEING WITHIN A PORTION OF THE NE¼ NW¼ OF SECTION 14, TOWNSHIP 21 SOUTH, RANGE 64 WEST OF THE 6TH P.M., PUEBLO COUNTY, COLORADO

WHEREAS, an application for final plat approval was filed by Robert Dennis as Owner/Applicant and John Moser as Subdivider, c/o Dick Jay, Boundaries Unlimited with the Pueblo County Planning Director to subdivide 9.85± acres into six (6) lots in an A-4, Agricultural (minimum ½ acre) Zone District as follows:

Lot 1 ... 2.25± acres	Lot 4 ... 1.48± acres
Lot 2 ... 1.42± acres	Lot 5 ... 1.48± acres
Lot 3 ... 1.48± acres	Lot 6 ... 1.42± acres

WHEREAS, the subdivision application did also propose a twenty (20) foot road right-of-way dedication (0.31± acre) along the northerly portion of the property adjoining for South Road; and

WHEREAS, the property being subdivided is legally described within that Personal Representative’s Deed recorded on April 29, 2013 as Reception No. 1941331 being more particularly described as follows:

A tract of land in Lot, Block 49, St. Charles Mesa, County of Pueblo, State of Colorado, described as follows:

Beginning at the point on the North line of said Lot 1, said point being 274.05 feet East of the Northwest corner of said Lot 1, said point is also the Northeast corner of the tract of land described in Deed recorded December 8, 1972 in Book 1735 at Page 731; thence East along the North line of said Lot 680.57 feet; thence South and parallel with the West line of said Lot 640 feet to the South line of said Lot; thence West 680.57 feet; thence North 640 feet to the POINT OF BEGINNING, EXCEPT the North 10 feet of said property which lies within an existing County Road; and

WHEREAS, a public meeting was held by the Pueblo County Planning Commission on August 16, 2017, at the conclusion of which the Planning Commission voted on the consent agenda to recommend approval of Autumn Subdivision Final Plat No. 2017-001 to the Board of County Commissions with three (3) comments and a single four-part condition as follows:

COMMENTS

- A. The final plat of Autumn Subdivision appears to conform in all major respects to the preliminary plan.
- B. Autumn Subdivision Final Plat No. 2017-001 does generally comply with the development standards of the A-4, Agricultural Zone District regarding minimum required lot area, width, and depth.

RESOLUTION NO. P&D 17-047 (CONT.)

- C. The proposed subdivision of the property as depicted upon the final plat drawing appears to complies with the intent of and recommendations made by the Pueblo Regional Development Plan.

CONDITIONS

- 1. **PRIOR TO RECORDATION** of the plat of Autumn Subdivision Final Plat No. 2017-001, the following shall be required:
 - a) The payment of the agreed upon funds to help offset the impact of this subdivision on the surrounding road and drainage infrastructure shall be submitted to the Department of Engineering and Public Works in a form acceptable to the County Attorney. Documentation of the payment’s receipt will need to be provided to the Department of Planning and Development.

- b) All of the required infrastructure (drainage improvements, water lines, private road and associated signage, etc.) as required by the Pueblo County Department of Engineering and Public Works, St. Charles Mesa Water, and the Pueblo Rural Fire District shall be completed. A letter, from the applicable entities documenting the improvements have been properly installed and inspected, must be submitted to the Department of Planning and Development.
- c) The plat of Autumn Subdivision Final Plat No. 2017-001 and all associated documents shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and/or the Department of Engineering and Public Works including, but not limited to the depiction of any easements (public or private), plat notes and text wording modifications, and plat notes (i.e., fire impact fee notation, soil limitations, drainage swale maintenance, etc.).

Upon final approval, the owner/applicant’s representative shall submit to the Department of Planning and Development the final version of the final plat in the appropriate formats (i.e., mylar for recordation and .dwg and/or .pdf for final processing) and all other associated documents (easements, fire impact fee letter, ingress-egress easement, quit claim deed, etc.) in recordation ready form.

- d) The owner/applicant will be responsible for paying all appropriate recording fees for the resolution(s), the plats, quit claim deeds, and other associated documents as required.

WHEREAS, a public hearing, preceded by proper public notice, was held by the Board of County Commissioners on September 13, 2017 and, at said hearing, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board has reviewed and taken administrative notice of the recommendation of the Planning Commission and the testimony, application, evidence, documents submitted at the hearing, and the contents of the Planning Director’s file; and

RESOLUTION NO. P&D 17-047 (CONT.)

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WHEREAS, the Board finds the proposed subdivision complies with the requirements of the Pueblo County Code, Title 16, SUBDIVISIONS and Title 17, LAND USE.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Autumn Subdivision Final Plat No. 2017-001 is hereby **APPROVED** and the dedication of right-of-way is hereby accepted subject to the following three (3) comments and single five-part condition:

COMMENTS

- A. The final plat of Autumn Subdivision appears to conform in all major respects to the preliminary plan.
- B. Autumn Subdivision Final Plat No. 2017-001 does generally comply with the development standards of the A-4, Agricultural Zone District regarding minimum required lot area, width, and depth.
- C. The proposed subdivision of the property as depicted upon the final plat drawing appears to complies with the intent of and recommendations made by the Pueblo Regional Development Plan.

CONDITIONS

- 1. **PRIOR TO RECORDATION** of the plat of Autumn Subdivision Final Plat No. 2017-001, the following shall be required:
 - a) The payment of the agreed upon funds to help offset the impact of this subdivision on the surrounding road and drainage infrastructure shall be submitted to the Department of Engineering and Public Works in a form acceptable to the County Attorney. Documentation of the payment’s receipt will need to be provided to the Department of Planning and Development.
 - b) All of the required infrastructure (drainage improvements, water lines, private road and associated signage, etc.) as required by the Pueblo County Department of Engineering and Public Works, St. Charles Mesa Water, and the Pueblo Rural Fire District shall be completed. A letter, from the applicable entities documenting the improvements have been properly installed and inspected, must be submitted to the Department of Planning and Development.
 - c) An updated title commitment with an effective date of no older than thirty (30) days prior to the date of recordation must be submitted to the Department of Planning and Development.

RESOLUTION NO. P&D 17-047 (CONT.)

- d) The plat of Autumn Subdivision Final Plat No. 2017-001 and all associated documents shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and/or the Department of Engineering and Public Works including, but not limited to the depiction of any easements (public or private), plat notes and text wording modifications, and plat notes (i.e., fire impact fee notation, soil limitations, drainage swale maintenance, etc.).

Upon final approval, the owner/applicant’s representative shall submit to the Department of Planning and Development the final version of the final plat in the appropriate formats (i.e., mylar for recordation and .dwg and/or .pdf for final processing) and all other associated documents (easements, fire impact fee letter, ingress-egress easement, quit claim deed, etc.) in recordation ready form.

- e) The owner/applicant will be responsible for paying all appropriate recording fees for the resolution(s), the plats, quit claim deeds, and other associated documents as required.

PASSED AND ADOPTED this 13th day of September 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:**

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. P&D 17-048

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION APPROVING THE REMOVAL OF A CONDITION OF APPROVAL FOR EASEMENT
VACATION NO. 2008-001, ORIGINALLY APPROVED IN 2008 TO VACATE A RIGHT-OF-WAY EASEMENT
WITHIN LOTS 1 AND 2, AND RECONFIGURE A DETENTION EASEMENT WITHIN LOT 2,
EDEN INDUSTRIAL PARK SUBDIVISION,
PUEBLO COUNTY, COLORADO**

WHEREAS, Zachry Enterprise, LLC (Owner/Applicant) proposes eliminating Condition of Approval No. 2, included with the Board of County Commissioners’ approval for Easement Vacation No. 2008-001, which reads as follows:

- 2. Prior to recordation of the Easement Vacation Plat, the applicant shall guarantee the completion of the required drainage improvements either by:
 - a. Installation of the required drainage improvements. A letter documenting the drainage improvements have been installed and inspected to the Pueblo County Department of Public Works' satisfaction shall be submitted to the Department of Planning and Development. OR
 - b. Enter into an Improvements Agreement (IA) with Pueblo County. The applicant shall submit the IA including construction cost estimates and an approved means of collateralization guaranteeing construction of the drainage improvements as identified in the approved IA to the Pueblo County Department of Public Works. Collateralization shall be in a form acceptable to the County Attorney. The Improvements Agreement is required to be approved by a separate resolution as a regularly scheduled meeting of the Board of County Commissioners.; and

WHEREAS, Easement Vacation No. 2008-001 was approved by the Pueblo Board of County Commissioners on October 14, 2008, by Resolution of Approval No. P&D 08-081; and

WHEREAS, the intent of the subject condition of approval has been found to be adequately addressed by a plat note for the Eden Industrial Park Subdivision, recorded on December 23, 1998 at Reception No. 1255492, which reads as follows:

“Design of individual drainage facilities, including any facilities necessary to limit the discharge rate to historic flows for each lot shall be submitted for review and approval to the Pueblo County Public Works Department and the Colorado Department of Transportation prior to the issuance of a building permit. These drainage plans are to be prepared by an engineer licensed in the State of Colorado and approved by the entity affected (Public Works or Colorado Department of Transportation) prior to the issuance of a Certificate of Occupancy.”; and

RESOLUTION NO. P&D 17-048 (CONT.)

WHEREAS, a public hearing, preceded by proper public notice, was held by the Board of County Commissioners on September 13, 2017 and, at which time, all those who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board has reviewed and taken administrative notice of the testimony, application, evidence, and documents submitted at the public hearing, and the contents of the Planning Director’s file.

NOW, THEREFORE, BE IT RESOLVED that Condition of Approval No. 2. below, which was approved with Easement Vacation No. 2008-001 by Resolution of Approval No. P&D 08-081, is hereby removed.

2. Prior to recordation of the Easement Vacation Plat, the applicant shall guarantee the completion of the required drainage improvements either by:
- a. Installation of the required drainage improvements. A letter documenting the drainage improvements have been installed and inspected to the Pueblo County Department of Public Works' satisfaction shall be submitted to the Department of Planning and Development. OR
 - b. Enter into an Improvements Agreement (IA) with Pueblo County. The applicant shall submit the IA including construction cost estimates and an approved means of collateralization guaranteeing construction of the drainage improvements as identified in the approved IA to the Pueblo County Department of Public Works. Collateralization shall be in a form acceptable to the County Attorney. The Improvements Agreement is required to be approved by a separate resolution as a regularly scheduled meeting of the Board of County Commissioners.

PASSED AND ADOPTED this 13th day of September 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:**

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. P&D 17-049

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

A RESOLUTION APPROVING MAP AMENDMENT NO. 2017-007 REZONING TWO LOTS: LOT 158 (0.32 ACRE IN SIZE), AND LOT 192 (0.29 ACRE IN SIZE), BOTH WITHIN UNIT 10, COLORADO CITY, LOCATED WITHIN A PORTION OF THE NORTHEAST ¼ OF SECTION 24 TOWNSHIP 24 SOUTH, RANGE 67 WEST OF THE 6TH P.M., PUEBLO COUNTY, COLORADO

WHEREAS, an application for map amendment was filed by Janet K. Marlow Walkup and Clayton A. McClendon, with the Pueblo County Planning Director, to rezone two lots from a B-4, Community Business, to an R-5, Multiple Residential and Office Zone District, in order to establish residential uses; and

WHEREAS, the properties to be rezoned are described as Lot 158 (0.32 acre in size) and Lot 192 (0.29 acre in size), both within Unit 10, along with ½ of the vacated alley adjacent to each, Colorado City, Pueblo County, Colorado; and

WHEREAS, a public meeting was held by the Pueblo County Planning Commission on August 16, 2017, at the conclusion of which the Planning Commission voted on the consent agenda to forward a recommendation of approval of Map Amendment No. 2017-007 to the Board of County Commissioners and per Section 17.144.060, Hearings and Findings of the Pueblo County Code, the Pueblo County Planning Commission forwarded the following findings of fact, with each finding including a statement (in bold text), which sets forth those factors which the Planning Commission considered controlling factors in reaching its decision:

- A. The proposed amendment is in conformance with the Land Use Plan.

The proposed amendment is in conformance with the Land Use Plan. The *Pueblo Regional Development Plan* designates the site as a “Developing Metro Area”. The “Future Character” of this designation is appropriate for the R-5 zoning, and the possibility of establishing residences. The Plan recommends, “...a continuation of existing residential development patterns in a more suburban-type setting...”.

- B. The change requested promotes the public necessity, health, safety, and general welfare and is consistent with good land use and zoning practice.

The change does promote the public health, safety, and general welfare. Rezoning to R-5 will provide the appropriate zoning for the applicant to establish residential uses or other uses allowed under R-5 zoning. The site of the zoning change is consistent with good land use and zoning practice, and is consistent with existing development within this part of Colorado City.

RESOLUTION NO. P&D 17-049 (CONT.)

- C. If the proposed change involves property bounded on one (1) or more sides by the boundary of a City or Planning or Zoning District, the matter has been referred to the Planning Commission of that City or Zoning District for its review and recommendation.

N/A. The property is within, and entirely surrounded by, unincorporated Pueblo County.

WHEREAS, a public hearing, preceded by proper public notice, was held by the Board of County Commissioners on September 13, 2017 and, at said hearing, all those who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board has reviewed and taken administrative notice of the recommendation of the Planning Commission and the testimony, application, evidence, documents submitted at the hearing, and the contents of the Planning Director’s file; and

WHEREAS, the Board of County Commissioners finds as follows:

- The proposed amendment is in conformance with the Land Use Plan.
- The change requested promotes the public necessity, health, safety, and general welfare and is consistent with good land use and zoning practice.
- The property is not bounded on any side by the boundary of a City or Planning or Zoning District and is within, and entirely surrounded by, unincorporated Pueblo County.

NOW, THEREFORE, BE IT RESOLVED that the Board County Commissioners of Pueblo County, Colorado, does hereby approve Map Amendment No. 2017-007 rezoning property legally described as Lot 158 and Lot 192, both within Unit 10, along with ½ of the vacated alley adjacent to each, Colorado City, Pueblo County, Colorado, from a B-4, Community Business Zone District to an R-5, Multiple Residential and Office Zone District.

PASSED AND ADOPTED this 13th day of September 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Terry A. Hart, Chair

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. P&D 17-050

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION APPROVING MAP AMENDMENT NO. 2017-008 REZONING LOTS 85,
86, AND 87, FOREST HILL SUBDIVISION, CONTAINING 0.96± LOCATED WITHIN A
PORTION OF SECTION 36, TOWNSHIP 24 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
PUEBLO COUNTY, COLORADO**

WHEREAS, an application for map amendment was filed by W. David and Lois A. Pritchard with the Pueblo County Planning Director to rezone Lots 85, 86, and 87, Forest Hill Subdivision, containing 0.96± acre from an S-1, Public Use Zone District to an A-3, Agricultural (minimum 1 acre) Zone District; and

WHEREAS, the parcel subject to the map amendment request is legally described within that Warranty Deed recorded on April 11, 2005 as Reception No. 1614864 which reads as follows:

Lots 85, 86, and 87 Hill Subdivision, a resubdivision of Lot 7, Block 4, State Addition to Rye, County of Pueblo, State of Colorado; and

WHEREAS, a public meeting was held by the Pueblo County Planning Commission on August 16, 2017, at the conclusion of which it voted by action on the consent agenda to forward a recommendation of **APPROVAL** of Map Amendment No. 2017-008 to the Board of County Commissioners and, per Chapter 17.144.060, Hearings and Findings of the Pueblo County Code, the action of the County Planning Commission contained the following findings of fact and statements setting forth those factors which the Planning Commission considered controlling factors in reaching its decision as follows, with staff’s comments thereafter:

A. The proposed amendment is in conformance with the Land Use Plan.

The main object of the map amendment is to assign a zone district designation that better reflects the parcel’s private ownership, intended use, and size. The existing S-1 designation is not an appropriate zone district classification for these parcels.

The proposed A-3, Agricultural designation for the subject properties is more appropriate and consistent with the zone district designation that has been assigned to other parcels within the immediate area.

B. The change requested promotes the public necessity, health, safety, and general welfare and is consistent with good land use and zoning practice.

The map amendment request has been filed by the current landowners, at the request of the Department of Planning and Development and, if approved, will assign a zone district designation that better reflects its private ownership, personal use, and size of the parcels.

Provided the landowner utilizes the property in a manner consistent with the imposed zone district development standards, staff believes the change requested would promote the public necessity, health, safety, and general welfare and would be consistent with good land use and zoning practices.

RESOLUTION NO. P&D 17 -050 (CONT.)

C. If the proposed change involves property bounded on one (1) or more sides by the boundary of a City or Planning or Zoning District, the matter has been referred to the Planning Commission of that City or Planning or Zoning District for its review and recommendation.

The properties are not directly bounded by the City of Pueblo, they are within and entirely surrounded by unincorporated Pueblo County; therefore, the map amendment application and related submittal documents were not sent for review and comment.

WHEREAS, a public hearing, preceded by proper public notice, was held by the Board of County Commissioners on September 13, 2017 and, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board of County Commissioners has reviewed and taken administrative notice of the recommendation of the Planning Commission and the testimony, application, evidence, documents submitted at the hearing, and the contents of the Planning Director’s file; and

WHEREAS, the Board of County Commissioners finds as follows:

- The main objective of the map amendment is to have an adequate zone district designation assigned to the parcel which better reflects the parcel’s private ownership, intended use, and size. The proposed amendment is in conformance with the Land Use Plan.
- The proposed A-3, Agricultural designation for the parcels is more appropriate.
- The change requested promotes the public necessity, health, safety, and general welfare and is consistent with good land use and zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Pueblo County, Colorado, does hereby approve Map Amendment No. 2017-008 rezoning Lots 85, 86, and 87, Forest Hill Subdivision, from an S-1, Public Use Zone District to an A-3, Agricultural (minimum 1 acre) Zone District in order to recognize its private ownership, use, and size. The Board makes the following findings in its approval:

- A. The proposed amendment is in conformance with the Land Use Plan.
- B. The change requested promotes the public necessity, health, safety, and general welfare and is consistent with good land use and zoning practice.
- C. The property is not bounded on any side by the boundary of a City or Planning or Zoning District and is within, and entirely surrounded by, unincorporated Pueblo County.

RESOLUTION NO. P&D 17 -050 (CONT.)

PASSED AND ADOPTED this 13th day of September 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

**8. WAIVER OF OUTDOOR LIGHTING
PLAN APPLICATION FEE**
(If removed, Public Meeting)

*Pueblo West Metropolitan
District*

RESOLUTION NO. P&D 17-051

THE BOARD OF COUNTY COMMISSIONERS

OF PUEBLO COUNTY, COLORADO

**A RESOLUTION AUTHORIZING THE RECORDATION OF THE
PLAT-LIKE DRAWING OF SUBDIVISION VARIANCE NO. 6 (ALSO
KNOWN AS SUBDIVISION VARIANCE NO. 1973-006 FOR FILING
PURPOSES ONLY) DESCRIBED AS THE EAST 8.8 ACRES OF LOT 2,
BLOCK 47, ST. CHARLES MESA, LOCATED WITHIN A PORTION OF THE
SW¼ OF SECTION 11, TOWNSHIP 21 SOUTH, RANGE 64 WEST OF THE 6TH P.M.,
PUEBLO COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners approved Subdivision Variance No. 6 (aka Subdivision Variance No. 1973-006 for filing purposes only) submitted by a previous owner, William A. Jensen, on May 10, 1973, which subdivided an 8.8± acre parcel, located in an A-3, Agricultural (minimum 1 acre) Zone District, into two parcels as follows:

Parcel “A” - 2.0± acres Parcel “B” - 6.8± acres

WHEREAS, a letter requesting authorization to finalize Subdivision Variance No. 6, by recording a plat-like drawing, has been received by the Pueblo County Department of Planning and Development; and

WHEREAS, no plat of Subdivision Variance No. 6 has previously been recorded with the Pueblo County Clerk and Recorder to the best of our knowledge and belief; and

WHEREAS, Parcel “A,” addressed as 27324 County Farm Road, remains as originally configured, while Parcel “B” was further subdivided as Pueblo Mesa Subdivision in 1978; and

WHEREAS, a public meeting was held by the Board of County Commissioners on September 13, 2017, and all those who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board has reviewed and taken administrative notice of the testimony, application, evidence, documents submitted at the hearing, and the contents of the Planning Director’s file; and

WHEREAS, the Board makes the following findings:

- A plat for Subdivision Variance No. 6 (also known as Subdivision Variance No. 1973-006 for filing purposes only), as approved on May 10, 1973, was never recorded.
- Recordation of the Subdivision Variance No. 6 plat-like drawing will consummate the subdivision process.

RESOLUTION NO. P&D 17-051 (CONT.)

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Pueblo County, Colorado, does hereby authorize the recordation of the plat-like drawing of Subdivision Variance No. 6 (also known as Subdivision Variance No. 1973-006 for filing purposes only) with the following condition:

1. Prior to the recordation of the plat-like drawing of Subdivision Variance No. 6, the following items shall be addressed:
 - a) The plat-like drawing shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development.
 - b) A quit claim deed for Parcel “A” shall be submitted to the Department of Planning and Development for review and, upon approval, shall be finalized and signed to be recorded in conjunction with the subdivision variance plat.
 - c) All fees associated with the recordation of the plat-like drawing and associated documents shall be paid by the applicant.

PASSED AND ADOPTED this 13th day of September 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Marci Day: Read all the items in the Consent Agenda. If no member of the audience or no member of the commission would like any of these moved to the regular agenda, it’s ready for action.

Commissioner Hart: Asked if any Commissioner or anyone from the public would like any of the items removed from the Consent Agenda seeing no one coming forward the Consent Agenda is before them for consideration.

Commissioner Ortiz: Moved to approve the Land Use Consent Agenda.
Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE HART-AYE

The motion passed unanimously.

DISCUSSION ITEM

Marci Day: Introduced this item to the BOCC.

1. BMC West Corp. and TGHD, LLC Proposed Subdivision Exemption at 4th Street

Joan Armstrong: Presented a summary which explained the details of this Proposed Subdivision Exemption to the BOCC. A brief discussion took place between the BOCC and Ms. Armstrong regarding the expansion, possible opposition and the fact that it will come before the board for action. Discussion continued regarding government, Right of Way.

Commissioner Ortiz: Concurred with Commissioner Hart that if it is not a problem they are all for it. He asked Ms. Armstrong to explain why this property was illegally subdivided back when it was first obtained., which she complied.

CONSENT AGENDA ITEMS

NO CONTRACTS/RESOLUTIONS

NO ABATEMENTS

NO WARRANT CANCELLATIONS

REGULAR AGENDA ITEMS

CONTRACTS/RESOLUTIONS

A. APPROVING THE SECOND AMENDMENT TO THE INMATE MEDICAL SERVICES AGREEMENT BETWEEN PUEBLO COUNTY AND CORRECTIONAL HEALTH PARTNERS, LLC, TO PROVIDE INMATE MEDICAL SERVICES AT THE PUEBLO COUNTY DETENTION FACILITY AND THE DENNIS MAES JUDICIAL BUILDING

Chief Jeff Teschner,
Sheriff's Office

George Rosenberg: Requested, per the Sheriff, that this item be withdrawn to obtain the proper signatures.

NO ORDINANCE

NO OTHER ISSUES

The next meeting will be Monday September 18, 2017.

Commissioner Ortiz: Moved to adjourn.
Commissioner Hart: Confirmed motion and seconded. There being no further discussion or objection,

All in Favor:

ORTIZ-AYE HART-AYE

The motion passed unanimously.

Attest: _____
Pueblo County Clerk and Recorder

By: _____