

**PARK COUNTY BOARD OF COMMISSIONERS**  
**AGENDA**  
**Virtual Meeting**  
**TUESDAY, FEBRUARY 16, 2021**  
**11:00 AM CALL TO ORDER**

**Video**

To join the meeting, click on the link below or copy and paste into your preferred web browser: <https://zoom.us/j/632627219?pwd=Q2gvUVEwd0JuQ0R3TE9qWE9LTk9kQT09>

**Audio**

Upon joining the meeting, you will have the option to use either your computer mic and speakers for audio interaction, or participate by phone. If you are not using your computer speakers and mic to interact in the meeting, you may use the dial- option below:

**Dial by your location**

**(669) 900-6833 US (Western US)**

**(929) 205-6099 US (Eastern US)**

**Meeting ID: 632 627 219**

**Password: 04408**

**\*For the purpose of an accurate public record, you will need to identify yourself when you enter the meeting and when prompted\***

11:00 AM CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Documents:

[02022021bocc.pdf](#)

APPROVAL OF VOUCHERS

CONSIDERATION AND/OR DECISION ON THE FOLLOWING ITEMS:

- .I. APPROVE/DENY A RESOLUTION APPROVING THE APPLICATION FOR A MINOR SUBDIVISION OF A 40.69-ACRE PARCEL IN PART OF THE SOUTH 1/2 OF THE NORTH 1/2 AND PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 6S RANGE 73W, ADDRESSED AS 407 OLD SAWMILL ROAD, BAILEY.

Applicants: James B. and Patricia A. Mastroianni

Documents:

[20SUB-02 BOCC Resolution.pdf](#)

.II. NEIGHBORHOOD DETERMINATION FOR TCF – XQUISITE CANNABIS  
PROPOSED RETAIL MARIJUANA CULTIVATION FACILITY AT 2874 CO RD  
34, JEFFERSON, CO 80456.

APPLICANT: MATHEW LOPEZ AND MIKE ROBL

Documents:

[BOCC Staff Report.pdf](#)

.III. FINAL READING FOR ORDINANCE NO. 21-01 AN ORDINANCE FIXING FEES  
FOR SHORT-TERM RENTAL PROPERTY LICENSES IN PARK COUNTY

Documents:

[Ord No.21-01 Short Term Rental Fees Introduced 1-26-21 EBN003.pdf](#)

.IV. APPROVE/DENY ORDINANCE NO. 21-01 AN ORDINANCE FIXING FEES FOR  
SHORT-TERM RENTAL PROPERTY LICENSES IN PARK COUNTY

RECESS AS BOARD OF COUNTY COMMISSIONERS

CONVENE AS PARK COUNTY LIQUOR BOARD

.I. TRANSFER OF OWNERSHIP  
Zuccaro's Kitchen Inc. (County)  
12787 U.S. HWY 24  
Hartsel, CO 80449

ADJOURN

RECONVENE AS BOARD OF COUNTY COMMISSIONERS

PUBLIC HEARING(S)

PUBLIC COMMENTS

EXECUTIVE SESSION IN REGARD TO LEGAL & PERSONNEL MATTERS (CLOSED  
SESSION)

ADJOURN

ADMINISTRATIVE SESSION

TIMES ARE APPROXIMATE. ITEMS MAY BE HEARD EARLIER OR LATER THAN SHOWN  
ABOVE.

NOTE: Items May Be Added To These Agendas Up To 48 Hours Before The Scheduled Time.  
Items May Be Deleted Or Cancelled At Any Time. Please Check Website "[Parkco.Us](#)" for most  
Updated Agendas. If You Need Further Information, Please Contact The BOCC (Board of County  
Commissioners) Office At: 719-836-4201.

**BOCC MEETING  
FEBRUARY 2, 2021**

The meeting was called to order by Commissioner Elsner. The reciting of the Pledge of Allegiance was led by Commissioner Douglas. All members were present with Erin Smith County Attorney attending via Zoom.

**AGENDA:**

**Action:** Douglas moved to approve Agenda as presented. Mitchell seconded, carried 3-0.

**MINUTES:**

**Action:** Douglas moved to approve the minutes for January 26, 2021 as presented. Mitchell seconded, carried 3-0.

**VOUCHERS:**

**Action:** Douglas moved to approve the vouchers in the total amount of \$881,232.00 as presented. Mitchell seconded, carried 3-0.

**CONSIDERATION AND/OR DECISION ON THE FOLLOWING ITEMS:**

**APPROVE/DENY A RESOLUTION APPROVING A COMMON PLAT AMENDMENT COMBINING LOTS 2 THROUGH 7, SHAWNEE, INTO THREE PARCELS AND AMENDING THE INTERIOR LOT LINES.**

**Applicant:** Timothy and Sandra Walker and Kristen Christianssen and Scott Pearson.

**Presenter:** Commissioner Elsner.

**For the record:**

Commissioner Mitchell.

**Action:** Douglas moved to approve Resolution as presented. Mitchell seconded, carried 3-0.

**RESOLUTION 2021 – 02**

**APPROVE/DENY TOWN OF ALMA INTERGOVERNMENTAL AGREEMENT FOR MUTUAL AID**

**Presenter:** Commissioner Elsner.

**For the record:**

Commissioner Mitchell.

Commissioner Douglas.

**Action:** Douglas moved to approve Agreement as presented. Mitchell seconded, carried 3-0.

**APPROVE/DENY BOREAS PASS RANCH ACCESS EASEMENT**

**Presenter:** Commissioner Elsner.

**For the record:**

Commissioner Mitchell.  
Commissioner Douglas.

**Action:** Douglas moved to send letter as presented. Mitchell seconded, carried 3-0.

**Action:** Douglas moved to recess as Board of County Commissioners and convene as County Board of Health. Mitchell seconded, carried 3-0.

**APPROVE/DENY PARK COUNTY PUBLIC HEALTH ORDER NO 21 -02.**

**Presenter:** Commissioner Elsner.

**For the record:**

Commissioner Douglas.  
Commissioner Mitchell.  
Erin Smith, County Attorney.  
Tom Eisenman.

**Speaking:**

Brian Lilly.  
Carrie Laraia.  
Taylor Albrecht.  
Robert Frazier.  
Ken Bellinger.  
Caoimhin P. Connell.  
Steve Collins.  
Reinaldo Ortiz.  
Wallie Weld.  
Anna Omsberg.  
Thomas Woodard.  
Debra Stephens.  
Lisa Konen.  
Cyndy Peterson.  
Jason Ferguson.  
Jeri Spinney.  
Hunter Lundgren.

**Action:** Douglas moved to approve Order as presented, Elsner seconded, carried 2-1 with Mitchell voting no.

**Action:** Douglas moved to adjourn as County Board of Health and reconvene as Board of County Commissioners. Mitchell seconded, carried 3-0.

**PUBLIC COMMENTS:**

Ken Bellinger.  
Brian Lilly.  
Scott Dodge.

**Action:** Douglas moved to close Public Comments. Mitchell seconded, carried 3-0.

**EXECUTIVE SESSION:**

None.

**Action:** Douglas moved to adjourn the meeting. Mitchell seconded, carried 3-0.

**PARK COUNTY, COLORADO**  
**BOARD OF COUNTY COMMISSIONERS**  
**Resolution No. 2021- \_\_\_\_\_**

**A RESOLUTION APPROVING THE APPLICATION FOR A MINOR  
SUBDIVISION OF A 40.69-ACRE PARCEL IN PART OF THE  
SOUTH 1/2 OF THE NORTH 1/2 AND PART OF THE NORTH 1/2  
OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 6S RANGE  
73W, ADDRESSED AS 407 OLD SAWMILL ROAD, BAILEY.**

WHEREAS, the Applicants, James B. and Patricia A. Mastroianni, have applied for a minor subdivision of the real property described in **Exhibit A** hereto dividing a 40.69-acre lot into two lots as described on plat attached as **Exhibit B**; and

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners ("BOCC"), preceded by the required public notice, the BOCC conducted a public hearing on the application at which it reviewed the application and all supporting documentation, the recommendations of the Planning Commission, the Planning Department, the County Attorney, and considered the testimony of the Applicant and patrons; and

WHEREAS, based on the evidence and testimony presented at the public hearing the BOCC finds and determines that compliance with the standards for approval of a minor subdivision set forth in Section 6-303 of the Park County Land Use Regulations has been demonstrated by clear and convincing evidence;

**NOW THEREFORE, BE IT RESOLVED THAT:**

The Park County Board of County Commissioners hereby approves the application for a minor subdivision for the property described above, subject to the following condition:

1. Prior to the Board of County Commissioners' signature of the resolution approving the subdivision and of the subdivision plat, the applicant shall have obtained an augmentation certificate from the Headwater Authority of the South Platte for a well on Lot 2.

Moved, seconded, and passed this \_\_\_\_\_ day of February, 2021

**PARK COUNTY BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Richard Elsner, Chairperson

Exhibit A

All that certain portion of the S½N½ and the N½SW¼ of Section 25, Township 6 South, Range 73 West of the 6<sup>th</sup> P.M., Park County, Colorado, described as follows:

Beginning at the West one-quarter corner of said Section 25;  
thence North 2°41'46" East, along the West line of said Section, 697.71 feet,  
thence South 85°00'38" East, 2654.16 feet, more or less, to a point on the  
Westerly Right of Way line of Valley View Road as shown and dedicated by  
the plat of ELK-HORN ACRES, UNIT 2;  
thence along said Right of Way line and along the continuation of said line  
as it becomes the boundary of Old Sawmill Road, the following courses and  
distances;

Southwesterly along a curve to the right having a radius of 133.7 feet and a  
central angle of 59°18'17" (the long chord of which bears South 47°53'28"  
West, 132.292 feet) an arc distance of 138.39 feet;  
South 77°32'37" West, 163.03 feet;  
along a curve to the left having a radius of 193.7 feet and a central angle of  
12°51'15", an arc distance of 43.46 feet;  
South 64°41'22" West, 310.49 feet;  
along a curve to the right having a radius of 133.7 feet and a central angle  
of 23°47'08", an arc distance of 55.5 feet;  
South 88°28'30" West, 394.04 feet;  
along a curve to the left having a radius of 193.7 feet and a central angle  
of 45°44'41", an arc distance of 154.65 feet;  
South 42°43'49" West, 75.82 feet;  
along a curve to the right having a radius of 81.74 feet and a central angle  
of 39°13'09", an arc distance of 55.95 feet;  
South 81°56'58" West, 128.02 feet;  
along a curve to the left having a radius of 146.07 feet and a central angle  
of 28°45'10", an arc distance of 73.3 feet;  
along a curve to the left having a radius of 96.46 feet and a central angle of  
47°14'12", an arc distance of 79.52 feet;  
thence South 89°50'00" West, 80.00 feet;  
thence South 37°33'41" West, 565.36 feet;  
thence South 89°50'00" West, 763.23 feet to a point on the West line of said  
Section 25;  
thence North 1°03'30" East, along said West line, 535.00 feet to  
the Point of Beginning,

County of Park,  
State of Colorado







**PARK COUNTY BOARD OF COMMISSIONERS  
PLANNING DEPARTMENT STAFF REPORT**

Hearing Date: February 16, 2021

To: Board of County Commissioners (BOCC)

Date: February 1, 2021

Prepared by: Louise Derengowski, Planning Technician  
Sheila Cross, Director of Development Services

Subject: TCF – Xquisite Cannabis  
Retail Marijuana Cultivation License Neighborhood Determination

Request: Request to Determine the Neighborhood for a Retail Marijuana Cultivation Canvass

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**License Summary:**

Business:	TCF – Xquisite Cannabis
Applicant:	Mathew Lopez & Mike Robl
Property Owner:	Paul Plasha
Location:	2874 County Road 34, Jefferson, CO
Zone District:	Agricultural & Mining - see Attachment 1, Zoning Map.
Lot Size:	160 Acres
License Type:	Retail Marijuana Cultivation Facility

**Background:**

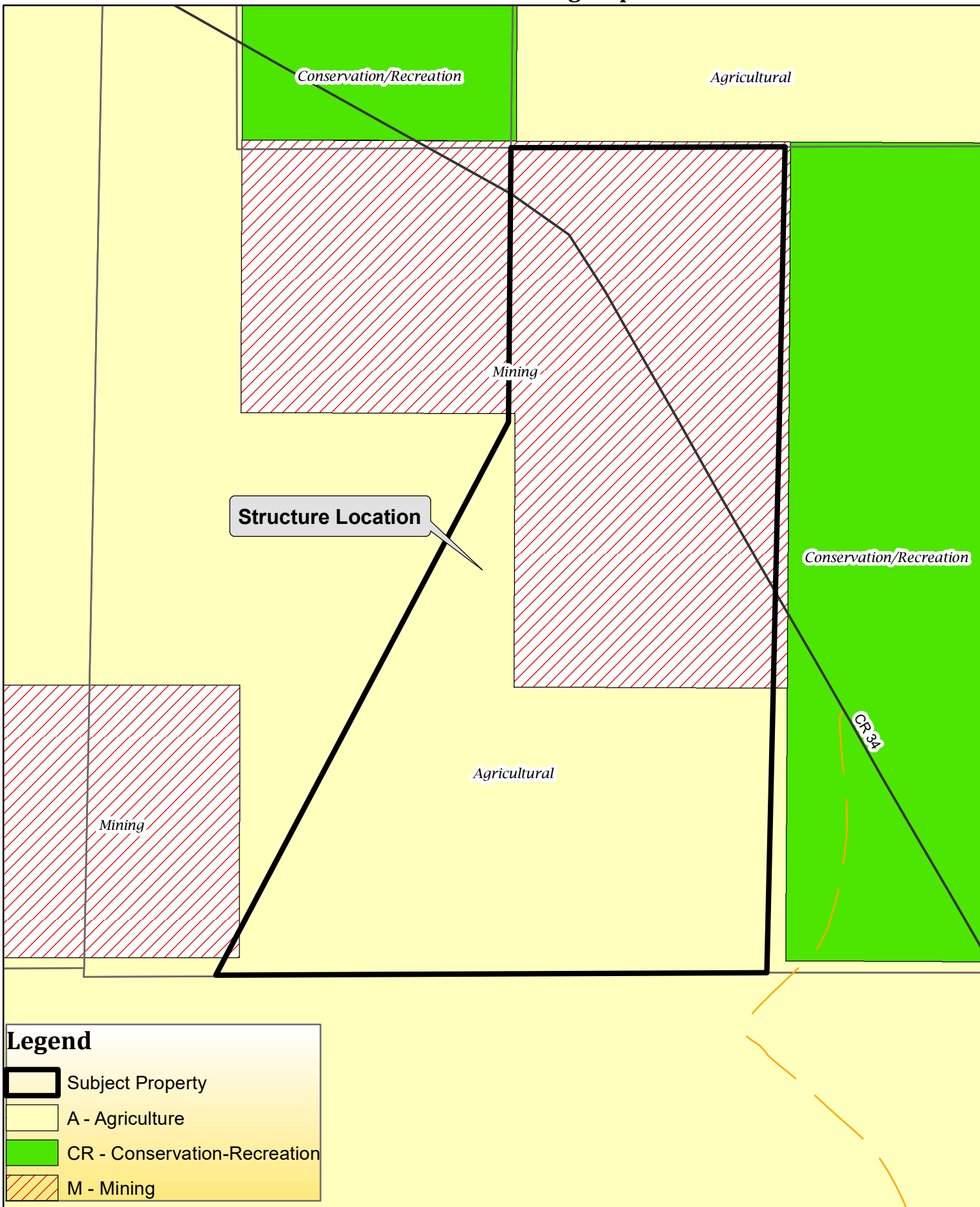
The subject property was approved for a retail marijuana cultivation in 2015 but the previous business owners voluntarily surrendered the license in 2019. Mathew and Mike are new applicants requesting to bring the facility back into operation. The address is 2874 County Road 34, southeast of Jefferson. See Attachment 2, Vicinity Map. The property is zoned Agricultural and Mining, and the structure exists within the Agricultural portion of the lot.

Ordinance No. 16-01 requires that the BOCC designate the neighborhood affected by a proposed facility, which will then be canvassed internally.

**Requested Action:**

Staff requests that the BOCC designate the neighborhood associated with the pending application from TCF – Xquisite Cannabis. A Neighborhood Determination Map, as Attachment 3, is provided for consideration and reference.

# Attachment 1: Zoning Map



**Legend**

- Subject Property
- A - Agriculture
- CR - Conservation-Recreation
- M - Mining

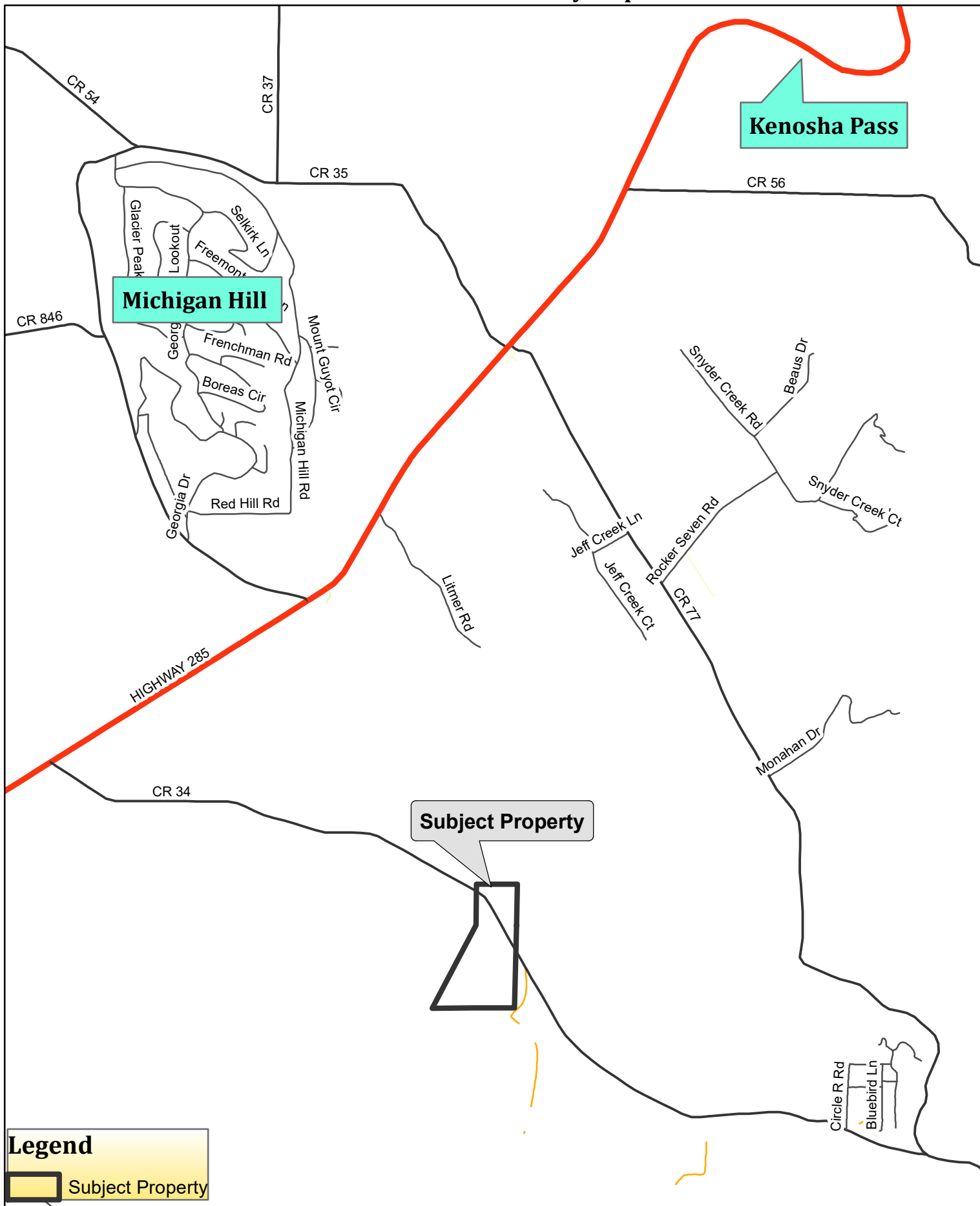
Date: 1/21/2021

1 inch = 600 feet

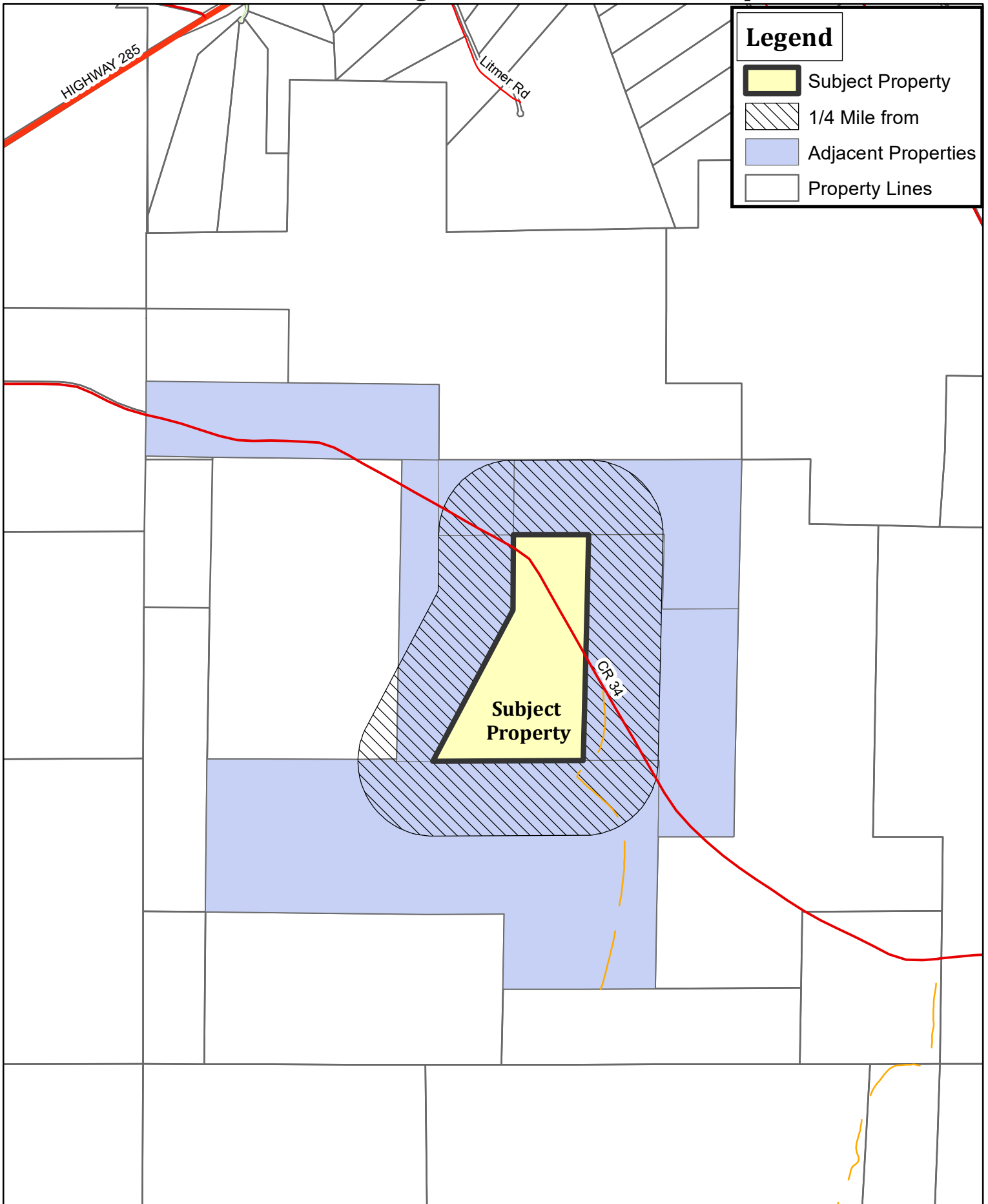


Parcel data should not be considered survey quality.  
Park County will not be held liable for misuse or  
misinterpretation of this data. © Park County GIS 2014

# Attachment 2: Vicinity Map



# Attachment 3: Neighborhood Determination Map



ORDINANCE NO. 21-01  
AN ORDINANCE FIXING FEES FOR SHORT-TERM RENTAL PROPERTY LICENSES IN PARK COUNTY

WHEREAS, pursuant to Ordinance No. 20-03, the Board of County Commissioners enacted regulations for short-term rental properties (the “Park County Short-Term Rental Ordinance”); and

WHEREAS, the Board of County Commissioners has authority pursuant to C.R.S. Section 30-15-401(1)(s) to enact ordinances to fix license fees for short-term rental properties; and

WHEREAS, the Board of County Commissioners desires to fix license fees for short-term rental properties; and

WHEREAS, a fee charged as part of a regulatory regime must bear a reasonable relationship to the cost to administer such regulations (*Colorado Union of Taxpayers Found. v. City of Aspen*, 418 P.3d 506, 515 (Colo. 2018)); and

WHEREAS, the County has performed an evaluation to determine the reasonable direct and indirect costs of administering the Park County Short-Term Rental Ordinance, including application intake, planning review, building review, environmental health review, complaint intake and investigation, assessor fees, Public Works and Sheriff’s Office participation, dispatch, and legal and has developed the Short-Term Rental Fee Schedule to defray the costs of administering the Park County Short-Term Rental Ordinance; and

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants and visitors of Park County, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, COLORADO AS FOLLOWS:

Section 1. Purpose. The purpose of this Ordinance is to establish a fee schedule for the operation of short-term rental properties (“STRs”) in unincorporated Park County to safeguard public health, safety and welfare by regulating and controlling the use, occupancy, and maintenance of short-term rental properties.

Section 2. Authority. This Ordinance is authorized pursuant to Colorado Revised Statutes Section 30-15-401(1)(s).

Section 3. Scope. This Ordinance shall apply to all properties and the owners thereof who are required to have a license pursuant to the Park County Short-Term Rental Ordinance.

Section 4. Fee Schedule.

New STR License application:	\$605
Annual STR License renewal:	\$215

These license application and renewal fees will be analyzed regularly and will be adjusted as needed based on the volume of STR licenses and associated administrative costs.

Section 5. Severability. If a Court of competent jurisdiction shall hold any part of this Ordinance void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Ordinance.

Section 6. Effective Date. The publication and notice of this Ordinance will be performed in accordance with C.R.S. 30-15-405 and 30-15-406 and this Ordinance shall become effective in accordance with Colorado law.

CERTIFICATION: The foregoing Ordinance was introduced and read on January 26, 2021, by the Board of County Commissioners of Park County, Colorado and approved for publication.

DATE OF FIRST PUBLICATION: February 5, 2021.

The foregoing Ordinance was considered on \_\_\_\_\_, 2021, and adopted by the Board of County Commissioners of Park County and ordered published by reference to title and changes only in The Flume.

DATE OF SECOND PUBLICATION: \_\_\_\_\_, 2021.

EFFECTIVE DATE: \_\_\_\_\_, 2021.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chairman Richard Elsner