

**PARK COUNTY BOARD OF COMMISSIONERS
AGENDA**

**TUESDAY, APRIL 27, 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:

[04.20.2021 BOCC Minutes.pdf](#)

APPROVAL OF VOUCHERS

CONSIDERATION AND/OR DECISION ON THE FOLLOWING ITEMS:

- .I. APPROVE/DENY A RESOLUTION GRANTING A SUBDIVISION EXEMPTION PURSUANT TO SECTION 6-101(A) OF THE PARK COUNTY LAND USE REGULATIONS AND C.R.S. SECTION 30-28-101(10)(D) TO ALLOW FOR A DIVISION OF LAND FOR THE PURPOSE OF PROVIDING A LOCATION FOR A NEW AMBULANCE STATION TO BE BUILT ON A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF PARK, STATE OF COLORADO

Documents:

2021- BOCC Reso Granting Exemp to Sub - South Park Amb
EMS002.pdf
North Station Final Land Survey Plat(00817543_xAF7F5)).pdf

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
APRIL 20, 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 County Attorney Erin Smith via Zoom.

AGENDA:

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

MINUTES:

Action: Mitchell moved to approve the minutes for April 6, 2021 as presented. Douglas seconded, carried 3-0.

VOUCHERS:

Action: Douglas moved to approve the vouchers for April 13, 2021 in the total amount of \$187,408.00 as presented. Mitchell seconded, carried 3-0.

Action: Mitchell moved to approve the vouchers for April 20, 2012 in the total amount of \$71,539.00 as presented. Douglas seconded, carried 3-0.

CONSIDERATION AND/OR DECISION ON THE FOLLOWING ITEMS:

APPROVE/DENY A RESOLUTION CONDITIONALLY APPROVING THE APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW AN OUTDOOR RECREATIONAL FACILITY FOR PARTS OF MINERAL SURVEYS 2102, 20593 AND 8270 WITH INGRESS AND EGRESS THROUGH SECTIONS 6 – 8, TOWNSHIP 9S RANGE 78W OF THE 6TH P.M.

Applicant: North London Mill Preservation Inc.

Presenter: Commissioner Elsner.

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

RESOLUTION 2021 – 10

APPROVE/DENY A RESOLUTION CONDITIONALLY APPROVING THE APPLICATION FOR A CONDITIONAL USER PERMIT TO ALLOW A CONFERENCE AND RETREAT FACILITY ON PARTS OF SECTIONS 8, 17 AND 18, TOWNSHIP 7S RANGE 72W OF THE 6TH P.M., ADDRESSED AS 228 SOUTH PINE DRIVE, BAILEY, CO

Applicant: Tracie Hulbert.

Presenter: Commissioner Elsner.

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

RESOLUTION 2021 – 11

APPROVE/DENY A RESOLUTION DENYING THE APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A COMMERCIAL CAMPGROUND ON PART OF THE N ½ OF THE NE 1/4 OF SECTION 19 TOWNSHIP 14S RANGE 72W OF THE 6TH P.M., ADDRESSED AS 2618 COUNTY ROAD 59, GUFFEY, CO

Applicant: Christine Honeman, representing Tres Buenas Amigas, LLC.

Presenter: Commissioner Elsner.

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

RESOLUTION 2021 – 12

APPROVE/DENY CENTRAL MOUNTAINS RETAC SECOND AMENDED AND RESTATED IGA

Presenter: Commissioner Elsner.

For the record:

Commissioner Mitchell.

Commissioner Douglas.

Erin Smith, County Attorney.

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

APPROVE/DENY TARRYALL-CLINE RANCH REQUEST FOR PROPOSAL

Presenter: Commissioner Elsner.

For the record:

Commissioner Douglas.

Commissioner Mitchell.

Tom Eisenman.

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

PUBLIC HEARINGS:

HOLISTICAL, LLC. APPLICATION FOR RETAIL MARIJUANA LICENSE RENEWALS; MEDICAL AND RETAIL MARIJUANA CULTIVATION FACILITIES; MEDICAL AND RETAIL MARIJUANA PRODUCTS

**MANUFACTURING FACILITIES, 375 KOKANEE ROAD, FAIRPLAY, CO –
RESCHEDULED TO 05/04/2021**

Applicant: Jason Cranford and Jonathan Franklin.

SPAD – EXEMPTION FROM SUBDIVISION

Applicant: Paul Mattson.

Presenter: Commissioner Elsner.

Public Comment:

None.

Action: Douglas moved to close Public Comment. Mitchel seconded, carried 3-0.

Discussion:

Commissioner Douglas.

Commissioner Mitchell.

Action: Douglas moved to approve Exemption from Subdivision with conditions and direct the County Attorney to draft a resolution for the Consent Agenda. Mitchell seconded, carried 3-0.

Action: Douglas moved to recess as Board of County Commissioners and convene as County Board of Health.

DISCUSSION RELATED TO LOCAL AUTHORITY IN RESPONSE TO COVID-19 AND LETTER OF INTENT TO CDPHE

Presenter: Commissioner Elsner.

Discussion:

Lynn Ramey, Director Public Health.

Commissioner Mitchell.

Commissioner Douglas.

Emmy Glancy.

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

PUBLIC COMMENTS:

Tracie Edstrom.

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

EXECUTIVE SESSION:

None.

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

PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2021- _____

A RESOLUTION GRANTING A SUBDIVISION EXEMPTION PURSUANT TO SECTION 6-101(A) OF THE PARK COUNTY LAND USE REGULATIONS AND C.R.S. SECTION 30-28-101(10)(d) TO ALLOW FOR A DIVISION OF LAND FOR THE PURPOSE OF PROVIDING A LOCATION FOR A NEW AMBULANCE STATION TO BE BUILT ON A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 8 SOUTH, RANGE 76 WEST OF THE 6th P.M., COUNTY OF PARK, STATE OF COLORADO

WHEREAS, pursuant to Section 6-100(A) of the Park County Land Use Regulations (“LUR”), unless otherwise exempted by Section 6-101 of Article VI of the LUR, every division of property within unincorporated areas of Park County requires prior County approval of a subdivision plat; and

WHEREAS, pursuant to Section 6-101(B)(1), LUR, divisions of interests in land to which the term “subdivision” does not apply pursuant to Section 30-28-101(10)(d), C.R.S. are statutory exemptions; and

WHEREAS, Chief Paul Mattson, representing the South Park Ambulance District (“Ambulance District”), has requested an exemption from the County’s subdivision regulations pursuant to Section 6-101(A), LUR and Section 30-28-101(10)(d), C.R.S.; and

WHEREAS, the Ambulance District plans to build a new ambulance station between Jefferson and Como, north of County Road 34, in Park County, on property more particularly described in the land survey plat attached as Exhibit A; and

WHEREAS, the property is currently part of a large ranch owned by Paul and Lorri McDaniel (“McDaniel Property”), and the McDaniels have agreed to donate the property depicted in Exhibit A to the Ambulance District; and

WHEREAS, the new ambulance station will allow the Ambulance District to provide faster response times to a growing area of Park County, and an area which is currently underserved and experiences heavy vehicle traffic on Highway 285; and

WHEREAS, the Park County Board of County Commissioners (“BOCC”) has the discretion to exempt a division of land from the County subdivision requirements with respect to the proposed division of the McDaniel Property, pursuant to Section 6-101(A), which states:

Certain divisions of land are exempt from the subdivision regulations...if the Board of County Commissioners determines that such a division is not within the purposes of the subdivision statute, Section 30-28-133, C.R.S., *et seq.*, or the subdivision regulations of this Land Use Code.

WHEREAS, Section 30-28-101(10)(d), C.R.S. also states:

The board of county commissioners may, pursuant to rules and regulations or resolution, exempt from this definition of the terms “subdivision” and “subdivided land” any division of land if the board of county commissioners determines that such division is not within the purposes of this part 1.

WHEREAS, at a regularly scheduled public meeting of the BOCC, the BOCC reviewed the Ambulance District’s request and all supporting documentation, and the testimony of the Applicant; and

WHEREAS, during said public meeting, the BOCC determined that division of land for the purpose of providing a location for a new ambulance station is not within the purposes of the subdivision statute, the purposes of the subdivision regulations of the LUR, or the purposes of Part 1 of Title 30, Article 28, C.R.S.

NOW THEREFORE, BE IT RESOLVED THAT THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY GRANTS THE REQUEST FROM THE SOUTH PARK AMBULANCE DISTRICT FOR A SUBDIVISION EXEMPTION FOR THE ABOVE-DESCRIBED PROPERTY, SUBJECT TO THE FOLLOWING CONDITION:

The parcel that is the result of the subdivision exemption will only be used as a location for a new ambulance station or for similar medical purposes.

AND THE BOARD OF COUNTY COMMISSIONERS FURTHER FINDS THAT:

The effect of the subdivision exemption granted hereby is that after donation and conveyance of the three-acre parcel by the McDaniels to the Ambulance District, neither the retained McDaniel parcel, nor the three-acre parcel to be acquired by the Ambulance District are, or shall be considered to be subdivided land.

Moved, seconded, and passed this _____ day of April, 2021.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS

Richard Elsner, Chairperson

ATTEST:

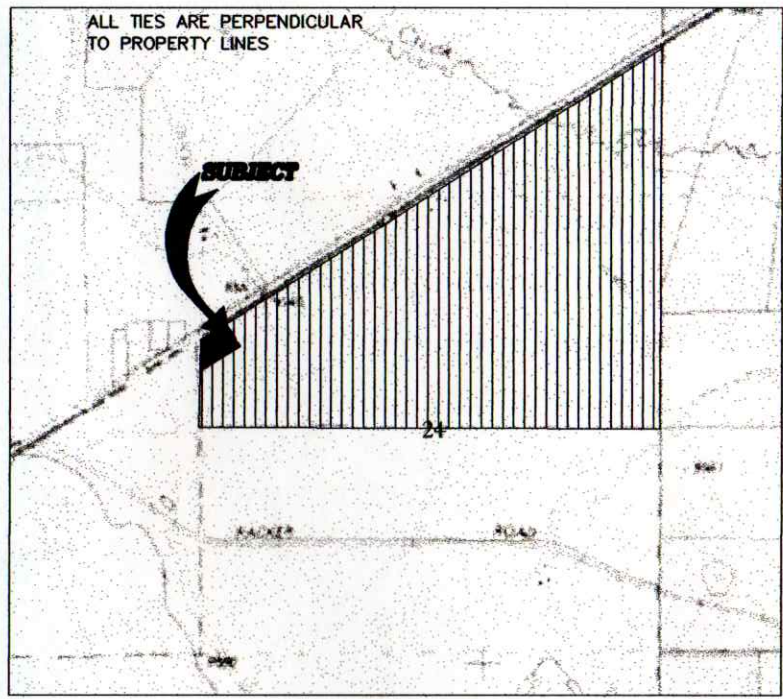
County Clerk

EXHIBIT A
Land Survey Plat

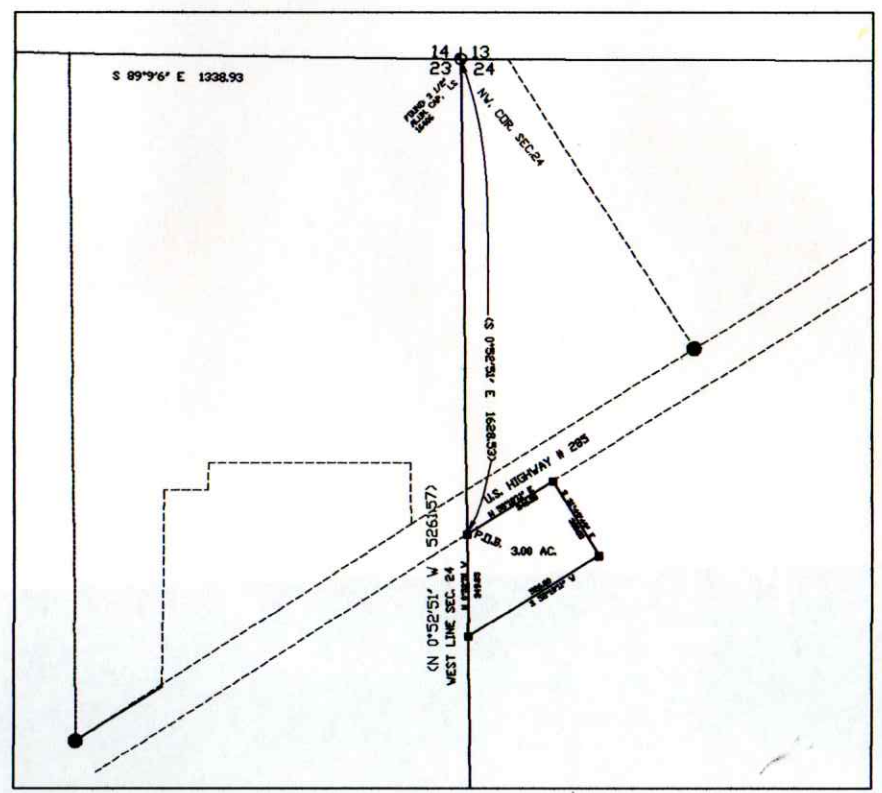
S:\2021\060 MB 24-8.76 SPAD NORTH.WB 24.8.76 SPAD NORTH.dwg, Layout1, 03/31/2021 11:03:01 AM, 1:1.64:165, Burnett Land Surveying, Fairplay, CO, Burnett Land Surveying, Fairplay, CO

LEGEND

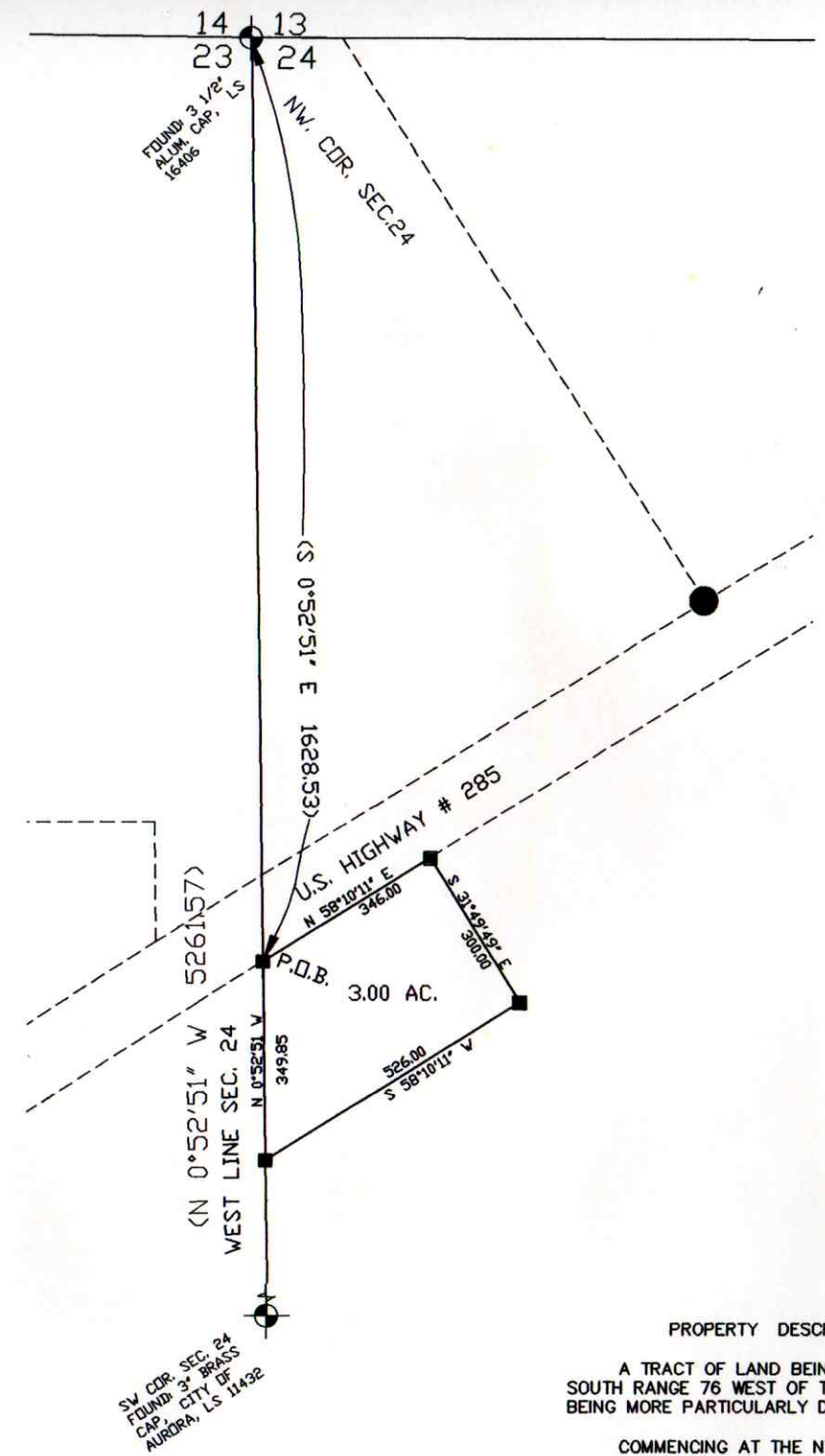
- INDICATES FOUND ALUM. CAP, LS 26962 OR MONUMENT AS SHOWN.
- () INDICATES FIELD MEASUREMENTS UNLESS OTHERWISE NOTED.
- INDICATES SET #5 REBAR 1 1/2" YELLOW PLASTIC CAP, LS 11944
- x-x- INDICATES EXISTING FENCE



KEY MAP



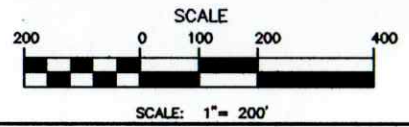
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PROPERTY DESCRIPTION

A TRACT OF LAND BEING LOCATED IN THE NW1/4 OF SECTION 24 TOWNSHIP 8 SOUTH RANGE 76 WEST OF THE 6th P.M., COUNTY OF PARK, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 24, THENCE S00°52'51"E ALONG THE WEST LINE OF SAID SECTION 24 FOR A DISTANCE OF 1628.53' TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 285, SAID POINT BEING THE POINT OF BEGINNING, THENCE N58°10'11"E ALONG SAID SE'LY R.O.W. FOR A DISTANCE OF 346.00', THENCE S31°49'49"E LEAVING SAID R.O.W. FOR A DISTANCE OF 300.00', THENCE S58°10'11"W PARALLEL TO THE SE'LY R.O.W. OF U.S. HIGHWAY NO. 285 FOR A DISTANCE 526.00' TO A POINT ON THE WEST LINE OF SAID SECTION 24, THENCE N00°52'51"W ALONG SAID WEST SECTION LINE FOR A DISTANCE OF 349.85' TO A POINT ON THE SOUTHEASTERLY R.O.W. OF U.S. HIGHWAY NO. 285, THE POINT OF BEGINNING. CONTAINING 3.00 ACRES, MORE OR LESS.



SURVEYOR'S CERTIFICATE

I, THOMAS L. BURNETT, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY PLAT WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION ON OR ABOUT FEB. 19, 2021, AND THAT THE SURVEY IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE. THE SURVEY IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND THE ACCOMPANYING PLAT ACCURATELY AND PROPERLY SHOWS SAID LAND SURVEY PLAT AND THE SURVEY THEREOF.

DATED THIS 31 DAY OF March 2021
Thomas L. Burnett
 PROFESSIONAL LAND SURVEYOR, COLO. LICENSE NO. 11944
 ©2021 BURNETT LAND SURVEYING, INC.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

- NOTES:**
- 1) THE BASIS OF BEARING IS THE BEARING OF A LINE FROM THE NW CORNER OF SECTION 24 TO THE SW CORNER OF SECTION 24 AS BEING S00°52'51"E WITH BOTH CORNERS BEING FOUND MONUMENTS AS SHOWN.
 - 2) CLIENT DID NOT WANT RIGHT-OF-WAYS AND EASEMENTS RESEARCHED AND SHOWN.
 - 3) THE PURPOSE OF THIS SURVEY IS TO CREATE A NEW TRACT FOR THE SOUTH PARK AMBULANCE DISTRICT.
 - 4) MEASUREMENTS SHOWN IN PARENTHESIS ARE FIELD MEASUREMENTS, UNLESS OTHERWISE NOTED.
 - 5) CERTIFICATION NOT VALID WITHOUT ORIGINAL SEAL AND SIGNATURE, THIS SURVEY AND ALL RELATED DOCUMENTS ARE FOR THE SOLE USE OF THE CLIENT AT THE DATE OF CERTIFICATION, AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR NAMING SAID PERSON OR ENTITY.
 - 6) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS, OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
 - 7) ALL DIMENSIONS ARE IN U.S. SURVEY FEET.
 - 8) LEGAL DESCRIPTION FROM DEED FOR THIS PROPERTY IS RECORDED AT REC. NO. 535089 & 5350.91.

TITLE COMMITMENT NOTES:
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THE RECORD INFORMATION, WHICH IS REFERENCED HEREON, IS THE RESULT OF RESEARCH PERFORMED BY BURNETT LAND SURVEYING, INC., AND IS NOT NECESSARILY COMPLETE OR CONCLUSIVE.

LAND SURVEY PLAT	
PART OF SEC. 24 T.8S., R.76W.	
PARK COUNTY, COLORADO	
SEC. 24 T. 08S R.76W 6th P.M.	ADDRESS: TBD U.S. HWY 285
DATE: FEBRUARY 19, 2021	BUYER:
BURNETT LAND SURVEYING, INC.	SCALE: 1" = 200'
P.O. BOX 1963, 351 HWY 285, STE 104	DRAWN BY: TLB
FAIRPLAY, COLORADO 80440	SOUTH PARK AMBULANCE DIST.
(719) 836-1426	JOB NO. 2021-060