



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES
 Regular Meeting Held at the Elbert County Fairgrounds (Ag Building)
 May 9th, 2018 at 9:04 AM

WE VALUE

- **Honesty, integrity and respect for the rights of all individuals**
- **Quality service to all**
- **Respect for our culture and history**
- **Clear communication and transparency**
- **Efficiency & fiscal responsibility**
- **Recognition of employee and citizen contributions**
- **Partnerships and collaborations**
- **Planning for the future**
- **Cooperative leadership and professional development**

VISION: *Elbert County is recognized by our citizens and employees as the best place to live, work, and conduct business in Colorado; led in a responsive, effective, transparent, and professional manner.*

A. CALL TO ORDER AND ROLL CALL:

Commissioner Thayer – Here, Commissioner Richardson – Here, Commissioner Willcox - Here

B. INVOCATION/PLEDGE OF ALLEGIANCE: Pastor Brian Janes, Majestic View Church

C. APPROVAL OF AGENDA

Motion: Approval of Agenda as presented

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

D. CONSENT AGENDA:

1. Approval of Vouchers/Mylars as needed
2. Acknowledgement of CDS Pipeline
3. Liquor License Renewal for HI-TEST Liquor
4. Liquor License Renewal for Spring Valley Golf Club
5. Big Sandy Fire IGA for Impact Fee Collection

Motion: Approval of Consent Agenda as presented

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

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E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

- a. Sam Albrecht, County Manager, reported that Elbert County will co-sponsor Pedal the Plains, an annual bicycle event, with the towns of Kiowa, Bennett and Limon. Mr. Albrecht represented Elbert County at the Colorado State Capital during the Route Announcement and Kickoff. One thousand people are estimated to attend. The tour will start in Kiowa at the Fairgrounds on the 14th of September. Riders will continue on to Bennett, then over to Limon, and back to Kiowa, ending on the 16th of September. This is a fun event, not a race. A picture of the route is on the County website. The event is geared to highlight the Front Range, and this is the first time it will be in Elbert County. The County will work closely with the Denver Post foundation. Anyone interested in the event may visit www.pedaltheplains.com for more information. This event will have a large impact on the County, and in order to help cover time and labor invested, sponsors are being sought out. The biggest need will be volunteers.

Commissioner Richardson stated the Denver post tends to be in turmoil and wants any big pieces they are responsible for and any wavering tracked.

Mr. Albrecht stated he would keep track of that.

- b. Rachel Buchanan, Clerk & Recorder's Office, announced an event for the public being held by the Election Department. The Elbert County Election Procedures Evening will be held at 6:30 PM on May 30, 2018, at the Samuel Elbert Building. This public event is intended to explain the steps and procedures that a ballot goes through, from the moment the Election Department receives the ballot, all the way through the certification of the election. Ms. Buchanan stated the flyer announcing the event is located on the Election's page of the County website.

F. OPEN PUBLIC COMMENT (See Note 1)

None

G. DISCUSSION ITEMS: (See Note 2)

1. Update on TANF Policies (Jerri Spear, Director of Health and Human Services)

Jerri Spear, Director of Health and Human Services, provided an update on TANF Policies. Ms. Spear explained why this has been on the agenda for several meetings. HHS is working on putting them in the County format after state approval was received. The policies should be ready for BOCC review no later than May 14, 2018. There are 11 policies. These policies are required by the state and require BOCC approval. The last time all of them were approved was in 2016. This is just a format update. Ms. Spear provided a brief review of each policy that will be presented to the BOCC. Ms. Spear also explained Extra TANF funding will be transferred to another county, which is a benefit not a detriment to the County.

Public Comment

Marlene Groves, 33300 Ridge Road, Ramah

Ms. Groves asked if this will affect the County if we are going to give back some monies,

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and will that impact the County's future of having the fund balance the County needs moving forward. Ms. Groves wanted to make sure the County is not leaving something on the table.

Ms. Spear indicated this will not impact future allocations because there is a formula the state uses, and funding goes back into the pot if the County doesn't use it. Only a certain amount can be kept in reserves. The County's reserves are close to the top already.

2. Draft Records Retention Policy (Justin Klassen, Director of Administration)

Justin Klassen, Director of Administration gave a brief update on the status of the Draft Records Retention Policy. Mr. Klassen apologized for how long it is taking. He emphasized the one key is to get this right. The County has a lot of documents and the needs of each department and elected official need to be captured, as well as making sure this is what the County needs long term. This document is not intended to be the schedule. Mr. Klassen explained we currently store docs appropriately and this is a little bit more in depth than what we have right now. Mr. Klassen suggested an internal working group after the next BOCC meeting on May 23rd to prepare a finalized document for the BOCC meeting on the 13th of June.

Commissioner Richardson stated extra funds needed for storage, digitizing etc. can be addressed during the budget process.

No Public Comment

3. Elbert County Regulatory and EDZ Update (Vince Harris, CDS)

Vince Harris (Baseline) on behalf of CDS, started by giving thanks for the part-time position allocated to CDS. The activity in the CDS Department is quite high. Mr. Harris provided a brief review of the number of current applications, and stated the Pipeline Report was updated May 1, 2018, and the County has received five new applications since then.

Mr. Harris clarified that preparing the report monthly is sufficient.

Commissioner Thayer requested to have more detail specific to the location for each application on the report.

Mr. Harris advised addresses will be added to the report in the future.

Mr. Harris advised work continues on Zoning Regulations. Ethan Watel (Baseline) is coordinating this effort, and has a draft that should be done by the end of May. There will be a referral period of around three weeks, with a study session on June 13, 2018, with the BOCC. A joint BOCC and Planning Commission study session will take place at the end of June, and might include new Planning Commissioners.

Mr. Harris stated the EDZ has the same timeline as the Zoning Regulations, and the BOCC may not want to tackle both at the same time, and will need to prioritize between the two. CDS is currently in the mapping process of EDZ implementation, with an adoption goal of the end of July.

Mr. Harris also briefed the BOCC on XX and NZ Zoning. 1983 was the first year Elbert County had zoning, and the first zoning map was developed in 2006. Elbert County staff spent a lot of time researching what happened between 1983 and 2006. Staff started this process in 2004. The County will use the new re-zoning process to bring forth updates to

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the zoning map. Research may be required on each parcel, which is estimated to be around 90 total. Another zoning map was adopted in 2010 and that is currently used.

Commissioner Thayer confirmed this would be done in mass. Commissioner Thayer also relayed the most common questions the BOCC receive involve a second residence or obtaining an SUR for temporary events.

Mr. Harris advised Elbert County is not the only community that deals with these issues, and there are a variety of ways to handle these situations. All communities handle these requests differently. Property owners having a second residence is a major topic on the list that needs to be addressed. SUR for events has been on the list since day one.

Commissioner Richardson would like to see a discussion on variances, number of animals kept on a property in regards to 4-H projects, and the issue of the County saying no to tiny homes based on a resolution passed in 2011. Commissioner Richardson also had a question on the zoning maps.

Mr. Harris clarified the current map situation.

Public Comment

Mike Buck, 26822 Richards Circle, Elizabeth

Mr. Buck wanted to know who to contact to get a copy of the Pipeline Report.

Mr. Harris advised to contact CDS.

4. Model Traffic Code Update (Troy McCoy, Elbert County Sheriff's Office)

Troy McCoy, Elbert County Sheriff's Office was not available. This item will be pushed to next meeting.

No Public Comment

5. Right of Way Franchise Agreements and/or Revocable Permit (Bart Greer, County Attorney)

Bart Greer, County Attorney, stated this is a follow up to what was discussed at the prior BOCC meeting. Mr. Greer is looking at the possibility of franchise agreements and the language the County wants in a Revocable Permit. The purpose is to have a permit providing for right-of-way installations and relocation of utilities, telecommunications, and other installations in County right-of-ways. Mr. Greer has a draft template for the Revocable Permit created. This permit will protect the County's interest by allowing the County to first know what is going into a right-of-way. Second, it will give the County more protection. If the County is doing work in the right-of-way and cable is cut for example, the repair expense falls to the other party because they are using the County's right-of-way. Mr. Greer stated he is not looking for adoption or acceptance today. This is just an update on the status of the research that is going on with Road and Bridge and the County Engineer at this point.

No Public Comment

6. Briefing on Affordable Housing Projects in Elbert County (Joel Oliver, Greenstreet LLC)

Sam introduced Mr. Oliver, and provided background on the project. This project aligns with the new Comprehensive Plan by providing a diverse range of housing options. This presentation is strictly to provide information to the BOCC, and Mr. Oliver is not looking

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for approval or recommendations.

Joel Oliver, Greenstreet LLC, gave a brief overview of the project and affordable housing in general. Mr. Oliver gave a power point presentation on Walnut Square Apartments intended to be placed in Elizabeth, Colorado off of Elbert Street, and advised this is not government subsidy housing. Mr. Oliver stated studies show this development will not decrease property values for neighboring properties. Mr. Oliver stated the property was re-zoned last night at the city trustee meeting. Mr. Oliver reviewed the proposed site plan, and gave an explanation as to how this project wound up in Elizabeth, CO. The presentation provided pictures of the proposed dwellings. Dwelling sizes will vary with a mix of one, two, and three bedroom dwellings. Mr. Oliver also reviewed income and rent restrictions.

Commissioner Thayer had questions on tax credits, how they are utilized, and the reason this is coming before the BOCC today.

Mr. Oliver indicated he is here to educate the BOCC on what is going on in Elbert County because they are community leaders. Mr. Oliver explained how the process works with tax credits.

Commissioner Richardson wanted to know if this is a viable project if there was not a waiver of property taxes.

Mr. Oliver responded yes.

Public Comment

Suzanne Moore, PO Box 38, Elizabeth

Ms. Moore asked what the next step is.

Commissioner Willcox advised to have questions clarified with Mr. Oliver after the meeting.

Business cards were made available to the public.

Michael Buck, 26822 Richards Circle, Elizabeth

Mr. Buck asked what the screening process is for the applicants, and whether a background check would be done.

Mr. Oliver stated the screening process is more rigorous than the standard for other complexes.

Carey Moore 36480 Antler Grove Circle, Elizabeth

Mr. Moore stated this is a county matter and we should be involved because it will impact our schools, and asked how Greenstreet LLC would get around the water issues.

Commissioner Willcox advised the public to connect with Mr. Oliver to have their questions answered.

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H. ACTION ITEMS: (See Note 3)

1. April 11, 2018 Minutes

Motion: Approval of April 11, 2018 Minutes

	Moved	2 nd	Comments
Richardson	x		
Thayer		X	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

No Public Comment

2. April 25, 2018 Minutes

Motion: Approval of April 25, 2018 Minutes

	Moved	2 nd	Comments
Richardson		X	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

No Public Comment

3. Public Service Recognition Week (May 6-12, 2018) Proclamation

Justin Klassen, Director of Administration, announced that the President of the United States, Donald Trump has declared May 6-12, 2018, as Public Service Recognition Week in our nation to honor public servants at the federal, state, county, and city levels. The BOCC is signing a proclamation to show Elbert County is supporting this process. Mr. Klassen read the proclamation.

Motion: Adopt Public Service Recognition Week (May 6-12, 2018)

	Moved	2 nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		

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Thayer	x		
Willcox	x		

Public Hearing

Motion: Open Public Hearing for Special Events Permit for Elbert Town Committee

	Moved	2nd	Comments
Richardson		X	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

4. Special Events Permit for Elbert Town Committee

Motion: Approval of Special Events Permit for Elbert Town Committee

	Moved	2nd	Comments
Richardson	x		
Thayer		X	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

Motion: Close Public Hearing for Special Events Permit for Elbert Town Committee

	Moved	2nd	Comments
Richardson	x		
Thayer		X	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

I. BOARD PLANNING

Determination of the Tentative Agenda for the May 23, 2018 BOCC Regular Meeting

1. Agenda Items for Next Meeting

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- a. May 9, 2018 Minutes
 - b. Update on TANF Policies
 - c. Update on Water Supply Study Final Comments
 - d. 3.2 Beer License Renewal for Wal-Mart
 - e. Elbert County Regulatory and EDZ Update
 - f. BOCC appointed as Board of Adjustments
 - g. Model Traffic Code Update
 - h. Fee schedule for CDS, Building, and Public Works
 - i. GIS Update
 - j. Public Works Communication Tower
- 2. Workshops/Study Sessions
 - a. Study session with John Wagner from CTSI
 - b. Study session for Draft Records Retention Policy
 - 3. Pending Hearings

At 10:29 AM, Motion: Recess until 1:00 PM

	Moved	2nd	Comments
Richardson		X	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

J. LAND USE HEARINGS 1:00 P.M. (See Note 4)

Call to order: 1:00 PM

Commissioner Richardson re-opened the hearing on IREA Eastern Reliability upgrade 1041 Permit & Special Use Review (SU-17-0002 & 10-17-0004) continued from April 11, 2018. For the benefit of anyone present that did not attend the April 11, 2018 meeting, Commissioner Richardson stated Commissioner Willcox has recused himself from this hearing. The applicant agreed to a hearing by two commissioners on April 11, 2018.

Roll Call: Commissioner Thayer – Here, Commissioner Richardson – Here, Commissioner Willcox – not present (recused)

- 1. IREA Eastern Reliability upgrade 1041 Permit & Special Use Review (SU-17-0002 & 10-17-0004)

Vince Harris Baseline Engineering (on behalf of CDS)

Additional communication from the Bruchezs was relayed by Mr. Harris to the BOCC for the record. Mr. Harris distributed the communication in hard copy form. It was also delivered to the BOCC electronically prior to the meeting today.

Jaxon Fagan, Baseline Engineering (on behalf of CDS)

Mr. Fagan provided a brief recap on what was presented to the BOCC on April 11, 2018. Mr. Fagan advised the applicant is here today and can review communication that has

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taken place since the last meeting on the 11th.

Commissioner Richardson explained the reason for continuing the hearing to today and welcomed an update from IREA.

Applicant: Dale Murphy, Project Manager with Power Engineers, working on behalf of IREA. Mr. Murphy advised permits in Arapahoe County have been approved. Mr. Murphy stated there are 14 total land owners affected in Elbert County. Mr. Murphy gave a brief review on the status of offers with each landowner.

Public Comment:

Roberta Bruchez, no address provided

Ms. Bruchez advised there are five landowners here today represented that believe they are severely impacted and are here in objection to the project. Ms. Bruchez relayed she is curious as to how many individuals that are directly involved in the process have actually been out to the site. Ms. Bruchez requested to play a short video that displayed their land, where the line would be and how it would appear visually on their property. The video was played.

Mr. Harris advised for the record he drove the public roads in the area a month ago and yesterday drove on County Road 174.

Paul Bruchez, no address provided

Mr. Bruchez stated since the last meeting IREA has had zero participation, and he is here today to request denial of the 1041 permit. Mr. Bruchez went into a detailed description of failure in stakeholder process Mr. Bruchez conveyed that neighboring landowners, The Weems were never notified by IREA. Mr. Bruchez reviewed certain factors that should have been resolved during the permitting process.

Chris Weems, no address provided

Mr. Weems described his property as the old Hunt East Ranch. Mr. Weems stated he hasn't had a chance to be a part of the planning part of this, and found out about it from a billboard on the road. Mr. Weems would like to see the line shifted over to nearby land that is in a conservation district. Mr. Weems advised he received a letter from IREA requesting an underground and over ground easement. Mr. Weems advised this splits his property and will require getting permission from IREA in the future to put in a road on his own property. Mr. Weems advised he spent his life savings on this property, just purchased in August of last year, and is asking the BOCC to stand up for them and their rights. Mr. Weems wants to see the burden fall on IREA and not the landowner.

John James, no address provided

Mr. James stated he purchased two sections in Elbert county to raise cattle on. Mr. James wanted the opportunity to sell the land with a return, and is concerned with future appraisals. Mr. James is opposed to the project.

Hoss Port, no address provided

Mr. Port stated he is a broker and has done a lot of real estate transactions, and believes the power line would impact Mr. James greatly.

Paula Bruchez Wilson, no address provided

Ms. Bruchez Wilson advised the frustration goes back to ownership, and truly believes if

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IREA had the right information from the beginning that this would not have happened, and is still expecting a response from IREA's attorney.

Art Bruchez, no address provided

Mr. Bruchez advised through this process his family has been caught up in having to prove how the property is owned, and the county provided the info in an incorrect way or IREA obtained the info in an incorrect way. Mr. Bruchez advised the offer is too low, and he has done a lot of business in CO and has never been dealt with so poorly.

Steve Wilson, no address provided

Mr. Wilson stated he is also representing the Bruchez family. Mr. Wilson relayed he has served on a planning commission before and loves the process. He stated, in his opinion, he doesn't believe this process has been followed correctly. Mr. Wilson stated at the meeting on April 11, 2018, the BOCC instructed IREA to work with landowners, and there has been zero communication from IREA, just a re-submittal of the same offer. Mr. Wilson highly recommended this not be passed.

James Campbell, no address provided

Mr. Campbell, an attorney with Campbell Killin Brittan & Ray, stated he represents Freund Investments and Running Creek Ranch. Mr. Campbell advised he has not met with IREA, but has met with an appraiser and developer this week to see what kind of impact there will be to his clients. Mr. Campbell advised they are conducting their own evaluation to develop a counter offer.

Commissioner Richardson asked if there were any comments from staff.

Mr. Harris had nothing to add.

Commissioner Thayer asked if there was any other place to retrieve ownership information besides the Assessor's office.

Mr. Harris confirmed the Assessor's office is the correct location to obtain ownership information

Applicant: Dale Murphy, Project Manager with Power Engineers

Mr. Murphy Comments advised the comments regarding zero communication are untrue, as he spoke to Paul Bruchez after the meeting on April 11, 2018, and a re-route was discussed. A re-route would cause the entire process to start over plus the additional cost of a re-route would cause too significant of an impact to IREA to change the route. IREA followed parcel boundaries and section line boundaries, and tried to stay within them. Mr. Murphy stated there have been discussions of re-routes but no counter offers so it makes it difficult to negotiate.

Commissioner Thayer stated 30 extra days were provided for additional contact to be made, it is not the Commissioner's job to police negotiations, and approval today will not cause negotiations to stop. Commissioner Thayer shared that he spent 14 years serving on the Planning Commission and IREA was trying to find an acceptable route for this line back then. Commissioner Thayer knows many in the area that would benefit from this line, and there several in the area that have power issues.

Commissioner Richardson stated the intent and purpose of the line is to provide stable and reliable power in an area of the County where it is needed, and how not having reliable power impacts the safety and welfare of our citizens. Commissioner Richardson stated he

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understands no one wants a power line on their property, but stated this needs to happen. Commissioner Richardson stated negotiations still need to continue, and IREA needs to consider the cost savings of not doing a re-route.

Commissioner Thayer stated in his opinion the power line is needed. Commissioner Thayer believes the negotiations aren't over.

Motion: Approval of IREA Eastern Reliability upgrade 1041 Permit & Special Use Review (SU-17-0002 & 10-17-0004)

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox			

Commissioner Willcox entered the meeting. Additional roll call completed.

Roll Call: Commissioner Thayer – Here, Commissioner Richardson – Here, Commissioner Willcox – Here

Commissioner Willcox re-opened the hearing on Burmaster Second Residence Special Use Review (SU-18-0007) continued from April 11, 2018.

2. Burmaster Second Residence Special Use Review (SU-18-0007)

Vince Harris Baseline Engineering (on behalf of CDS)

Mr. Harris provided an update, and advised the Planning Commission did conclude their hearing, and recommended approval, with one condition. The condition involves receiving paperwork from the State Department of Natural Resources regarding a revised well permit. Mr. Harris suggested continuance of the hearing until June 13, 2018. Mr. Harris indicated it is possible a continuance until June 27, 2018, may occur if the required paperwork is not received in time.

Motion: Continue Land Use Hearing Burmaster Second Residence Special Use Review (SU-18-0007)

	Moved	2nd	Comments
Richardson	x		Motion to continue to a date certain of June 13, 2018
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

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3. Spring Valley Submittal V Concept Briefing

Vince Harris Baseline Engineering (on behalf of CDS)

Mr. Harris advised the staff lead Cory Miller will not be present for today's meeting, and Jim Marshall, the applicant, will present the Spring Valley Ranch Area M Concept Plan. Mr. Harris advised today is strictly geared to be a conversation between the applicant and the BOCC.

Mr. Marshall representing Spring Valley Land Investments, LLC, provided an in depth description of a proposed subdivision project covering approximately 600 acres of undeveloped land in Elbert County.

ADJOURNMENT

Motion: Adjournment at 2:26 PM

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

NOTES ON PUBLIC COMMENT:

Note 1: General Public Comment - This portion of the agenda is reserved for citizens who wish to comment to the BOCC on items of county interest that are not scheduled for Discussion or Action. This time will not be used to make political speeches nor will personal attacks be tolerated. Individuals will be limited to one opportunity to speak for a period of up to three minutes during this portion of the agenda.

Note 2: Discussion Items - This portion of the agenda is intended to introduce items that may require future board action. It allows for shaping of final decisions, and allows for public input to ensure all aspects of the issue are fully considered before decisions are made. After each item, the chair will offer time for public comment limited to three minutes per person.

Note 3: Action Items - This portion of the agenda is intended for items requiring a board decision. Prior to taking action, the chair will offer time for any final public input, limited to three minutes per person, prior to a vote.

Note 4: Land Use Hearings - Hearings for Land Use Items will be held at 1:00pm on meeting days. If all other agenda items are completed earlier, the chair will recess until this scheduled time. If previous agenda items are not complete by 1:00pm, the land use hearings will be opened and completed before proceeding to any remaining agenda items. Land use hearings will follow the following sequence:

- Open Land Use Hearing
- Staff Presents Application and Recommendation of Planning Commission
- Applicant Presents
- Public Input on Application (three minutes per person)
- BOCC Questions and Discussion

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- *BOCC Decision*
- *Close Land Use Hearing*

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BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO



CHRIS RICHARDSON, Vice-Chair, COMMISSIONER District 1



DANNY WILLCOX, Chair, COMMISSIONER District 2

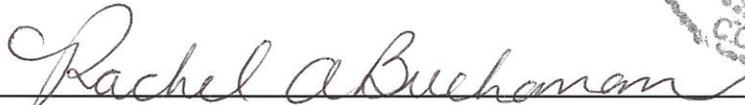


GRANT THAYER, COMMISSIONER District 3

ATTEST: Rachel Buchanan

Deputy Clerk to the Board

BY:



Deputy Clerk to the Board of County Commissioners; Rachel Buchanan

