



BOARD OF COUNTY COMMISSIONERS SPECIAL MEETING AGENDA

December 20, 2022 at 10:00 AM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

9:00 AM - COMMISSIONERS MEETING WITH STAFF

10:00 AM - PUBLIC MEETING

Join via Zoom: <https://us02web.zoom.us/j/82550511219> | **Meeting ID:** 825-5051-1219

1. PLEDGE OF ALLEGIANCE

2. AGENDA APPROVAL

3. CONSENT AGENDA

- [a.](#) Minutes from December 6, 2022
- [b.](#) Jill Homerding Retirement
- [c.](#) Mary Vigil Retirement
- [d.](#) Karina Sierra Reclassification
- [e.](#) Brittney Ciarlo Salary Increase
- [f.](#) Emilee Weniger Completed FTP training and passing
- [g.](#) Jeremy Reno Resignation
- [h.](#) Kyle Reeves Resignation
- [i.](#) Cathy Pineda Comp Payout

4. PUBLIC COMMENT

- [a.](#) Edna Faris

5. APPOINTMENTS

- [a.](#) 2022 Supplemental Budget
- [b.](#) Budget Conversation
- [c.](#) Huerfano County's Participation in the FAMLI Program

6. LAND USE

- [a.](#) 22-55 CUP Harris

b. CUP 17-001 and Variance 20-001 Monte Fiori

c. Land Use Code Process Updates

7. ACTION ITEMS

a. Resolution 22-42 2022 Supplemental Budget

b. Resolution 22-43 Declining Employer Participation in FAMLI

c. Resolution 22-44 Land Use Code Process Updates

d. Resolution 22-45 GOCO Grant Approval

e. Resolution 22-46 Repeal Resolution 17-14 and Sunset CMPAC

f. Resolution 22-47 Secure Transportation Regulations

g. Resolution 22-48 Reappointing Joe Edes to the Federal Mineral Lease District FMLD

h. Resolution 22-49 Reappointing Dale Lyons to the Planning Commission

i. Resolution 22-50 Reappointing Sandy White to the Planning Commission

j. Resolution 22-51 Reappointing Myrna Falk to the Planning Commission

k. Resolution 22-52 Reappointing Lisa Wagner to the SPLD Board of Trustees

l. Resolution 22-53 Reappointing Vicki Barnhouse to the SPLD Board of Trustees

m. Resolution 22-54 Reappointing Albert Galvan to the SPLD Board of Trustees

n. Resolution 22-36 - Waste Transfer Operations

o. Two Peaks Gym Start Up Expenses Request

p. Sheep Mountain Tower Repairs

q. John Fischer Bulk Water Permit

r. Letter of Support for Jade Communications Cuchara Broadband Grant

s. Avenu Amendment 3 - Payroll Contract Extension

t. GMS Site Survey Invoice

u. HC Agreement Professional Services

v. CO Dept of Early Childhood - Child Care Assistance Program MOU

w. Approval to Accept Award of DOLA REDI Grant

x. Invoice from All Phase Environmental

y. Judicial Center Custodial Services Agreement with LG Enterprises

z. Liquor License Renewal for The Tiny Inn

aa. Liquor License Renewal for Four Seasons Bar & Grill, LLC

bb. End of Year Bonus Approval

8. STAFF REPORTS

a. County Administrator

b. County Attorney

9. CORRESPONDENCE

- [a.](#) CTSI Colorado Public Meetings and Executive Sessions
- [b.](#) County Fair Board New Board Members Letter
- [c.](#) CTSI PPE's for Illegal Marijuana Grow Sites
- [d.](#) US Army Invitations and Flyer regarding Earth Day
- [e.](#) CTSI FAMLI Portal Live to Employers
- [f.](#) Colorado Broadband Office FCC Map Challenge
- [g.](#) Jacky Christian Tourism Board Resignation

10. EXECUTIVE SESSION

- a.** 12PM Executive Session on the Sheriff's Office Contract with the City of Walsenburg.
For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. §24-6-402(4)(e).
- b.** 1PM Executive Session on County Water Rights
For a conference with a County Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. §24-6-402(4)(b).

11. ADJOURNMENT

12. UPCOMING MEETINGS

- a.** 11AM - Board of Human Services

COMMISSIONERS' MEETING**December 6, 2022**

Chairman Cisneros called the meeting to order followed by the Pledge of Allegiance.

Commissioners Gerald Cisneros, John Galusha and Arica Andreatta were present.

Commissioner Andreatta called for a motion to approve the agenda for December 6, 2022.

Motion: Andreatta

Second: Galusha

Discussion: Correction to typo, should read Resolution #22-40 not Resolution #22-49.

Resolved: Motion passed by unanimous vote.

Galusha: Yes

Andreatta: Yes

Chairman Cisneros: Yes

Commissioner Galusha called for a motion to approve the December 6, 2022 Consent Agenda.

Motion: Galusha

Second: Andreatta

Discussion:

1. Meeting Minutes for November 22, 2022
2. Meeting Minutes for November 29, 2022
3. HR Status Sheet –Melanie Pettie- Comp time Payout
4. HR Status Sheet-Jeffery Schnedler-Resignation
5. HR Status Sheet-April Romero-Reclassification
6. HR Status Sheet-Joshua House- Termination
7. HR Status Sheet- Arthur Martinez- Retirement

Resolved: Motion passed by unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

10:04 A.M. Public Comment:

1. Chairman Gerald Cisneros recognized Cheryl and Dave Rodgers for all their years of service with American Legion helping Veterans and organizing parades and brunches for our Veterans.
2. Cheryl Rogers spoke to the board in regards to the Huerfano Bradford Mesa Located off of County Rd 120 Conditional Use Permit (CUP) that was originally applied for in February 2020. The Conditional Use Permit will be reviewed by Land Use Department for further clarification.

10:14 A.M. Appointments:

1. Carl Young, County Administrator presented 2023 Budget Adoption. Motion to approve Adoption of Resolution #22-37, A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR HUERFANO COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2023 AND ENDING ON THE LAST DAY OF DECEMBER 2023.

Motion: Galusha**Second:** Andreatta**Discussion:** None**Resolved:** Motion passed by unanimous vote.**Andreatta:** Yes**Galusha:** Yes**Chairman Cisneros:** Yes

Motion to approve Resolution #22-38, A RESOLUTION TO SET MILL LEVY FOR GENERAL PROPERTY TAXES TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE COUNTY OF HUERFANO, COLORADO, FOR THE 2023 BUDGET YEAR.

Motion: Galusha**Second:** Andreatta**Discussion:** None**Resolved:** Motion passed by unanimous vote.**Andreatta:** Yes**Galusha:** Yes**Chairman Cisneros:** Yes

Motion to approve Resolution #22-39, A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS, ELECTED OFFICIALS, AND SPENDING AGENCIES IN FOR THE 2023 BUDGET YEAR.

Motion: Galusha

Second: Andreatta

Discussion: None

Resolved: Motion passed by unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

2. Sandy Dolak addressed the Board of Commissioners with concerns of booking the Community Center in the past. Had hand out for other programs that welcome the community. Also presented when and how to purchase Huerfano's Happy Heart Cookbook.
3. Lola Spradley and Josh Wehe spoke to the Board on behalf of Jade Communications and reviewed County Road and Conditions.

11:08 A.M. Land Use:

Sky Tallman, Land Use Director, presented the report of Two Parcels that are up for auction to explore extracting for Helium in Turkey Ridge Ranch Area.

11:12 P.M. Action Items:

County Administrator Carl Young and the Board reviewed action items.

1. Resolution #22-40 a Resolution increasing the sewer, water and bulk water service rates, fees and charges of the Gardner Public Improvement District.

Motion to approve the Resolution #22-40, increasing the water and sewer charges for the Gardner Water District.

Motion: Galusha

Second: Andreatta

Discussion: None

Resolved: Motion passed by unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

2. Resolution #22-41 a Resolution to adopt Personal Handbook Addendums.
Motion to approve Resolution #22-41 adopting Addendums to the Huerfano County Handbook .

Motion: Andreatta

Second: Galusha

Discussion: None

Resolved: Motion passed by unanimous vote.

Galusha: Yes

Andreatta: Yes

Chairman Cisneros: Yes

3. Bulk Water Permit application for Andrea Frazee.
Motion to approve the Water Use Permit for Andrea Frazee house in Gardner, Parcel #15580.

Motion: Galusha

Second: Andreatta

Discussion: None

Resolved: Motion passed by unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

4. Liquor License Renewal for Cuchara Yacht Club.
Motion to approve the Liquor License Renewal for Cuchara Yacht Club.

Motion: Andreatta

Second: Galusha

Discussion: Nancy Cruz, County Clerk and Recorder, stated all taxes paid up to date and there has been no reported disturbances.

Resolved: Motion passed by unanimous vote.

Galusha: Yes

Andreatta: Yes

Chairman Cisneros: Yes

5. November 2022 Vendor Run Report for \$365,590.19.

Motion to approve the bills for November 2022.

Motion: Galusha

Second: Andreatta

Discussion: None

Resolved: Motion passed by unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

6. Quote for Gas Fire Tables (x4), that will be placed at Cuchara Mountain Park in the amount of \$6,592.00 total.

Motion to approve the purchase of four Gas Fire Tables, in the amount of \$6,592.00.

Motion: Galusha

Second: Andreatta

Discussion: County will not be responsible for purchasing the propane for the Fire Tables.

Resolved: Motion passed unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

7. Spanish Peaks Business Alliance Open Container Permit for Fundraising and Social Event held on December 8, 2022 at the Community Center.

Motion to approve the Open Container Permit for Spanish Peaks Business Alliance.

Motion: Andreatta

Second: Galusha

Discussion: None

Resolved: Motion passed by unanimous vote.

Galusha: Yes

Andreatta: Yes

Chairman Cisneros: Yes

8. Road and Bridge quote for Tire Chains from MHC Kenworth.

Motion to approve the Tire Chains in the amount of \$5,348.96.

Motion: Galusha

Second: Andreatta

Discussion: None

Resolved: Motion passed unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

9. OEM Radio Quote in the amount of \$14,939.39 to be paid for out of 2019 Grant that will expire at the end of December 2022.

Motion to approve the purchase of Radios with condition that it will be eligible for reimbursement.

Motion: Galusha

Second: Andreatta

Discussion: None

Resolved: Motion passed unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

10. La Veta Fire Protection District Ambulance Service License Application.

Motion to approve the License for La Veta Fire Protection District.

Motion: Galusha

Second: Andreatta

Discussion: None

Resolved: Motion passed unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

11. Jail based behavioral Health Services Grant Amendment .

Motion to approve the Sheriff to sign the Jail Based Behavioral Health Services Grant Amendment.

Motion: Andreatta

Second: Galusha

Discussion: None

Resolved: Motion passed by unanimous vote.

Galusha: Yes

Andreatta: Yes

Chairman Cisneros: Yes

12. Southern Colorado RETAC Board Members Amended Appointed Representatives.

Motion to approve RETAC Board Members Representatives as Amended.

Motion: Galusha

Second: Andreatta

Discussion: Amended as named:

Matthew Whitley – Director – EMS Primary

Darcy Saint-Peter – EMS Alternative

Bobbie Jo Trujillo – Emergency Department Director Primary

Kelea Nardini – CNO – Emergency Department Alternative

Julie Malone – Trauma Coordinator Alternative

Eddie Ray – Director – La Veta EMS Primary

Mark Brunner – Alternative

Resolved: Motion passed unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

13. Letter to Custer County Board of County Commissioners to Terminate Noxious Weeds Contract effective December 31, 2022.

Motion to approve the letter to Terminate Services with Custer County.

Motion: Andreatta

Second: Galusha

Discussion: Commissioner John Galusha stated this was an agreement made 4 years ago and they will now be assisted by other Counties.

Resolved: Motion passed by unanimous vote.

Galusha: Yes

Andreatta: Yes

Chairman Cisneros: Yes

14. CIC Payroll Proposal Letter in the amount of \$24,895.00 for Payroll and Personnel System.

Motion to approve the CIC Proposal if Paylocity does not fix the issues the County has been having to satisfaction of Administration Staff by December 15, 2022.

Motion: Galusha

Second: Andreatta

Discussion: None

Resolved: Motion passed unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

15. Quote for 2022 Ford F-250 Replacement Truck.

Motion to approve the Lease Purchase of 2022 Ford F-250 for \$33,342.00.

Motion: Galusha

Second: Andreatta

Discussion: None

Resolved: Motion passed unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

11:36 A.M. Staff Reports:

1. County Administrator Carl Young

(a) Presented a letter from the City of Walsenburg regarding a contract with the Sheriff Department.

2. County Attorney Lisa Powell-Dejong

(a) Nothing to report at this time but will Review an unemployment issue and status of the Solano Case Hearing to be discussed in Executive Session.

11:41 A.M. Correspondence:

County Administrator Carl Young and the Board reviewed Correspondence.

11:49 A.M. Executive Session:

John Galusha called for a motion to go into Executive Session at 11:49 A.M.

Motion: Galusha

Second: Andreatta

Discussion:

- (a) For discussion of a personnel matter under C.R.S. §24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. No decisions will be made in Executive Session.

Resolved: Motion passed by unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

1:20 P.M. Out of Executive Session:

Chairman Cisneros called for a motion to come out of Executive Session at 1:20 P.M.

Motion: Andreatta

Second: Galusha

Discussion: None

Resolved: Motion passed by unanimous vote.

Galusha: Yes

Andreatta: Yes

Chairman Cisneros: Yes

Chairman Cisneros called for a motion to adjourn at 1:21 P.M.

Motion: Galusha

Second: Andreatta

Discussion: None

Resolved: Motion passed by unanimous vote.

Andreatta: Yes

Galusha: Yes

Chairman Cisneros: Yes

Meeting adjourned at 1:21 P.M.

Nancy C. Cruz, County Clerk & Recorder
Clerk to Board of County Commissioners

COMMISSIONERS:

Gerald A. Cisneros, Chairman

John Galusha, Vice Chairman

Arica Andreatta

HUERFANO COUNTY		
PAYROLL STATUS CHANGE		EFFECTIVE DATE
		1/15/2023
NAME: Jill Homerding	PAYROLL :	1/20/2023
CHANGE OF ADDRESS/PHONE	STREET	5242 County Road 230
	CITY, STATE, ZIP	Walsenburg, CO 81089
	TELEPHONE	
CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE		Legal Tech IV
DEPARTMENT		
HOURS		
ANNUAL SALARY		
SEMI-MONTHLY SALARY		
HOURLY SALARY		
OTHER SALARY		TBD in January
REASON FOR CHANGE		
NEW HIRE REHIRED PROMOTION DEMOTION TRANSFER	RESIGNATION RETIREMENT LAYOFF ADMINISTRATIVE LEAVE PAID ADMINISTRATIVE LEAVE UN-PAID Termination	LENGTH OF SERVICE INCREASE REEVALUATION OF CURRENT JOB INTRODUCTORY PERIOD COMPLETED OTHER
COMMENTS, IF NECESSARY		
Jill is retiring from her position effective January 15, 2023		
<i>Sheila Hudson-Macchietto</i> Director,, Huerfano County Department of Human Services		
Gerald A. Cisneros, Chairman		
12/15/2022 Date		
Date to Finance Office:		

HUERFANO COUNTY		
PAYROLL STATUS CHANGE		EFFECTIVE DATE
		1/15/2023
NAME: Mary Vigil	PAYROLL :	1/20/2023
CHANGE OF ADDRESS/PHONE	STREET	810 Pinon
	CITY, STATE, ZIP	Walsenburg, CO 81089
	TELEPHONE	
CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE		Adult Services Case Worker
DEPARTMENT		
HOURS		
ANNUAL SALARY		
SEMI-MONTHLY SALARY		
HOURLY SALARY		
OTHER SALARY		TBD in January
REASON FOR CHANGE		
NEW HIRE	RESIGNATION	LENGTH OF SERVICE INCREASE
REHIRED	RETIREMENT	REEVALUATION OF CURRENT JOB
PROMOTION	LAYOFF	INTRODUCTORY PERIOD COMPLETED
DEMOTION	ADMINISTRATIVE LEAVE PAID	OTHER
TRANSFER	ADMINISTRATIVE LEAVE UN-PAID	
Termination		
COMMENTS, IF NECESSARY		
Mary is retiring from her position effective January 15, 2023		
Sheila Hudson-Macchietto Director,, Huerfano County Department of Human Services		
Gerald A. Cisneros, Chairman		
12/15/2022 Date		
Date to Finance Office:		

HUERFANO COUNTY

GREEN SHEET/STATUS CHANGE		EFFECTIVE DATE
		12/15/2022
NAME: Karina Sierra	PAYROLL :	12/30/2022

CHANGE OF ADDRESS/ PHONE	STREET	306 W Pine
	CITY, STATE, ZIP	Walsenburg CO 81089
	TELEPHONE	

CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE	AP TECH I	Staff Assistant II
DEPARTMENT		Dept of Human Services
HOURS		
ANNUAL SALARY		
SEMI-MONTHLY SALARY		
HOURLY SALARY	\$31,660.00	\$33,000.00
OTHER SALARY		

REASON FOR CHANGE

NEWHIRE	RESIGNATION	LENGTH OF SERVICE INCREASE
REHIRED	RETIREMENT	REEVALUATION OF CURRENT JOB
PROMOTION	LAYOFF	INTRODUCTORY PERIOD COMPLETED
DEMOTION	ADMINISTRATIVE LEAVE PAID	OTHER
TRANSFER	ADMINISTRATIVE LEAVE UN-PAID	

COMMENTS, IF NECESSARY

Motion to reclassify Karina from an APT I to a Staff Assistant II

I _Sheila Hudson-Macchietto, Director certify that the above presented information has been requested by the Department Head and or Elected Official directly responsible for the employee named within. I certify that I have received all proper documentaion and that I have entered the information on the Green Sheet to reflect the change as requested.

_____*Sheila Hudson-Macchietto* 12/08/2022

Gerald A. Cisneros, Chairman

John Galusha, Vice-Chairman

Arica Andreatta, Commissioner

Date

Date to Finance Office:

HUERFANO COUNTY

GREEN SHEET/STATUS CHANGE		EFFECTIVE DATE
		1/1/2022
NAME: Brittney Ciarlo	PAYROLL :	1/13/2022

CHANGE OF ADDRESS/ PHONE	STREET
	CITY, STATE, ZIP
	TELEPHONE

CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE	Emergency Manager	Emergency Manager
DEPARTMENT	Emergency Management	Emergency Management
HOURS		
ANNUAL SALARY	\$68,263.90	\$71,500.00
SEMI-MONTHLY SALARY		
HOURLY SALARY		
OTHER SALARY	Exempt	Exempt

REASON FOR CHANGE

NEW HIRE	RESIGNATION	LENGTH OF SERVICE INCREASE
REHIRED	RETIREMENT	REEVALUATION OF CURRENT JOB
PROMOTION	LAYOFF	INTRODUCTORY PERIOD COMPLETED
DEMOTION	ADMINISTRATIVE LEAVE PAID	OTHER
TRANSFER	ADMINISTRATIVE LEAVE UN-PAID	

COMMENTS, IF NECESSARY

Motion To Raise Brittney Ciarlo's Pay From \$68,263.90 to \$71,500.00 as This Change Was Intended To Be In The Budget.

I Angela Wakeman Human Resources Officer certify that the above presented information has been requested by the Department Head and or Elected Official directly responsible for the employee named within. I certify that I have received all proper documentaion and that I have entered the information on the Green Sheet to reflect the change as requested.

Angela Wakeman
Signature of preparer

12/16/2022
Date Signed

Gerald A. Cisneros, Chairman

John Galusha, Vice-Chairman

Arica Andreatta, Commissioner

Date

Date to Finance Office: _____

HUERFANO COUNTY

GREEN SHEET/STATUS CHANGE		EFFECTIVE DATE
		12/12/2022
NAME:	Name: Emilee Weniger	PAYROLL :
		12/30/2022

CHANGE OF ADDRESS/PHONE	STREET
	CITY, STATE, ZIP
	TELEPHONE

CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE	Academy Candidate	Deputy
DEPARTMENT	Sheriff	Sheriff
HOURS		
ANNUAL SALARY	\$35,000.16	\$36,628.00
SEMI-MONTHLY SALARY		
HOURLY SALARY		
OTHER SALARY	Non-Exempt	Non-Exempt

REASON FOR CHANGE

NEW HIRE
REHIRED
PROMOTION
DEMOTION
TRANSFER

RESIGNATION
RETIREMENT
LAYOFF
ADMINISTRATIVE LEAVE PAID
ADMINISTRATIVE LEAVE UN-PAID

LENGTH OF SERVICE INCREASE
REEVALUATION OF CURRENT JOB
INTRODUCTORY PERIOD COMPLETED
OTHER

COMMENTS, IF NECESSARY

Motion to Approve Emilee Weniger's Pay Increase Based on Completion of FTO Training & Passing.

I Angela Wakeman HR Coordinator certify that the above presented information has been requested by the Department Head and or Elected Official directly responsible for the employee named within. I certify that I have received all proper documentaion and that I have entered the information on the Green Sheet to reflect the change as requested.

Angela Wakeman
Signature of Preparer

12/12/2022
Date Signed

Gerald A. Cisneros, Chairman

John Galusha, Vice-Chairman

Arica Andreatta, Commissioner

Date

Date to Finance Office:

HUERFANO COUNTY		
PAYROLL STATUS CHANGE		EFFECTIVE DATE
		12/3/2022
NAME:	Jeremy Reno	PAYROLL :
		12/30/2022
CHANGE OF ADDRESS/PHONE	STREET	
	CITY, STATE, ZIP	
	TELEPHONE	
CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE	Detention - Sergeant	
DEPARTMENT	Jail	
HOURS		
ANNUAL SALARY	\$38,000.16	
SEMI-MONTHLY SALARY		
HOURLY SALARY		
OTHER SALARY	Non-Exempt	
REASON FOR CHANGE		
NEW HIRE REHIRED PROMOTION DEMOTION TRANSFER	<div style="border: 1px solid black; border-radius: 50%; width: 100px; height: 30px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">RESIGNATION</div> RETIREMENT LAYOFF ADMINISTRATIVE LEAVE PAID ADMINISTRATIVE LEAVE UN-PAID TERMINATION	LENGTH OF SERVICE INCREASE REEVALUATION OF CURRENT JOB INTRODUCTORY PERIOD COMPLETED OTHER
COMMENTS, IF NECESSARY		
Motion to Accept the Resignation of Jeremy Reno on 12/03/2022		
Elected Official/Department Manager	Gerald A. Cisneros, Chairman	
Date	Date	
Date to Finance Office: _____		

HUERFANO COUNTY		
PAYROLL STATUS CHANGE		EFFECTIVE DATE
		12/7/2022
NAME:	Kyle Reeves	PAYROLL :
		12/30/2022
CHANGE OF ADDRESS/PHONE	STREET	
	CITY, STATE, ZIP	
	TELEPHONE	
CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE	Deputy/Interim Jail Administrator	
DEPARTMENT	Sheriff	
HOURS		
ANNUAL SALARY	\$42,546.00	
SEMI-MONTHLY SALARY		
HOURLY SALARY		
OTHER SALARY	Non-Exempt	
REASON FOR CHANGE		
NEW HIRE REHIRED PROMOTION DEMOTION TRANSFER	<div style="border: 1px solid black; border-radius: 50%; width: 100px; height: 30px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">RESIGNATION</div> RETIREMENT LAYOFF ADMINISTRATIVE LEAVE PAID ADMINISTRATIVE LEAVE UN-PAID TERMINATION	LENGTH OF SERVICE INCREASE REEVALUATION OF CURRENT JOB INTRODUCTORY PERIOD COMPLETED OTHER
COMMENTS, IF NECESSARY		
Motion to Accept the Resignation of Kyle Reeves on 12/07/2022.		
Elected Official/Department Manager	Gerald A. Cisneros, Chairman	
Date	Date	
Date to Finance Office: _____		

HUERFANO COUNTY

GREEN SHEET/STATUS CHANGE		EFFECTIVE DATE
		11/21/2022
NAME:	Name: Cathy Pineda	PAYROLL :
		12/15/2022

CHANGE OF ADDRESS/ PHONE	STREET
	CITY, STATE, ZIP
	TELEPHONE

CHANGE	FROM (DOES NOT APPLY TO NEW EMPLOYEE)	TO
JOB TITLE		Secretary
DEPARTMENT		Sheriff
HOURS		
ANNUAL SALARY		\$37,208.84
SEMI-MONTHLY SALARY		
HOURLY SALARY		
OTHER SALARY		Non-Exempt

REASON FOR CHANGE

NEW HIRE
REHIRED
PROMOTION
DEMOTION
TRANSFER

RESIGNATION
RETIREMENT
LAYOFF
ADMINISTRATIVE LEAVE PAID
ADMINISTRATIVE LEAVE UN-PAID

LENGTH OF SERVICE INCREASE
REEVALUATION OF CURRENT JOB
INTRODUCTORY PERIOD COMPLETED
OTHER

COMMENTS, IF NECESSARY

Motion to Approve Cathy Pineda's Comensatory Payout of 36 hours through 12-16-2022 for \$981.27

I Angela Wakeman HR Coordinator certify that the above presented information has been requested by the Department Head and or Elected Official directly responsible for the employee named within. I certify that I have received all proper documentaion and that I have entered the information on the Green Sheet to reflect the change as requested.

Angela Wakeman
Signature of Preparer

12/16/2022
Date Signed

Gerald A. Cisneros, Chairman

John Galusha, Vice-Chairman

Arica Andreatta, Commissioner

Date

Date to Finance Office:

Colorado's paid family and medical leave (FAMLI) program will ensure most Colorado workers have access to paid leave during certain life circumstances and they won't have to choose between earning a paycheck and taking care of themselves or their families when life events happen.

How does it work?

Beginning on January 1, 2024, nearly every Colorado worker who earns at least \$2,500 in yearly wages within the state will be eligible to take **paid family and medical leave** during covered circumstances:

- » To care for a new child, including adopted and fostered children
- » To care for themselves, if they have a serious health condition
- » To care for a family member with a serious health condition
- » To make arrangements for a family member's military deployment
- » To address the immediate safety needs and impact of domestic violence and/or sexual assault.

Depending on your income, when using paid leave, you will receive up to 90% of your normal weekly wages. Benefits are capped at \$1,100 per week.

Most workers are eligible to receive up to 12 weeks of paid family and medical leave.

Those who experience pregnancy or childbirth complications may receive an additional four weeks.

FAMLI & Local Governments

If your local government employer has decided to opt-out of FAMLI, you can opt-in to the program as an individual: As a Colorado worker, you have the right to opt into FAMLI benefits. You can either self-elect coverage and submit your employee premium along with your wage data every quarter directly to the FAMLI Division by creating an account at famli.colorado.gov, or your local government employer may assist you. No action is required until you can self-elect coverage when FAMLI benefits become available in 2024. If you create your own account, you will need the FEIN # of your employer. Please reach out to your HR representative for assistance and to review your options. You can learn more about the FAMLI program by contacting the Division at CDLE_FAMLI_info@state.co.us or by visiting the website at famli.colorado.gov.

Employees of local governments who have opted out do not need to take any action to self-elect FAMLI coverage until benefits become available in 2024.



COLORADO
Family and Medical Leave
Insurance Program (FAMLI)
Department of Labor and Employment

This poster is a summary and cannot be relied on as complete labor law information. For more information, or to estimate your premiums or benefits, please visit famli.colorado.gov.

TRACKING PAID LEAVE IN COLORADO

✓ To do item

i Impact

Item 5c.

2022	2023	2024	2025
<p>SPRING – SUMMER</p> <p>✓ Local government employers should:</p> <ul style="list-style-type: none"> Decide whether to participate in FAMLI or opt out <ul style="list-style-type: none"> If opting out of FAMLI, review rules and begin planning formal opt-out vote by governing body <p>✓ Private employers should:</p> <ul style="list-style-type: none"> Consider whether to offer an equivalent plan instead of FAMLI <ul style="list-style-type: none"> If offering an equivalent plan, watch for rules from the FAMLI Division and select plan offerings <p>FALL</p> <p>✓ All employers should:</p> <ul style="list-style-type: none"> Register with the FAMLI online system Review payroll processes and systems (if participating in FAMLI) Review written leave policies and revise as necessary <p>WINTER</p> <p>✓ Applicable employers should:</p> <ul style="list-style-type: none"> Submit documentation to FAMLI Division (if utilizing a private plan exemption) Hold formal local government opt-out vote prior to Jan. 1, 2023 Submit written local government opt-out notice to FAMLI Division prior to Jan. 1, 2023 to avoid payroll contribution requirement Notify employees within 30 days of the vote if opting out 	<p>JANUARY</p> <p>✓ Payroll deductions begin Jan. 1</p> <p>i The average Colorado employee will pay \$3.83 per week</p> <p>i The contribution rate is \$0.90 per \$100 from Jan. 1, 2023 to Dec. 31, 2024</p>	<p>i Maximum weekly benefit is \$1,100</p> <p>✓ Benefits payable Jan. 1</p> <p>i State Average Weekly Wage is estimated to be \$1,340 for 2024</p>	<p>JANUARY</p> <p>i Payroll premiums may climb to as much as 1.2% of an employee's wages</p>

This information is intended to be educational. This page and all downloadable items are up to date as of May 2022 and have not been updated for changes in the law, administration or current events.



Scan to get the facts on Colorado FAMLI
americanfidelity.com/pages/leave/co

AMERICAN FIDELITY
 a different opinion



COLORADO
Family and Medical Leave
Insurance Program (FAMLI)
Department of Labor and Employment

FAMILY AND MEDICAL LEAVE INSURANCE



LOCAL GOVERNMENT GUIDE

FAMLI



Contents

- 4 » What is FAMLI?
- 5 » How does FAMLI benefit my organization?
- 6 » How does FAMLI benefit workers?
- 7 » How is FAMLI funded?
- 8 » Participation for Local Governments
 - » *Full Participation*
 - » *Decline ALL Participation*
 - » *Decline EMPLOYER Participation*
- 12 » How to Prepare for FAMLI
 - » *Determine Your Participation in FAMLI*
 - » *Register with the FAMLI system*
 - » *Notify the FAMLI Division*
 - » *Notify Your Employees*
- 14 » Voting Timelines
- 15 » Key Dates to Consider
- 16 » Tools
 - » *Break Room Poster for Local Governments Who Opt Out*
 - » *Standard Break Room Poster for All Participating Employers*
 - » *Customizable Employee Notification Template*
- 17 » Who's Who in FAMLI?
 - » *Covered Individual*
 - » *Employee*
 - » *FAMLI*
 - » *Family Member*
 - » *FMLA*
 - » *Governing Body*
 - » *Local Government*
 - » *Paid family and medical leave*
 - » *Serious Health Condition*
 - » *Sexual Assault or Abuse*
- 19 » References



What is FAMLI?

FAMLI is Colorado's Family and Medical Leave Insurance (FAMLI) program.

FAMLI will ensure most Colorado workers have access to paid leave during certain circumstances and won't have to choose between earning a paycheck and taking care of themselves or their loved ones when life happens. Most eligible workers will be able to take up to 12 weeks of paid leave depending on need and up to 16 weeks for those who experience pregnancy or childbirth complications.

The initiative was approved by Colorado voters in November 2020 with 57% voter support.

Colorado is the ninth state to facilitate a paid family medical leave program, and more states continue to pass similar state-run programs.

Both employers and employees will contribute premiums to the fund that will pay out benefits to workers. There are some exceptions for Local Governments and private sector employers who offer qualifying private plans that provide equal or greater benefits than those provided by the FAMLI program.



How does FAMLI benefit my organization?

It's Easy: FAMLI is easy to administer. It will largely work in the same way and on the same schedule as the Unemployment Insurance program.

It's Cost Effective: FAMLI is a cost effective program and a benefit that Colorado workers want. Employers that are currently paying out-of-pocket to provide maternity leave or other paid family leave may be able to realize cost savings.

You Become an Employer of Choice: With the current on-going labor shortage, FAMLI will enable local government employers across Colorado to better compete for top talent with other, private employers in the state. While larger employers might be able to provide paid family and medical leave out of pocket, FAMLI allows smaller, public employers with tighter budgets to affordably provide paid time off to care for personal or family medical emergencies, bond with a new child,

respond to domestic of sexual violence, and address military family needs.

It Increases Worker Satisfaction:

Research shows that access to paid family leave can boost employee morale (*California's Paid Family Leave Law, 2014*), and employees with access to paid leave are more likely to return to their jobs and remain in the workforce (*Rutgers Center for Women and Work, n.d.*). High job satisfaction will help Local Governments retain talent, productivity, and boost labor force participation which will in turn provide savings by reducing the need to hire and train new employees.

It's Flexible: The FAMLI program provides Local Governments flexibility. While the employee is out on FAMLI leave, the vacancy savings can provide Local Governments the freedom to temporarily fill the resulting work needs in whatever way that is best for the organization.

How does FAMLI benefit workers?

Ensuring new parents have **paid time off to care for a newborn**, recently adopted or foster child contributes to a family's healthy development, improves maternal health, and enhances a family's economic security. *(Equitable Growth, n.d.)*

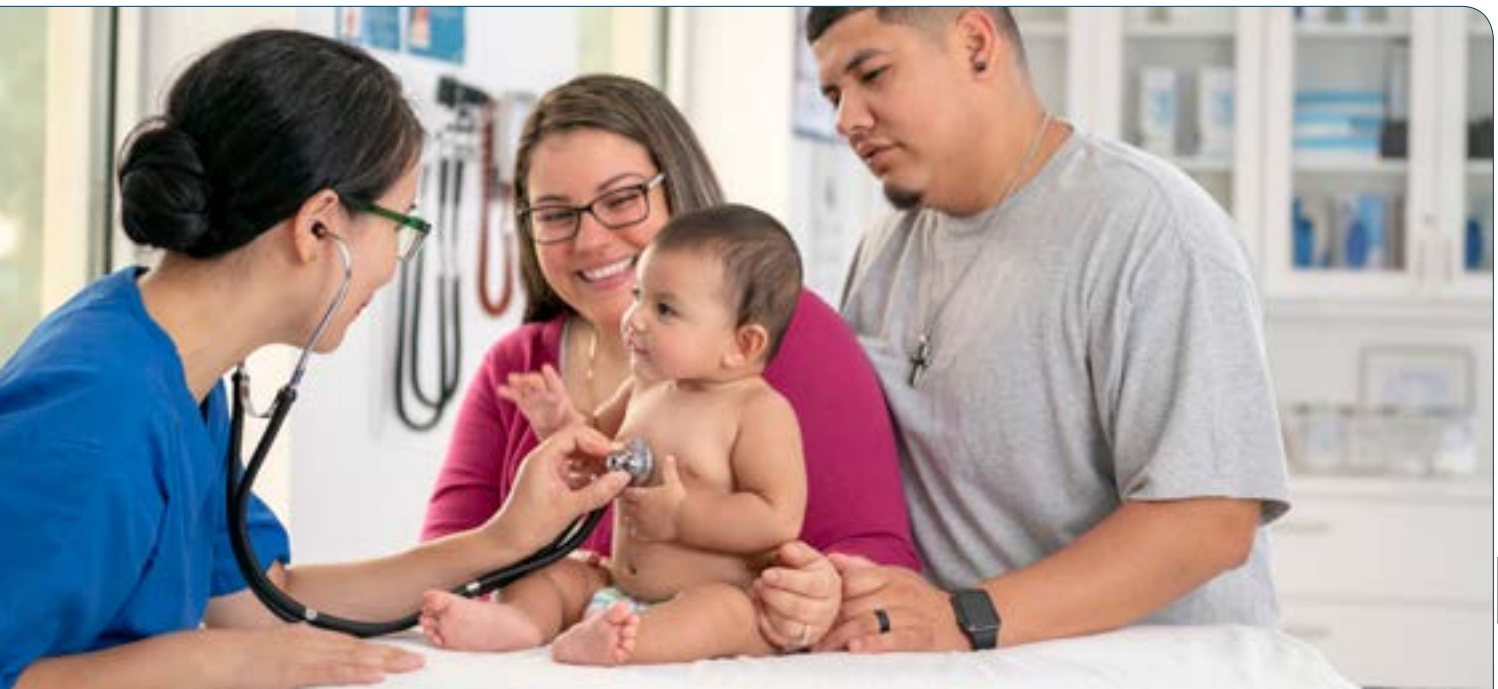
Research shows paid parental leave not only has a positive impact on health outcomes for new parents, but also has **significant health benefits for children** lasting beyond early childhood. *(Lichtman-Sadot & Bell, 2017, Pages 790-827)*

Offering more workplace flexibility and access to **increased paid leave for**

fathers can positively impact maternal postpartum health. *(Rossin-Slater, 2021)*

Paid medical and caregiving leave lets workers care for themselves and loved ones when ill or injured, and reduces financial insecurity and stress during times that could lead to economic shock. *(Equitable Growth, n.d.)*

Research further shows paid family and medical leave reduces incidents of on-the-job injuries and makes it less likely that workers with chronic health conditions could relapse or reinjure themselves by returning to work before they have recovered. *(Economic Opportunity Institute, 2012)*



How is FAMLI funded?

FAMLI is a social insurance program funded through a premium that is paid into a fund.

The premium rate through 2024 is 0.9%.

Local Governments with 10+ employees who choose to participate in the program will split the cost of the premium with employees. Employees will contribute 0.45% of their wages, and their local government employer will also pay 0.45% of their wages. Local Governments with nine or fewer employees, will not have to contribute the employer's share of the premium and will just remit the 0.45% of their employees' wages.

Just like private sector employers, Local Governments have the option to pay some or all of the employees' share of the premium as an added employee benefit.

Beginning in 2025, the FAMLI premium rate may be adjusted by formula, but the premium is statutorily capped at 1.2%.



Participation Levels for Local Governments

Unlike private employers, the FAMLI statute was written to give Colorado Local Governments the ability to opt out of the program. Local Governments have three options regarding their participation in the state-run program. A local government employer can:

- » Participate in FAMLI just like any other private sector employer.
- » Decline ALL participation
- » Decline EMPLOYER Participation.

Participate in FAMLI

The Local Government must register in the FAMLI system and create an account like any typical private sector employer. If the Local Government plans to participate in the program, no vote is required.

Size of Local Government

- » **10 or more employees** » the Local Government will pay the employer share of the premium, 0.45% of wages,* and will remit the 0.45% of the employees' share to the FAMLI Division for a total of 0.9% of wages.
- » **Fewer than 10 employees** » the Local Government does not have to pay the 0.45% of the employer share, but is still responsible for remitting the 0.45% of the employees' share for a total of 0.45% of wages.
- » In both scenarios, the Local Government will need to submit wage data to the Division once a quarter along with their employees' share of the premium (0.45% of wages).

Decline ALL participation

- » The Local Government's governing body must vote to decline all participation.
- » The Local Government must register in the FAMLI system to notify the FAMLI Division of their vote to decline participation.
- » Local Governments who vote to decline participation in the FAMLI program are not required to have an equivalent paid leave plan in place.
- » Employees of Local Governments that vote to opt out of the program, still have the option of participating if they so choose.
- » Employees who voluntarily choose to participate will need to report their own wages and remit their own premium payments. These employees would only be required to pay the 0.45% of the employee premium.
- » These employees would self-elect coverage in the same manner and form a self employed person would via the online FAMLI system.
- » The individual employee will create their own account and will be responsible for self reporting their wage data and remitting a quarterly premium into the system.
- » Upon voluntarily opting into the program, these individuals are required to commit to participate for at least three years to avoid opting in only when leave is foreseeable.
- » There is no enrollment period. These employees can opt in at any point.



Decline Employer Participation

- » This option allows a Local Government to decline its responsibility to pay the employer share of the premium but still assist its employees who want to individually participate in FAMLI.
- » The Local Government's governing body must still vote to opt out of paying the employer premium, but the Local Government would facilitate an employee's voluntary payroll deductions and remit the employee's share of the premium (0.45% of wages) and corresponding wage data once a quarter to the FAMLI Division.
- » This allows employees to voluntarily opt into the program without having to worry about the administrative burden of remitting their own premiums and wage data every quarter.
- » Employees who choose to opt in after their Local Government opts out, will not be covered by the job protection benefit of the FAMLI program.





How to Prepare for FAMLI

These are the following steps Local Governments should take to prepare for FAMLI.

1. Determine your Local Government's participation in FAMLI

- » The Local Government's governing body must vote to decline to participate. No vote is required to participate.
- » Public notice of the vote must be given in the same manner as any other business before the governing body, and employees must also be notified in writing prior to the vote with information regarding the vote process and opportunity to submit comments and testimony through a public process.
- » The decision to decline is good for eight years from the date of the vote.
- » The Local Government must hold another vote if it wishes to continue to opt-out beyond eight years.

2. Register with the FAMLI system (Q4 2022)

- » Every Local Government employer must register with FAMLI's online system, including those that choose not to participate in FAMLI.
- » Local Governments which vote to decline participation in the FAMLI program must notify the Division of their decision after registering in the system by January 1, 2023.

When can we vote to opt out of FAMLI?

Local Governments can hold their initial vote to opt out anytime during 2022.

3. Notify FAMLI of your Local Government's decision

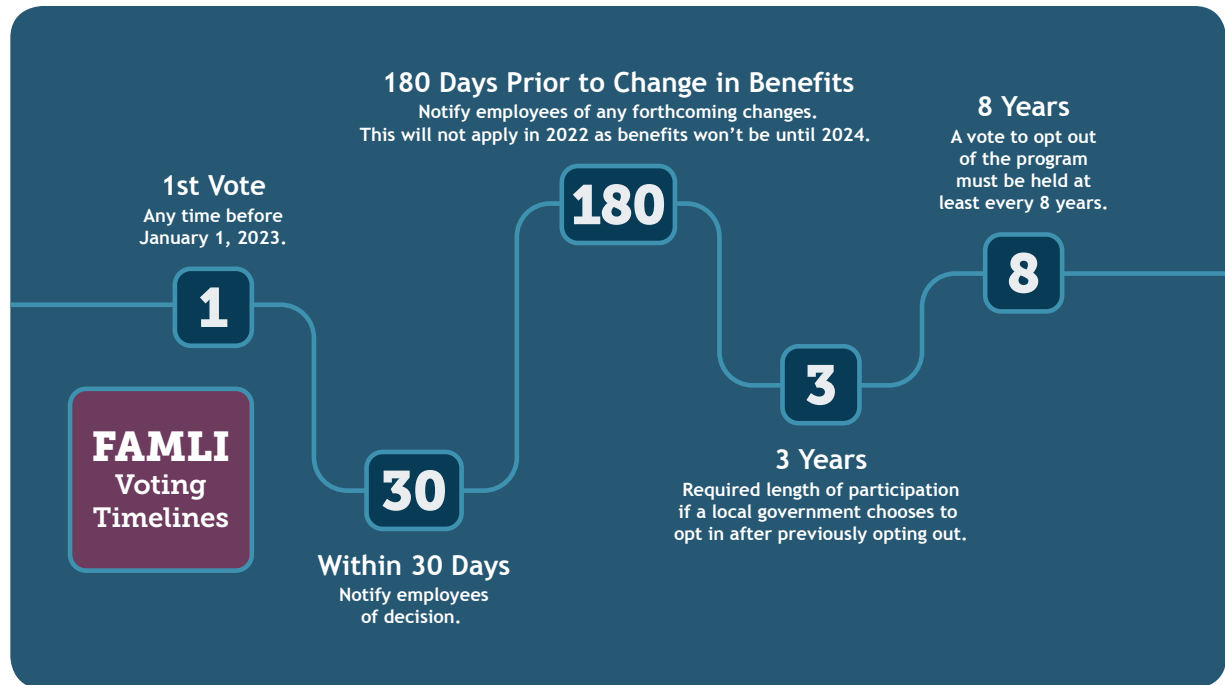
- » After registration, a Local Government that votes to opt-out of the FAMLI program must notify the FAMLI Division on letterhead and must indicate the date the vote was taken and the result of the vote. This document must be uploaded into the FAMLI employer services system once it deploys in late 2022.
- » If the local government has voted to opt out, but intends to assist its employees who choose to individually participate in the FAMLI program, this information must be included in the notification as well. **This notification must be received within the system – not postmarked or emailed – by January 1, 2023.**

FAMLI's online employer premiums system is expected to be available for registration during the Fall of 2022. Local Governments will be invited to register before private employers, during which time we will have support staff available to help Local Governments navigate the process. This will be the same online system all participating employers will use to remit premium payments and all wage data to the Division once a quarter.

4. Notify your employees of your Local Government's decision

- » There are two employee notification requirements that Local Governments must abide by when voting to opt out of the FAMLI program (7 CCR 1107-2). One notice must be delivered individually to employees after a declination vote, and one must be posted (with other labor notices etc). The written individual notices may be emails, or employee policies published in a handbook.
- » Local Governments must display the notice containing the required information in a conspicuous and accessible place in each establishment where employees are employed. In cases where the Local Government does not maintain a physical workplace, or an employee teleworks or performs work through a web-based or app-based platform, notification will be sent via electronic communication or through a conspicuous posting in the web-based or app-based platform.
- » The notice and poster required will be in English and in any language representing the first language spoken by at least five percent of the Local Governments' workforce.
- » The Division has created posters and customizable notices containing the required information in this regulation and are available at famli.colorado.gov.

Voting Timelines



Key Dates to Consider

- » Local governments must notify employees of their decision on FAMLI participation within **30 days after** the deciding vote.
- » **180 days notice** must be given to employees before any change regarding access to FAMLI benefits is effective. This gives workers time to make arrangements and self-select coverage.
- » Local governments which choose to fully participate in FAMLI after previously voting to decline participation must remain in the program and agree to pay premiums for a **minimum of three years**.
- » Individuals who self-elect coverage, must remain in the program and agree to pay premiums for a **minimum of three years**.
- » If the local government chooses to decline to fully participate in the FAMLI program, the decision must be revisited **every eight years** at a minimum.
- » If a local government wishes to withdraw from the program at the end of the three-year period, the FAMLI Division requires a **minimum of 90 days notice**, so we can change systems to avoid overpayments and miscommunication.

Please refer to 7 CCR 1107-2 for additional information.



Tools



Break Room Poster for
Local Governments
Who Opt Out



Standard Break
Room Poster for All
Participating Employers



Customizable Employee
Email Notification
Template

Local government employers who vote to decline participation in the FAMLI program are not required to have an equivalent paid leave plan in place.

What happens if we do not take a vote, or send a letter?

Local Governments which do not notify the FAMLI Division of a vote to opt-out by January 1, 2023 will be identified as participants in the FAMLI program. The FAMLI Division will expect both wage data and premium payments due on April 1, 2023. You must notify the Division ahead of January 1, 2023 to avoid paying premiums.

Who's Who in FAMLI?

Covered Individual » A Colorado worker who has earned at least \$2,500 in wages within the State, over a period of roughly a year. *Reference: §8-13.3-503 (3) C.R.S.*

Employee » Any individual, including a migratory laborer, performing labor or services for the benefit of another, irrespective of whether the common-law relationship of master and servant exists. The FAMLI Act's definition of "employee" includes a two-prong exception.

- » If a person is both primarily free from control in the performance of their work, and that work is part of their independent profession or trade, then that person is not an employee under the FAMLI Act, and payments to them would not be subject to premiums. *Reference: §8-13.3-503 (7) C.R.S.*
- » Elected officials will generally satisfy this two-prong exception, will not be considered employees, and payments to them for their services will not be subject to premiums.

FAMLI » The Family and Medical Leave Insurance (FAMLI) program was voted in by the citizens of Colorado during the 2020 election. The vote was bi-partisan. Colorado law that covers this program is §8-13.3-501 et seq. Individuals can use FAMLI leave to take time away from work in order to:

- » Care for a new child, including adopted and fostered children
- » Care for themselves, if they have a serious health condition
- » Care for a family member's serious health condition
- » Make arrangements for a family member's military deployment
- » Address the immediate safety needs and impact of domestic violence and/or sexual assault.

Family Member » A covered individual's child, parent, spouse, domestic partner, grandparent, grandchild, sibling, or someone with whom they have a significant personal bond as described in detail in §8-13.3-503 (11) C.R.S.

FMLA » The Family and Medical Leave Act (FMLA) is a federal program that provides certain qualifying employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave. FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees. Colorado's FAMLI program is designed to run concurrently with FMLA. *Reference: 29 U.S.C. Chapter 28.* However, it is important to note that individual FMLA coverage may vary among employees based on hours worked in the prior year.

Governing Body » The group of leaders who has the authority to exercise governance over a local government or political subdivision. Examples include

but are not limited to: public school boards, board of regents, board(s) of directors etc. A local government's vote to opt out of FAMLI must be conducted by its governing body.

Local Government » Any county, city and county, city, or town, whether home rule or statutory, or any school district, special district, authority, or other political subdivision of the state. Charter Schools are considered Local Governments under the FAMLI Act.

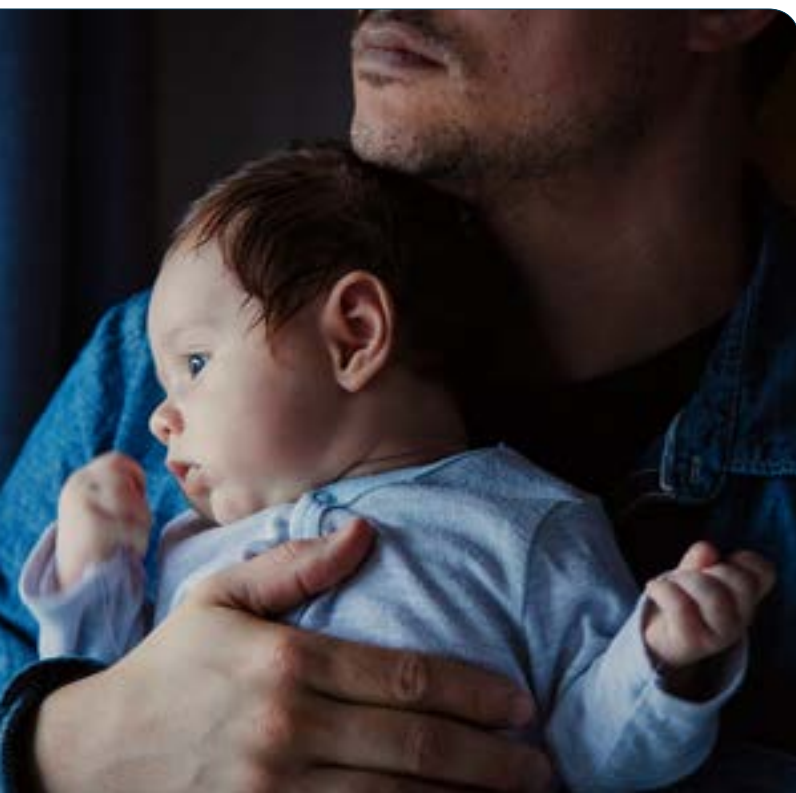
References: §29-1-304.5(3)(b) C.R.S.

Paid family and medical leave » The general description for paid leave taken from employment in connection with family and medical leave insurance benefits.

Serious Health Condition » An illness, injury, impairment, pregnancy, recovery from childbirth, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.

§8-13.3-503 (19) C.R.S.

Sexual Assault or Abuse » Any offense or sexual assault committed by a person against another person regardless of the relationship between the actor and the victim. *References: 16-11.7-102(3) C.R.S., §18-3-402 C.R.S. and §8-13.3-503 (20) C.R.S.*



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COLORADO
Family and Medical Leave
Insurance Program (FAMLI)
Department of Labor and Employment

Understanding the FAMLI Program

The Colorado Paid Family and Medical Leave Insurance Program (FAMLI) provides up to 12 weeks of paid time off for employees who have been with an employer for six months or more. The leave is paid by a state-run insurance fund to which both employers and employees contribute. For more details about contributions and opt-out options for governmental employers, read [Technical Update vol. 26 no 31- Colorado Family and Medical Leave Insurance Program](#).

WHAT FAMLI COVERS?

Employees can use FAMLI for the following reasons:

- To manage their own serious health condition
- To care for a family member with a serious health condition
- To care for a new child (within the first year of birth, or foster placement, or adoption)
- To make arrangements for military deployments
- To address immediate safety needs & impact of domestic violence, sexual assault, and stalking
- FAMLI leave can be extended by four weeks for pregnancy or childbirth complications

WHO QUALIFIES AS A FAMILY MEMBER?

The FAMLI Act considers the following to be family for the purpose of taking leave:

- Child (biological, adopted, foster, stepchild, legal ward, or that of domestic partner)
- Parent (biological, foster, stepparent, legal guardian, or that of domestic partner)
- Legally married
- Grandparent, grandchild, or sibling (biological, foster, or step of self or domestic parent)
- Any other individual with whom the employee has a "significant personal bond that is or is like a family relationship, regardless of biological or legal relationship."

WHAT ELSE SHOULD I KNOW?

FAMLI leave is an insurance program run by the state; therefore, employees will make FAMLI requests to the state. While details of the program are still under development, the state is expected to approve or deny requests. However, employers may be expected to assist in the approval process. Employees will begin to see deductions for FAMLI on their paystubs beginning on January 1, 2023, and will be able to request leave starting January 1, 2024. Employers with nine or fewer employees do not need to contribute to the program; however, they still need to contribute their .45% of the employee's share to the program.

WHAT THIS MEANS FOR COUNTIES

Counties should consult with their county attorneys to ensure that they comply with the FAMLI program by voting to opt out or collecting employee contributions. For more information, consult the Colorado FAMLI website at <https://famli.colorado.gov>. You can contact CTSI at 303 861 0507.

FAMLI Program Hearing

The Huerfano County Board of County Commissioners have scheduled a public hearing to gather employee's comments about Huerfano County's participation in Colorado's new paid family medical leave program or "FAMLI". This hearing will be held during a Special Business Meeting of the Board of County Commissioners to be held at 10AM on Tuesday, December 20 in the Commissioner's Meeting Room, 401 Main Street, Suite 309, Walsenburg, CO 81089. Information to join the meeting via Zoom is below.

The County Administrator's recommendation to the Board on participation in the FAMLI Program will be to decline employer participation in FAMLI. The Administrator further recommends that the County work with American Fidelity to provide an equivalent plan to facilitate employee participation if any employee wishes to participate in FAMLI. If the Board adopts these recommendations Employees will have the opportunity to discuss this plan and other options with American Fidelity during the next open enrollment period. More information on FAMLI can be found at famli.colorado.gov and in the attached flyer.

Employees may submit written comments for the Board to Angela Wakeman, HR Officer, by email or hard copy. Angela is also the appropriate contact for questions that employees may have on the program.

Join Zoom Meeting

<https://us02web.zoom.us/j/82550511219>

Meeting ID: 825 5051 1219



Date Published: May 2022

Whitepaper

Family and Medical Leave Insurance Program

Summary:

The Family and Medical Leave Insurance Program requires Colorado employers to provide eligible employees with up to 12 (or 16) weeks of paid leave for specified family and medical reasons within a 12-month period.

Important Notice:

The information provided herein is general in nature and designed to serve as a guide to understanding. These materials are not to be construed as the rendering of legal or management advice. If the reader has a specific need or problem, the services of a competent professional should be sought to address the particular situation.

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I. Introduction

The Family and Medical Leave Insurance Program (FAMLI) is a State-run family leave program that will begin to be funded by employers on January 1, 2023 and will provide benefits to employees beginning January 1, 2024. The voter-approved law passed in 2020 ensures that Colorado employees will have access to paid leave to care for themselves or their family members during a serious health event or to grow their family. FAMLI will start providing benefits on January 1, 2024, when most Colorado employers will need to allow eligible employees to take up to 12 weeks of job-protected leave in a 12-month period for specified family and medical reasons. Those who experience pregnancy or childbirth complications will receive an additional four weeks. This document provides an overview of current FAMLI requirements known as of this publication date

II. Employer Coverage

FAMLI applies to all Colorado employers, public, private, nonprofit, and religious, of any size or industry, including sole proprietors. The law also applies to employers located outside of Colorado who have employees within Colorado.

Private employers may be eligible to opt out of the State program if they offer a privately funded family leave plan that offers benefits comparable to or better than benefits an employee would receive under FAMLI. Employers that wish to provide a private plan to employees may do so by buying that insurance from an approved third party or self-fund the plan. However, those employers who self-insure their own plan must apply to the State for approval of their plan and must maintain a surety bond to prove that benefits can be paid to employees.

Most short-term disability policies will not, by themselves, qualify to replace FAMLI. Qualified plans must convey the same or a greater level of benefits for the employee as the FAMLI leave program. They need to cover the same length of time and rate of pay to the employee and be provided at the same or lesser cost to the employee.

III. Employee Eligibility

To be eligible for FAMLI benefits, a Colorado employee must have earned at least \$2,500 in wages while working for a Colorado employer(s) over a period of a year. This time frame considers the time the employee has been working in Colorado, not the time the employee has been working for the employer. FAMLI benefits are portable and determined by the length of time employed in Colorado, not by the length of time with the same employer.

Self-employed workers (1099 or contract workers) may also be eligible if they have earned at least \$2,500 in wages in Colorado, they opt in to coverage, and live and work in Colorado.

IV. Local Governments

Local governments, as defined by statute and which include organizations such as school systems, towns, and certain special districts, are covered employers, but they have a statutory choice to opt out of the program with an affirmative vote by the governing body to decline participation, along with notice to the State of that vote. Employees of those local governments can opt in to the program separately.

Local governments have three options regarding participation in the FAMLI program:

- **Participate in FAMLI.** This option means the local government agency agrees to pay the employer share of the premium (0.45% of wages if the local government has 10 or more employees, and 0% of wages if the local government has fewer than 10 employees) and remit employees' share of the premium (0.45% of wages) along with wage data to the FAMLI Division once a quarter.
- **Decline participation in FAMLI.** To decline participation in the FAMLI program, the local government's governing body must vote to do so. The local government must then notify the FAMLI Division of their vote to decline participation. The decision to decline is good for eight years from the date of the vote to decline participation. The local government must hold another vote if it wishes to continue opting out beyond eight years.
- **Decline employer participation in FAMLI.** This option allows a local government agency to decline participation as described above, while allowing the agency to assist employees who want to individually participate in the FAMLI program by facilitating voluntary payroll deductions, with remittance of the employee share of the premium (0.45% of wages) and wage data once a quarter to the FAMLI Division.

Local governments can vote to opt out of FAMLI at any time during 2022, and local governments are not required to give the FAMLI Division notice of their decision to opt out by January 1, 2023. However, **local governments that do not notify the FAMLI Division of a vote to opt out by January 1, 2023 will be identified as participants in the FAMLI program.** The FAMLI Division will expect both wage data and premium payments due on April 1, 2023. To avoid paying premiums, they must notify the Division ahead of January 1, 2023.

Local governments that choose to fully participate in FAMLI after previously voting to decline participation, as well as individuals who self-elect coverage, must remain in the program and agree to pay premiums for a minimum of three years. If a local government wishes to withdraw from the program at the end of the three-year period, the Division requires a minimum of 90-days' notice, so the Division can update the systems to avoid overpayments and miscommunication.

V. Leave Entitlement

TYPES OF LEAVE

Beginning January 1, 2024, a covered individual has the right to take paid family and medical leave and to receive family and medical leave insurance benefits while taking paid family and medical leave for the following reasons:

- For the care of a newborn, adopted child, or fostered child;
- To care for a family member with a serious health condition;
- For the employee's own serious health condition;
- For qualifying exigency leave;
- To address safety needs or the impact of domestic violence and/or sexual assault.

DEFINITIONS OF FAMILY

The FAMLI statute defines "family member" very broadly and differently from other medical leaves, specifically the FMLA. Under FAMLI, "family members" are:

- Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the covered individual stands in loco parentis, or a person to whom the covered individual stood in loco parentis when the person was a minor;
- A biological, adoptive, or foster parent, stepparent, or legal guardian of a covered individual or covered individual's spouse or domestic partner or a person who stood in loco parentis when the covered individual or covered individual's spouse or domestic partner was a minor child;
- A person to whom the covered individual is legally married under the laws of any state, or a domestic partner of a covered individual as defined in section 24-50-603(6.5);
- A grandparent, grandchild, or sibling (whether a biological, foster, adoptive or step relationship) of the covered individual or covered individual's spouse or domestic partner; or
- As shown by the covered individual, any other individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.

SERIOUS HEALTH CONDITION

"Serious health condition" means an illness, injury, impairment, pregnancy, recovery from childbirth, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential care facility, or continuing treatment by a healthcare provider.

LEAVE FOR BIRTH, ADOPTION, OR FOSTER CARE

Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement. Employees may take FAMLI leave before the actual placement or adoption of a child if the absence is required for the adoption or foster placement to proceed.

SAFE LEAVE/EXIGENCY LEAVE

“Safe leave” means any leave because the covered individual or the covered individual’s family member is the victim of domestic violence, the victim of stalking, or the victim of sexual assault or abuse. Safe leave applies if the covered individual is using the leave from work to protect the covered individual or the covered individual’s family member by:

- (a) Seeking a civil protection order to prevent domestic violence;
- (b) Obtaining medical care or mental health counseling or both for themselves or for their children to address physical or psychological injuries resulting from the act of domestic violence, stalking, or sexual assault or abuse;
- (c) Making their home secure from the perpetrator of the act of domestic violence, stalking, or sexual assault or abuse, or seeking new housing to escape said perpetrator; or
- (d) Seeking legal assistance to address issues arising from the act of domestic violence, stalking, or sexual assault or abuse, or attending and preparing for court-related proceedings arising from said act or crime.

CONTRIBUTIONS

FAMLI contributions will start on January 1, 2023. Contributions are a shared responsibility for employers with 10 or more employees at 0.45% each for a total of 0.90%, unless an employer chooses to pay the full premium covering the employer and employee contribution amounts. Employers with fewer than 10 employees are exempt from paying the employer share of the contributions, but they are responsible for remitting the employees’ share of the contribution. Contributions are based on gross pay up to the Social Security wage base, \$147,000 for 2022 and indexed annually.

Both employers and employees must begin paying into the fund on January 1, 2023, through payroll deductions. Employers will need to submit to the Colorado Department of Labor and Employment both their share (if required) and their employees’ share of the premium through an online system at the end of each quarter. It is expected that this system will be similar to how employers make their unemployment insurance premiums.

Exemptions from wages are:

- 1) Per-diem or mileage reimbursements
- 2) Amounts of payments made by the employer on behalf of the employee into other insurance or annuity accounts that are not associated with FAMLI, including but not limited to:

- a. Short- or long-term disability
- b. Medical or hospitalization expenses in connection with sickness or accident disability
- c. Death
- d. Earnings from investment-interest payments, dividends, or rent receipts from rental property except if the income is earned through a business owned or operated by the claimant.
- e. Severance pay, with the exceptions of payments pursuant to 8-73-110 C.R.S.

PAID LEAVE BENEFITS

FAMLI leave is paid leave benefit with weekly payments to the employee. The benefit can be as high as 90% of income replacement based on a sliding scale. Lower-paid employees receive the highest benefit, with the percentage of income replacement decreasing as the wages for the employee increase. The FAMLI website contains a helpful [Premium and Benefits Calculator](#) for employees.

Weekly Wage	Weekly Benefits	Maximum Annual Benefits	Percent of Weekly Wage
\$500	\$450	\$5400	90%
\$1000	\$768	\$9,216	77%
\$1500	\$1018	\$12,216	68%
\$2000	\$1,100	\$13,200	55%
\$3000	\$1,100	\$13,200	37%

COORDINATION OF PAID LEAVE WITH HFWA

The Healthy Families and Workplaces Act applies to all Colorado employers and mandates sick leave benefits for all employees in an amount of one hour for every 30 hours worked, up to 48 hours of leave for employees to care for themselves or family members.

While the State has announced that it will issue guidance on the nexus and differences between FAMLI and HFWA, there are some salient differences.

First, HFWA is internally managed by employers and consists of earned paid time off accrued by employees. The employees are paid for their time away at their regular rate of pay by their employer. This is paid time off for sick days. For life circumstances that may require long absences from work, such as serious health conditions, welcoming a new child, etc., employees may apply to the FAMLI program for a benefit paid to the employee by the State. The amount of the benefit is only a percentage of their regular rate of pay and is paid directly to the employee

by the State. Another salient difference is that an employee notifies the employer of the need to take sick leave, while the Division will notify the employer when the employee has applied and will be taking FAMLI leave.

PAID LEAVE SUBSTITUTION

FAMLI leave is paid, but it only covers a partial wage replacement. The FAMLI statute prohibits an employer from requiring an employee to use or exhaust existing PTO before they are permitted to take FAMLI leave. However, under certain conditions, employees may elect, or employers may require employees to “substitute” (run concurrently) accrued paid leave (e.g., sick, vacation, or PTO) while on paid FAMLI leave to get the employee to 100% of wages. An employee’s ability to substitute accrued paid leave is determined by the terms and conditions of the employer’s normal leave policy. If the employee does not meet the conditions of the employer’s policy, the employee remains entitled to take FAMLI leave. Public-sector employers can require, or employees can elect, to use accrued compensatory time while on FAMLI leave.

COORDINATION WITH THE FAMILY MEDICAL LEAVE ACT (FMLA)

The FAMLI program was designed to be able to run concurrently with FMLA. Therefore, employers subject to FMLA will need to coordinate that leave with FAMLI leave. Employees not covered by FMLA may still take FAMLI leave, as the eligibility for the state FAMLI program is not predicated on the length of time worked or a formal waiting period. Once an employee has made \$2,500 in wages, they may become eligible for the FAMLI benefit. Moreover, after an employee has worked for an employer for 180 days, their leave through the FAMLI program is a “job-protected” leave, similar to the job protections under FMLA.

VI. Maintenance of Health and Other Benefits

A covered employer is required to maintain group health insurance coverage for employees on FAMLI leave on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave.

Whether an employer is required to maintain other benefits for an employee on FAMLI depends upon the employer’s policy for providing such benefits when the employee is on other forms of leave.

VII. Notice and Certification

Employers must post a legible copy of the Department of Labor's fact sheet, “Colorado Family and Medical Leave Insurance (FAMLI).” This poster must be posted in a prominent place at each worksite. A poster is [available](#) on the CDLE website

Huerfano County Land Use Department
 401 Main Street, Suite 340, Attn: Land Use
 Walsenburg, Colorado 81089
 719-738-1220 ext. 103



GENERAL LAND USE APPLICATION

Application File No.: _____
Date Received: _____
Received by: _____
Fees due: _____ Date Paid _____

1. ACTION(S) REQUESTED:

- ☒ Conditional Use Permit
- ☐ Conditional Use Permit / Marijuana
- ☐ Conditional Use Permit/ Oil, Gas or Uranium Exploration and/or Development
- ☐ Rezoning
- ☐ Variance
- ☐ Subdivision Exemption
- ☐ Plat Amendment
- ☐ Lot Consolidation
- ☐ Plat Correction
- ☐ Right-of-Way or Easement Vacation
- ☐ Other Actions (specify): _____
- ☐ Sign Permit
- ☐ Temporary Use Permit
- ☐ H.B. 1041 Text Amendment
- ☐ H.B. 1041 Development Permit
- ☐ H.B. 1041 Flood Plain Exemption
- PUD and Subdivisions:**
- ☐ Sketch Plan
- ☐ Preliminary Plan
- ☐ Final Plat / Subdivision Improvement Agreement
- ☐ Appeal of Denied Application

2. APPLICANT AND OWNER INFORMATION:

Applicant Name: Ryan Harris

Applicant's Mailing Address: 1562 Gold Hill Mesa Dr. Colorado Springs, CO 80905

Applicant's Telephone: 719-432-4384 Email: ryanharris82@gmail.com

Name of Land Owner: same

Land Owner's Mailing Address: _____

Land Owner's Telephone: _____ Email: _____

3. PERMIT DETAILS:

Detailed project description/Scope of Work: We would like to put a second house on our property for our parents (in-laws) to live in.

Parcel Area: 35 Acres; Zoning District(s): _____

Parcel/Schedule Number(s): 18280 (I think)

Parcel Address (optional): 1015 CR 346, Walsenburg, CO 81089

Current/Proposed Land use (see §1.05 of the Land Use Code): Current: Single family dwelling on a single undivided parcel of land (Agricultural)

GENERAL LAND USE APPLICATION

If project is in an HOA, HOA name: N/A

If a Variance Request, please state the reason for the Variance(s): _____

Is all or a portion of the subject land located in a 100-year flood plain area (see FEMA floodplain map), or are there areas with slopes in excess of twenty percent (20%)? ☒ YES ☐ NO ☐ NOT SURE

If YES, describe existing conditions: Significant slope on parts of property but flat w/ adequate drainage where proposed 2nd house would be.

Value of proposed project: \$200,000

Will the proposed project require any State or Federal permits? ☒ YES ☐ NO

If YES, please list all permits or approvals required: State electrical and plumbing for home connection

Additional pertinent information: _____

If a H.B. 1041 permit is required, for what matters of local concern and state interest? N/A

4. CERTIFICATION BY THE APPLICANT:

I hereby certify that this Application is made with full knowledge of the design standards, all fees, procedures, public hearing and meeting requirements contained in the Huerfano County Land Use Regulations. Furthermore, I understand that all conditional use permits are non-transferrable, unless specifically approved by the Huerfano County Board of County Commissioners. The Board of County Commissioners may impose permit transfer fees as it deems appropriate. All documents submitted may be subject to internet publishing.

Signature of Applicant: [Signature] Date: 11/15/22

Printed name: Ryan Harris

5. ACTION (by the authorized permitting authority):

☐ Final Approval

☐ Conditional Approval

☐ Denial

Name _____ Signature _____

Title _____ Date _____

Comments _____



Huerfano County Planning Commission Staff Report – Permit #22-55 CUP Harris Meeting Type – Advisory

December 8, 2022

Request

With this Application Ryan Harris (the Applicant) requests the following:

A Conditional Use Permit pursuant to LUR Section §1.06 to construct a second single-family home on a parcel. The site is addressed at 1015 CR 346 (A portion of Parcel Number 18280, which has recently been subdivided and is not yet updated on the County maps).

The applicant is in the process of building a modular cabin on the site, and proposes to build a second dwelling unit on the site; each unit will have its own septic and utility taps.

The subject property is zoned Agricultural. Zoning standards for this district are set forth in LUR Section §1.03.02 and in the use table in §1.05.

Site Map

See Attached

Code References

The following Code Sections are applicable to this application and may be referenced by the Planning Commission in their evaluation of the request:

§ 1.03: The parcel is 35.05 acres and proposal meets other dimensional requirements for the zone.

§ 1.05.02: Additional dwellings; e.g., for rent, lease, or sale, on any undivided parcel of land or lot is a listed conditional use in the Agricultural zone.

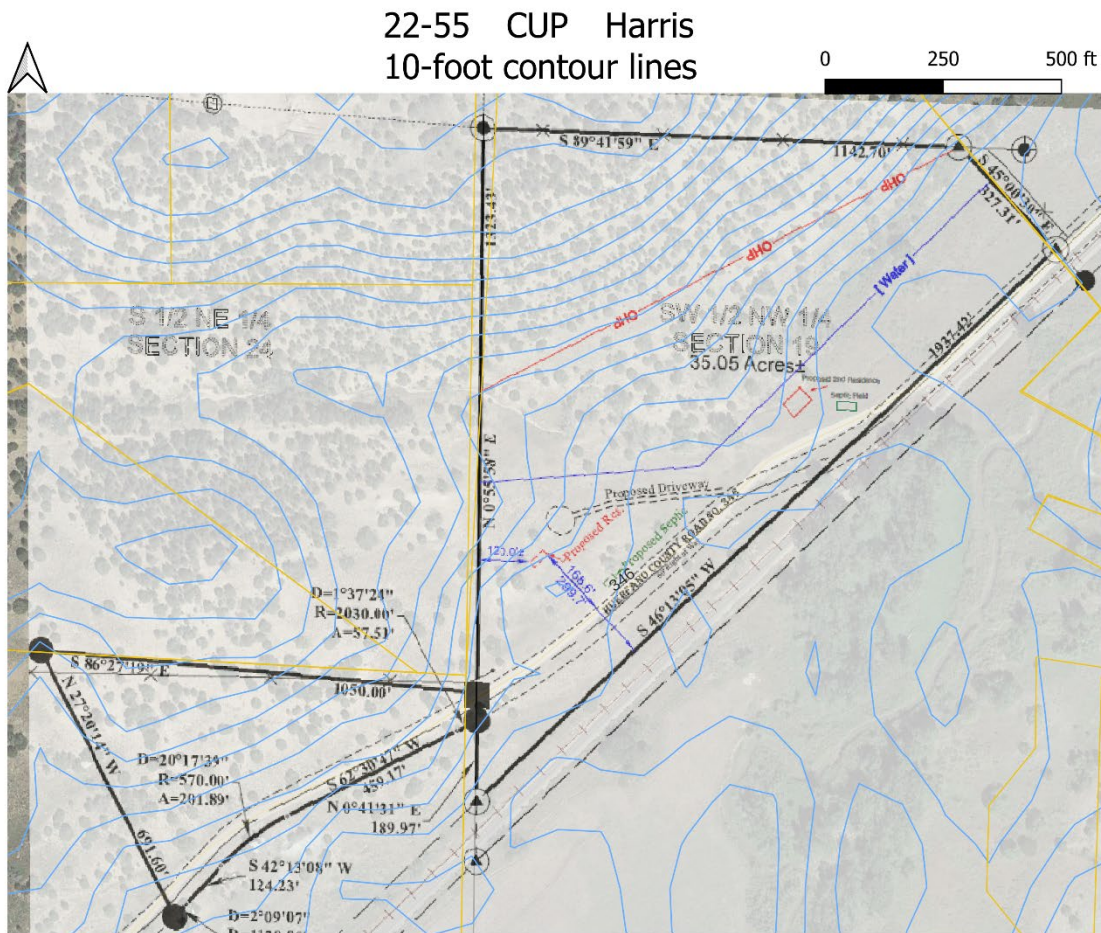
Background and Summary

On November 15, 2022, an Application for a Conditional Use Permit, number 22-55, Application Fees, and attachments were received by the County.

Applicant purchased the property in 2021 and is in the process of developing the land with a modular cabin; Applicant wishes to develop a second dwelling unit, for parents/in-laws to live in as a full-time residence. The property is just to the south of the Spanish Peaks Regional Health Center along CR 346. The property has significant slopes on parts, but not in the areas of proposed development (see overlay of site plan with contour lines).

The property is served by Walsenburg City Water Department and San Isabel Electric Association. Utilities have already been secured for the primary residence.

Nearby uses include the Spanish Peaks Regional Health Center, a marijuana grow and PW CO Canre Walsenburg LLC. Across CR 346 are railroad tracks and the Cucharas River. The nearest residence is just over 2,000 ft southwest of the primary residence.



Application Materials:

A CUP application requires a Letter of Intent, a Site Plan, a Vicinity Map showing area within 500 ft. of the boundaries of proposed property and a list of any existing plats and improvements on adjacent property, proof of ownership and payment of fees.

Staff finds the Applicant has submitted all required materials, however, the subdivision of the parcel appears not to have been recorded with the County Clerk and Recorder.

§1.06.03 Criteria for Action on a Conditional Use Application

All actions by the Planning Commission in reviewing and making recommendations on a conditional use application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically on the following criteria:

1. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation.
2. That the proposed conditional use is consistent with the goals, objectives and policies of Huerfano County, as contained in the County comprehensive plan.
3. That the proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area.

4. That the proposed conditional land use will not result in overly intensive use of the land relative to current use of the surrounding land.
5. That the proposed conditional use will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic and its roads will meet the requirements of Subdivision County Road Standards and Specifications.
6. That the proposed conditional use not unnecessarily scar the land on which such use would be located and that the proposed use provide all measures necessary to mitigate negative impacts upon agricultural lands, critical wildlife habitat, seasonal wildlife migration corridors, scenic views and existing cultural and historical resources.
7. That the proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of County residents nor cause hardship for neighboring persons.

Planning Commission 12/8/22

On 12/8/22, the Planning Commission recommended to send this application to the Board of County Commissioners for a decision at a regular public meeting.

BOCC Action Options:

1. **Approval** without any special conditions.
2. **Conditional** Approval with a description of the special conditions.
3. **Denial**, indicating for the record the reason(s) for such action.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

Enclosures

- Application Materials

To: Huerfano County Land Use Dept.

11/16/2022

From: Property Owner
RADZ Retreat (Ryan and Debra Harris)
1015 CR 346
Walsenburg, CO 81089

Conditional Use Permit Letter of Intent

We are requesting a conditional use permit for a second residence on our 35-acre parcel at 1015 CR 346 outside of Walsenburg, CO. We purchased our property in 2021 and have been actively developing the land with a modular cabin, drive way, barn, etc... Debra's parents (Joe Wyatt and Jan Claussen) current live in Colorado Springs and would like to relocate to our property. This second residence would be their full-time home that we would purchase, and they would rent from us. They are elderly but active and believe this property would be a great location for their retirement.

There would be minimal impact on road traffic as they would just go into town for routine groceries, gas, dining, etc... We love the wildlife, vegetation, and trees on our property and have been very intentional developing the land to preserve as many natural features as possible and minimize impact on wildlife. We will continue this trend with this second home if approved. Even with our cabin and development, we still routinely capture pictures of elk, deer, turkey, bear, and other wildlife on our game cameras.

The 35 acres lies between CR 346 (Centro Ave) and the Spanish Peaks Hospital. The land has a 200+ ft elevation gain up to the hospital. The area near CR 346 is relatively flat with a natural draw and large trees between our current cabin and the proposed location of the second residence. This provides a natural visual barrier and privacy for each of the cabins while keeping Debra's parents nearby. There are no other residences within view of either our cabin or the proposed second residence. This will likely remain true based on the topography of the land.

The proposed second residence would likely be a modular home similar to the current cabin currently on the property. We plan on purchasing a Cottonwood model cabin from Dream Wood cabins. <https://dreamwoodcabins.com/>. The paint scheme and porch design would ensure a unique look for each property.

I believe the property is/will be zoned Agricultural. The county is still in the process of splitting the parcel after our purchase from Robert Maldonado in 2021. I have included the property survey with the proposed location of the second residence near the middle of the property with proper setbacks from the county road and other property lines.

There is a city water line that runs through our property near the proposed home site. We already have one city water tap approved and installed for our cabin and have a request in with the Walsenburg City Water Department for a second tap. We are also in the process of securing an agricultural well on the property for small orchard irrigation and could serve as a back-up water supply. There is San Isabel Electric Association (SIEA) electric lines running through our property and near the proposed home site. We have already secured and permitted power for our current cabin and see no problem with securing a second power drop.

We would put in a second septic system for wastewater. There is adequate cell signal and wireless internet connection for communication and safety.

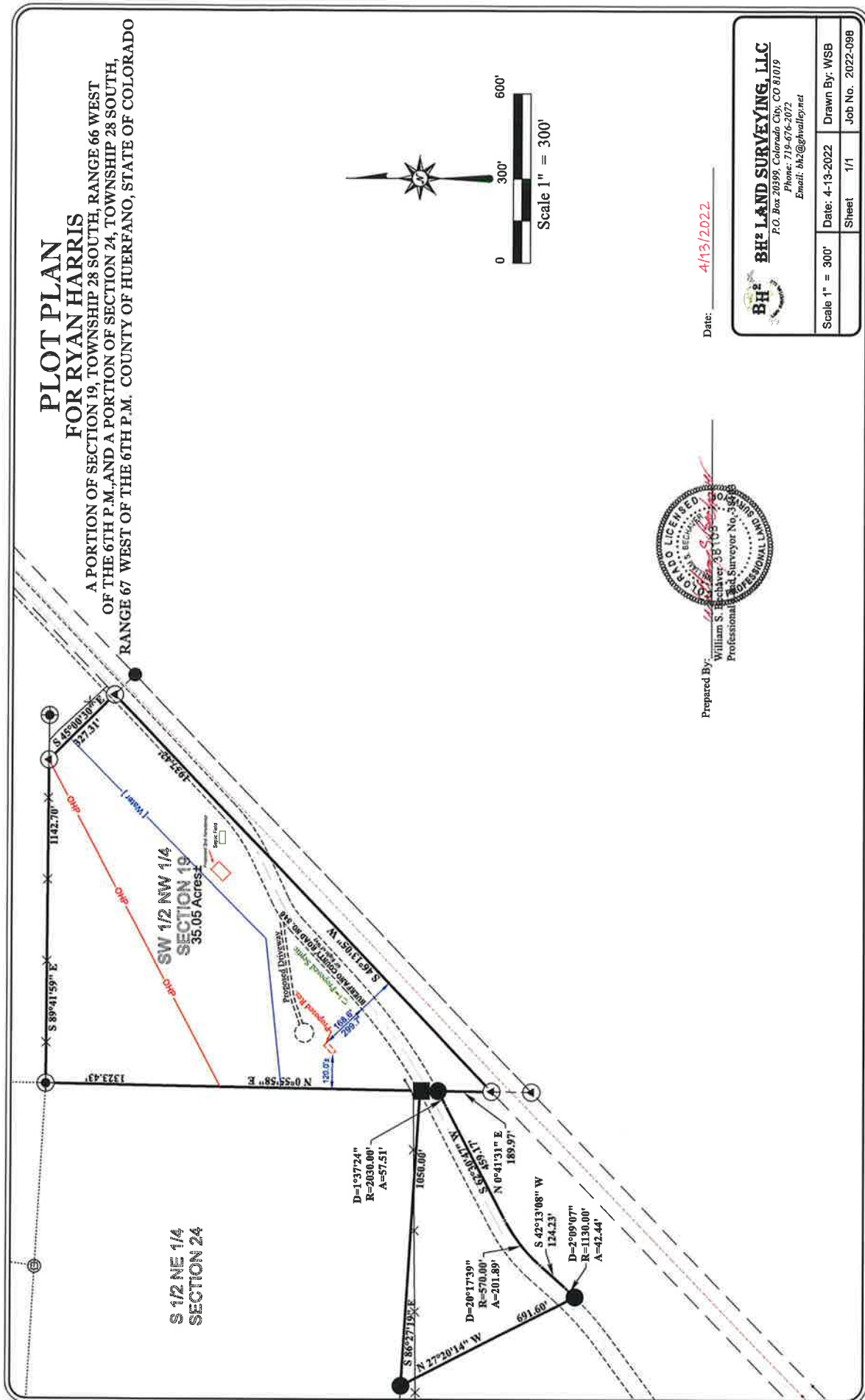
If approved, we would start work right away and would plan to have the cabin completed and delivered in summer of 2023. We would expect all permitting and inspections completed with a certificate of occupancy and move in by fall of 2023.

We believe that the proposed conditional use request conforms to the requirements and provisions of Huerfano County zoning. It is also consistent with the goals, objectives, and policies outlines in the County comprehensive plan. The second home is in harmony with neighboring land use and future intended use of lands in the area. It will not result in overly intensive use of the land, unmitigated traffic or hazards, and will meet the requirements of the Subdivision of County Road Standards and Specifications. As noted earlier the proposed conditional use will not unnecessarily scar the land on which such use would be located and that the proposed use will provide all measures necessary to mitigate negative impacts upon agricultural lands, critical wildlife habitat, seasonal wildlife migration corridors, scenic views, and existing cultural and historical resources. The proposed conditional use will also not be likely to prove detrimental impacts to the public health, safety, or welfare of County residents nor cause hardship for neighbors.

If you have any questions, you can reach me (Ryan Harris) at 719-439-4384 or by mail at 1562 Gold Hill Mesa Dr. Colorado Springs, CO 80905.

Very Respectfully,

Ryan and Debra Harris
Partners, RADZ Retreat LLC



Traverse PC

State Documentary Fee
\$9.50 07-21-2021

423202
Page 1 of 4
Nancy C. Cruz, Clerk & Recorder
Huerfano County, CO
07-21-2021 12:01 PM Recording Fee \$28.00

WARRANTY DEED

THIS DEED, is dated the 19 day of July, 2021, and
is made between
ROBERT MALDONADO
(whether one, or more than one), the "Grantor" of the State of Colorado and
RADZ RETREAT LLC
(whether one, or more than one), the "Grantee," whose legal address is: 1562
GOLD HILL MESA DRIVE, COLORADO SPRINGS, CO 80905 of the State of
Colorado

State Doc Fee:
Recording Fee:

WITNESS, that the Grantor, for and in consideration of the sum of Ninety Five Thousand Dollars and No Cents (\$95,000.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of Huerfano and State of Colorado described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

also known by street and number as: TBD COUNTY ROAD 346, WALSENBURG, CO 81089

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns: that at the time of the enrolling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to:

SEE EXHIBIT "B" ATTACHED HERETO

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, *but not any adjoining vacated street or alley, if any*, in the quiet and peaceable possession of the Grantee, and the heirs and assigns of the Grantee, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Robert W. Maldonado
ROBERT MALDONADO

State of Colorado
County of Huerfano

The foregoing instrument was acknowledged before me this 19th day of July, 2021 by
ROBERT MALDONADO.

Witness my hand and official seal.

Desiree R. Perrino
Notary Public Colorado
My Commission Expires: 07/31/2022

DESIREA R. PERRINO
Notary Public
State of Colorado
Notary ID # 20184030684
My Commission Expires 07-31-2022

RECORDED ELECTRONICALLY	
ID: 423202	County: Huerfano
Date: 7-21-2021	12:01 PM
simplifile www.simplifile.com 800.460.5657	

WARRANTY DEED

THIS DEED, is dated the 19 day of July, 2021, and is made between
 ROBERT MALDONADO
 (whether one, or more than one), the "Grantor" of the State of Colorado and
 RADZ RETREAT LLC
 (whether one, or more than one), the "Grantee," whose legal address is: 1562
 GOLD HILL MESA DRIVE, COLORADO SPRINGS, CO 80905 of the State of
 Colorado

State Doc Fee:
 Recording Fee:

WITNESS, that the Grantor, for and in consideration of the sum of Ninety Five Thousand Dollars and No Cents (\$95,000.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of Huerfano and State of Colorado described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

also known by street and number as: TBD COUNTY ROAD 346, WALSENBURG, CO 81089

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns: that at the time of the ensembling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to:

SEE EXHIBIT "B" ATTACHED HERETO

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, *but not any adjoining vacated street or alley, if any*, in the quiet and peaceable possession of the Grantee, and the heirs and assigns of the Grantee, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Robert W. Maldonado
 ROBERT MALDONADO

State of Colorado
 County of Huerfano

The foregoing instrument was acknowledged before me this 19th day of July, 2021 by
 ROBERT MALDONADO.

Witness my hand and official seal.

Desiree R. Perrino
 Notary Public Colorado
 My Commission Expires: 07/31/2022

DESIREA R. PERRINO
 Notary Public
 State of Colorado
 Notary ID # 20184030684
 My Commission Expires 07-31-2022

EXHIBIT "A"
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SW1/4 OF THE NW1/4 AND THE NW1/4 OF THE SW1/4, SECTION 19, TOWNSHIP 28 SOUTH, RANGE 66 WEST OF THE 6TH P.M., AND THE NE1/4 OF THE SE1/4, SECTION 24, TOWNSHIP 28 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF HUERFANO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 19; THENCE N 00°55'58" E, ALONG THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 1323.43 FEET TO THE NORTH LINE OF SAID SW1/4 OF THE NW1/4; THENCE S 89° 41' 59" E, ALONG SAID NORTH LINE A DISTANCE OF 1142.70 FEET; THENCE S 45°00'30" E, A DISTANCE OF 327.31 FEET, TO THE NORTHERLY RIGHT OF WAY OF DENVER AND RIO GRANDE WESTERN RAILROAD; THENCE S 46°13' 05" W, ALONG SAID NORTHERLY RIGHT OF WAY, A DISTANCE OF 1937.42 FEET, TO THE WEST LINE OF SAID SECTION 19, THENCE N 00°41'31"E, ALONG SAID WEST LINE A DISTANCE OF 189.97 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF HUERFANO COUNTY ROAD NO. 346; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY THE FOLLOWING FIVE (5) COURSES:

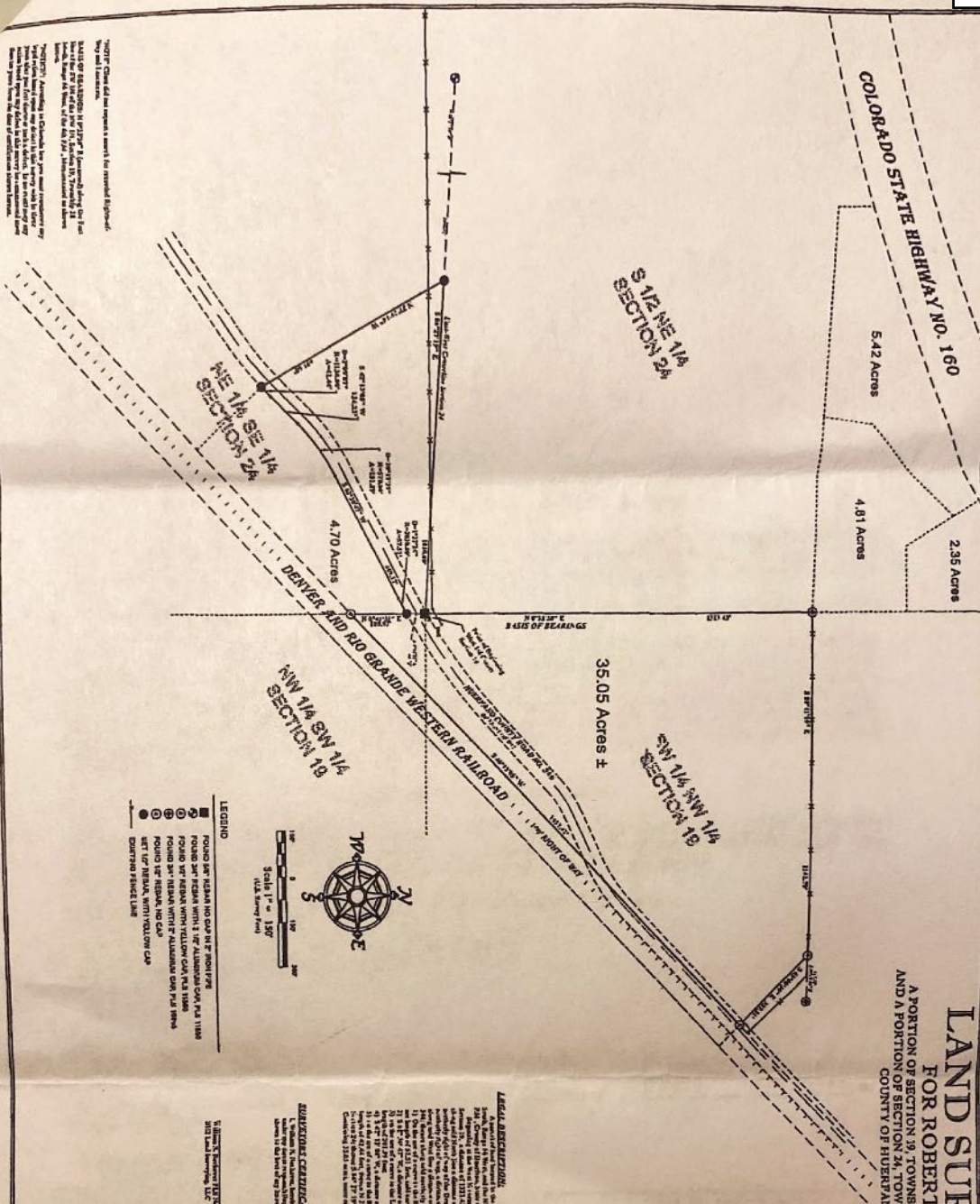
- 1) ON THE ARC OF A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01°37'24", WHOSE RADIUS IS 203.00 FEET, AN ARC LENGTH OF 37.51 FEET, SAID CURVE HAVING A CHORD BEARING OF S 61°42'05" W, A DISTANCE OF 57.51 FEET;
- 2) S 62°30'47" W, A DISTANCE OF 459.17 FEET;
- 3) ON THE ARC OF A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 20°17'39", WHOSE RADIUS IS 570.00 FEET, AN ARC LENGTH OF 201.89 FEET;
- 4) S 42°13'08" W, A DISTANCE OF 124.23 FEET;
- 5) ON THE ARC OF A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02°09'07", WHOSE RADIUS IS 1130.00 FEET, AN ARC LENGTH OF 42.44 FEET; THENCE N 27°20'14" W, A DISTANCE OF 691.60 FEET, TO THE EAST-WEST CENTERLINE OF SAID SECTION 24; THENCE S 86°27'19" E, ALONG SAID NORTH LINE A DISTANCE OF 1050.00 FEET, TO THE POINT OF BEGINNING, ACCORDING TO THE RECORDS OF THE CLERK AND RECORDER FOR HUERFANO COUNTY, COLORADO.

EXHIBIT "B"
EXCEPTIONS TO TITLE

1. Taxes for the year 2021, a lien not yet due and payable.
2. Distribution of Utility Easements (including cable tv)
3. Those specifically described rights of third parties not shown by the public records of which Buyer has actual Knowledge and which were accepted by Buyer in accordance with § 8.3 (off record Title) and § 9 (New ILC or New Survey)
4. Inclusion of the Property within any special taxing district
5. Any special Assessment if the improvements were not installed as the date of Buyers' Signature hereon, whether assessed prior to or after closing.
6. All roads, railroads, highways, alleys, rights of way, utilities and easements for ingress and egress therefore as shown on Huerfano County Road Map filed August 15, 1979.
7. Land Survey Plat for Robert Maldonado recorded December 26, 2018 at Reception No. 414300 and Plat no. 991

LAND SURVEY PLAT

A PORTION OF SECTION 19, TOWNSHIP 28 SOUTH, RANGE 66 WEST, 6th P.M.
AND A PORTION OF SECTION 24, TOWNSHIP 28 SOUTH, RANGE 67 WEST, 6th P.M.
COUNTY OF HUERFANO, STATE OF COLORADO



LEGAL DISCLOSURE:

[illegible]

SURVEILLANCE CERTIFICATION

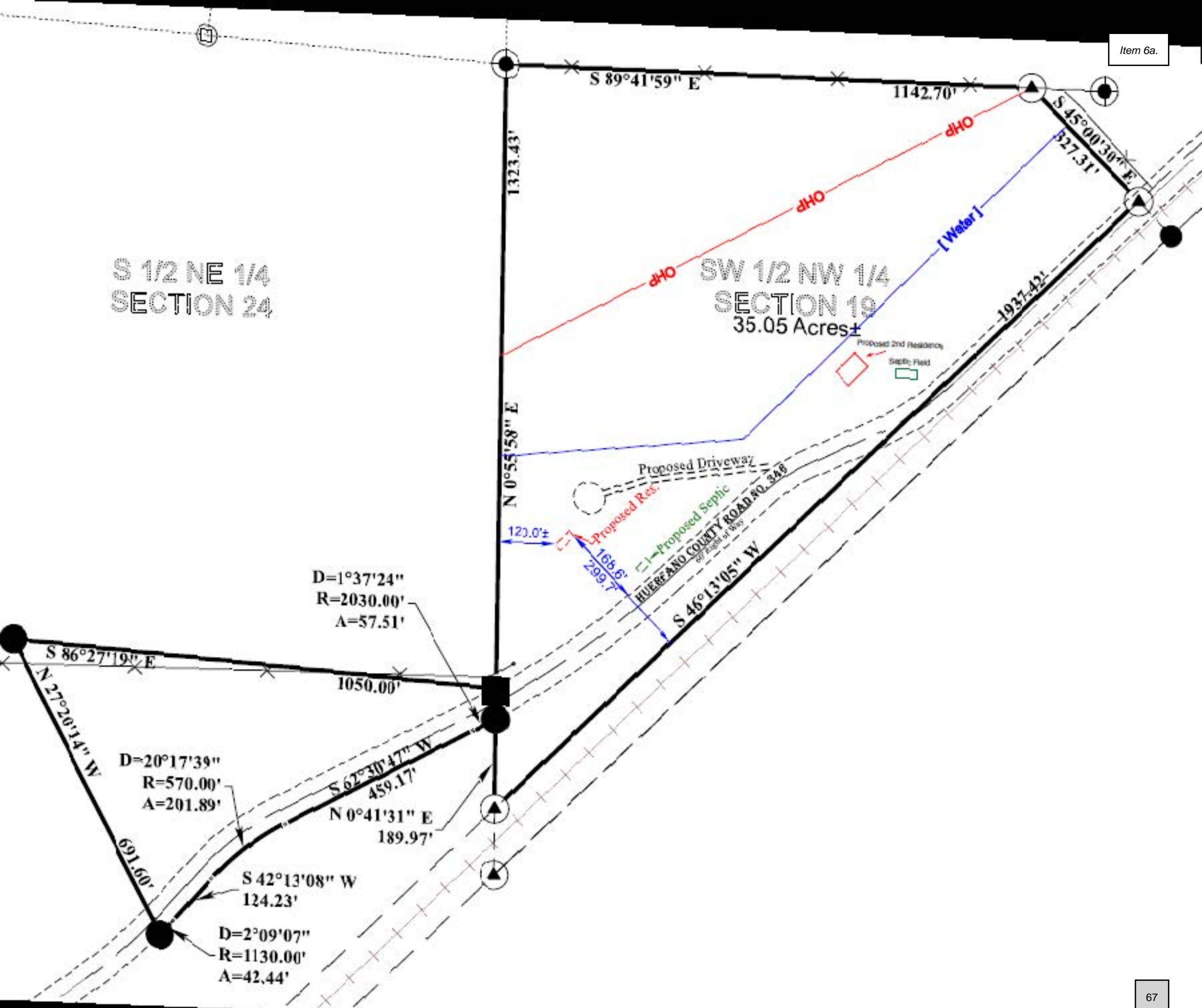
6. William A. Staudacher, history lecturer at Kansas State Univ., has this plot view quoted in his history of the under-190 years in Spanish history, *Spain: History and Geography* and *Spain: History and Geography*. He also points out that the plot view is not the best of any two methods and is not.

William A. Parkhurst / LA Phil, 2019
3121 Laurel Canyon, LLC

1

BH
DI- LAND SURVEYING, INC.
720 East Colorado, Olathe, KS 66041
Phone: 781-54-7672
Telex: 141-144407

Scale 1" = 100'	Date: 2-3-2021	Drawn By: WJL
Sheet: VI		Job No. 2018-



**Huerfano County Land Use
401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 117**



Item 6b.

12/19/2022

Staff Report regarding CUP 17-001 and Variance 20-011

History:

On March 23, 2022 a Code Enforcement Letter was sent out to Owner of Monte Fiore Nicholas Perrino for being in violation of CUP 17-001 and Variance 20-011. Failure to report excise taxes of any by the 20th of every month. Two separate instances of Non-sufficient funds. As well as not filing an amendment to the existing CUP 17-001 of the change of ownership from a partnership to a sole proprietorship. This went before the Planning Commission on March 24, 2022. At that meeting the Planning Commission made a recommendation to begin the process of revoking CUP 17-001 to the Huerfano County Board of County Commissioners. At the BOCC Meeting on April 12th, 2022, the County Commissioners unanimously voted that Monte Fiore had until June 1st to come into complete compliance with the following conditions:

1. Property Taxes are paid up to date as well as any interest due.
2. Excise taxes are paid up to date along with all penalties.
3. Land Use application be filed with the Land Use department to amend the CUP to reflect the change of ownership.

As of April 20, 2022 Monte Fiore has come into compliance as was recommended by the BOCC.

Current, not have complied:

1. Monthly reporting of any/all sales need to be done and into Huerfano County Treasurer's office or Finance office no later than the 20th of each month. Monte Fiore did not do any reporting or pay any excise taxes for the months of June, July, or September of 2022. The reporting that was done in November was filed on the incorrect paperwork and Kim Trujillo our Finance officer reached out to Monte Fiore requesting the correct paperwork be submitted. As of today there has been no response to her email.
2. There has been no further movement on amending the CUP 17-001 from a partnership to a sole proprietorship, as it was supposed to go back to a partnership with different partners. I did receive an application from the new owners from MED in June 2022. I talked with Mr. Perrino back in September 2022 and he stated he was waiting on the transaction from interested parties for a new partnership.
3. It was brought to the attention of the Land Use office that at the Huerfano County tax lien sale on November 17th, 2022 that property that Monte Fiore operates on, had a tax lien of \$90,872.66, which was paid by some other individual.
4. It was also brought to the Land Use Office that there is also a Federal tax lien against the property is the amount of \$417,262.87.

Staff comments:

1. Send the information to the Planning Commission for review and recommendation

**Huerfano County Land Use
401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 117**



Item 6b.

Planning Commission Recommendation:

1. On December 8 the Planning Commission unanimously voted to send to the Huerfano County Board of County Commissioners to begin the revocation of CUP 17-001 and Variance 20-011

Further Findings:

1. The amount paid each month does not reflect what was reported for that corresponding month. (see attached spreadsheet as well as the monthly Huerfano County Government Marijuana Excise Tax Forms from January 2022-November 2022) According to the calculations there is a difference of -\$41795.99.
2. Please see attachment Resolution #18-06

RESOLUTION**A RESOLUTION GOVERNING THE COLLECTION,
ADMINISTRATION AND ENFORCEMENT OF HUERFANO COUNTY'S
MARIJUANA EXCISE TAX****RESOLUTION # 18 -06**

WHEREAS, the Board of County Commissioners of Huerfano County submitted to the voters a ballot question regarding placing an excise tax on the first sale or transfer of commercial marijuana to the voters on November 4, 2014; and,

WHEREAS, at that election, the voters of Huerfano County approved the ballot question thereby authorizing the implementation of a 5% excise tax on the first sale or transfer of commercial marijuana beginning on January 1, 2015; and,

WHEREAS, the Board has determined that prescribed procedures are necessary to provide for the administration of the marijuana excise tax; and,

WHEREAS, the Board finds it in the best interest of the health, safety and welfare of the citizens to adopt a resolution governing the collection, administration and enforcement of a marijuana excise tax.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

Section 1: Applicability

This excise tax applies to all commercial retail marijuana cultivation facilities located anywhere in Huerfano County including within the boundaries of any municipality except those located within a municipality which levies an excise tax pursuant to C.R.S. §29-2-114(2).

Section 2: Administration

The Director of the Huerfano County Finance Department shall serve as the Designated Agent, charged with administering the collection of the Excise Tax on behalf of the County.

Section 3: Conditional Use Permittee Responsible for Tax and Monthly Reports

- 1. Permit Holder Responsible.** The Excise Tax shall only be remitted and paid by the person or entity permitted under the Huerfano County Conditional Use Permit process.
- 2. Payment Required.** All Commercial Marijuana Cultivation Establishments operating under a Conditional Use Permit in Huerfano County shall pay to the Designated Agent a five percent (5%) Excise Tax on the first sale or transfer of unprocessed retail marijuana, including bud, trim, wet whole plant, and the first sale of seeds and immature plants to a retail store or marijuana products manufacturing facility. The amount of the Excise Tax shall be calculated using the procedures

adopted by the Colorado Department of Revenue, as amended from time to time, for collection of the State Excise Tax.

3. **Report Required.** Even in the event that no sales or transfers have taken place during the preceding month, the Establishment shall submit a report to the Designated Agent on the approved form with all sales and transfer information from the preceding month.
4. **Due Date.** Payments of Excise Tax and Reporting Forms are due to the Designated Agent by the 20th of the month following the transaction of the first sale or transfer of retail marijuana by an establishment for the preceding month. All payments due must be paid in full at the time it is due.
5. **Reporting Form.** A copy of the Excise Tax return filed with the Colorado Department of Revenue must accompany, and is deemed part of, the Huerfano County Marijuana Excise Tax Reporting Form. A Reporting Form must be submitted each month by every Establishment, even if no sales or transfer occurred during the preceding month.

Section 4: Establishment to Maintain records

It shall be the duty of every permitted Commercial Marijuana Establishment to keep and preserve suitable records, including returns for excise tax and logs from the statewide tracking system of all sales and transfers made by the Establishment and such other books or accounts as may be required by the Designated Agent in order to determine the amount of the tax for collection or payment of which the Establishment is liable under this resolution.

Section 5: Audits

The County shall have the right to perform audits on all Establishments to ensure compliance with this Resolution. In the event of an audit, all books, invoices, accounts and returns for any state taxes on retail marijuana and other records shall be made available and be open at any time during regular business hours for examination by the Designated Agent. The County may conduct an audit at any time and for any reason; evidence or allegations or nonpayment or evasion of the Excise Tax is not required. If an Establishment has refused to allow an audit under this Section 5, for ten (10) days or more, the Designated Agent may issue a report of the same and seek revocation of the Conditional Use Permit or other sanctions related to the operation of the permitted Establishment.

Section 6: Enforcement

1. **Failure to Pay Tax.** An Establishment that fails to submit all or a portion of the monthly payment due to the County, as well all members, partners, shareholders, or other owners who comprise the Establishment, shall be personally liable for the amount of the Excise Tax and interest outstanding. Interest shall be determined pursuant to C.R.S. §39-21-110.5(2), as amended, and shall begin accruing the day after payment is due.

2. **Dispute resolution.** Dispute resolution procedures for the Excise Tax shall be governed as closely as possible by subsections (2) and (8) of C.R.S. §29-2-106.1 (2015) except to the extent those subsections provide for any involvement by Colorado Department of revenue. Any appeal from the Designated Agent's final decision shall be made to Huerfano County District Court. A Final Assessment shall be issued at the close of the proceedings under this section.
3. **Penalties.** If the Designated Agent determines that any deficiency is due to negligence or intentional disregard of authorized rules and regulations, there shall be a penalty of ten percent (10%) of the unpaid Excise Tax added to the County's Final Assessment. If the Designated Agent determines that any part of the deficiency is due to fraud with the intent to evade the Excise Tax, there shall be a penalty of fifty percent (50%) of the unpaid Excise Tax added to the County's Final Assessment. The Designated Agent will provide the Establishment with notice of the penalty in the Deficiency Notice or at such point when the Designated Agent determines that a penalty applies. The Establishment may attempt to show that the Designated Agent's findings or a penalty was improper through the submission of additional information as provided in this Resolution. Failure to comply with this section may also result in suspension or revocation of the permit holder's conditional use permit.
4. **Action on Debt.** If an Establishment refuses to pay the debt owed to the County as determined through Section 6.2, the County may file an action in the Huerfano County District Court seeking to recover at law the amount owed the County. The County may also seek to recover reasonable attorney fees and costs. Such actions may be actions in attachment, and writs of attachment may be issued by the Sheriff, and in any such proceedings no bond shall be required of the County, nor shall any sheriff require of the County an indemnifying bond for execution of the writ of attachment or writ of execution upon any judgement entered in such proceedings. The County may prosecute appeals in such cases without the necessity of providing a bond. It shall be the duty of the County Attorney, when requested by the Designated Agent, to commence action under this Section.

ADOPTED THIS _____ DAY OF JANUARY, 2018 by the Huerfano County Board of
County Commissioners



Nancy C. Cruz
ATTEST, County Clerk and Recorder
and ex-officio clerk to said board

Edward R. Garcia
Edward Ray Garcia, Chairman

Max Vezzani
Max Vezzani, Commissioner

Gerald A. Cisneros
Gerald A. Cisneros, Commissioner

Paperwork from Monte 12/18

			January	Feb	March	April	May	June	July	AUG	SEPT	OCT	NOV	DEC	
Monte Fiore - rec'l cult	403R-00771														
Monte Fiore - med'l cult	403R-01062		3,467.82	2,420.29	8,082.05	3,328.09	431.00	614.05	0.00	4,285.55	0.00	171.08	32.00		
Monte Fiore - manufacturing	404R-00394		572.65	8,709.95	145.75	89.96	2,732.72	410.48	1,775.11	118.95	4,018.39	0.00	6,156.26		
Monte Fiore - Other	404R-00623		495.01	430.58	109.16	140.04	55.81	127.73	5.23	118.75	0.00	2,671.88	355.30		
	403-01921/403-01915		3,023.18	1,294.98	670.70	923.75	1,339.95	0.00	0.00	0.00	0.00	0.00	0.00		
Penalty 10%															
Nick Perrino, 720-560-6086													0.00		
Total - Monte Fiore			7,558.66	12,855.80	9,007.66	4,481.84	4,559.48	1,152.26	1,780.34	4,523.25	4,018.39	2,842.96	6,543.56		
															59,324.20
TREASURER DEPOSITS MADE			495.01	1424.48		89.96	58.75			5285.55		171.08	241.01		
			572.65	473.68		923.75							5.23		
			3325.18			154.04							96		
			3814.54										365.3		
													32		
			nsf check												
			8207.38	1898.16	0.00	1167.75	58.75			5285.55		171.08	739.54		17528.21



MEMORANDUM

MEETING TYPE: BOCC
MEETING DATE: 12/20/22
ITEM NAME: Land Use Code Changes
SUBMITTED BY: Sky Tallman
SUMMARY:

Over the past few months, the Planning Commission has gone through the land use code to make suggestions on ways to streamline processes for Land Use applications. Attached is a strike-through version of suggested changes, summarized below.

Summary of Changes:

- Add summary of process to each application type.
- Applications start with the Planning/Building department (change language that states applications are submitted to Commissions).
- Review Agencies impacted by an application should be notified by staff upon submission of a complete application. This means that by the time PC/BOCC reviews application in a public hearing comments from review agencies are part of that review.
- Decisions should be made upon the closing of public hearings (rather than at a subsequent meeting).
- Staff should determine whether an application is complete based on application requirements outlined in the Code. Change from Planning Commission determining whether to waive requirements or require additional materials. This would make it possible for staff to submit both complete applications and staff reports to Commissions prior to a hearing or meeting.
- Determine which parts of each process require a public hearing versus a public meeting and clarify in the code. (This is significant because of noticing requirements that can impact development timelines).
- The number of required public meetings/hearings should be minimized. Eliminate joint public hearings.
- Staff should send notices to paper, adjacent property owners to ensure accuracy, timeliness and thoroughness. Requiring applicants to complete these steps increases risk of error, omission and confusion. This will require a resolution amending or replacing Resolution 78-33.

- Lack of articulation of when staff review application causes lack of clarity for when PC receives staff report.
- Change “zoning enforcement” to “planning staff”. Language in code does not refer to a specific, existing position.
- Consider allowing administrative approval for minor variances to allow some flexibility in enforcing district characteristics before a public hearing is required. (for example: a 20% reduction in setbacks, lot size/density, square footage, or a 20% increase max height, etc. This could apply to conditions that are likely to come up frequently and have minimal neighborhood impact).
- Standardize Timelines and noticing requirements. Different types of meetings have different noticing timeline requirements.
- Changes to use table, including: changes to number of dwellings permitted by right per parcel; create catch-all category “any use not listed in this table”; consolidate some of the uses associated with Marijuana.
- Repeal Section 12: Submittal Copies. This section is outdated and not relevant to electronically submitted applications.
- Amendment to Resolution 21-22 amending General Liability Insurance requirements.

Markup Copy of Changes to Processes by application type

1.03.02 District Characteristics and Requirements

The districts enumerated in Section 1.03.01 shall have the following characteristics and specifications:

A Agricultural District

This district is created for the purpose of protecting the productive agricultural lands of Huerfano County and preserving the visual and cultural values, historical and archeological features and critical wildlife habitat associated with the scenic vistas, natural topography and agricultural lifestyles in rural, unincorporated areas of Huerfano County.

Minimum district size:	40 acres
Minimum lot area:	35 acres
Minimum lot width:	200 feet per dwelling unit
Front yard setback:	60 feet
Side yard setback:	25 feet
Rear yard setback:	30 feet
Maximum structure height:	Refer to Comprehensive plan, page 4, "Residential Use"
Minimum dwelling size:	600 square feet
Maximum lot coverage:	15 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

RR Rural Residential District

This district is created for the purpose of allowing the establishment of moderate density rural residential development in predominantly agricultural and rural areas of unincorporated Huerfano County without compromising or otherwise significantly changing the visual, scenic and other natural characteristics of the surrounding area and providing as necessary for the protection of critical wildlife habitat.

Minimum district size:	20 acres
Minimum lot area:	2 acres
Minimum lot width:	100 feet per dwelling unit
Front yard setback:	20 feet
Side yard setback:	10 feet
Rear yard setback:	20 feet
Maximum structure height:	40 feet (refer to Comprehensive plan, page 4, "Residential Use")

1.04.01 Variances

Variances from various provisions of this zoning regulation are heard by and decided by the Board of Adjustment. See Section 9.02.02.

Process Summary: Board of Adjustment Public Hearing:

1. Staff reviews application for completeness, notifies relevant referral agencies and prepares staff report
2. Public noticing
3. → BOA Public Hearing and decision

9.02.02 (4)

4. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of enactment of these regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional physical characteristics or conditions of such piece of property not created by the applicant, or due to unique characteristics of the proposed project, subsequent to the adoption of these regulations or previously adopted County zoning regulations, the strict application of any zoning regulation or provision therein would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, then the Board of Adjustment shall have the authority, upon an appeal relating to said property, to authorize a variance from such strict and literal application so as to relieve such difficulties or hardship. Such relief shall be granted, however, without substantial detriment to the public good or neighborhood character, and without altering or impairing the intent and purpose of the zoning regulations and other provisions contained within State or County regulations. The Board shall not, however, have the power to grant variances from the uses prohibited or allowed conditionally by special review for the zoning district involved.

9.02.03 Submittal Requirements for Appeals and Variances

1. Applicants appearing before the Board of Adjustment shall submit the following submittal materials and all other materials as the County Planner or the Board of Adjustment may deem necessary. These submittal requirements are in addition to those specified in Section 9.02.04, Application and Appeals Procedures, of these regulations.

01. A full and accurate legal description of the land involved in the appeal action.

02. A plot plan showing the existing and proposed location of all structures, uses, zoning district boundaries and setbacks on the land involved in the appeal action.

03. Proof of ownership of the property or written evidence of authority to act on behalf of the lawfully demonstrated owner of the property.

04. ~~Proof of publication of the advertised legal notice of public hearing before the Board of Adjustment. A list of Names of~~ owners of record and physical addresses of all property adjacent to the property in question and all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor. (10) days prior to the Board of Adjustment public hearing date, See Section 9.02.04, Appeals Procedures, below.

05. ~~Proof of p~~Payment of the cost of publication of the advertised-mailed and published public hearing notices.

06. Letter of Intent describing regulation from which a variance is being requested, why requested variance is necessary, and how such variance request meets criteria for a variance described in 9.02.02 (4).

07. A letter of intent addressing criteria described in 9.02.02 and 9.02.04 (4)

2. Items in Section 9.02.03 numbers .04, .05, and .06, above, need to be submitted ~~not~~ at the time of application but by or before the conduct of the public hearing.

9.02.04 Appeal and Application Procedures

1. Appeals to the Board of Adjustment may be made by any person(s) aggrieved by an inability to obtain a building permit or by the decision or interpretation of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of these zoning regulations. Appeals to the Board shall be made within thirty (30) days of the order, requirement, decision, interpretation or refusal alleged to have occurred or to be in error. Applications to the Board of Adjustment may also be made by persons,

organizations or corporations ~~to provide applicants with an opportunity to apply~~ for variances from zoning setback requirements and other circumstances for which a variance may be obtained.

2. The Board shall hold a public hearing on all applications for variances and appeals. Prior to such public hearing scheduled before the Board of Adjustment a notice of public hearing shall be published in a legal publication in Huerfano County at least ten (10) days before the scheduled date of the public hearing. Publication of such notice shall follow a form prescribed by the County and publication of the notice, which shall specify the time and place of the hearing and location of the land subject to the hearing. ~~Such publication of the notice is the responsibility of the applicant. Applicants shall be billed directly by the County for costs associated with noticing, newspaper and shall submit proof of publication of the notice and proof of payment of publication costs with the Board of Adjustment as a condition for action by the Board of Adjustment.~~

3. All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses of adjacent properties shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. A written notice of such hearing shall be mailed by certified or registered mail, return receipt requested, at least ten (10) days prior to the Board of Adjustment public hearing date to owners of record of all property adjacent to the property in question. This mailed notice shall also be sent to all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor and identified in the application by the applicant, and the notice shall include a vicinity map, a short narrative describing the relief sought and an announcement of the date, time and location of the scheduled hearing.

~~Acceptable proof of mailing such notice shall be submitted to the Board of Adjustment as a condition for action by the Board of Adjustment.~~

4. All applications and appeals to the Board of Adjustment shall be in writing and on such forms as shall be prescribed by the Board and the appropriate filing fee shall accompany the application. Every application or appeal shall state what provision(s) of the zoning regulation is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the applicant. The chairman of the Board, or his appointed designee, shall call a meeting of the Board scheduled to take place within fifteen (15) days of the submission of the required submittal materials. ~~The Board of Adjustment may, at its discretion and by majority vote, transmit a copy of the application or appeal to the Planning Commission or other appropriate public organizations or private parties for review and comment.~~

5. Upon reaching a decision in the manner described above, the Board of Adjustment or its authorized agent shall notify applicant(s) in writing ten (10) working days after the Board of Adjustment takes action on an appeal brought before it.

1.05 USES ALLOWED BY RIGHT, CONDITIONAL USES AND PROHIBITED USES IN ZONING DISTRICTS

Table 1 on the following pages indicates which land uses are allowed by right, which are conditional uses and which are prohibited uses in the zoning districts listed in Section 1.03.01 and described in Section 1.03.02. Uses not listed are considered to be conditional uses. See Section 1.06 on conditional use provisions and Section 1.07 on uses not itemized.

Table 1

Uses allowed by Right. Conditional Uses and Prohibited Uses by Zoning District

R = Use Allowed by Right C = Conditional Use P = Use Prohibited

<i>Zoning District</i>	<i>AA</i>	<i>RR</i>	<i>UR</i>	<i>C I</i>	<i>Regulatory Reference</i>
.01 Up to two dwelling units on a single parcel of land	R	R	R	R C	1.06
.02 Three to six dwelling units on a single, parcel of land.	C	C	R	R C	1.06
.03 Over six dwelling units on a single parcel, including: Multiple family dwelling, co-housing facilities, condominiums or employee housing.	C	C	C	R C	1.06
.04 Individual mobile homes and mobile home parks	P	P	P	C P	N/A
.05 (Reserved)					
.55 Manufacture, fabrication or processing of all materials not otherwise listed and which will not cause excessive noise, heat, dust, fumes or other adverse consequences	C	P	P	C R	1.06
.61 Medical Marijuana dispensaries	P	P	P	P P	Section 18
.62 Commercial Medical Marijuana cultivation operations	C	P	P	C C	Section 18
.62 Commercial Marijuana retail stores	P	P	P	P P	Section 18
.64 Commercial Marijuana testing facilities	P	P	P	P P	Section 18
.65 Commercial Marijuana product manufacturing facilities	P	P	P	P P	Section 18
.63 Commercial/ medical Marijuana cultivation facility	C	P	P	C C	Section 18
66 Any use not listed in this table	C	C	C	C C	

1.06 CONDITIONAL USE APPROVAL AND APPROVAL AMENDMENT PROVISIONS

...

1.06.01 Submittal Requirements

Application for a conditional use approval for a conditional use shall require submission a) of an application on a form provided by Huerfano County, b) submission of a Letter of Intent and c), submission of a Site Plan. These submissions shall be made to the Planning ~~Commission~~[Department](#) and ~~it shall be by majority vote of the Planning Commission to staff shall~~ determine ~~as necessary~~ that ~~the submittal materials~~[applications](#) are ~~complete, accurate and~~ ready for formal review and processing.

1.06.01 (2)

...

The appropriate filing fees shall accompany the submission of these above materials. The ~~Planning Commission Director, by majority vote,~~ may waive any but not all of the above submission requirements in cases where provision of the specified items would prove unnecessarily burdensome or inappropriate. ~~In special cases additional submittal items may be required in the Letter of Intent or on the Site Plan, as specified by majority vote of the~~ The Planning Commission may vote to continue a public hearing in order to permit applicant time to prepare and submit additional information deemed necessary to make a recommendation.

1.06.02 Procedures for Referral, Review and Action on an Application for a Conditional Use Approval

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report→
2. Planning Commission public meeting and recommendation→
3. Public noticing
4. Board of County Commissioners public hearing and decision.

1. Upon proper and adequate submission of the appropriate application form, fees and other submittal materials as specified in Section 1.06.01, the Planning Commission shall consider at a regular or special public meeting the conditional use application. ~~When, as specified in Section 1.06 the Planning Commission determines by majority vote that a public hearing is required, the Board of County Commissioners and the Planning Commission shall conduct a joint public hearing on the application, with notice of such hearing published by the applicant in a newspaper of general circulation in Huerfano County at least ten (10) days prior to the scheduled hearing date. The applicant shall also mail notification of the hearing date and subject of the hearing to a~~ All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date ~~and provide at the public hearing proof of publication, proof of payment of publication and proof of notification of adjacent property owners and notice shall be posted in a newspaper of record at least ten (10) days prior to any public~~ hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote. In addition, the applicant shall cause to have posted on the property in question, in a conspicuous location, a sign supplied by Huerfano County, stating the time, date, location and subject of the hearing. Such sign(s) shall be posted at least ten (10) days before the scheduled date of the hearing.

These public due process notification and proof of notification procedures shall apply to all joint public hearings conducted by Huerfano County for actions included within these regulations.

2. ~~Following the conduct~~ Upon the closing of the ~~public meeting or the public hearing, meeting,~~ the Planning Commission shall make a recommendation on the application for a conditional use ~~approval~~ to the Board of County Commissioners, recommending approval, denial or conditional approval. The Planning Commission shall forward its recommendation and any records of the hearing to the Board within ten (10) working days of its action.

Within thirty (30) days of receiving such materials the Board of County Commissioners shall consider the recommendation at a regular or special session of the Board and shall act to approve, deny or conditionally approve the application, including notice whether there shall be a time period for review of compliance with any approval conditions. ~~The Board of County Commissioners shall also provide the Planning Commission with notification of the action taken.~~

3. When ~~Planning Commission, as decided upon by majority vote, in the judgment of the~~ a conditional use application has a potential impact on any of the referral agencies listed in 8.04.01 (4), requires referral review and comment by any agency, organization, governmental entity or person or persons, the Planning

~~Commission may so cause the application materials or any portion thereof to be submitted~~ staff will route the application for referral review and comment. The referral review and comment period shall be for a period of time of up to thirty (30) days from the date ~~materials are received for review that the Planning Commission so decides upon the need for such referral before the date of the conduct of the public meeting or public hearing.~~

1.18 Rezoning

1.18.01 General Information

Applications to rezone or change the zoning classification of a parcel or parcels of land shall be treated as proposed amendments to this zoning regulation and such applications also shall comply with the common procedures described in these regulations. Applications for rezoning shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials and by the necessary filing fees.

Process:

- ~~1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting/public hearing~~ public meeting with PC and prepares staff report →
- ~~2. PC public hearing~~ meeting and recommendation
- ~~3. Noticing for public hearing →~~
- ~~1.4. BOCC public hearing and decision. Changes to the text of the zoning regulations are addressed in, The Amendment Process.~~

1.18.02 Special Rezoning Requirements and Provisions

All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date ~~and provide at the public hearing proof of publication, proof of payment of publication and proof of notification of adjacent property owners and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing.~~ The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote. ~~Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment to the Planning Commission before said hearing may take place. Applicants will be billed by the county for costs associated with public noticing.~~

In addition, the applicant shall also post notice on the property for which the rezoning is requested at least ~~thirty (30)~~ ten (10) days prior to a public hearing scheduled before the Planning Commission ~~or~~ and indicating information on the public hearings scheduled with both the Planning Commission and the Board of County Commissioners. ~~SA~~ Applicant shall post notice on the property; such notice shall follow a form prescribed by the County and shall consist of at least one sign facing each adjacent public right-of-way. Such signs shall measure at least three (3) feet by four (4) feet, the size of all letters shall be at least two (2) inches high and the signs shall be erected on posts no less than four (4) feet nor more than six (6) feet above ground level. ~~The applicant shall also mail a W~~ ritten notice of said hearing(s) shall be sent by registered mail, return receipt requested, at least ~~fifteen (15)~~ ten (10) days prior to a Planning Commission or Board of County Commissioners hearing date to owners of record of all property adjacent to the property proposed for rezoning. The notice shall include a vicinity map, a short narrative describing the current zoning, the proposed rezoning and the nature of the proposed land use change along with announcement of the date, time and location of the scheduled hearing.

1.18.03 Submittal Requirements

Applications for rezoning shall include a Letter of Intent and a Site Plan providing the information required in Section 1.06.01 for a conditional use review. Additionally, the following items shall be submitted with an application: ~~In addition, applicants shall supply the following supplemental information and such additional information and documentary material as the Planning Commission shall reasonably stipulate by majority vote:~~

Required attachments:

1. The source and quantity of water required for the proposed use(s) within the area to be rezoned.
2. The method of wastewater treatment and anticipated quantity of wastewater generated.
3. When water or wastewater service would be provided by a municipality or a water or sanitation or water and sanitation district or other public entity, written confirmation that the public entity in question is willing and able to provide the service in question.
4. A description of any natural or man-made hazard within or in the vicinity of the land proposed for rezoning and a statement describing how the anticipated impact of such hazards will be mitigated.
5. A legal description of the property to be rezoned.
6. A vicinity map showing to scale the proposed area to be rezoned in relationship to the surrounding area within a distance of two (2) miles from the boundaries of the proposed rezoning.
7. A graphic description of all natural and manmade water courses, retention areas, streams, lakes and known one hundred (100) year flood plains on or adjacent to the property along with all areas in the proposed rezoning with a slope of twenty (20) percent or greater.
8. A description of any critical wildlife habitat and migration corridors and unique natural features, such as historical sites, unique land forms or scenic vistas contained within the land proposed for rezoning.

9. Explanation of how proposal is consistent with the Comprehensive Plan.

10. Any additional information requested by staff or Planning Commission.

The appropriate filing fees shall accompany the submission of these above materials. The ~~Planning Commission, by majority vote~~ Director, may waive any but not all of the above submission requirements in cases where provision of the specified items would prove unnecessarily burdensome or inappropriate. Planning Commission may require additional documentation, including any requirements listed above that were waived by the Director before making a decision. ~~In special cases additional submittal items may be required in the Letter of Intent or on the Site Plan, as specified by majority vote of the Planning Commission~~

Rezoning applications may be initiated by any citizen or group of citizens, association, partnership or corporation owning or leasing property or residing in Huerfano County or by a representative or agent with written power of attorney from one of the above parties to initiate the application.:

~~1. The Board of County Commissioners and;~~

~~2. The Huerfano County Planning Commission may also initiate a rezoning.~~

~~3. Any citizen or group of citizens, association, partnership or corporation owning or leasing property or residing in Huerfano County or by a representative or agent with written power of attorney from one of the above parties to initiate the application.~~

1.18.05 Criteria for Action on a Rezoning Application

All actions by the Planning Commission in reviewing and making recommendations on a rezoning application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically ~~on the criteria contained in Section 1.06.03, Criteria for Action on a Conditional Use Application, and also~~ on the following additional criteria:

1. That the existing zoning district is consistent with the goals, objectives and policies of Huerfano County, as contained in the County Comprehensive Plan and other adopted planning documents.
2. That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest to encourage different densities or uses within the land in question.
3. That the proposed rezoning is needed to provide land for a demonstrated community need or service.

In any petition for rezoning, the petitioner shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the Board of County Commissioners to rezone any land within unincorporated Huerfano County or otherwise amend this zoning regulation for any reason consistent with the health, welfare or safety of the residents of Huerfano County.

2.09 SUBMITTAL REQUIREMENTS FOR PROPOSED SUBDIVISIONS

Applications for approval of a subdivision shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. The Planning Commission may, at its discretion and upon written application by an applicant, waive any of these items not required by the laws of the State of Colorado, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate an application for a subdivision.

Process Summary:

One ~~Two~~ public hearing for each phase – Sketch Plan, Preliminary Plan, and Final Plat:

1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting with PC and prepares staff report
2. PC public meeting ~~hearing~~ and recommendation
3. Public Noticing
4. BOCC public hearing and decision

Public Notice: Public noticing requirements shall apply for each public hearing involved in the subdivision process. At least ten (10) days prior to public hearings for the Sketch Plan, Preliminary Plan and Final Plat, the County shall send notice to property owners by certified mail and to listed physical addresses by regular mail to properties within 1320 feet of the boundaries of the proposed subdivision for properties zoned Agricultural, or 500 feet for properties in all other zones; This distance provision may be expanded up to twenty-five hundred (2,500) feet, or to include identified properties that have the potential to be impacted by the proposal –by majority vote of the Planning Commission in the case of large subdivisions and when other special circumstances so warrant.

2.09.02 Preliminary Plan/General Submission

The preliminary plan shall incorporate all modifications of and changes to the sketch plan agreed to by the applicant, the Planning Commission and the Board of County Commissioners. The purpose of a preliminary plan is to review the proposed subdivision in the context of the technical requirements, design standards and improvement requirements of Huerfano County and the various other terms and provisions of these regulations to ensure the compatibility of the proposed subdivision with these considerations and with the current and anticipated or desired future land use patterns within and in the vicinity of the proposed subdivision. Detailed review of a preliminary plan at the general submission stage provides further evidence of compliance or lack of compliance of the proposed subdivision with the comprehensive plan and other provisions of State & Local Regulations, along with the policies and plans of other public and quasi-public agencies in Huerfano County.

Preliminary plans shall be prepared by appropriately qualified persons in a clear and legible manner on reproducible stock in a manner acceptable to the Planning Commission and at a scale of one (1) inch to one hundred (100) or two hundred (200) feet or another scale approved by the County Planner. In the case of large proposed subdivisions requiring more than one sheet at such scale, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted.

Preliminary plans approved by the Board of County Commissioners shall remain valid for one (1) year following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

A preliminary plan shall require the following information:

1. The name(s) and address(es) of the property owner(s) and of the applicant(s), if other than the owner(s), and the person(s) preparing the preliminary plan submittal materials.
2. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.
3. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the state of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.
4. The name or identifying title of the proposed subdivision.
5. The date of preparation of the preliminary plan, a north arrow and a written and graphic scale.
6. An accurate legal description of the property included within the proposed subdivision and the total acreage of the proposed subdivision.
7. The location of the proposed subdivision as a part of a larger subdivision, if any, and with reference to permanent survey monuments with a tie to a section or a quarter-section corner.
8. A location map showing the relationship of the proposed subdivision to the characteristics of the surrounding area along with the names of adjacent subdivisions and the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
9. A list from the County Assessor's office of current property owners of record and their complete mailing address as well as physical addresses for properties within five hundred (500) feet of the boundaries of the proposed subdivision. At the Planning Commission's discretion, this can be expanded to 1,320 feet and to include other properties likely to be impacted. ~~This distance provision may be expanded up to twenty-five hundred (2,500) feet, or to identified properties that have the potential to be impacted by the proposal, by majority vote of the Planning Commission in the case of large subdivisions and other special circumstances that so warrant. The County shall send notices by certified mail with return receipt, to listed property owners, and letters by regular mail to physical addresses on listed properties at least ten (10) days prior to a public hearing.~~
10. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.

11. Site data in chart form presenting the total number of proposed residential lots, the net size of the average (mean) lot, minimum lot size, maximum lot size, the types of land use proposed and the area of land proposed for each such land use.
12. The proposed sites, if any, for multi-family residential use, business use, commercial and industrial areas and other public and non-public uses exclusive of single family residential areas within the proposed subdivision.
13. The total number of projected square feet of non-residential floor space to be included within the proposed subdivision.
14. The current zoning districts on the site and any zoning changes to be requested.
15. The location and principal dimensions of all existing and proposed streets, alleys, roads, easements, off-street parking areas, watercourses, streams, ponds and other significant features of the natural and manmade landscape within and adjacent to the proposed subdivision. Such features should be labeled by their proper names, when such names exist or are known, and the use of all should be clearly shown. All streets and access easements must have proposed names for addressing according to the County's emergency systems. All roads & access names must be approved in writing by the Huerfano County Land Use Department before the final plat is submitted.
16. The location and current and proposed future uses of all buildings and other structures in and within one hundred (100) feet of the boundaries of the proposed subdivision.
17. A lot and street layout with lots and blocks numbered consecutively with the dimensions of all lots to the nearest foot and the acreage in each lot displayed.
18. The location of and preliminary engineering from any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants and the sizes and types thereof, along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all under-ground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.
19. The preliminary engineering design and construction features for any bridges, culverts or other drainage structures to be constructed.
20. The topography of the proposed subdivision at two (2) foot contour intervals for predominant ground slopes up to five (5) percent grade and five (5) foot contours for predominant ground slopes within the site that are over five (5) percent grade. Upon request of and at the discretion of the County Planner, alternate contour intervals can be used for all or part of a site where special slope or other conditions prevail. Elevations shall be based on National Geodetic Survey sea level data.
21. The delineation of any known identified or designated areas where a flood statistically has a one (1) percent chance of occurring in any given year and localized areas subject to periodic flooding. Mitigation measures, if any, proposed to overcome the consequences of periodic inundation shall also be included in the submission. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.
22. The delineation of the geological characteristics of the area with evidence regarding the extent and intensity of any geological, radiological, seismic or other related hazards within or in close proximity to the proposed site. Mitigation measures, if any, proposed to overcome such geological, radiological, seismic or other hazards shall also be included in the submission.
23. Soil suitability and interpretation information developed from National Cooperative Soil Survey data and accompanied by a table of interpretation for the soil types shown on the soils map or equivalent qualified private research sources, along with a narrative description of the mitigating measures, if any, proposed to overcome soils limitations present on the site of the proposed subdivision.
24. Preliminary drainage, erosion and sedimentation control plans, as required.
25. Delineation of the type and extent of vegetative cover on the site.
26. All areas to be reserved for community or public uses and all areas to be dedicated to Huerfano County along with any other areas to be used for open space and a statement describing how such reserved, dedicated and open space lands shall be maintained.
27. Preliminary copies of the protective covenants to be filed with the final plat.
28. Evidence that the proposed system for the disposal of sewage will comply with State of Colorado and regional health department statutes, regulations and design requirements and that the proposed method is

both technically feasible and environmentally sound. The peak capacity of the sewage treatment system shall be provided if a centralized collection and treatment system is proposed.

29. Evidence from the Colorado Division of Water Resources that the proposed system for the supply of potable water would be sufficient in terms of quantity, quality, dependability and pressure to provide adequate water supply to the proposed subdivision. The peak capacity of the proposed water supply system shall be provided if a centralized distribution system is proposed.

30. Where water supply or sewage collection and treatment is to be provided by an already existing centralized system, a letter of preliminary commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed subdivision and that the owners of the system are willing and able to provide the proposed water supply or sewage collection and treatment services.

31. Information regarding the relationship of the proposed location of the subdivision to any critical wildlife habitat and wildlife migration corridors and proposed mitigation measures to preserve such habitat and corridors and measures to be employed to reduce the impact of future human settlement on such wildlife habitat and migration corridors.

32. Information regarding the relationship of the proposed location of the subdivision to any historical or archeological resources and proposed mitigation measures to preserve such resources and measures to be employed to reduce the impact of future human settlement on these historical and archeological resources.

33. A preliminary development schedule for required and proposed improvements, including the estimated construction cost and the proposed method(s) of financing.

34. A discussion of any special districts that would be created wholly or partly within the proposed subdivision, listing the proposed boundaries of the service district and what services it would provide.

35. A preliminary phasing plan when the proposed subdivision would be developed in more than one phase.

36. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request.~~Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the preliminary plan.~~

~~2.09.02 (36) & 2.09.03 (25) preliminary and final plat submittals. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request. t. review and act upon the preliminary plan to.~~

2.09.02 Preliminary Plan/General Submission

...

Preliminary plans approved by the Board of County Commissioners shall remain valid for ~~one (1) year~~eighteen (18) months following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

...

2.09.03 Final Plat/Final Submission

...

Final plats shall be submitted to the Planning Commission for action within eighteen (18) months after the date that a preliminary plan for the same proposed development was granted approval by the Board of County Commissioners, except that one extension of up to an additional eighteen (18) months may be

granted by the Board of County Commissioners upon the submission of a written request for such extension by the applicant prior to the expiration of the initial eighteen (18) month period. Failure to submit an acceptable final plat within this allowable time period or extension period, if granted, shall require that an applicant resubmit a preliminary plan with the appropriate filing fees and associated materials.

...

2.14 AMENDMENTS TO APPROVED AND RECORDED PLATS

The re-subdivision of land or substantial changes to a recorded plat shall be considered a subdivision or the subdivision of land and shall be subject to the subdivision and other applicable provisions of these regulations. Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included ~~within an overall site~~ within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein. If more than three new lots are created, Staff analysis of impact and recommendation on whether it should be an amendment or subdivision to PC for determination on how to treat the application.

Referral agencies: HOA/POAs, Utilities, Fire Dept, and other agencies reasonably expected to be impacted as determined by staff, Planning Commission or County Commissioners.

2.14.01 Procedures for Amendment

Process Summary:

1. If more than three new lots are created, PC recommendation on whether to treat application as subdivision or plat amendment. ☐
2. Full application submitted; Staff determines completeness, routes to relevant referral agencies and schedules public meeting/public hearing with PC and prepares staff report→
3. PC public hearing meeting and recommendation →
4. BOCC public meeting hearing and decision

Applicants wishing to amend an approved and recorded plat shall submit to the Planning ~~Commission~~ Department an application on a form supplied by the County, the appropriate submittal materials and the required filing fees. Applications to amend an approved and recorded plat shall be reviewed by the Planning Commission following the submission of the required materials. Upon closing the public meeting, the Planning Commission shall make a recommendation on the application for the amendment of an approved and recorded plat and transmit the application to the Board of County Commissioners for a decision. The Board of County Commissioners shall consider the application at a regularly scheduled meeting following, ~~at their discretion, the submission of the application to any appropriate review agencies and interested parties,~~ and the decision of the Board shall be recorded in the minutes of the meeting and transmitted in writing to the applicant. Applications that are denied by the Board of County Commissioners shall result in a statement to the applicant giving the reason for the denial.

2.14.02 _____ Submission Requirements

Submission requirements for an application to amend an approved and recorded plat include a completed application, the appropriate filing fees and the following items:

1. Proof of ownership of the lot(s), parcel(s) or subdivision plat to be amended and evidence that the applicant, if not the owner, has full legal authority to act on behalf of the owner.
2. A copy of the approved and recorded final plat along with drawings done to the same scale as the recorded final plat indicating the amendment(s) proposed to be made to the approved and recorded plat. The drawings submitted with the recorded final plat shall meet all requirements for the preparation of a final plat and be suitable for recording in the office of the County Clerk and Recorder. The drawings shall also show the location of all structures, streets, rights-of-way and easements within the area of the proposed plat
3. A narrative statement describing the proposed changes to the approved and recorded final plat and providing an explanation of why the proposed changes should be approved by the Planning Commission and the Board of County Commissioners. Included with the narrative statement shall be the acreage or square footage of all lots before and after adjustment, a legal description of each lot ~~before and after~~ **adjustment** and a statement of the current zoning of all portions of the plat to be amended.
4. Applications for amendment of an approved and recorded plat submitted to correct minor surveying or drafting errors shall be accompanied by an affidavit by a Colorado licensed land surveyor attesting to the changes that have been made in the previously approved and recorded final plat.
5. The Planning Commission may, at its discretion and upon written request by an applicant, waive any but not all of these submission items listed above, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for a plat amendment submitted to it. The Planning Commission may also submit the application for review to such referral agencies and interested parties as it reasonably sees fit.

2.15 VACATION

2.15 VACATING OF APPROVED AND RECORDED PLATS, ROADS OR EASEMENTS

Applicants may apply for the vacating of any plat, road, easement or portion thereof so long as the plat, road, easement or portion thereof has been filed and recorded in the office of the Huerfano County Clerk and Recorder.

Process Summary:

Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting ~~/public hearing with PC and~~ prepares staff report

1. PC public meeting~~hearing~~ and recommendation
2. Public Notices go out (If public hearing requested for lot consolidation)
3. BOCC public hearing and decision (public hearing optional for lot consolidations).

2.15.01 _____ Procedures for Vacating Plats, Roads and Easements

1. Applications to vacate approved and recorded plats, roads, easements or portions thereof shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials listed in 2.15.02. and by the necessary filing fees. Copies of the vacating submittal materials shall be submitted to the school district and any other special purpose districts in which the proposed vacating is located along with all utility companies and municipalities potentially affected by the proposed vacating. Additional referral agencies may be contacted by the Planning Commission, at its discretion. All referral agencies shall be allowed a review period, or the extension period shall be deemed an approval by referral agencies, twenty-one (21) days from the receipt of the referral materials to report their findings and/or recommendations to the County, and an additional twenty-one (21) day extension period with the approval by a majority vote of the Planning Commission. Failure to respond within the original review period or the extension period shall be deemed a de facto approval by referral agencies.

2. At least ten (10) days prior to a joint public hearing scheduled before the Planning Commission and the Board of County Commissioners to consider a vacating application, a notice of the joint public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place.

3. Notice: All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones, as well as all identified mineral estate owners identified, shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote. ~~At least ten (10) days prior to a joint public hearing scheduled before the Planning Commission and the Board of County Commissioners to consider a vacating application, a notice of the joint public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place. Applicants will be billed by the county for costs associated with public noticing.~~

~~In addition, the applicant County shall also mail a written notice of said hearing(s) or meeting(s) by certified or registered mail, return receipt requested, at least ten (10) days prior to the Planning Commission hearing date to owners of record of all property adjacent to or within the property where the proposed vacating is located and to owners of record of all property located within five hundred (500) feet of the boundaries of the property in question.~~ Pursuant to C.R.S. § 24-65.5-103 (2) (a) The applicant shall identify the mineral estate owners entitled to notice pursuant to this section by examining the records in the office of the County Tax Assessor and Clerk and Recorder. The notice shall include a vicinity map, a short narrative describing the proposed action and an announcement of the date, time and location of the scheduled hearing.

4. Applications for vacating shall be processed as a final submission except as otherwise provided for in this Section 2.15.

Applications for vacating may be initiated by:-

~~03. The~~ owner of record or duly authorized agent of any owner of record of any approved and recorded plat or easement. ~~04. The~~ Board of County Commissioners and

~~02. The~~ Huerfano County Planning Commission may also initiate a vacation of land.

3.07 SUBMITTAL REQUIREMENTS FOR PROPOSED PUDS

Applications for a PUD approval shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. ~~Staff The Planning Commission~~ may, at its discretion and upon written application by an applicant, waive any but not all of these items. The Planning Commission may ~~also~~, by majority vote, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for the issuance of a PUD approval.

3.08 PROCESSING PROCEDURES FOR SUBDIVISION AND NON-SUBDIVISION PUDS

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies, schedules public meeting with PC and prepares staff report→
2. PC public ~~hearing~~ meeting and recommendation
3. Schedule and post notices for BOCC public hearing-
4. BOCC public hearing and decision

The review and processing procedures for non-subdivision PUD development plans shall be as specified in the County's Common Land-use Procedures and Requirements for Preliminary Submission, of these regulations. In the event that a conflict or inconsistency exists between the procedures and requirements contained the County's Common Land-use Procedures and in these regulations, the procedures contained herein in these PUD regulations shall prevail.

Section 12 Submittal Copies

Repeal Section

14.04 SIGN PERMIT PROCEDURES

Applications for sign permit shall be made to the County Building Inspector who shall, except as specified otherwise herein, administer this sign code. Upon payment of the required application fee and the submission of the required application materials, the County Building Inspector shall decide, on the basis of the provisions contained herein, whether to issue a sign permit, whether to deny the permit.

14.04.01 Submittal Requirements

Applications for a sign permit shall include, in addition to the application fee and an application on a form supplied by Huerfano County, a legibly done rendering, in ink, fully dimensioned, showing the sign message and a site plan showing the location, setbacks, height, construction materials and sign are of all proposed signs and

sign alterations. ~~For signs not expressly included within the scope of this code, The Planning Commission will review the application at a public meeting and may, at its discretion, and by majority vote, require additional information for sign applications submitted to it for review.~~

14.04.02 Permit Issuance by the County Building Inspector

Sign permit applications meeting the requirements contained herein shall be approved by the County Building Inspector so long as such applications do not expressly require Planning Commission approval [as described in 14.04.03](#).

Sign permit applications failing to meet the requirements contained herein shall be denied by the County Building Inspector.

14.04.03 Permit Review, Denial and Issuance by the Board of Adjustment ~~and the Planning Commission~~

Any person denied a sign permit by the County Building Inspector may ~~seek a variance by~~ appealing that decision to the Board of Adjustment within sixty (60) days of the denial. ~~The Planning Commission shall review all sign applications for signs not otherwise expressly included within the scope of this code. For sign code appeals and the applications brought before them, the board of Adjustment and the Planning Commission shall base their actions on the following criteria:~~

1. ~~That there exists a clear and reasonable need for the sign at the proposed location. That the location, character and other features of the proposed sign are consistent with the applicable provision of these regulations, or that the proposed sign poses no significant nuisance.~~
2. ~~That the type, style, size and other characteristics of the proposed sign are consistent with the character of the proposed location. That the sign doesn't contain any profanity, vulgarity or hate speech or other non-protected speech.~~
3. ~~That the benefits that the sign would provide to residents of Huerfano County and the motoring public outweigh any esthetic or other negative impacts of the proposed sign.~~
4. ~~That the location, character and other features of the proposed sign are consistent with the applicable provision of these regulations.~~ 3. ~~That the proposed sign poses no significant nuisance.~~
- ~~That the sign doesn't contain any profanity, vulgarity or hate speech or other non-protected speech.~~

Marijuana Conditional Use Permits 18.

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Public Noticing
4. BOCC public hearing and decision

18.04.01 Time of application and operation.

18.04.01.01 Annual Compliance Reviews shall be performed by the ~~Building Department~~ [Board of County Commissioners, or its designees](#), ~~and~~ no later than 30 days following the anniversary date of the issuance of a Commercial Building Permit.

18.04.02.03 When determined necessary by the Building Inspector, Commercial Marijuana Facilities shall be equipped with an automatic fire sprinkler system, meeting the commercial building standards adopted by Huerfano County at the time of construction.

~~Consider adding a county licensing process in addition to CUP process in order to improve ongoing oversight with annual renewal requirements.~~

18.06 FEES

18.06.01 Initial Review Fee: \$400, non-refundable.

Fee shall be paid when the application is submitted to the Land-Use Department.

18.06.02 Application Fee: \$1,300, non-refundable. Operating Fee: \$10,000 Fees shall be paid prior to the Planning Commission's completeness review. This operating fee shall be utilized by Huerfano County to cover any costs to the County associated with the review and enforcement of said Conditional Use Application or Permit. This fee may include, but shall not be limited to, outside review agencies, staff inspections & enforcement, and professional services. Staff expenses related to CUP and inspections not limited to those related to any actual or perceived violation. Subject to forfeiture in the event that the terms of the CUP ~~is~~are violated. Can be used to cover the cost of any fines assessed to CUP holder. Following the first or any subsequent annual compliance reviews, the Applicant may request a reimbursement of any unused operating fees.

Clean Copy of Changes to Processes by application type

1.03.02 District Characteristics and Requirements

The districts enumerated in Section 1.03.01 shall have the following characteristics and specifications:

A Agricultural District

This district is created for the purpose of protecting the productive agricultural lands of Huerfano County and preserving the visual and cultural values, historical and archeological features and critical wildlife habitat associated with the scenic vistas, natural topography and agricultural lifestyles in rural, unincorporated areas of Huerfano County.

Minimum district size:	40 acres
Minimum lot area:	35 acres
Minimum lot width:	200 feet
Front yard setback:	60 feet
Side yard setback:	25 feet
Rear yard setback:	30 feet
Maximum structure height:	Refer to Comprehensive plan, page 4, "Residential Use"
Minimum dwelling size:	600 square feet
Maximum lot coverage:	15 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

RR Rural Residential District

This district is created for the purpose of allowing the establishment of moderate density rural residential development in predominantly agricultural and rural areas of unincorporated Huerfano County without compromising or otherwise significantly changing the visual, scenic and other natural characteristics of the surrounding area and providing as necessary for the protection of critical wildlife habitat.

Minimum district size:	20 acres
Minimum lot area:	2 acres
Minimum lot width:	100 feet
Front yard setback:	20 feet
Side yard setback:	10 feet
Rear yard setback:	20 feet
Maximum structure height:	40 feet (refer to Comprehensive plan, page 4, "Residential Use")

1.04.01 Variances

Variances from various provisions of this zoning regulation are heard by and decided by the Board of Adjustment. See Section 9.02

Process Summary

1. Staff reviews application for completeness, notifies relevant referral agencies and prepares staff report
2. Public noticing
3. → BOA Public Hearing and decision

9.02.02 (4)

4. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of enactment of these regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional physical characteristics or conditions of such piece of property not created by the applicant, or due to unique characteristics of the proposed project, subsequent to the adoption of these regulations or previously adopted County zoning regulations, the strict application of any zoning regulation or provision therein would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, then the Board of Adjustment shall have the authority, upon an appeal relating to said property, to authorize a variance from such strict and literal application so as to relieve such difficulties or hardship. Such relief shall be granted, however, without substantial detriment to the public good or neighborhood character, and without altering or impairing the intent and purpose of the zoning regulations and other provisions contained within State or County regulations. The Board shall not, however, have the power to grant variances from the uses prohibited or allowed conditionally by special review for the zoning district involved.

9.02.03 Submittal Requirements for Appeals and Variances

1. Applicants appearing before the Board of Adjustment shall submit the following submittal materials and all other materials as the County Planner or the Board of Adjustment may deem necessary. These submittal requirements are in addition to those specified in Section 9.02.04, Application and Appeals Procedures, of these regulations.

01. A full and accurate legal description of the land involved in the appeal action.

02. A plot plan showing the existing and proposed location of all structures, uses, zoning district boundaries and setbacks on the land involved in the appeal action.

03. Proof of ownership of the property or written evidence of authority to act on behalf of the lawfully demonstrated owner of the property.

04. A list of Names of owners of record and physical addresses of all property adjacent to the property in question and all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor. See Section 9.02.04, Appeals Procedures, below.

05. Payment of the cost of publication of the mailed and published public hearing notices.

06. Letter of Intent describing regulation from which a variance is being requested, why requested variance is necessary, and how such variance request meets criteria for a variance described in 9.02.02 (4).

07. A letter of intent addressing criteria described in 9.02.02 and 9.02.04 (4)

2. Items in Section 9.02.03 numbers .04, .05, and .06, above, need to be submitted at the time of application .

9.02.04 Appeal and Application Procedures

1. Appeals to the Board of Adjustment may be made by any person(s) aggrieved by an inability to obtain a building permit or by the decision or interpretation of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of these zoning regulations. Appeals to the Board shall be made within thirty (30) days of the order, requirement, decision, interpretation or refusal alleged to have occurred or to be in error. Applications to the Board of Adjustment may also be made by persons, organizations or corporations for variances from zoning setback requirements and other circumstances for which a variance may be obtained.

2. The Board shall hold a public hearing on all applications for variances and appeals. Prior to such public hearing scheduled before the Board of Adjustment a notice of public hearing shall be published in a legal

publication in Huerfano County at least ten (10) days before the scheduled date of the public hearing. Publication of such notice shall follow a form prescribed by the County and publication of the notice, which shall specify the time and place of the hearing and location of the land subject to the hearing. Applicants shall be billed by the County for costs associated with noticing.

3. All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses of adjacent properties shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. This mailed notice shall also be sent to all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor and identified in the application by the applicant, and the notice shall include a vicinity map, a short narrative describing the relief sought and an announcement of the date, time and location of the scheduled hearing.

4. All applications and appeals to the Board of Adjustment shall be in writing and on such forms as shall be prescribed by the Board and the appropriate filing fee shall accompany the application. Every application or appeal shall state what provision(s) of the zoning regulation is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the applicant. The chairman of the Board, or his appointed designee, shall call a meeting of the Board scheduled to take place within fifteen (15) days of the submission of the required submittal materials.

5. Upon reaching a decision in the manner described above, the Board of Adjustment or its authorized agent shall notify applicant(s) in writing ten (10) working days after the Board of Adjustment takes action on an appeal brought before it.

1.05 USES ALLOWED BY RIGHT, CONDITIONAL USES AND PROHIBITED USES IN ZONING DISTRICTS

Table 1 on the following pages indicates which land uses are allowed by right, which are conditional uses and which are prohibited uses in the zoning districts listed in Section 1.03.01 and described in Section 1.03.02. Uses not listed are considered to be conditional uses. See Section 1.06 on conditional use provisions and Section 1.07 on uses not itemized.

Table 1

Uses allowed by Right. Conditional Uses and Prohibited Uses by Zoning District

R = Use Allowed by Right C = Conditional Use P = Use Prohibited

<i>Zoning District</i>	<i>AA</i>	<i>RR</i>	<i>UR</i>	<i>C I</i>	<i>Regulatory Reference</i>
.01 Up to two dwelling units on a single parcel of land	R	R	R	R C	1.06
.02 Three to six dwelling units on a single, parcel of land.	C	C	R	R C	1.06

.03	Over six dwelling units on a single parcel, including: Multiple family dwelling, co-housing facilities, condominiums or employee housing.	C	C	C	R C	1.06
.04	Individual mobile homes and mobile home parks	P	P	P	C P	N/A
.05	(Reserved)					
.55	Manufacture, fabrication or processing of all materials not otherwise listed and which will not cause excessive noise, heat, dust, fumes or other adverse consequences	C	P	P	C R	1.06
.61	Medical Marijuana dispensaries	P	P	P	P P	Section 18
.62	Commercial Marijuana retail stores	P	P	P	P P	Section 18
.63	Commercial/medical Marijuana cultivation facility	C	P	P	C C	Section 18
66	Any use not listed in this table	C	C	C	C C	

1.06 CONDITIONAL USE APPROVAL AND APPROVAL AMENDMENT PROVISIONS

...

1.06.01 Submittal Requirements

Application for a conditional use approval for a conditional use shall require submission a) of an application on a form provided by Huerfano County, b) submission of a Letter of Intent and c), submission of a Site Plan. These submissions shall be made to the Planning Department and staff shall determine that applications are ready for formal review and processing.

1.06.01 (2)

...

The appropriate filing fees shall accompany the submission of these above materials. The Director may waive any but not all of the above submission requirements in cases where provision of the specified items would prove unnecessarily burdensome or inappropriate. The Planning Commission may vote to continue a public hearing in order to permit applicant time to prepare and submit additional information deemed necessary to make a recommendation.

1.06.02 Procedures for Referral, Review and Action on an Application for a Conditional Use Approval

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. Planning Commission public meeting and recommendation
3. Public noticing
4. Board of County Commissioners public hearing and decision.

1. Upon proper and adequate submission of the appropriate application form, fees and other submittal materials as specified in Section 1.06.01, the Planning Commission shall consider at a regular or special public meeting the conditional use application. All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the

scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote. In addition, the applicant shall cause to have posted on the property in question, in a conspicuous location, a sign supplied by Huerfano County, stating the time, date, location and subject of the hearing. Such sign(s) shall be posted at least ten (10) days before the scheduled date of the hearing.

These public due process notification and proof of notification procedures shall apply to all public hearings conducted by Huerfano County for actions included within these regulations.

2. Upon the closing of the public meeting, the Planning Commission shall make a recommendation on the application for a conditional use to the Board of County Commissioners, recommending approval, denial or conditional approval. The Planning Commission shall forward its recommendation and any records of the hearing to the Board within ten (10) working days of its action.

Within thirty (30) days of receiving such materials the Board of County Commissioners shall consider the recommendation at a regular or special session of the Board and shall act to approve, deny or conditionally approve the application, including notice whether there shall be a time period for review of compliance with any approval conditions.

3. When a conditional use application has a potential impact on any of the referral agencies listed in 8.04.01 (4), staff will route the application for referral review and comment. The referral review and comment period shall be for a period of time of up to thirty (30) days from the date materials are received for review..

1.18 Rezoning

1.18.01 General Information

Applications to rezone or change the zoning classification of a parcel or parcels of land shall be treated as proposed amendments to this zoning regulation and such applications also shall comply with the common procedures described in these regulations. Applications for rezoning shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials and by the necessary filing fees.

Process:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Noticing for public hearing
4. BOCC public hearing and decision..

1.18.02 Special Rezoning Requirements and Provisions

All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.

Applicants will be billed by the county for costs associated with public noticing.

In addition, the applicant shall also post notice on the property for which the rezoning is requested at least ten (10) days prior to a public hearing scheduled before the Planning Commission and indicating information on the public hearings scheduled with both the Planning Commission and the Board of County Commissioners. Applicant shall post notice on the property; such notice shall follow a form prescribed by the County and shall consist of at least one sign facing each adjacent public right-of-way. Such signs shall measure at least three (3) feet by four (4) feet, the size of all letters shall be at least two (2) inches high and the signs shall be erected on posts no less than four (4) feet nor more than six (6) feet above ground level.

Written notice of said hearing(s) shall be sent by registered mail, return receipt requested, at least ten (10) days prior to a Planning Commission or Board of County Commissioners hearing date to owners of record of all property adjacent to the property proposed for rezoning. The notice shall include a vicinity map, a short narrative describing the current zoning, the proposed rezoning and the nature of the proposed land use change along with announcement of the date, time and location of the scheduled hearing.

1.18.03 Submittal Requirements

Applications for rezoning shall include a Letter of Intent and a Site Plan providing the information required in Section 1.06.01 for a conditional use review. Additionally, the following items shall be submitted with an application::

Required attachments:

1. The source and quantity of water required for the proposed use(s) within the area to be rezoned.
2. The method of wastewater treatment and anticipated quantity of wastewater generated.
3. When water or wastewater service would be provided by a municipality or a water or sanitation or water and sanitation district or other public entity, written confirmation that the public entity in question is willing and able to provide the service in question.
4. A description of any natural or man-made hazard within or in the vicinity of the land proposed for rezoning and a statement describing how the anticipated impact of such hazards will be mitigated.
5. A legal description of the property to be rezoned.
6. A vicinity map showing to scale the proposed area to be rezoned in relationship to the surrounding area within a distance of two (2) miles from the boundaries of the proposed rezoning.
7. A graphic description of all natural and manmade water courses, retention areas, streams, lakes and known one hundred (100) year flood plains on or adjacent to the property along with all areas in the proposed rezoning with a slope of twenty (20) percent or greater.
8. A description of any critical wildlife habitat and migration corridors and unique natural features, such as historical sites, unique land forms or scenic vistas contained within the land proposed for rezoning.
9. Explanation of how proposal is consistent with the Comprehensive Plan.
10. Any additional information requested by staff or Planning Commission.

The appropriate filing fees shall accompany the submission of these above materials. The Director, may waive any but not all of the above submission requirements in cases where provision of the specified items would prove unnecessarily burdensome or inappropriate. Planning Commission may require additional documentation, including any requirements listed above that were waived by the Director before making a decision.

Rezoning applications may be initiated by any citizen or group of citizens, association, partnership or corporation owning or leasing property or residing in Huerfano County or by a representative or agent with written power of attorney from one of the above parties to initiate the application.:

The Board of County Commissioners and the Huerfano County Planning Commission may also initiate a rezoning.

3.

1.18.05 Criteria for Action on a Rezoning Application

All actions by the Planning Commission in reviewing and making recommendations on a rezoning application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically on the following additional criteria:

1. That the existing zoning district is consistent with the goals, objectives and policies of Huerfano County, as contained in the County Comprehensive Plan and other adopted planning documents.
2. That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest to encourage different densities or uses within the land in question.
3. That the proposed rezoning is needed to provide land for a demonstrated community need or service.

In any petition for rezoning, the petitioner shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the Board of County Commissioners to rezone any land within unincorporated Huerfano County or otherwise amend this zoning regulation for any reason consistent with the health, welfare or safety of the residents of Huerfano County.

2.09 SUBMITTAL REQUIREMENTS FOR PROPOSED SUBDIVISIONS

Applications for approval of a subdivision shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. The Planning Commission may, at its discretion and upon written application by an applicant, waive any of these items not required by the laws of the State of Colorado, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate an application for a subdivision.

Process Summary:

One public hearing for each phase – Sketch Plan, Preliminary Plan, and Final Plat:

1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Public Noticing
4. BOCC public hearing and decision

Public Notice: Public noticing requirements shall apply for each public hearing involved in the subdivision process. At least ten (10) days prior to public hearings for the Sketch Plan, Preliminary Plan and Final Plat, the County shall send notice to property owners by certified mail and to listed physical addresses by regular mail to properties within 1320 feet of the boundaries of the proposed subdivision for properties zoned Agricultural, or 500 feet for properties in all other zones; This distance provision may be expanded up to twenty-five hundred (2,500) feet, or to include identified properties that have the potential to be impacted by the proposal by majority vote of the Planning Commission in the case of large subdivisions and when other special circumstances so warrant.

2.09.02 Preliminary Plan/General Submission

The preliminary plan shall incorporate all modifications of and changes to the sketch plan agreed to by the applicant, the Planning Commission and the Board of County Commissioners. The purpose of a preliminary plan is to review the proposed subdivision in the context of the technical requirements, design standards and improvement requirements of Huerfano County and the various other terms and provisions of these regulations to ensure the compatibility of the proposed subdivision with these considerations and with the current and anticipated or desired future land use patterns within and in the vicinity of the proposed subdivision. Detailed review of a preliminary plan at the general submission stage provides further evidence of compliance or lack of compliance of the proposed subdivision with the comprehensive plan and other provisions of State & Local Regulations, along with the policies and plans of other public and quasi-public agencies in Huerfano County.

Preliminary plans shall be prepared by appropriately qualified persons in a clear and legible manner on reproducible stock in a manner acceptable to the Planning Commission and at a scale of one (1) inch to one hundred (100) or two hundred (200) feet or another scale approved by the County Planner. In the case of large proposed subdivisions requiring more than one sheet at such scale, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted.

Preliminary plans approved by the Board of County Commissioners shall remain valid for one (1) year following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

A preliminary plan shall require the following information:

1. The name(s) and address(es) of the property owner(s) and of the applicant(s), if other than the owner(s), and the person(s) preparing the preliminary plan submittal materials.
2. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.
3. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the state of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.
4. The name or identifying title of the proposed subdivision.
5. The date of preparation of the preliminary plan, a north arrow and a written and graphic scale.
6. An accurate legal description of the property included within the proposed subdivision and the total acreage of the proposed subdivision.
7. The location of the proposed subdivision as a part of a larger subdivision, if any, and with reference to permanent survey monuments with a tie to a section or a quarter-section corner.
8. A location map showing the relationship of the proposed subdivision to the characteristics of the surrounding area along with the names of adjacent subdivisions and the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
9. A list from the County Assessor's office of current property owners of record and their complete mailing address as well as physical addresses for properties within five hundred (500) feet of the boundaries of the proposed subdivision. At the Planning Commission's discretion, this can be expanded to 1,320 feet and to include other properties likely to be impacted.
10. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.
11. Site data in chart form presenting the total number of proposed residential lots, the net size of the average (mean) lot, minimum lot size, maximum lot size, the types of land use proposed and the area of land proposed for each such land use.

12. The proposed sites, if any, for multi-family residential use, business use, commercial and industrial areas and other public and non-public uses exclusive of single family residential areas within the proposed subdivision.
13. The total number of projected square feet of non-residential floor space to be included within the proposed subdivision.
14. The current zoning districts on the site and any zoning changes to be requested.
15. The location and principal dimensions of all existing and proposed streets, alleys, roads, easements, off-street parking areas, watercourses, streams, ponds and other significant features of the natural and manmade landscape within and adjacent to the proposed subdivision. Such features should be labeled by their proper names, when such names exist or are known, and the use of all should be clearly shown. All streets and access easements must have proposed names for addressing according to the County's emergency systems. All roads & access names must be approved in writing by the Huerfano County Land Use Department before the final plat is submitted.
16. The location and current and proposed future uses of all buildings and other structures in and within one hundred (100) feet of the boundaries of the proposed subdivision.
17. A lot and street layout with lots and blocks numbered consecutively with the dimensions of all lots to the nearest foot and the acreage in each lot displayed.
18. The location of and preliminary engineering from any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants and the sizes and types thereof, along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all under-ground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.
19. The preliminary engineering design and construction features for any bridges, culverts or other drainage structures to be constructed.
20. The topography of the proposed subdivision at two (2) foot contour intervals for predominant ground slopes up to five (5) percent grade and five (5) foot contours for predominant ground slopes within the site that are over five (5) percent grade. Upon request of and at the discretion of the County Planner, alternate contour intervals can be used for all or part of a site where special slope or other conditions prevail. Elevations shall be based on National Geodetic Survey sea level data.
21. The delineation of any known identified or designated areas where a flood statistically has a one (1) percent chance of occurring in any given year and localized areas subject to periodic flooding. Mitigation measures, if any, proposed to overcome the consequences of periodic inundation shall also be included in the submission. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.
22. The delineation of the geological characteristics of the area with evidence regarding the extent and intensity of any geological, radiological, seismic or other related hazards within or in close proximity to the proposed site. Mitigation measures, if any, proposed to overcome such geological, radiological, seismic or other hazards shall also be included in the submission.
23. Soil suitability and interpretation information developed from National Cooperative Soil Survey data and accompanied by a table of interpretation for the soil types shown on the soils map or equivalent qualified private research sources, along with a narrative description of the mitigating measures, if any, proposed to overcome soils limitations present on the site of the proposed subdivision.
24. Preliminary drainage, erosion and sedimentation control plans, as required.
25. Delineation of the type and extent of vegetative cover on the site.
26. All areas to be reserved for community or public uses and all areas to be dedicated to Huerfano County along with any other areas to be used for open space and a statement describing how such reserved, dedicated and open space lands shall be maintained.
27. Preliminary copies of the protective covenants to be filed with the final plat.
28. Evidence that the proposed system for the disposal of sewage will comply with State of Colorado and regional health department statutes, regulations and design requirements and that the proposed method is both technically feasible and environmentally sound. The peak capacity of the sewage treatment system shall be provided if a centralized collection and treatment system is proposed.
29. Evidence from the Colorado Division of Water Resources that the proposed system for the supply of potable water would be sufficient in terms of quantity, quality, dependability and pressure to provide

adequate water supply to the proposed subdivision. The peak capacity of the proposed water supply system shall be provided if a centralized distribution system is proposed.

30. Where water supply or sewage collection and treatment is to be provided by an already existing centralized system, a letter of preliminary commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed subdivision and that the owners of the system are willing and able to provide the proposed water supply or sewage collection and treatment services.

31. Information regarding the relationship of the proposed location of the subdivision to any critical wildlife habitat and wildlife migration corridors and proposed mitigation measures to preserve such habitat and corridors and measures to be employed to reduce the impact of future human settlement on such wildlife habitat and migration corridors.

32. Information regarding the relationship of the proposed location of the subdivision to any historical or archeological resources and proposed mitigation measures to preserve such resources and measures to be employed to reduce the impact of future human settlement on these historical and archeological resources.

33. A preliminary development schedule for required and proposed improvements, including the estimated construction cost and the proposed method(s) of financing.

34. A discussion of any special districts that would be created wholly or partly within the proposed subdivision, listing the proposed boundaries of the service district and what services it would provide.

35. A preliminary phasing plan when the proposed subdivision would be developed in more than one phase.

36. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request.

2.09.02 Preliminary Plan/General Submission

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Preliminary plans approved by the Board of County Commissioners shall remain valid for eighteen (18) months following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

...

2.09.03 Final Plat/Final Submission

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Final plats shall be submitted to the Planning Commission for action within eighteen (18) months after the date that a preliminary plan for the same proposed development was granted approval by the Board of County Commissioners, except that one extension of up to an additional eighteen (18) months may be granted by the Board of County Commissioners upon the submission of a written request for such extension by the applicant prior to the expiration of the initial eighteen (18) month period. Failure to submit an acceptable final plat within this allowable time period or extension period, if granted, shall require that an applicant resubmit a preliminary plan with the appropriate filing fees and associated materials. ...

2.14 AMENDMENTS TO APPROVED AND RECORDED PLATS

The re-subdivision of land or substantial changes to a recorded plat shall be considered a subdivision or the subdivision of land and shall be subject to the subdivision and other applicable provisions of these regulations.

Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein. If more than three new lots are created, Staff analysis of impact and recommendation on whether it should be an amendment or subdivision to PC for determination on how to treat the application.

Referral agencies: HOA/POAs, Utilities, Fire Dept, and other agencies reasonably expected to be impacted as determined by staff, Planning Commission or County Commissioners.

2.14.01 Procedures for Amendment

Process Summary:

1. If more than three new lots are created, PC recommendation on whether to treat application as subdivision or plat amendment.
2. Full application submitted; Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
3. PC public meeting and recommendation
4. BOCC public hearing and decision

Applicants wishing to amend an approved and recorded plat shall submit to the Planning Department an application on a form supplied by the County, the appropriate submittal materials and the required filing fees. Applications to amend an approved and recorded plat shall be reviewed by the Planning Commission following the submission of the required materials. Upon closing the public meeting, the Planning Commission shall make a recommendation on the application for the amendment of an approved and recorded plat and transmit the application to the Board of County Commissioners for a decision. The Board of County Commissioners shall consider the application at a regularly scheduled meeting following, and the decision of the Board shall be recorded in the minutes of the meeting and transmitted in writing to the applicant. Applications that are denied by the Board of County Commissioners shall result in a statement to the applicant giving the reason for the denial.

2.14.02 Submission Requirements

Submission requirements for an application to amend an approved and recorded plat include a completed application, the appropriate filing fees and the following items:

1. Proof of ownership of the lot(s), parcel(s) or subdivision plat to be amended and evidence that the applicant, if not the owner, has full legal authority to act on behalf of the owner.
2. A copy of the approved and recorded final plat along with drawings done to the same scale as the recorded final plat indicating the amendment(s) proposed to be made to the approved and recorded plat. The drawings submitted with the recorded final plat shall meet all requirements for the preparation of a

final plat and be suitable for recording in the office of the County Clerk and Recorder. The drawings shall also show the location of all structures, streets, rights-of-way and easements within the area of the proposed plat

3. A narrative statement describing the proposed changes to the approved and recorded final plat and providing an explanation of why the proposed changes should be approved by the Planning Commission and the Board of County Commissioners. Included with the narrative statement shall be the acreage or square footage of all lots before and after adjustment, a legal description of each lot and a statement of the current zoning of all portions of the plat to be amended.

4. Applications for amendment of an approved and recorded plat submitted to correct minor surveying or drafting errors shall be accompanied by an affidavit by a Colorado licensed land surveyor attesting to the changes that have been made in the previously approved and recorded final plat.

5. The Planning Commission may, at its discretion and upon written request by an applicant, waive any but not all of these submission items listed above, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for a plat amendment submitted to it. The Planning Commission may also submit the application for review to such referral agencies and interested parties as it reasonably sees fit.

2.15 VACATION

2.15 VACATING OF APPROVED AND RECORDED PLATS, ROADS OR EASEMENTS

Applicants may apply for the vacating of any plat, road, easement or portion thereof so long as the plat, road, easement or portion thereof has been filed and recorded in the office of the Huerfano County Clerk and Recorder.

Process Summary:

Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting prepares staff report

1. PC public meeting and recommendation
2. Public Notices go out (If public hearing requested for lot consolidation)
3. BOCC public hearing and decision (public hearing optional for lot consolidations).

2.15.01 Procedures for Vacating Plats, Roads and Easements

1. Applications to vacate approved and recorded plats, roads, easements or portions thereof shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials listed in 2.15.02. and by the necessary filing fees. Copies of the vacating submittal materials shall be submitted to the school district and any other special purpose districts in which the proposed vacating is located along with all utility companies and municipalities potentially affected by the proposed vacating. Additional referral agencies may be contacted by the Planning Commission, at its discretion. All referral

agencies shall be allowed a review period, or the extension period shall be deemed an approval by referral agencies, twenty-one (21) days from the receipt of the referral materials to report their findings and/or recommendations to the County, and an additional twenty-one (21) day extension period with the approval by a majority vote of the Planning Commission. Failure to respond within the original review period or the extension period shall be deemed a de facto approval by referral agencies.

2. At least ten (10) days prior to a joint public hearing scheduled before the Planning Commission and the Board of County Commissioners to consider a vacating application, a notice of the joint public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place.

3. Notice: All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones, as well as all identified mineral estate owners identified, shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.

Pursuant to C.R.S. § 24-65.5-103 (2) (a) The applicant shall identify the mineral estate owners entitled to notice pursuant to this section by examining the records in the office of the County Tax Assessor and Clerk and Recorder. The notice shall include a vicinity map, a short narrative describing the proposed action and an announcement of the date, time and location of the scheduled hearing.

4. Applications for vacating shall be processed as a final submission except as otherwise provided for in this Section 2.15.

Applications for vacating may be initiated by the owner of record or duly authorized agent of any owner of record of any approved and recorded plat or easement. The Board of County Commissioners and the Huerfano County Planning Commission may also initiate a vacation of land.

3.07 SUBMITTAL REQUIREMENTS FOR PROPOSED PUDS

Applications for a PUD approval shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. Staff may, at its discretion and upon written application by an applicant, waive any but not all of these items. The Planning Commission may, by majority vote, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for the issuance of a PUD approval.

3.08 PROCESSING PROCEDURES FOR SUBDIVISION AND NON-SUBDIVISION PUDS

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies, schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Schedule and post notices for BOCC public hearing

4. BOCC public hearing and decision

The review and processing procedures for non-subdivision PUD development plans shall be as specified in the County's Common Land-use Procedures and Requirements for Preliminary Submission, of these regulations. In the event that a conflict or inconsistency exists between the procedures and requirements contained the County's Common Land-use Procedures and in these regulations, the procedures contained herein in these PUD regulations shall prevail.

Section 12 Submittal Copies

Repeal Section

14.04 SIGN PERMIT PROCEDURES

Applications for sign permit shall be made to the County Building Inspector who shall, except as specified otherwise herein, administer this sign code. Upon payment of the required application fee and the submission of the required application materials, the County Building Inspector shall decide, on the basis of the provisions contained herein, whether to issue a sign permit, whether to deny the permit.

14.04.01 Submittal Requirements

Applications for a sign permit shall include, in addition to the application fee and an application on a form supplied by Huerfano County, a legibly done rendering, in ink, fully dimensioned, showing the sign message and a site plan showing the location, setbacks, height, construction materials and sign are of all proposed signs and sign alterations.

14.04.02 Permit Issuance by the County Building Inspector

Sign permit applications meeting the requirements contained herein shall be approved by the County Building Inspector so long as such applications do not expressly require Planning Commission approval as described in 14.04.03.

Sign permit applications failing to meet the requirements contained herein shall be denied by the County Building Inspector.

14.04.03 Permit Review, Denial and Issuance by the Board of Adjustment

Any person denied a sign permit by the County Building Inspector may appeal that decision to the Board of Adjustment within sixty (60) days of the denial. For sign code appeals and the applications brought before them, the board of Adjustment shall base their actions on the following criteria:

1. That the location, character and other features of the proposed sign are consistent with the applicable provision of these regulations, or that the proposed sign poses no significant nuisance.
2. That the sign doesn't contain any profanity, vulgarity or hate speech or other non-protected speech.
3. That the proposed sign poses no significant nuisance

Marijuana Conditional Use Permits 18.

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Public Noticing
4. BOCC public hearing and decision

18.04.01 Time of application and operation.

18.04.01.01 Annual Compliance Reviews shall be performed by the Building Department, , and no later than 30 days following the anniversary date of the issuance of a Commercial Building Permit .

18.04.02.03 When determined necessary by the Building Inspector, Commercial Marijuana Facilities shall be equipped with an automatic fire sprinkler system, meeting the commercial building standards adopted by Huerfano County at the time of construction.

18.06 FEES

18.06.01 Initial Review Fee: \$400, non-refundable.

Fee shall be paid when the application is submitted to the Land-Use Department.

18.06.02 Application Fee: \$1,300, non-refundable. Operating Fee: \$10,000 Fees shall be paid prior to the Planning Commission's completeness review. This operating fee shall be utilized by Huerfano County to cover any costs to the County associated with the review and enforcement of said Conditional Use Application or Permit. This fee may include, but shall not be limited to, outside review agencies, staff inspections & enforcement, and professional services. Staff expenses related to CUP and inspections not limited to those related to any actual or perceived violation. Subject to forfeiture in the event that the terms of the CUP are violated. Can be used to cover the cost of any fines assessed to CUP holder. Following the first or any subsequent annual compliance reviews, the Applicant may request a reimbursement of any unused operating fees.

RESOLUTION NO. 22 – 42**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION BUDGETING AND APPROPRIATING ADDITIONAL SUMS
OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED
AND APPROPRIATED FOR HUERFANO COUNTY, COLORADO, DURING
2022**

WHEREAS, the County has retained fund balance monies in excess of original estimates used in the 2022 budget in several of the County's Funds; and,

WHEREAS, the County has received previously unbudgeted revenues from various sources within several of the County funds during 2022; and,

WHEREAS, the County has previously incurred expenditures which were unanticipated and unbudgeted but necessary for County operation; and,

WHEREAS, the County is desirous of making additional expenditures, which were previously unanticipated and unbudgeted but are hereby deemed necessary for County operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Huerfano County, Colorado, that the following additional sums be budgeted and appropriated for expenditures in 2022.

GENERAL FUND:

That the 2022 budget and appropriation for the General Fund be increased from \$7,059,959 to \$7,559,959 for the purpose of additional expenses.

Original 2022 budget total revenue	\$	7,059,959
Unanticipated revenues	\$	500,000
Total Supplemental Budget & Appropriation	\$	7,559,959

SPECIAL PROJECTS FUND:

That the 2022 budget and appropriation for the Special Projects Fund be increased from \$3,947,400 to \$4,597,400 for the purpose of additional expenses.

Original 2022 budget total revenue	\$	3,947,400
Unanticipated revenues	\$	650,000
Total Supplemental Budget & Appropriation	\$	4,597,400

EMERGENCY SERVICES FUND:

That the 2022 budget and appropriation for the Emergency Services Fund be increased from \$1,395,991 to \$1,545,991 for the purpose of additional expenses.

Original 2022 budget total revenue	\$	1,395,991
Unanticipated revenues	\$	150,000
Total Supplemental Budget & Appropriation	\$	1,545,991

BE IT FURTHER RESOLVED, that a copy of this Resolution be submitted to the County Treasurer of Huerfano County, Colorado and the Division of Local Government in the Department of Local Affairs, State of Colorado.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22-43

THE BOARD OF COUNTY COMMISSIONERS OF HUERFANO COUNTY, COLORADO

A RESOLUTION DECLINING EMPLOYER PARTICIPATION IN THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

WHEREAS, in November of 2020, Colorado voters approved Proposition 118, codified in Part 5, Article 13.3 of Title 8, Colorado Revised Statutes (C.R.S.), establishing the Family and Medical Leave Insurance (“FAMLI”) Program, a state insurance plan providing paid leave for Colorado workers during certain life circumstances; and

WHEREAS, under the FAMLI Program, employers and their employees are both responsible for funding the program and may split the cost 50/50; the premiums are set at 0.9% of the employee’s wage, with 0.45% paid by the employer and 0.45% paid by the employee; and

WHEREAS, the premiums required for FAMLI will be collected starting January 1, 2023, and benefits will begin January 1, 2024; and

WHEREAS, the Huerfano County Board of County Commissioners (“Board”) has the authority under Colorado law, including, but not limited to C.R.S. §§ 30-11-103 and 30-11-107, to make decisions regarding the County budget, personnel benefits and employment policies in the County; and

WHEREAS, as a local government as defined by C.R.S. §§ 8-13.3-503(14) and 29-1-304.5(3)(b), Huerfano County may decline to participate in FAMLI following a public meeting and vote of its governing body pursuant to C.R.S. § 8-13.3-522; and

WHEREAS, should the County decline participation in the FAMLI Program as an employer and the statutory provisions of the FAMLI Program will not apply, the County may facilitate the premiums for any of its employees choosing to participate individually in the FAMLI Program; and

WHEREAS, all Huerfano County employees were notified in writing prior to the Board’s vote regarding FAMLI participation; and

WHEREAS, that written notice provided both information regarding the vote process and the opportunity to submit comments prior to or at the public meeting held on December 20, 2022, when the Board considered declining to participate in the FAMLI program; and

WHEREAS, at a public meeting held on December 20, 2022, the Board of County Commissioners invited input from the public and County Employees on the decision whether to participate in FAMLI; and

WHEREAS, the Board has reviewed and considered the advantages and disadvantages of participation in FAMLI, and the current benefits provided by the County to its employees; and

WHEREAS, the Board has concluded that the current benefits provided to County employees is comparable to, and inclusive of, benefits allowable under FAMLI; and

WHEREAS, after hearing all of the testimony given and considering all documents submitted to the Board at the public hearing, the Board finds it appropriate to decline participation in the FAMLI program; and

WHEREAS, after hearing all of the testimony given and considering all documents submitted to the Board at the public hearing, the Board finds it appropriate to facilitate the collection of employee premiums through paycheck deductions for payment to FAMLI for those employees who elect FAMLI coverage pursuant to C.R.S. § 8-13.3-514(1) by offering an equivalent plan through the County Benefits Provider, currently American Fidelity; and

WHEREAS, for the declination of participation in the FAMLI program to become effective, the local government must formally notify the Colorado Division of Family and Medical Leave Insurance (FAMLI Division) in writing and provide the date of the vote and the local government's decision to decline participation in the FAMLI program.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Huerfano County, Colorado that:

1. The Board of County Commissioners finds and determines that, with regard to the public hearing meeting on the decision of whether to decline participation in FAMLI, notice was given and the meeting was conducted in accordance with the regulations adopted by the Colorado Department of Labor and Employment and codified at 7 CCR 1107-2.
2. The Board of County Commissioners, acting by and on behalf of the County, declines participation in the FAMLI Program as an employer, but will collect and remit employee premiums for those employees who elect coverage under FAMLI through an equivalent plan.
3. No later than December 31, 2022, staff shall prepare and send written notice of the Board's decision's decision, as set forth herein, to the FAMLI Division of the Colorado Department of Labor.
4. Within 30 days following the date of this Resolution, staff shall prepare and send written notice of the Board's decision, as set forth herein, to all Huerfano County employees, regarding their right to voluntarily opt into the FAMLI program, pursuant to C.R.S. § 8- 13.3-514, with the contact information for the FAMLI Division, and any other regulatory notification required under FAMLI, by statute and regulation.
5. The Board of County Commissioners further directs its staff to bring the matter of revisiting the decision to decline participation in FAMLI before a future Board by

no later than eight years from the date of the vote on this Resolution.

Item 7b.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner



MEMORANDUM

MEETING TYPE: BOCC
MEETING DATE: 12/20/22
ITEM NAME: Land Use Code Changes
SUBMITTED BY: Sky Tallman
SUMMARY:

Over the past few months, the Planning Commission has gone through the land use code to make suggestions on ways to streamline processes for Land Use applications. Attached is a strike-through version of suggested changes, summarized below.

Summary of Changes:

- Add summary of process to each application type.
- Applications start with the Planning/Building department (change language that states applications are submitted to Commissions).
- Review Agencies impacted by an application should be notified by staff upon submission of a complete application. This means that by the time PC/BOCC reviews application in a public hearing comments from review agencies are part of that review.
- Decisions should be made upon the closing of public hearings (rather than at a subsequent meeting).
- Staff should determine whether an application is complete based on application requirements outlined in the Code. Change from Planning Commission determining whether to waive requirements or require additional materials. This would make it possible for staff to submit both complete applications and staff reports to Commissions prior to a hearing or meeting.
- Determine which parts of each process require a public hearing versus a public meeting and clarify in the code. (This is significant because of noticing requirements that can impact development timelines).
- The number of required public meetings/hearings should be minimized. Eliminate joint public hearings.
- Staff should send notices to paper, adjacent property owners to ensure accuracy, timeliness and thoroughness. Requiring applicants to complete these steps increases risk of error, omission and confusion. This will require a resolution amending or replacing Resolution 78-33.

- Lack of articulation of when staff review application causes lack of clarity for when PC receives staff report.
- Change “zoning enforcement” to “planning staff”. Language in code does not refer to a specific, existing position.
- Consider allowing administrative approval for minor variances to allow some flexibility in enforcing district characteristics before a public hearing is required. (for example: a 20% reduction in setbacks, lot size/density, square footage, or a 20% increase max height, etc. This could apply to conditions that are likely to come up frequently and have minimal neighborhood impact).
- Standardize Timelines and noticing requirements. Different types of meetings have different noticing timeline requirements.
- Changes to use table, including: changes to number of dwellings permitted by right per parcel; create catch-all category “any use not listed in this table”; consolidate some of the uses associated with Marijuana.
- Remove lines .62, .64 and .65 from the use table.
 - .62: *Commercial medical marijuana cultivation operations* to be combined with line 63 to read *Commercial/medical Marijuana cultivation facility*.
 - .64: *Commercial Marijuana testing facilities* and 65 *Commercial marijuana product manufacturing facilities* are captured by item .55: *Manufacture, fabrication or processing of all materials not otherwise listed and which will not cause excessive noise, heat, dust, fumes or other adverse consequences*.
- Repeal Section 12: Submittal Copies. This section is outdated and not relevant to electronically submitted applications.
- Note: ellipses (...) indicate that there is content in the specified section that is not copied in the clean copy and is not being changed or deleted.

RESOLUTION NO. 22-44**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION AMENDING THE LAND USE CODE TO STREAMLINE LAND
USE APPLICATIONS AND PROCESSES**

WHEREAS, Huerfano County Land Use Regulations describe the processes and requirements for land use applications; and

WHEREAS, the current regulations cause the time and number of meetings required to process certain types of application to be greater than necessary and place an undue burden on applicants; and

WHEREAS, the Huerfano County Land Use Department and Planning Commission have identified ways to streamline application processes, add clarity and resolve certain contradictions in the Land Use Code; and

WHEREAS, the Huerfano County Planning Commission has reviewed the Land Use Code in a series of public meetings and work sessions and requests that existing regulations be amended; and

WHEREAS, the County Commissioners have reviewed the request, and find said amendments necessary for the protection of our citizens' health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Huerfano County, Colorado, that the amendments to the Huerfano County Land Use Regulations are hereby amended as shown in Attachment A.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

**BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO**

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

Markup Copy of Changes to Processes by application type

1.03.02 District Characteristics and Requirements

The districts enumerated in Section 1.03.01 shall have the following characteristics and specifications:

A Agricultural District

This district is created for the purpose of protecting the productive agricultural lands of Huerfano County and preserving the visual and cultural values, historical and archeological features and critical wildlife habitat associated with the scenic vistas, natural topography and agricultural lifestyles in rural, unincorporated areas of Huerfano County.

Minimum district size:	40 acres
Minimum lot area:	35 acres
Minimum lot width:	200 feet
Front yard setback:	60 feet
Side yard setback:	25 feet
Rear yard setback:	30 feet
Maximum structure height:	Refer to Comprehensive plan, page 4, "Residential Use"
Minimum dwelling size:	600 square feet
Maximum lot coverage:	15 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

RR Rural Residential District

This district is created for the purpose of allowing the establishment of moderate density rural residential development in predominantly agricultural and rural areas of unincorporated Huerfano County without compromising or otherwise significantly changing the visual, scenic and other natural characteristics of the surrounding area and providing as necessary for the protection of critical wildlife habitat.

Minimum district size:	20 acres
Minimum lot area:	2 acres
Minimum lot width:	100 feet
Front yard setback:	20 feet
Side yard setback:	10 feet
Rear yard setback:	20 feet
Maximum structure height:	40 feet (refer to Comprehensive plan, page 4, "Residential Use")

1.04.01 Variances

Variances from various provisions of this zoning regulation are heard by and decided by the Board of Adjustment. See Section 9.02

Process Summary

1. Staff reviews application for completeness, notifies relevant referral agencies and prepares staff report
2. Public noticing
3. → BOA Public Hearing and decision

9.02.02 (4)

4. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of enactment of these regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional physical characteristics or conditions of such piece of property not created by the applicant, or due to unique characteristics of the proposed project, subsequent to the adoption of these regulations or previously adopted County zoning regulations, the strict application of any zoning regulation or provision therein would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, then the Board of Adjustment shall have the authority, upon an appeal relating to said property, to authorize a variance from such strict and literal application so as to relieve such difficulties or hardship. Such relief shall be granted, however, without substantial detriment to the public good or neighborhood character, and without altering or impairing the intent and purpose of the zoning regulations and other provisions contained within State or County regulations. The Board shall not, however, have the power to grant variances from the uses prohibited or allowed conditionally by special review for the zoning district involved.

9.02.03 Submittal Requirements for Appeals and Variances

1. Applicants appearing before the Board of Adjustment shall submit the following submittal materials and all other materials as the County Planner or the Board of Adjustment may deem necessary. These submittal requirements are in addition to those specified in Section 9.02.04, Application and Appeals Procedures, of these regulations.

01. A full and accurate legal description of the land involved in the appeal action.

02. A plot plan showing the existing and proposed location of all structures, uses, zoning district boundaries and setbacks on the land involved in the appeal action.

03. Proof of ownership of the property or written evidence of authority to act on behalf of the lawfully demonstrated owner of the property.

04. A list of Names of owners of record and physical addresses of all property adjacent to the property in question and all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor. See Section 9.02.04, Appeals Procedures, below.

05. Payment of the cost of publication of the mailed and published public hearing notices.

06. Letter of Intent describing regulation from which a variance is being requested, why requested variance is necessary, and how such variance request meets criteria for a variance described in 9.02.02 (4).

07. A letter of intent addressing criteria described in 9.02.02 and 9.02.04 (4)

2. Items in Section 9.02.03 numbers .04, .05, and .06, above, need to be submitted at the time of application .

9.02.04 Appeal and Application Procedures

1. Appeals to the Board of Adjustment may be made by any person(s) aggrieved by an inability to obtain a building permit or by the decision or interpretation of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of these zoning regulations. Appeals to the Board shall be made within thirty (30) days of the order, requirement, decision, interpretation or refusal alleged to have occurred or to be in error. Applications to the Board of Adjustment may also be made by persons, organizations or corporations for variances from zoning setback requirements and other circumstances for which a variance may be obtained.

2. The Board shall hold a public hearing on all applications for variances and appeals. Prior to such public hearing scheduled before the Board of Adjustment a notice of public hearing shall be published in a legal

publication in Huerfano County at least ten (10) days before the scheduled date of the public hearing. Publication of such notice shall follow a form prescribed by the County and publication of the notice, which shall specify the time and place of the hearing and location of the land subject to the hearing. Applicants shall be billed by the County for costs associated with noticing.

3. All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses of adjacent properties shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. This mailed notice shall also be sent to all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor and identified in the application by the applicant, and the notice shall include a vicinity map, a short narrative describing the relief sought and an announcement of the date, time and location of the scheduled hearing.

4. All applications and appeals to the Board of Adjustment shall be in writing and on such forms as shall be prescribed by the Board and the appropriate filing fee shall accompany the application. Every application or appeal shall state what provision(s) of the zoning regulation is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the applicant. The chairman of the Board, or his appointed designee, shall call a meeting of the Board scheduled to take place within fifteen (15) days of the submission of the required submittal materials.

5. Upon reaching a decision in the manner described above, the Board of Adjustment or its authorized agent shall notify applicant(s) in writing ten (10) working days after the Board of Adjustment takes action on an appeal brought before it.

1.05 USES ALLOWED BY RIGHT, CONDITIONAL USES AND PROHIBITED USES IN ZONING DISTRICTS

Table 1 on the following pages indicates which land uses are allowed by right, which are conditional uses and which are prohibited uses in the zoning districts listed in Section 1.03.01 and described in Section 1.03.02. Uses not listed are considered to be conditional uses. See Section 1.06 on conditional use provisions and Section 1.07 on uses not itemized.

Table 1
Uses allowed by Right. Conditional Uses and Prohibited Uses by Zoning District

R = Use Allowed by Right C = Conditional Use P = Use Prohibited

<i>Zoning District</i>	<i>AA</i>	<i>RR</i>	<i>UR</i>	<i>C I</i>	<i>Regulatory Reference</i>
.01 Up to two dwelling units on a single parcel of land	R	R	R	R C	1.06
.02 Three to six dwelling units on a single, parcel of land.	C	C	R	R C	1.06

.03	Over six dwelling units on a single parcel, including: Multiple family dwelling, co-housing facilities, condominiums or employee housing.	C	C	C	R C	1.06
.04	Individual mobile homes and mobile home parks	P	P	P	C P	N/A
.05	(Reserved)					
.55	Manufacture, fabrication or processing of all materials not otherwise listed and which will not cause excessive noise, heat, dust, fumes or other adverse consequences	C	P	P	C R	1.06
.61	Medical Marijuana dispensaries	P	P	P	P P	Section 18
.62	Commercial Marijuana retail stores	P	P	P	P P	Section 18
.63	Commercial/medical Marijuana cultivation facility	C	P	P	C C	Section 18
66	Any use not listed in this table	C	C	C	C C	

1.06 CONDITIONAL USE APPROVAL AND APPROVAL AMENDMENT PROVISIONS

...

1.06.01 Submittal Requirements

Application for a conditional use approval for a conditional use shall require submission a) of an application on a form provided by Huerfano County, b) submission of a Letter of Intent and c), submission of a Site Plan. These submissions shall be made to the Planning Department and staff shall determine that applications are ready for formal review and processing.

1.06.01 (2)

...

The appropriate filing fees shall accompany the submission of these above materials. The Director may waive any but not all of the above submission requirements in cases where provision of the specified items would prove unnecessarily burdensome or inappropriate. The Planning Commission may vote to continue a public hearing in order to permit applicant time to prepare and submit additional information deemed necessary to make a recommendation. The Planning Commission may require additional documentation, including any requirements listed above that were waived by the Director before making a decision.

1.06.02 Procedures for Referral, Review and Action on an Application for a Conditional Use Approval

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. Planning Commission public meeting and recommendation
3. Public noticing
4. Board of County Commissioners public hearing and decision.

1. Upon proper and adequate submission of the appropriate application form, fees and other submittal materials as specified in Section 1.06.01, the Planning Commission shall consider at a regular or special public meeting the conditional use application. All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones shall be notified by certified mail and

all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.

In addition, the applicant shall cause to have posted on the property in question, in a conspicuous location, a sign supplied by Huerfano County, stating the time, date, location and subject of the hearing. Such sign(s) shall be posted at least ten (10) days before the scheduled date of the hearing.

These public due process notification and proof of notification procedures shall apply to all public hearings conducted by Huerfano County for actions included within these regulations.

2. Upon the closing of the public meeting, the Planning Commission shall make a recommendation on the application for a conditional use to the Board of County Commissioners, recommending approval, denial or conditional approval. The Planning Commission shall forward its recommendation and any records of the hearing to the Board within ten (10) working days of its action.

Within thirty (30) days of receiving such materials the Board of County Commissioners shall consider the recommendation at a regular or special session of the Board and shall act to approve, deny or conditionally approve the application, including notice whether there shall be a time period for review of compliance with any approval conditions.

3. When a conditional use application has a potential impact on any of the referral agencies listed in 8.04.01 (4), staff will route the application for referral review and comment. The referral review and comment period shall be for a period of time of up to thirty (30) days from the date materials are received for review..

1.18 Rezoning

1.18.01 General Information

Applications to rezone or change the zoning classification of a parcel or parcels of land shall be treated as proposed amendments to this zoning regulation and such applications also shall comply with the common procedures described in these regulations. Applications for rezoning shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials and by the necessary filing fees.

Process:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Noticing for public hearing
4. BOCC public hearing and decision..

1.18.02 Special Rezoning Requirements and Provisions

All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.

Applicants will be billed by the county for costs associated with public noticing.

In addition, the applicant shall also post notice on the property for which the rezoning is requested at least ten (10) days prior to a public hearing scheduled before the Planning Commission and indicating information on the public hearings scheduled with both the Planning Commission and the Board of County Commissioners.

Applicant shall post notice on the property; such notice shall follow a form prescribed by the County and shall consist of at least one sign facing each adjacent public right-of-way. Such signs shall measure at least

three (3) feet by four (4) feet, the size of all letters shall be at least two (2) inches high and the signs shall be erected on posts no less than four (4) feet nor more than six (6) feet above ground level.

Written notice of said hearing(s) shall be sent by registered mail, return receipt requested, at least ten (10) days prior to a Planning Commission or Board of County Commissioners hearing date to owners of record of all property adjacent to the property proposed for rezoning. The notice shall include a vicinity map, a short narrative describing the current zoning, the proposed rezoning and the nature of the proposed land use change along with announcement of the date, time and location of the scheduled hearing.

Rezoning applications may be initiated by any citizen or group of citizens, association, partnership or corporation owning or leasing property or residing in Huerfano County or by a representative or agent with written power of attorney from one of the above parties to initiate the application.

The Board of County Commissioners and the Huerfano County Planning Commission may also initiate a rezoning.

1.18.03 Submittal Requirements

Applications for rezoning shall include a Letter of Intent and a Site Plan providing the information required in Section 1.06.01 for a conditional use review. Additionally, the following items shall be submitted with an application::

Required attachments:

1. The source and quantity of water required for the proposed use(s) within the area to be rezoned.
2. The method of wastewater treatment and anticipated quantity of wastewater generated.
3. When water or wastewater service would be provided by a municipality or a water or sanitation or water and sanitation district or other public entity, written confirmation that the public entity in question is willing and able to provide the service in question.
4. A description of any natural or man-made hazard within or in the vicinity of the land proposed for rezoning and a statement describing how the anticipated impact of such hazards will be mitigated.
5. A legal description of the property to be rezoned.
6. A vicinity map showing to scale the proposed area to be rezoned in relationship to the surrounding area within a distance of two (2) miles from the boundaries of the proposed rezoning.
7. A graphic description of all natural and manmade water courses, retention areas, streams, lakes and known one hundred (100) year flood plains on or adjacent to the property along with all areas in the proposed rezoning with a slope of twenty (20) percent or greater.
8. A description of any critical wildlife habitat and migration corridors and unique natural features, such as historical sites, unique land forms or scenic vistas contained within the land proposed for rezoning.
9. Explanation of how proposal is consistent with the Comprehensive Plan.
10. Any additional information requested by staff or Planning Commission.

1.18.05 Criteria for Action on a Rezoning Application

All actions by the Planning Commission in reviewing and making recommendations on a rezoning application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically on the following additional criteria:

1. That the existing zoning district is consistent with the goals, objectives and policies of Huerfano County, as contained in the County Comprehensive Plan and other adopted planning documents.
2. That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest to encourage different densities or uses within the land in question.
3. That the proposed rezoning is needed to provide land for a demonstrated community need or service.

In any petition for rezoning, the petitioner shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the Board of County Commissioners to rezone any land within unincorporated Huerfano County or otherwise amend this zoning regulation for any reason consistent with the health, welfare or safety of the residents of Huerfano County.

2.09 SUBMITTAL REQUIREMENTS FOR PROPOSED SUBDIVISIONS

Applications for approval of a subdivision shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. The Planning Commission may, at its discretion and upon written application by an applicant, waive any of these items not required by the laws of the State of Colorado, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate an application for a subdivision.

Process Summary:

One public hearing for each phase – Sketch Plan, Preliminary Plan, and Final Plat:

1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Public Noticing
4. BOCC public hearing and decision

Public Notice: Public noticing requirements shall apply for each public hearing involved in the subdivision process. At least ten (10) days prior to public hearings for the Sketch Plan, Preliminary Plan and Final Plat, the County shall send notice to property owners by certified mail and to listed physical addresses by regular mail to properties within 1320 feet of the boundaries of the proposed subdivision for properties zoned Agricultural, or 500 feet for properties in all other zones; This distance provision may be expanded up to twenty-five hundred (2,500) feet, or to include identified properties that have the potential to be impacted by the proposal by majority vote of the Planning Commission in the case of large subdivisions and when other special circumstances so warrant.

2.09.02 Preliminary Plan/General Submission

The preliminary plan shall incorporate all modifications of and changes to the sketch plan agreed to by the applicant, the Planning Commission and the Board of County Commissioners. The purpose of a

preliminary plan is to review the proposed subdivision in the context of the technical requirements, design standards and improvement requirements of Huerfano County and the various other terms and provisions of these regulations to ensure the compatibility of the proposed subdivision with these considerations and with the current and anticipated or desired future land use patterns within and in the vicinity of the proposed subdivision. Detailed review of a preliminary plan at the general submission stage provides further evidence of compliance or lack of compliance of the proposed subdivision with the comprehensive plan and other provisions of State & Local Regulations, along with the policies and plans of other public and quasi-public agencies in Huerfano County.

Preliminary plans shall be prepared by appropriately qualified persons in a clear and legible manner on reproducible stock in a manner acceptable to the Planning Commission and at a scale of one (1) inch to one hundred (100) or two hundred (200) feet or another scale approved by the County Planner. In the case of large proposed subdivisions requiring more than one sheet at such scale, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted.

Preliminary plans approved by the Board of County Commissioners shall remain valid for one (1) year following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

A preliminary plan shall require the following information:

1. The name(s) and address(es) of the property owner(s) and of the applicant(s), if other than the owner(s), and the person(s) preparing the preliminary plan submittal materials.
2. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.
3. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the state of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.
4. The name or identifying title of the proposed subdivision.
5. The date of preparation of the preliminary plan, a north arrow and a written and graphic scale.
6. An accurate legal description of the property included within the proposed subdivision and the total acreage of the proposed subdivision.
7. The location of the proposed subdivision as a part of a larger subdivision, if any, and with reference to permanent survey monuments with a tie to a section or a quarter-section corner.
8. A location map showing the relationship of the proposed subdivision to the characteristics of the surrounding area along with the names of adjacent subdivisions and the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
9. A list from the County Assessor's office of current property owners of record and their complete mailing address as well as physical addresses for properties within five hundred (500) feet of the boundaries of the proposed subdivision. At the Planning Commission's discretion, this can be expanded to 1,320 feet and to include other properties likely to be impacted.
10. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.
11. Site data in chart form presenting the total number of proposed residential lots, the net size of the average (mean) lot, minimum lot size, maximum lot size, the types of land use proposed and the area of land proposed for each such land use.
12. The proposed sites, if any, for multi-family residential use, business use, commercial and industrial areas and other public and non-public uses exclusive of single family residential areas within the proposed subdivision.

13. The total number of projected square feet of non-residential floor space to be included within the proposed subdivision.
14. The current zoning districts on the site and any zoning changes to be requested.
15. The location and principal dimensions of all existing and proposed streets, alleys, roads, easements, off-street parking areas, watercourses, streams, ponds and other significant features of the natural and manmade landscape within and adjacent to the proposed subdivision. Such features should be labeled by their proper names, when such names exist or are known, and the use of all should be clearly shown. All streets and access easements must have proposed names for addressing according to the County's emergency systems. All roads & access names must be approved in writing by the Huerfano County Land Use Department before the final plat is submitted.
16. The location and current and proposed future uses of all buildings and other structures in and within one hundred (100) feet of the boundaries of the proposed subdivision.
17. A lot and street layout with lots and blocks numbered consecutively with the dimensions of all lots to the nearest foot and the acreage in each lot displayed.
18. The location of and preliminary engineering from any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants and the sizes and types thereof, along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all under-ground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.
19. The preliminary engineering design and construction features for any bridges, culverts or other drainage structures to be constructed.
20. The topography of the proposed subdivision at two (2) foot contour intervals for predominant ground slopes up to five (5) percent grade and five (5) foot contours for predominant ground slopes within the site that are over five (5) percent grade. Upon request of and at the discretion of the County Planner, alternate contour intervals can be used for all or part of a site where special slope or other conditions prevail. Elevations shall be based on National Geodetic Survey sea level data.
21. The delineation of any known identified or designated areas where a flood statistically has a one (1) percent chance of occurring in any given year and localized areas subject to periodic flooding. Mitigation measures, if any, proposed to overcome the consequences of periodic inundation shall also be included in the submission. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.
22. The delineation of the geological characteristics of the area with evidence regarding the extent and intensity of any geological, radiological, seismic or other related hazards within or in close proximity to the proposed site. Mitigation measures, if any, proposed to overcome such geological, radiological, seismic or other hazards shall also be included in the submission.
23. Soil suitability and interpretation information developed from National Cooperative Soil Survey data and accompanied by a table of interpretation for the soil types shown on the soils map or equivalent qualified private research sources, along with a narrative description of the mitigating measures, if any, proposed to overcome soils limitations present on the site of the proposed subdivision.
24. Preliminary drainage, erosion and sedimentation control plans, as required.
25. Delineation of the type and extent of vegetative cover on the site.
26. All areas to be reserved for community or public uses and all areas to be dedicated to Huerfano County along with any other areas to be used for open space and a statement describing how such reserved, dedicated and open space lands shall be maintained.
27. Preliminary copies of the protective covenants to be filed with the final plat.
28. Evidence that the proposed system for the disposal of sewage will comply with State of Colorado and regional health department statutes, regulations and design requirements and that the proposed method is both technically feasible and environmentally sound. The peak capacity of the sewage treatment system shall be provided if a centralized collection and treatment system is proposed.
29. Evidence from the Colorado Division of Water Resources that the proposed system for the supply of potable water would be sufficient in terms of quantity, quality, dependability and pressure to provide adequate water supply to the proposed subdivision. The peak capacity of the proposed water supply system shall be provided if a centralized distribution system is proposed.

30. Where water supply or sewage collection and treatment is to be provided by an already existing centralized system, a letter of preliminary commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed subdivision and that the owners of the system are willing and able to provide the proposed water supply or sewage collection and treatment services.
31. Information regarding the relationship of the proposed location of the subdivision to any critical wildlife habitat and wildlife migration corridors and proposed mitigation measures to preserve such habitat and corridors and measures to be employed to reduce the impact of future human settlement on such wildlife habitat and migration corridors.
32. Information regarding the relationship of the proposed location of the subdivision to any historical or archeological resources and proposed mitigation measures to preserve such resources and measures to be employed to reduce the impact of future human settlement on these historical and archeological resources.
33. A preliminary development schedule for required and proposed improvements, including the estimated construction cost and the proposed method(s) of financing.
34. A discussion of any special districts that would be created wholly or partly within the proposed subdivision, listing the proposed boundaries of the service district and what services it would provide.
35. A preliminary phasing plan when the proposed subdivision would be developed in more than one phase.
36. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request.

2.09.02 Preliminary Plan/General Submission

...

Preliminary plans approved by the Board of County Commissioners shall remain valid for eighteen (18) months following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

...

2.09.03 Final Plat/Final Submission

...

Final plats shall be submitted to the Planning Commission for action within eighteen (18) months after the date that a preliminary plan for the same proposed development was granted approval by the Board of County Commissioners, except that one extension of up to an additional eighteen (18) months may be granted by the Board of County Commissioners upon the submission of a written request for such extension by the applicant prior to the expiration of the initial eighteen (18) month period. Failure to submit an acceptable final plat within this allowable time period or extension period, if granted, shall require that an applicant resubmit a preliminary plan with the appropriate filing fees and associated materials. ...

2.14 AMENDMENTS TO APPROVED AND RECORDED PLATS

The re-subdivision of land or substantial changes to a recorded plat shall be considered a subdivision or the subdivision of land and shall be subject to the subdivision and other applicable provisions of these regulations. Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of

circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein. If more than three new lots are created, Staff analysis of impact and recommendation on whether it should be an amendment or subdivision to PC for determination on how to treat the application.

Referral agencies: HOA/POAs, Utilities, Fire Dept, and other agencies reasonably expected to be impacted as determined by staff, Planning Commission or County Commissioners.

2.14.01 Procedures for Amendment

Process Summary:

1. If more than three new lots are created, PC recommendation on whether to treat application as subdivision or plat amendment.
2. Full application submitted; Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
3. PC public meeting and recommendation
4. BOCC public hearing and decision

Applicants wishing to amend an approved and recorded plat shall submit to the Planning Department an application on a form supplied by the County, the appropriate submittal materials and the required filing fees. Applications to amend an approved and recorded plat shall be reviewed by the Planning Commission following the submission of the required materials. Upon closing the public meeting, the Planning Commission shall make a recommendation on the application for the amendment of an approved and recorded plat and transmit the application to the Board of County Commissioners for a decision. The Board of County Commissioners shall consider the application at a regularly scheduled meeting following, and the decision of the Board shall be recorded in the minutes of the meeting and transmitted in writing to the applicant. Applications that are denied by the Board of County Commissioners shall result in a statement to the applicant giving the reason for the denial.

2.14.02 Submission Requirements

Submission requirements for an application to amend an approved and recorded plat include a completed application, the appropriate filing fees and the following items:

1. Proof of ownership of the lot(s), parcel(s) or subdivision plat to be amended and evidence that the applicant, if not the owner, has full legal authority to act on behalf of the owner.
2. A copy of the approved and recorded final plat along with drawings done to the same scale as the recorded final plat indicating the amendment(s) proposed to be made to the approved and recorded plat. The drawings submitted with the recorded final plat shall meet all requirements for the preparation of a final plat and be suitable for recording in the office of the County Clerk and Recorder. The drawings shall also show the location of all structures, streets, rights-of-way and easements within the area of the proposed plat

3. A narrative statement describing the proposed changes to the approved and recorded final plat and providing an explanation of why the proposed changes should be approved by the Planning Commission and the Board of County Commissioners. Included with the narrative statement shall be the acreage or square footage of all lots before and after adjustment, a legal description of each lot and a statement of the current zoning of all portions of the plat to be amended.

4. Applications for amendment of an approved and recorded plat submitted to correct minor surveying or drafting errors shall be accompanied by an affidavit by a Colorado licensed land surveyor attesting to the changes that have been made in the previously approved and recorded final plat.

5. The Planning Commission may, at its discretion and upon written request by an applicant, waive any but not all of these submission items listed above, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for a plat amendment submitted to it. The Planning Commission may also submit the application for review to such referral agencies and interested parties as it reasonably sees fit.

2.15 VACATION

2.15 VACATING OF APPROVED AND RECORDED PLATS, ROADS OR EASEMENTS

Applicants may apply for the vacating of any plat, road, easement or portion thereof so long as the plat, road, easement or portion thereof has been filed and recorded in the office of the Huerfano County Clerk and Recorder.

Process Summary:

Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting prepares staff report

1. PC public meeting and recommendation
2. Public Notices go out (If public hearing requested for lot consolidation)
3. BOCC public hearing and decision (public hearing optional for lot consolidations).

2.15.01 Procedures for Vacating Plats, Roads and Easements

1. Applications to vacate approved and recorded plats, roads, easements or portions thereof shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials listed in 2.15.02. and by the necessary filing fees. Copies of the vacating submittal materials shall be submitted to the school district and any other special purpose districts in which the proposed vacating is located along with all utility companies and municipalities potentially affected by the proposed vacating. Additional referral agencies may be contacted by the Planning Commission, at its discretion. All referral agencies shall be allowed a review period, or the extension period shall be deemed an approval by referral agencies, twenty-one (21) days from the receipt of the referral materials to report their findings and/or recommendations to the County, and an additional twenty-one (21) day extension period with the approval

by a majority vote of the Planning Commission. Failure to respond within the original review period or the extension period shall be deemed a de facto approval by referral agencies.

2. At least ten (10) days prior to a joint public hearing scheduled before the Planning Commission and the Board of County Commissioners to consider a vacating application, a notice of the joint public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place.

3. Notice: All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones, as well as all identified mineral estate owners identified, shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote.

Pursuant to C.R.S. § 24-65.5-103 (2) (a) The applicant shall identify the mineral estate owners entitled to notice pursuant to this section by examining the records in the office of the County Tax Assessor and Clerk and Recorder. The notice shall include a vicinity map, a short narrative describing the proposed action and an announcement of the date, time and location of the scheduled hearing.

4. Applications for vacating shall be processed as a final submission except as otherwise provided for in this Section 2.15.

Applications for vacating may be initiated by the owner of record or duly authorized agent of any owner of record of any approved and recorded plat or easement. The Board of County Commissioners and the Huerfano County Planning Commission may also initiate a vacation of land.

3.07 SUBMITTAL REQUIREMENTS FOR PROPOSED PUDS

Applications for a PUD approval shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. Staff may, at its discretion and upon written application by an applicant, waive any but not all of these items. The Planning Commission may, by majority vote, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for the issuance of a PUD approval.

3.08 PROCESSING PROCEDURES FOR SUBDIVISION AND NON-SUBDIVISION PUDS

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies, schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Schedule and post notices for BOCC public hearing
4. BOCC public hearing and decision

The review and processing procedures for non-subdivision PUD development plans shall be as specified in the County's Common Land-use Procedures and Requirements for Preliminary Submission, of these regulations. In the event that a conflict or inconsistency exists between the procedures and requirements contained the County's Common Land-use Procedures and in these regulations, the procedures contained herein in these PUD regulations shall prevail.

Section 12 Submittal Copies

Repeal Section

14.04 SIGN PERMIT PROCEDURES

Applications for sign permit shall be made to the County Building Inspector who shall, except as specified otherwise herein, administer this sign code. Upon payment of the required application fee and the submission of the required application materials, the County Building Inspector shall decide, on the basis of the provisions contained herein, whether to issue a sign permit, whether to deny the permit.

14.04.01 Submittal Requirements

Applications for a sign permit shall include, in addition to the application fee and an application on a form supplied by Huerfano County, a legibly done rendering, in ink, fully dimensioned, showing the sign message and a site plan showing the location, setbacks, height, construction materials and sign are of all proposed signs and sign alterations.

14.04.02 Permit Issuance by the County Building Inspector

Sign permit applications meeting the requirements contained herein shall be approved by the County Building Inspector so long as such applications do not expressly require Planning Commission approval as described in 14.04.03.

Sign permit applications failing to meet the requirements contained herein shall be denied by the County Building Inspector.

14.04.03 Permit Review, Denial and Issuance by the Board of Adjustment

Any person denied a sign permit by the County Building Inspector may appeal that decision to the Board of Adjustment within sixty (60) days of the denial. For sign code appeals and the applications brought before them, the board of Adjustment shall base their actions on the following criteria:

1. That the location, character and other features of the proposed sign are consistent with the applicable provision of these regulations, or that the proposed sign poses no significant nuisance.
2. That the sign doesn't contain any profanity, vulgarity or hate speech or other non-protected speech.
3. That the proposed sign poses no significant nuisance

Marijuana Conditional Use Permits 18.

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Public Noticing
4. BOCC public hearing and decision

18.04.01 Time of application and operation.

18.04.01.01 Annual Compliance Reviews shall be performed by the Building Department, , and no later than 30 days following the anniversary date of the issuance of a Commercial Building Permit .

18.04.02.03 When determined necessary by the Building Inspector, Commercial Marijuana Facilities shall be equipped with an automatic fire sprinkler system, meeting the commercial building standards adopted by Huerfano County at the time of construction.

18.06 FEES

18.06.01 Initial Review Fee: \$400, non-refundable.

Fee shall be paid when the application is submitted to the Land-Use Department.

18.06.02 Application Fee: \$1,300, non-refundable. Operating Fee: \$10,000 Fees shall be paid prior to the Planning Commission's completeness review. This operating fee shall be utilized by Huerfano County to cover any costs to the County associated with the review and enforcement of said Conditional Use Application or Permit. This fee may include, but shall not be limited to, outside review agencies, staff inspections & enforcement, and professional services. Staff expenses related to CUP and inspections not limited to those related to any actual or perceived violation. Subject to forfeiture in the event that the terms of the CUP are violated. Can be used to cover the cost of any fines assessed to CUP holder. Following the first or any subsequent annual compliance reviews, the Applicant may request a reimbursement of any unused operating fees.

Markup Copy of Changes to Processes by application type

1.03.02 District Characteristics and Requirements

The districts enumerated in Section 1.03.01 shall have the following characteristics and specifications:

A Agricultural District

This district is created for the purpose of protecting the productive agricultural lands of Huerfano County and preserving the visual and cultural values, historical and archeological features and critical wildlife habitat associated with the scenic vistas, natural topography and agricultural lifestyles in rural, unincorporated areas of Huerfano County.

Minimum district size:	40 acres
Minimum lot area:	35 acres
Minimum lot width:	200 feet per dwelling unit
Front yard setback:	60 feet
Side yard setback:	25 feet
Rear yard setback:	30 feet
Maximum structure height:	Refer to Comprehensive plan, page 4, "Residential Use"
Minimum dwelling size:	600 square feet
Maximum lot coverage:	15 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

RR Rural Residential District

This district is created for the purpose of allowing the establishment of moderate density rural residential development in predominantly agricultural and rural areas of unincorporated Huerfano County without compromising or otherwise significantly changing the visual, scenic and other natural characteristics of the surrounding area and providing as necessary for the protection of critical wildlife habitat.

Minimum district size:	20 acres
Minimum lot area:	2 acres
Minimum lot width:	100 feet per dwelling unit
Front yard setback:	20 feet
Side yard setback:	10 feet
Rear yard setback:	20 feet
Maximum structure height:	40 feet (refer to Comprehensive plan, page 4, "Residential Use")

1.04.01 Variances

Variances from various provisions of this zoning regulation are heard by and decided by the Board of Adjustment. See Section 9.02.02.

Process Summary: Board of Adjustment Public Hearing:

1. Staff reviews application for completeness, notifies relevant referral agencies and prepares staff report
2. Public noticing
3. → BOA Public Hearing and decision

9.02.02 (4)

4. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of enactment of these regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional physical characteristics or conditions of such piece of property not created by the applicant, or due to unique characteristics of the proposed project, subsequent to the adoption of these regulations or previously adopted County zoning regulations, the strict application of any zoning regulation or provision therein would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, then the Board of Adjustment shall have the authority, upon an appeal relating to said property, to authorize a variance from such strict and literal application so as to relieve such difficulties or hardship. Such relief shall be granted, however, without substantial detriment to the public good or neighborhood character, and without altering or impairing the intent and purpose of the zoning regulations and other provisions contained within State or County regulations. The Board shall not, however, have the power to grant variances from the uses prohibited or allowed conditionally by special review for the zoning district involved.

9.02.03 Submittal Requirements for Appeals and Variances

1. Applicants appearing before the Board of Adjustment shall submit the following submittal materials and all other materials as the County Planner or the Board of Adjustment may deem necessary. These submittal requirements are in addition to those specified in Section 9.02.04, Application and Appeals Procedures, of these regulations.

01. A full and accurate legal description of the land involved in the appeal action.

02. A plot plan showing the existing and proposed location of all structures, uses, zoning district boundaries and setbacks on the land involved in the appeal action.

03. Proof of ownership of the property or written evidence of authority to act on behalf of the lawfully demonstrated owner of the property.

04. ~~Proof of publication of the advertised legal notice of public hearing before the Board of Adjustment. A list of Names of~~ owners of record and physical addresses of all property adjacent to the property in question and all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor. (10) days prior to the Board of Adjustment public hearing date, See Section 9.02.04, Appeals Procedures, below.

05. ~~Proof of p~~Payment of the cost of publication of the advertised-mailed and published public hearing notices.

06. Letter of Intent describing regulation from which a variance is being requested, why requested variance is necessary, and how such variance request meets criteria for a variance described in 9.02.02 (4).

07. A letter of intent addressing criteria described in 9.02.02 and 9.02.04 (4)

2. Items in Section 9.02.03 numbers .04, .05, and .06, above, need to be submitted ~~not~~ at the time of application but by or before the conduct of the public hearing.

9.02.04 Appeal and Application Procedures

1. Appeals to the Board of Adjustment may be made by any person(s) aggrieved by an inability to obtain a building permit or by the decision or interpretation of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of these zoning regulations. Appeals to the Board shall be made within thirty (30) days of the order, requirement, decision, interpretation or refusal alleged to have occurred or to be in error. Applications to the Board of Adjustment may also be made by persons,

organizations or corporations ~~to provide applicants with an opportunity to apply~~ for variances from zoning setback requirements and other circumstances for which a variance may be obtained.

2. The Board shall hold a public hearing on all applications for variances and appeals. Prior to such public hearing scheduled before the Board of Adjustment a notice of public hearing shall be published in a legal publication in Huerfano County at least ten (10) days before the scheduled date of the public hearing. Publication of such notice shall follow a form prescribed by the County and publication of the notice, which shall specify the time and place of the hearing and location of the land subject to the hearing. ~~Such publication of the notice is the responsibility of the applicant. Applicants shall be billed directly by the County for costs associated with noticing, newspaper and shall submit proof of publication of the notice and proof of payment of publication costs with the Board of Adjustment as a condition for action by the Board of Adjustment.~~

3. All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses of adjacent properties shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. A written notice of such hearing shall be mailed by certified or registered mail, return receipt requested, at least ten (10) days prior to the Board of Adjustment public hearing date to owners of record of all property adjacent to the property in question. This mailed notice shall also be sent to all adjacent mineral rights owners and lessees and easement holders, as shown on the records of the Huerfano County Assessor and identified in the application by the applicant, and the notice shall include a vicinity map, a short narrative describing the relief sought and an announcement of the date, time and location of the scheduled hearing.

~~Acceptable proof of mailing such notice shall be submitted to the Board of Adjustment as a condition for action by the Board of Adjustment.~~

4. All applications and appeals to the Board of Adjustment shall be in writing and on such forms as shall be prescribed by the Board and the appropriate filing fee shall accompany the application. Every application or appeal shall state what provision(s) of the zoning regulation is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the applicant. The chairman of the Board, or his appointed designee, shall call a meeting of the Board scheduled to take place within fifteen (15) days of the submission of the required submittal materials. ~~The Board of Adjustment may, at its discretion and by majority vote, transmit a copy of the application or appeal to the Planning Commission or other appropriate public organizations or private parties for review and comment.~~

5. Upon reaching a decision in the manner described above, the Board of Adjustment or its authorized agent shall notify applicant(s) in writing ten (10) working days after the Board of Adjustment takes action on an appeal brought before it.

1.05 USES ALLOWED BY RIGHT, CONDITIONAL USES AND PROHIBITED USES IN ZONING DISTRICTS

Table 1 on the following pages indicates which land uses are allowed by right, which are conditional uses and which are prohibited uses in the zoning districts listed in Section 1.03.01 and described in Section 1.03.02. Uses not listed are considered to be conditional uses. See Section 1.06 on conditional use provisions and Section 1.07 on uses not itemized.

Table 1

Uses allowed by Right. Conditional Uses and Prohibited Uses by Zoning District

R = Use Allowed by Right C = Conditional Use P = Use Prohibited

<i>Zoning District</i>	<i>AA</i>	<i>RR</i>	<i>UR</i>	<i>C I</i>	<i>Regulatory Reference</i>
.01 Up to two dwelling units on a single parcel of land	R	R	R	R C	1.06
.02 Three to six dwelling units on a single, parcel of land.	C	C	R	R C	1.06
.03 Over six dwelling units on a single parcel, including: Multiple family dwelling, co-housing facilities, condominiums or employee housing.	C	C	C	R C	1.06
.04 Individual mobile homes and mobile home parks	P	P	P	C P	N/A
.05 (Reserved)					
.55 Manufacture, fabrication or processing of all materials not otherwise listed and which will not cause excessive noise, heat, dust, fumes or other adverse consequences	C	P	P	C R	1.06
.61 Medical Marijuana dispensaries	P	P	P	P P	Section 18
.62 Commercial Medical Marijuana cultivation operations	C	P	P	C C	Section 18
.62 Commercial Marijuana retail stores	P	P	P	P P	Section 18
.64 Commercial Marijuana testing facilities	P	P	P	P P	Section 18
.65 Commercial Marijuana product manufacturing facilities	P	P	P	P P	Section 18
.63 Commercial/ medical Marijuana cultivation facility	C	P	P	C C	Section 18
66 Any use not listed in this table	C	C	C	C C	

1.06 CONDITIONAL USE APPROVAL AND APPROVAL AMENDMENT PROVISIONS

...

1.06.01 Submittal Requirements

Application for a conditional use approval for a conditional use shall require submission a) of an application on a form provided by Huerfano County, b) submission of a Letter of Intent and c), submission of a Site Plan. These submissions shall be made to the Planning ~~Commission~~[Department](#) and ~~it shall be by majority vote of the Planning Commission to staff shall~~ determine ~~as necessary~~ that ~~the submittal materials~~[applications](#) are ~~complete, accurate and~~ ready for formal review and processing.

1.06.01 (2)

...

The appropriate filing fees shall accompany the submission of these above materials. The ~~Planning Commission Director, by majority vote,~~ may waive any but not all of the above submission requirements in cases where provision of the specified items would prove unnecessarily burdensome or inappropriate. ~~In special cases additional submittal items may be required in the Letter of Intent or on the Site Plan, as specified by majority vote of the~~ The Planning Commission may vote to continue a public hearing in order to permit applicant time to prepare and submit additional information deemed necessary to make a recommendation. The Planning Commission may require additional documentation, including any requirements listed above that were waived by the Director before making a decision.

1.06.02 Procedures for Referral, Review and Action on an Application for a Conditional Use Approval

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report→
2. Planning Commission public meeting and recommendation→
3. Public noticing
4. Board of County Commissioners public hearing and decision.

1. Upon proper and adequate submission of the appropriate application form, fees and other submittal materials as specified in Section 1.06.01, the Planning Commission shall consider at a regular or special public meeting the conditional use application. ~~When, as specified in Section 1.06 the Planning Commission determines by majority vote that a public hearing is required, the Board of County Commissioners and the Planning Commission shall conduct a joint public hearing on the application, with notice of such hearing published by the applicant in a newspaper of general circulation in Huerfano County at least ten (10) days prior to the scheduled hearing date. The applicant shall also mail notification of the hearing date and subject of the hearing to a~~ All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date ~~and provide at the public hearing proof of publication, proof of payment of publication and proof of notification of adjacent property owners and notice shall be posted in a newspaper of record at least ten (10) days prior to any public~~ hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote. In addition, the applicant shall cause to have posted on the property in question, in a conspicuous location, a sign supplied by Huerfano County, stating the time, date, location and subject of the hearing. Such sign(s) shall be posted at least ten (10) days before the scheduled date of the hearing.

These public due process notification and proof of notification procedures shall apply to all ~~joint~~ public hearings conducted by Huerfano County for actions included within these regulations.

2. ~~Following the conduct~~ Upon the closing of the ~~public meeting or the public hearing, meeting,~~ the Planning Commission shall make a recommendation on the application for a conditional use ~~approval~~ to the Board of County Commissioners, recommending approval, denial or conditional approval. The Planning Commission shall forward its recommendation and any records of the hearing to the Board within ten (10) working days of its action.

Within thirty (30) days of receiving such materials the Board of County Commissioners shall consider the recommendation at a regular or special session of the Board and shall act to approve, deny or conditionally approve the application, including notice whether there shall be a time period for review of compliance with any approval conditions. ~~The Board of County Commissioners shall also provide the Planning Commission with notification of the action taken.~~

3. When ~~Planning Commission, as decided upon by majority vote, in the judgment of the~~ a conditional use application has a potential impact on any of the referral agencies listed in 8.04.01 (4), requires referral

~~review and comment by any agency, organization, governmental entity or person or persons, the Planning Commission may so cause the application materials or any portion thereof to be submitted~~ staff will route the application for referral review and comment. The referral review and comment period shall be for a period of time of up to thirty (30) days from the date ~~materials are received for review that the Planning Commission so decides upon the need for such referral before the date of the conduct of the public meeting or public hearing.~~

1.18 Rezoning

1.18.01 General Information

Applications to rezone or change the zoning classification of a parcel or parcels of land shall be treated as proposed amendments to this zoning regulation and such applications also shall comply with the common procedures described in these regulations. Applications for rezoning shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials and by the necessary filing fees.

Process:

- ~~1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting/public hearing~~ public meeting with PC and prepares staff report →
- ~~2. PC public hearing~~ meeting and recommendation
- ~~3. Noticing for public hearing →~~
- ~~1-4. BOCC public hearing and decision. Changes to the text of the zoning regulations are addressed in, The Amendment Process.~~

1.18.02 Special Rezoning Requirements and Provisions

All listed owners of record of adjacent properties shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date ~~and provide at the public hearing proof of publication, proof of payment of publication and proof of notification of adjacent property owners and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing.~~ The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote. ~~Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment to the Planning Commission before said hearing may take place. Applicants will be billed by the county for costs associated with public noticing.~~

In addition, the applicant shall also post notice on the property for which the rezoning is requested at least ~~thirty (30)~~ ten (10) days prior to a public hearing scheduled before the Planning Commission ~~or~~ and indicating information on the public hearings scheduled with both the Planning Commission and the Board of County Commissioners. ~~S~~ Applicant shall post notice on the property; such notice shall follow a form prescribed by the County and shall consist of at least one sign facing each adjacent public right-of-way. Such signs shall measure at least three (3) feet by four (4) feet, the size of all letters shall be at least two (2) inches high and the signs shall be erected on posts no less than four (4) feet nor more than six (6) feet above ground level. ~~The applicant shall also mail a W~~ ritten notice of said hearing(s) shall be sent by registered mail, return receipt requested, at least ~~fifteen (15)~~ ten (10) days prior to a Planning Commission or Board of County Commissioners hearing date to owners of record of all property adjacent to the property proposed for rezoning. The notice shall include a vicinity map, a short narrative describing the current zoning, the proposed rezoning and the nature of the proposed land use change along with announcement of the date, time and location of the scheduled hearing.

Rezoning applications may be initiated by any citizen or group of citizens, association, partnership or corporation owning or leasing property or residing in Huerfano County or by a representative or agent with written power of attorney from one of the above parties to initiate the application. The Board of County Commissioners and the Huerfano County Planning Commission may also initiate a rezoning.

1.18.03 Submittal Requirements

Applications for rezoning shall include a Letter of Intent and a Site Plan providing the information required in Section 1.06.01 for a conditional use review. Additionally, the following items shall be submitted with an application: ~~In addition, applicants shall supply the following supplemental information and such additional information and documentary material as the Planning Commission shall reasonably stipulate by majority vote:~~

Required attachments:

1. The source and quantity of water required for the proposed use(s) within the area to be rezoned.
2. The method of wastewater treatment and anticipated quantity of wastewater generated.
3. When water or wastewater service would be provided by a municipality or a water or sanitation or water and sanitation district or other public entity, written confirmation that the public entity in question is willing and able to provide the service in question.
4. A description of any natural or man-made hazard within or in the vicinity of the land proposed for rezoning and a statement describing how the anticipated impact of such hazards will be mitigated.
5. A legal description of the property to be rezoned.
6. A vicinity map showing to scale the proposed area to be rezoned in relationship to the surrounding area within a distance of two (2) miles from the boundaries of the proposed rezoning.
7. A graphic description of all natural and manmade water courses, retention areas, streams, lakes and known one hundred (100) year flood plains on or adjacent to the property along with all areas in the proposed rezoning with a slope of twenty (20) percent or greater.
8. A description of any critical wildlife habitat and migration corridors and unique natural features, such as historical sites, unique land forms or scenic vistas contained within the land proposed for rezoning.
9. Explanation of how proposal is consistent with the Comprehensive Plan.
10. Any additional information requested by staff or Planning Commission.

1.18.05 Criteria for Action on a Rezoning Application

All actions by the Planning Commission in reviewing and making recommendations on a rezoning application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically ~~on the criteria contained in Section 1.06.03, Criteria for Action on a Conditional Use Application, and also~~ on the following additional criteria:

1. That the existing zoning district is consistent with the goals, objectives and policies of Huerfano County, as contained in the County Comprehensive Plan [and other adopted planning documents](#).
2. That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest to encourage different densities or uses within the land in question.
3. That the proposed rezoning is needed to provide land for a demonstrated community need or service.

In any petition for rezoning, the petitioner shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the Board of County Commissioners to rezone any land within unincorporated Huerfano County or otherwise amend this zoning regulation for any reason consistent with the health, welfare or safety of the residents of Huerfano County.

2.09 SUBMITTAL REQUIREMENTS FOR PROPOSED SUBDIVISIONS

Applications for approval of a subdivision shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. The Planning Commission may, at its discretion and upon written application by an applicant, waive any of these items not required by the laws of the State of Colorado, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate an application for a subdivision.

Process Summary:

One ~~Two~~ public hearing for each phase – Sketch Plan, Preliminary Plan, and Final Plat:

1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting with PC and prepares staff report
2. PC public meeting ~~hearing~~ and recommendation
3. Public Noticing
4. BOCC public hearing and decision

Public Notice: Public noticing requirements shall apply for each public hearing involved in the subdivision process. At least ten (10) days prior to public hearings for the Sketch Plan, Preliminary Plan and Final Plat, the County shall send notice to property owners by certified mail and to listed physical addresses by regular mail to properties within 1320 feet of the boundaries of the proposed subdivision for properties zoned Agricultural, or 500 feet for properties in all other zones; This distance provision may be expanded up to twenty-five hundred (2,500) feet, or to include identified properties that have the potential to be impacted by the proposal –by majority vote of the Planning Commission in the case of large subdivisions and when other special circumstances so warrant.

2.09.02 Preliminary Plan/General Submission

The preliminary plan shall incorporate all modifications of and changes to the sketch plan agreed to by the applicant, the Planning Commission and the Board of County Commissioners. The purpose of a preliminary plan is to review the proposed subdivision in the context of the technical requirements, design standards and improvement requirements of Huerfano County and the various other terms and provisions of these regulations to ensure the compatibility of the proposed subdivision with these considerations and with the current and anticipated or desired future land use patterns within and in the vicinity of the proposed subdivision. Detailed review of a preliminary plan at the general submission stage provides

further evidence of compliance or lack of compliance of the proposed subdivision with the comprehensive plan and other provisions of State & Local Regulations, along with the policies and plans of other public and quasi-public agencies in Huerfano County.

Preliminary plans shall be prepared by appropriately qualified persons in a clear and legible manner on reproducible stock in a manner acceptable to the Planning Commission and at a scale of one (1) inch to one hundred (100) or two hundred (200) feet or another scale approved by the County Planner. In the case of large proposed subdivisions requiring more than one sheet at such scale, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted.

Preliminary plans approved by the Board of County Commissioners shall remain valid for one (1) year following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

A preliminary plan shall require the following information:

1. The name(s) and address(es) of the property owner(s) and of the applicant(s), if other than the owner(s), and the person(s) preparing the preliminary plan submittal materials.
2. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.
3. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the state of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.
4. The name or identifying title of the proposed subdivision.
5. The date of preparation of the preliminary plan, a north arrow and a written and graphic scale.
6. An accurate legal description of the property included within the proposed subdivision and the total acreage of the proposed subdivision.
7. The location of the proposed subdivision as a part of a larger subdivision, if any, and with reference to permanent survey monuments with a tie to a section or a quarter-section corner.
8. A location map showing the relationship of the proposed subdivision to the characteristics of the surrounding area along with the names of adjacent subdivisions and the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
9. A list from the County Assessor's office of current property owners of record and their complete mailing address as well as physical addresses for properties within five hundred (500) feet of the boundaries of the proposed subdivision. At the Planning Commission's discretion, this can be expanded to 1,320 feet and to include other properties likely to be impacted. ~~This distance provision may be expanded up to twenty five hundred (2,500) feet, or to identified properties that have the potential to be impacted by the proposal, by majority vote of the Planning Commission in the case of large subdivisions and other special circumstances that so warrant. The County shall send notices by certified mail with return receipt, to listed property owners, and letters by regular mail to physical addresses on listed properties at least ten (10) days prior to a public hearing.~~
10. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.
11. Site data in chart form presenting the total number of proposed residential lots, the net size of the average (mean) lot, minimum lot size, maximum lot size, the types of land use proposed and the area of land proposed for each such land use.
12. The proposed sites, if any, for multi-family residential use, business use, commercial and industrial areas and other public and non-public uses exclusive of single family residential areas within the proposed subdivision.

13. The total number of projected square feet of non-residential floor space to be included within the proposed subdivision.
14. The current zoning districts on the site and any zoning changes to be requested.
15. The location and principal dimensions of all existing and proposed streets, alleys, roads, easements, off-street parking areas, watercourses, streams, ponds and other significant features of the natural and manmade landscape within and adjacent to the proposed subdivision. Such features should be labeled by their proper names, when such names exist or are known, and the use of all should be clearly shown. All streets and access easements must have proposed names for addressing according to the County's emergency systems. All roads & access names must be approved in writing by the Huerfano County Land Use Department before the final plat is submitted.
16. The location and current and proposed future uses of all buildings and other structures in and within one hundred (100) feet of the boundaries of the proposed subdivision.
17. A lot and street layout with lots and blocks numbered consecutively with the dimensions of all lots to the nearest foot and the acreage in each lot displayed.
18. The location of and preliminary engineering from any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants and the sizes and types thereof, along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all under-ground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.
19. The preliminary engineering design and construction features for any bridges, culverts or other drainage structures to be constructed.
20. The topography of the proposed subdivision at two (2) foot contour intervals for predominant ground slopes up to five (5) percent grade and five (5) foot contours for predominant ground slopes within the site that are over five (5) percent grade. Upon request of and at the discretion of the County Planner, alternate contour intervals can be used for all or part of a site where special slope or other conditions prevail. Elevations shall be based on National Geodetic Survey sea level data.
21. The delineation of any known identified or designated areas where a flood statistically has a one (1) percent chance of occurring in any given year and localized areas subject to periodic flooding. Mitigation measures, if any, proposed to overcome the consequences of periodic inundation shall also be included in the submission. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.
22. The delineation of the geological characteristics of the area with evidence regarding the extent and intensity of any geological, radiological, seismic or other related hazards within or in close proximity to the proposed site. Mitigation measures, if any, proposed to overcome such geological, radiological, seismic or other hazards shall also be included in the submission.
23. Soil suitability and interpretation information developed from National Cooperative Soil Survey data and accompanied by a table of interpretation for the soil types shown on the soils map or equivalent qualified private research sources, along with a narrative description of the mitigating measures, if any, proposed to overcome soils limitations present on the site of the proposed subdivision.
24. Preliminary drainage, erosion and sedimentation control plans, as required.
25. Delineation of the type and extent of vegetative cover on the site.
26. All areas to be reserved for community or public uses and all areas to be dedicated to Huerfano County along with any other areas to be used for open space and a statement describing how such reserved, dedicated and open space lands shall be maintained.
27. Preliminary copies of the protective covenants to be filed with the final plat.
28. Evidence that the proposed system for the disposal of sewage will comply with State of Colorado and regional health department statutes, regulations and design requirements and that the proposed method is both technically feasible and environmentally sound. The peak capacity of the sewage treatment system shall be provided if a centralized collection and treatment system is proposed.
29. Evidence from the Colorado Division of Water Resources that the proposed system for the supply of potable water would be sufficient in terms of quantity, quality, dependability and pressure to provide adequate water supply to the proposed subdivision. The peak capacity of the proposed water supply system shall be provided if a centralized distribution system is proposed.

30. Where water supply or sewage collection and treatment is to be provided by an already existing centralized system, a letter of preliminary commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed subdivision and that the owners of the system are willing and able to provide the proposed water supply or sewage collection and treatment services.

31. Information regarding the relationship of the proposed location of the subdivision to any critical wildlife habitat and wildlife migration corridors and proposed mitigation measures to preserve such habitat and corridors and measures to be employed to reduce the impact of future human settlement on such wildlife habitat and migration corridors.

32. Information regarding the relationship of the proposed location of the subdivision to any historical or archeological resources and proposed mitigation measures to preserve such resources and measures to be employed to reduce the impact of future human settlement on these historical and archeological resources.

33. A preliminary development schedule for required and proposed improvements, including the estimated construction cost and the proposed method(s) of financing.

34. A discussion of any special districts that would be created wholly or partly within the proposed subdivision, listing the proposed boundaries of the service district and what services it would provide.

35. A preliminary phasing plan when the proposed subdivision would be developed in more than one phase.

36. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request. ~~Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the preliminary plan.~~

~~2.09.02 (36) & 2.09.03 (25) preliminary and final plat submittals. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request. t. review and act upon the preliminary plan to.~~

2.09.02 Preliminary Plan/General Submission

...

Preliminary plans approved by the Board of County Commissioners shall remain valid for ~~one (1) year~~ eighteen (18) months following the date of their approval, unless an extension of up to one (1) additional year is granted by the Board of County Commissioners, upon submission of a written request for such extension by the applicant, prior to the expiration of the initial preliminary plan. Any preliminary plan submitted for a proposed subdivision for which the previous preliminary plan approval has expired shall be considered a new preliminary plan and shall require a new application and filing fee.

...

2.09.03 Final Plat/Final Submission

...

Final plats shall be submitted to the Planning Commission for action within eighteen (18) months after the date that a preliminary plan for the same proposed development was granted approval by the Board of County Commissioners, except that one extension of up to an additional eighteen (18) months may be granted by the Board of County Commissioners upon the submission of a written request for such extension by the applicant prior to the expiration of the initial eighteen (18) month period. Failure to submit an acceptable final plat within this allowable time period or extension period, if granted, shall require that an applicant resubmit a preliminary plan with the appropriate filing fees and associated materials.

...

2.14 AMENDMENTS TO APPROVED AND RECORDED PLATS

The re-subdivision of land or substantial changes to a recorded plat shall be considered a subdivision or the subdivision of land and shall be subject to the subdivision and other applicable provisions of these regulations. Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included ~~within an overall site~~ within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein. If more than three new lots are created, Staff analysis of impact and recommendation on whether it should be an amendment or subdivision to PC for determination on how to treat the application.

Referral agencies: HOA/POAs, Utilities, Fire Dept, and other agencies reasonably expected to be impacted as determined by staff, Planning Commission or County Commissioners.

2.14.01 Procedures for Amendment

Process Summary:

1. If more than three new lots are created, PC recommendation on whether to treat application as subdivision or plat amendment. ⇐
2. Full application submitted; Staff determines completeness, routes to relevant referral agencies and schedules public meeting/public hearing with PC and prepares staff report→
3. PC public hearingmeeting and recommendation →
4. BOCC public meetinghearing and decision

Applicants wishing to amend an approved and recorded plat shall submit to the Planning ~~Commission~~ Department an application on a form supplied by the County, the appropriate submittal materials and the required filing fees. Applications to amend an approved and recorded plat shall be reviewed by the Planning Commission following the submission of the required materials. Upon closing the public meeting, the Planning Commission shall make a recommendation on the application for the amendment of an approved and recorded plat and transmit the application to the Board of County Commissioners for a decision. The Board of County Commissioners shall consider the application at a regularly scheduled meeting following, ~~at their discretion, the submission of the application to any appropriate review agencies and interested parties,~~ and the decision of the Board shall be recorded in the minutes of the meeting and transmitted in writing to the applicant. Applications that are denied by the Board of County Commissioners shall result in a statement to the applicant giving the reason for the denial.

2.14.02 Submission Requirements

Submission requirements for an application to amend an approved and recorded plat include a completed application, the appropriate filing fees and the following items:

1. Proof of ownership of the lot(s), parcel(s) or subdivision plat to be amended and evidence that the applicant, if not the owner, has full legal authority to act on behalf of the owner.
2. A copy of the approved and recorded final plat along with drawings done to the same scale as the recorded final plat indicating the amendment(s) proposed to be made to the approved and recorded plat. The drawings submitted with the recorded final plat shall meet all requirements for the preparation of a final plat and be suitable for recording in the office of the County Clerk and Recorder. The drawings shall also show the location of all structures, streets, rights-of-way and easements within the area of the proposed plat
3. A narrative statement describing the proposed changes to the approved and recorded final plat and providing an explanation of why the proposed changes should be approved by the Planning Commission and the Board of County Commissioners. Included with the narrative statement shall be the acreage or square footage of all lots before and after adjustment, a legal description of each lot ~~before and after adjustment~~ and a statement of the current zoning of all portions of the plat to be amended.
4. Applications for amendment of an approved and recorded plat submitted to correct minor surveying or drafting errors shall be accompanied by an affidavit by a Colorado licensed land surveyor attesting to the changes that have been made in the previously approved and recorded final plat.
5. The Planning Commission may, at its discretion and upon written request by an applicant, waive any but not all of these submission items listed above, and the Planning Commission may also, at its discretion, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for a plat amendment submitted to it. The Planning Commission may also submit the application for review to such referral agencies and interested parties as it reasonably sees fit.

2.15 VACATION

2.15 VACATING OF APPROVED AND RECORDED PLATS, ROADS OR EASEMENTS

Applicants may apply for the vacating of any plat, road, easement or portion thereof so long as the plat, road, easement or portion thereof has been filed and recorded in the office of the Huerfano County Clerk and Recorder.

Process Summary:

Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting /public hearing with PC and prepares staff report

1. PC public meetinghearing and recommendation
2. Public Notices go out (If public hearing requested for lot consolidation)
3. BOCC public hearing and decision (public hearing optional for lot consolidations).

2.15.01 _____Procedures for Vacating Plats, Roads and Easements

1. Applications to vacate approved and recorded plats, roads, easements or portions thereof shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials listed in 2.15.02. and by the necessary filing fees. Copies of the vacating submittal materials shall be submitted to the school district and any other special purpose districts in which the proposed vacating is located along with all utility companies and municipalities potentially affected by the proposed vacating. Additional referral agencies may be contacted by the Planning Commission, at its discretion. All referral agencies shall be allowed a review period, or the extension period shall be deemed an approval by referral agencies, twenty-one (21) days from the receipt of the referral materials to report their findings and/or recommendations to the County, and an additional twenty-one (21) day extension period with the approval by a majority vote of the Planning Commission. Failure to respond within the original review period or the extension period shall be deemed a de facto approval by referral agencies.

2. At least ten (10) days prior to a joint public hearing scheduled before the Planning Commission and the Board of County Commissioners to consider a vacating application, a notice of the joint public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place.

3. Notice: All listed owners of record of properties within 1,320 feet in the Agricultural Zone District, or of adjacent properties in other zones, as well as all identified mineral estate owners identified, shall be notified by certified mail and all registered addresses in the same radius shall be notified by regular mail at least ten (10) days prior to the scheduled hearing date and notice shall be posted in a newspaper of record at least ten (10) days prior to any public hearing. The Planning Commission may expand notification requirements to include identified properties that have the potential to be impacted by the proposal, by majority vote. ~~At least ten (10) days prior to a joint public hearing scheduled before the Planning Commission and the Board of County Commissioners to consider a vacating application, a notice of the joint public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment for publication with the Planning Commission before said hearing can take place. Applicants will be billed by the county for costs associated with public noticing.~~

~~In addition, the applicant County shall also mail a written notice of said hearing(s) or meeting(s) by certified or registered mail, return receipt requested, at least ten (10) days prior to the Planning Commission hearing date to owners of record of all property adjacent to or within the property where the proposed vacating is located and to owners of record of all property located within five hundred (500) feet of the boundaries of the property in question.~~ Pursuant to C.R.S. § 24-65.5-103 (2) (a) The applicant shall identify the mineral estate owners entitled to notice pursuant to this section by examining the records in the office of the County Tax Assessor and Clerk and Recorder. The notice shall include a vicinity map, a short narrative describing the proposed action and an announcement of the date, time and location of the scheduled hearing.

4. Applications for vacating shall be processed as a final submission except as otherwise provided for in this Section 2.15.

Applications for vacating may be initiated by:-

~~03.~~ ~~T~~the owner of record or duly authorized agent of any owner of record of any approved and recorded plat or easement. ~~01.~~ The Board of County Commissioners and

~~02. The~~ Huerfano County Planning Commission may also initiate a vacation of land.

3.07 SUBMITTAL REQUIREMENTS FOR PROPOSED PUDS

Applications for a PUD approval shall include, in addition to a completed application on a form provided by Huerfano County and the appropriate filing fees, the following items. ~~Staff The Planning Commission~~ may, at its discretion and upon written application by an applicant, waive any but not all of these items. The Planning Commission may ~~also~~, by majority vote, add such submission items as it deems necessary and appropriate to evaluate and recommend upon any application for the issuance of a PUD approval.

3.08 PROCESSING PROCEDURES FOR SUBDIVISION AND NON-SUBDIVISION PUDS

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies, schedules public meeting with PC and prepares staff report→
2. PC public ~~hearing~~ meeting and recommendation
3. Schedule and post notices for BOCC public hearing-
4. BOCC public hearing and decision

The review and processing procedures for non-subdivision PUD development plans shall be as specified in the County's Common Land-use Procedures and Requirements for Preliminary Submission, of these regulations. In the event that a conflict or inconsistency exists between the procedures and requirements contained the County's Common Land-use Procedures and in these regulations, the procedures contained herein in these PUD regulations shall prevail.

Section 12 Submittal Copies

Repeal Section

14.04 SIGN PERMIT PROCEDURES

Applications for sign permit shall be made to the County Building Inspector who shall, except as specified otherwise herein, administer this sign code. Upon payment of the required application fee and the submission of the required application materials, the County Building Inspector shall decide, on the basis of the provisions contained herein, whether to issue a sign permit, whether to deny the permit.

14.04.01 Submittal Requirements

Applications for a sign permit shall include, in addition to the application fee and an application on a form supplied by Huerfano County, a legibly done rendering, in ink, fully dimensioned, showing the sign message and a site plan showing the location, setbacks, height, construction materials and sign are of all proposed signs and sign alterations. ~~For signs not expressly included within the scope of this code, The Planning Commission will review the application at a public meeting and may, at its discretion, and by majority vote, require additional information for sign applications submitted to it for review.~~

14.04.02 Permit Issuance by the County Building Inspector

Sign permit applications meeting the requirements contained herein shall be approved by the County Building Inspector so long as such applications do not expressly require Planning Commission approval [as described in 14.04.03.](#)

Sign permit applications failing to meet the requirements contained herein shall be denied by the County Building Inspector.

14.04.03 Permit Review, Denial and Issuance by the Board of Adjustment ~~and the Planning Commission~~

Any person denied a sign permit by the County Building Inspector may ~~seek a variance by~~ appealing that decision to the Board of Adjustment within sixty (60) days of the denial. ~~The Planning Commission shall review all sign applications for signs not otherwise expressly included within the scope of this code. For~~ sign code appeals and the applications brought before them, the board of Adjustment ~~and the Planning Commission~~ shall base their actions on the following criteria:

1. ~~That there exists a clear and reasonable need for the sign at the proposed location.~~ That the location, character and other features of the proposed sign are consistent with the applicable provision of these regulations, or that the proposed sign poses no significant nuisance.
2. ~~That the type, style, size and other characteristics of the proposed sign are consistent with the character of the proposed location.~~ That the sign doesn't contain any profanity, vulgarity or hate speech or other non-protected speech.
3. ~~That the benefits that the sign would provide to residents of Huerfano County and the motoring public outweigh any esthetic or other negative impacts of the proposed sign.~~
4. ~~That the location, character and other features of the proposed sign are consistent with the applicable provision of these regulations.~~ That the proposed sign poses no significant nuisance.
- ~~That the sign doesn't contain any profanity, vulgarity or hate speech or other non-protected speech.~~

Marijuana Conditional Use Permits 18.

Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules public meeting with PC and prepares staff report
2. PC public meeting and recommendation
3. Public Noticing
4. BOCC public hearing and decision

18.04.01 Time of application and operation.

18.04.01.01 Annual Compliance Reviews shall be performed by the ~~Building Department~~ Board of County Commissioners, or its designees, and no later than 30 days following the anniversary date of the issuance of a Commercial Building Permit.

18.04.02.03 When determined necessary by the Building Inspector, Commercial Marijuana Facilities shall be equipped with an automatic fire sprinkler system, meeting the commercial building standards adopted by Huerfano County at the time of construction.

~~Consider adding a county licensing process in addition to CUP process in order to improve ongoing oversight with annual renewal requirements.~~

18.06 FEES

18.06.01 Initial Review Fee: \$400, non-refundable.

Fee shall be paid when the application is submitted to the Land-Use Department.

18.06.02 Application Fee: \$1,300, non-refundable. Operating Fee: \$10,000 Fees shall be paid prior to the Planning Commission's completeness review. This operating fee shall be utilized by Huerfano County to cover any costs to the County associated with the review and enforcement of said Conditional Use Application or Permit. This fee may include, but shall not be limited to, outside review agencies, staff inspections & enforcement, and professional services. Staff expenses related to CUP and inspections not limited to those related to any actual or perceived violation. Subject to forfeiture in the event that the terms of the CUP are violated. Can be used to cover the cost of any fines assessed to CUP holder. Following the first or any subsequent annual compliance reviews, the Applicant may request a reimbursement of any unused operating fees.

RESOLUTION NO. 22 - 45

THE BOARD OF COUNTY COMMISSIONERS OF HUERFANO COUNTY, COLORADO

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A COMMUNITY IMPACT PROGRAM FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE COMPLETION OF CUCHARA MOUNTAIN PARK REVITALIZATION AND ENHANCEMENT PROJECT

WHEREAS, the Huerfano County Board of County Commissioners supports the Great Outdoors Colorado grant application for the Cuchara Mountain Park Revitalization and Enhancement Project; and,

WHEREAS, if the grant is awarded, the Huerfano County Board of County Commissioners supports the completion of the project; and,

WHEREAS, Huerfano County has requested \$847,200 from Great Outdoors Colorado for improvements related to skiing and tubing as well as related operational expenses.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Huerfano County, Colorado that:

- Section 1: The Huerfano County Board of County Commissioners strongly supports the application for a grant with Great Outdoors Colorado.
- Section 2: If the grant is awarded, the Huerfano County Board of County Commissioners strongly supports the fulfillment of the project.
- Section 3: If the grant is awarded, the Huerfano County Board of County Commissioners hereby authorizes the County Administrator to sign the grant agreement with Great Outdoors Colorado.
- Section 4: If the grant is awarded, the Huerfano County Board of County Commissioners authorizes the appropriation of funds necessary to meet the terms and obligations of the grant agreement.
- Section 5: The project site is owned by Huerfano County and will be owned by Huerfano County for the next 25 years.
- Section 6: The Huerfano County Board of County Commissioners recognizes that as a recipient of a Great Outdoors Colorado funding the improvements funded in this project must continue to be open available to the public for the next 25 years.

Section 7: This resolution will be in full force and effect from and after its passage and approval.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22 - 46**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION TO REPEALING RESOLUTION 17-14 AND SUNSET THE
CUCHARA MOUNTAIN PARK ADVISORY COMMITTEE**

WHEREAS, C.R.S. § 30-11-107 authorizes the Board of County Commissioners to establish any such office that in its judgement may be required for the efficient management of the business and concerns of the county; and,

WHEREAS, the Board of County Commissioners has determined that the establishment of certain boards and committees are necessary to help protect the best interests of the County's inhabitants and to promote the health, safety, prosperity, security, and general welfare of the County; and,

WHEREAS, the Board of County Commissioners created the Cuchara Mountain Park Advisory Committee with Resolution 17-14; and,

WHEREAS, the Board of County Commissioners has entered into a memorandum of understanding with the Panadero Ski Corporation to operate the Parker Fitzgerald Cuchara Mountain Park; and,

WHEREAS, the Board of County Commissioners has determined that the County no longer requires an advisory board for the Park; and,

WHEREAS, the Board of County Commissioners desires to thank residents that have served on the Cuchara Mountain Park Advisory Committee and recognize their work toward making the Park an asset for every Huerfano County resident.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Huerfano County, Colorado that Resolution 17-14 is hereby repealed effective at the end of the day on December 31, 2022.

BE IT FURTHER RESOLVED that at the time the resolution is repealed the Cuchara Mountain Park Advisory Committee is dissolved and all terms of current members will expire.

BE IT FURTHER RESOLVED that the Board of County Commissioners issues its thanks and gratitude to the current and former members of the Cuchara Mountain Park Advisory Committee for their service to Huerfano County.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of
DECEMBER 2022.

Item 7e.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22-47**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION TO ADOPT THE HUERFANO COUNTY SECURE
TRANSPORTATION SERVICE LICENSING REGULATIONS**

WHEREAS, pursuant to C.R.S. §§ 30-11-101, 30-11-103, and 30-11-107 (1), the Board of County Commissioners of Huerfano County, Colorado (“Board”) has the legislative authority to adopt and enforce resolutions and regulations regarding the public health, safety, and welfare as prescribed or authorized by law; and

WHEREAS, House Bill 21-1085, adopted in June 2021, created a regulatory and service system to provide public or private secure transportation services to individuals experiencing a behavioral health crisis; and,

WHEREAS, the Bill directed each county’s Board of County Commissioners to implement a program, including issuing licenses and vehicle permits for such transports, processing complaints and enforcement of the rules associated with the program; and,

WHEREAS, the Bill directed each county to have such a program in place by January 1, 2023; and,

WHEREAS, C.R.S. §§ 25-3.5-309 through 25-3.5-313 authorize the Board to adopt rules and regulations governing the licensing of secure transportation services in Huerfano County; and

WHEREAS, the Board find that it is in the best interest of the public health, safety, and welfare to adopt such rules and regulations for the licensing of secure transportation services and the permitting of vehicles used to provide secure transportation services.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Huerfano County, Colorado that the following are hereby adopted:

Section 1. Title.

This resolution shall be known and referred to as the “Huerfano County Secure Transportation Licensing Regulations”

Section 2. Purpose and Authority.

1. It is the policy of the Huerfano County Board of County Commissioners that all providers of secure transportation services and the vehicles used for secure transportation services comply with local and state laws and regulations, specifically C.R.S. §§ 25-3.5-103, 25-3.5-309, 25-3.5-310, 25-3.5-311, and 25-3.5-313 as well as 6 CCR 1011-4.
2. The purposes of these Regulations are to set forth requirements for the inspection, licensing, and operation of secure transportation services in Huerfano County pursuant to state law, establish the structure and authority for regulatory

oversight, and provide for the development, operation, and monitoring of high-quality secure transportation services in Huerfano County.

Section 3. Incorporation of State Regulations.

The Colorado Board of Health has adopted state standards and regulations for the licensing and operation of secure transportation services pursuant to its authority under C.R.S. 25-3.5-311. These State Standards are found at 6 CCR 1011-4 and attached hereto as Appendix A, and portions of them are incorporated into these Regulations as specifically identified herein. Any future amendments to the State Standards are automatically incorporated herein by reference without the need for additional action by the Board. The State Standards and any future amendments thereto can, as of the date these Regulations are adopted, be found online on the Colorado Secretary of State's Website.

Section 4. Definitions.

The definitions set forth in Part 2 of the State Standards, as may be amended from time to time, shall apply to this Policy and procedures, unless the context clearly requires a different meaning. One definition of particular relevance is "secure transportation" or "secure transportation services", which shall mean urgent transportation services provided to individuals experiencing a behavioral health crisis and includes:

1. An individual being transported from the community to a facility designated for treatment and evaluation;
2. An individual in need of services from any location to an approved treatment facility, or a walk-in crisis center that is operating as part of a behavioral health crisis response system; or
3. An individual who is receiving transportation across levels of care or to a higher level of care.

"Secure transportation" does not include urgent transportation services provided by law enforcement or personnel employed by or contracted with a law enforcement agency.

Section 5. License and Permits Required.

1. No person or entity shall provide secure transportation service based in Huerfano County unless it holds a valid license and permits issued by Huerfano County.
2. A licensed secure transportation service must obtain a permit issued by Huerfano County for each vehicle used to provide secure transportation services.
3. The following entities, as identified in Part 3.2 of the State Standards, may provide secure transportation services based in Huerfano County without obtaining a secure transportation license:
 - a. Ground ambulance agencies licensed pursuant to § 25-3.5-301, C.R.S.
 - b. Transportation services provided by the Office of Behavioral Health within the Colorado Department of Human Services.
 - c. Emergency service patrols established pursuant to § 27-81-115, C.R.S.
 - d. Law enforcement.

Section 6. License Types.

Two types of secure transportation licenses are available.

1. Class A: for secure transportation services that may use physical restraint during secure transport pursuant to the parameters set forth in Part 8.3 of the State Standards.

2. Class B: for secure transportation services that shall not use physical restraint during secure transport.

Section 7. Permit Types.

Two types of secure transportation vehicle permits are available.

1. Type 1: for vehicles with a safety partition that separates the driver from the passenger compartment.
2. Type 2: for vehicles without a safety partition that separates the driver from the passenger compartment.

Section 8. License Applications.

1. A person or entity owner shall obtain a secure transportation license prior to beginning operations and upon change of ownership. Licenses are not assignable or transferable.
2. A license applicant shall submit the following information and items in applying for a new license:
 - a. A completed application.
 - b. The license application fee.
 - c. A copy of the secure transportation service's written policy and procedures manual, including its policy regarding staff member background checks.
 - d. A copy of the secure transportation service's operational and medical protocols, which must comply with Part 8 of the State Standards.
 - e. A copy of the secure transportation service's training procedures, which must comply with Part 7.7 of the State Standards, and proof of completion of the required orientation and training by relevant staff.
 - f. Attestation that the Manager and the Administrator, who may be the same person, meet the requirements of Part 7.1 of the State Standards.
 - g. A copy of the secure transportation service's written client rights and related policies and procedures, which must comply with Part 9 of the State Standards.
 - h. A copy of the secure transportation service's quality management plan, which must comply with Part 10 of the State Standards.
 - i. Documentation of minimum vehicle insurance coverage as defined by § 10-4-609 and 42-7-103(2), C.R.S. with Huerfano County identified as the certificate holder.
 - j. Documentation of a minimum level of worker's compensation consistent with the Colorado Worker's Compensation Act in Articles 40-47 of Title 8, C.R.S., as applicable.

Section 9. Permit Applications.

1. A licensed secure transportation service must obtain a vehicle permit prior to placing the vehicle into service. Permits are not assignable or transferable.
2. A licensed secure transportation service shall submit the following information and items when applying for a vehicle permit.
 - a. A completed application.
 - b. The permit application fee.
 - c. Proof of compliance with Federal Motor Vehicle Safety Standards on the date of manufacture pursuant to Part 3.3 (A)(10) of the State Standards.

- d. Proof of routine vehicle maintenance and periodic checks, as of the date of application, in accordance with manufacturer recommendations.
3. Upon receipt of the items listed in section 9.2. above, the County shall schedule an inspection of the vehicle, which must be completed before issuance of a vehicle permit.

Section 10. Issuance and Renewal of License and Permits.

1. Upon receipt of all required documents and fees and completion of required vehicle inspections, license and permit applications shall be scheduled for a hearing before the Board. The Board shall approve license and permit applications upon making the following findings:
 - a. All submitted documentation demonstrates compliance with the State Standards and these Regulations.
 - b. All vehicles sought to be permitted comply with the State Standards and these Regulations.
 - c. The secure transportation service Manager, Administrator, and personnel meet the requirements set forth in the State Standards and these Regulations.
2. If the Board denies a license or permit application, it shall advise the applicant in writing of the reasons for the denial.
3. Secure transportation service licenses shall be valid for a period of three (3) years.
4. Secure transportation vehicle permits shall be valid for a period of one (1) year.
5. An application to renew a license or vehicle permit must be submitted no later than thirty (30) days prior to expiration of the license or vehicle permit. License and vehicle permit renewals shall follow the same requirements and procedures as new applications.

Section 11. Operational Requirements.

1. Each licensed secure transportation service shall at all times operate in compliance with applicable state law, State Standards, and these Regulations.
2. Each licensed secure transportation service shall comply with the data collection and reporting requirements set forth in Part 6 of the State Standards.
3. Secure transport clients may only be transported by a licensed secure transportation service under the circumstances described in Part 8.1 of the State Standards.
4. Each licensed secure transportation service shall have an ongoing quality management program (QMP) that is appropriate to the size and type of service. The QMP shall incorporate a plan that evaluates the quality of client care and safety and includes, at a minimum, the policies and procedures described in Part 10.1 of the State Standards.

Section 12. Staff and Training Requirements.

1. Each licensed secure transportation service must have a manager and administrator who meet the minimum qualifications set forth in Part 7.1 of the State Standards. The manager and administrator may be the same person.

2. A licensed secure transportation service must notify the County in writing of changes regarding the manager or administrator of record within fourteen (14) days of such change.
3. Each licensed secure transportation service must meet the staffing requirements set forth in part 7.6 of the State Standards.
4. Each licensed secure transportation service shall ensure that its staff with direct client contact has completed the training requirements set forth in Part 7.7 of the State Standards.

Section 13. Complaint and Investigation Process.

1. **Origination of Complaints:** Alleged violation of these rules by a licensed secure transportation service or of a secure transportation service operating in the County without a license, may be made in writing by any party and addressed to the Board, or by the Board on its own initiative. Any individual bringing a matter of medical competency to the Board shall waive the right of patient confidentiality as a condition of complaint submission and subsequent investigation. If any legal action is filed against a licensed secure transportation service in a court of the United States, the State of Colorado or any of its political subdivisions, the licensee shall notify the Board within ten (10) business days. A violation of these rules shall not be presumed based on the allegation. In the event that a judgment is entered against the licensee, the licensee shall file a copy of the findings of fact, conclusions of law and order of the court with the Board within ten (10) business days. If an action against a secure transportation service license is undertaken by another jurisdiction, the licensee shall notify the Board within ten (10) business days. A violation of these rules shall not be presumed based on the action. If the action results in a suspension or revocation of the secure transportation service license by another jurisdiction, the licensee shall file a copy of the record of the adverse action with the Board within ten (10) business days.
2. **Validation of Complaints:** The Board, or its designee, shall complete an initial review of the complaint, judgment or adverse action within five (5) business days to determine if it constitutes a violation of these rules and has sufficient foundation to warrant a complete investigation. Any apparent violation of these rules having sufficient factual basis shall be fully investigated by the Board. Allegations of violations outside the purview of the Board shall be returned to the complainant for referral to the appropriate authority or jurisdiction. The Board shall notify the complainant in writing if the allegation lacks sufficient basis to warrant investigation. The Board shall notify the licensee in writing if a judgment or adverse action filed with the Board does not constitute a violation of these rules.
3. **Investigation of Complaints:** The Board shall notify the complainant in writing that the allegation is sufficient to warrant a full investigation. Upon initiation of a full investigation, the Board shall notify the secure transportation service of the alleged violation in writing. The Board shall commence action against the secure transportation service or unlicensed secure transportation service if the allegation is determined to be a violation of these rules or, at its discretion, may provide a reasonable period for the licensee to cure any violation or to implement corrective measures to bring the

licensee's business activities into conformance with these rules before commencing action to suspend or revoke a license or permit. The Board may forego further hearing or action against the license or permit upon confirmation that the licensee has cured the violation and satisfied any conditions reasonably imposed by the Board. The Board shall notify the complainant in writing if an investigation determines that the allegation fails to constitute a violation of these rules or that the licensee has cured the violation.

Section 14. Procedures for Revocation or Suspension.

1. The Board may, on its own initiative or upon written complaint made by any party, temporarily suspend, suspend for a definite period, or revoke any license or permit issued pursuant to these rules upon a determination that a violation of these rules by a licensed secure transportation service has occurred.
2. **Temporary Suspension:** Without prior notice to the licensee and upon determination that a violation that poses immediate threat to the public health, safety and welfare has occurred, the Board may temporarily suspend any license or permit. Such temporary suspension shall be effective upon delivery of written notice to the licensed secure transportation service by the Board. No temporary suspension shall be valid for more than thirty (30) days or until a final decision by the Board concerning suspension or revocation, whichever period is longer. Any written notice of temporary suspension shall also provide notice of the time, date and place of a hearing before the Board to consider the suspension or revocation of the license. Except upon written consent of the licensee, the hearing shall be held not more than ten (10) business days following the effective date of the temporary suspension.
3. **Suspension for Definite Period or Revocation of License:** Following notice to the licensee and a public hearing at which the licensee shall be afforded an opportunity to be heard, the Board may suspend or revoke any license or permit. Any suspension or revocation shall require a finding by the Board of a violation of these rules based upon the evidence presented at the hearing. Suspension shall be for a specific and definite period of time not to exceed any remaining current license period. The County shall bear the burden of proof of a violation justifying any suspension or revocation of a license or permit. Issuance of a temporary suspension shall not be a prerequisite to the conduct of a hearing to consider the suspension or revocation of a license or permit.
4. **Hearings:** All suspension or revocation hearings shall be open to the public and shall be conducted in accordance with the Colorado Open Meetings Act. The Board shall be authorized to administer oaths and issue subpoenas to require the attendance of witnesses and the production of papers, books, and records necessary to the determination of any issue at any hearing.

5. **Surrender of License or Permit:** Following receipt of a written notice of suspension or revocation, the licensee shall surrender and deliver its license and all secure transportation vehicle permits to the Board within forty-eight (48) hours.

6. **Notices:** Any notice issued pursuant to these rules shall be made in writing and provided to the licensee at the address listed in the application for license. The Board shall use its best efforts to immediately notify in writing any communications center and notify within three (3) business days any first response agencies, local law enforcement agencies and medical facilities of any suspension or revocation. The Board may send notice to other counties, the Colorado Department of Public Health and Environment, Colorado Department of Regulatory Agencies, Colorado Department of Health Care Policy and Financing or other interested parties; provided, however, that such notice shall not entitle these parties to a right to participate in any hearing concerning suspension or revocation of a license.

Section 15. Fees.

All applicants are subject to the fees below unless granted a fee waiver by the Huerfano County Board of County Commissioners.

1. \$300 for new and renewal secure transportation license applications
2. \$100 for new and renewal secure transportation vehicle permits

Section 16. Severability.

If any provision of these Regulations is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22 - _____

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**RESOLUTION TO ADOPT EL PASO COUNTY SECURE TRANSPORTATION
SERVICE LICENSING REGULATIONS**

WHEREAS, pursuant to C.R.S. §§ 30-11-101, 30-11-103, and 30-11-107 (1), the Board of County Commissioners of El Paso County, Colorado (“Board”) has the legislative authority to adopt and enforce resolutions and regulations regarding the public health, safety, and welfare as prescribed or authorized by law; and

WHEREAS, C.R.S. §§ 25-3.5-309 through 25-3.5-313 authorize the Board to adopt rules and regulations governing the licensing of secure transportation services in El Paso County; and

WHEREAS, the Board find that it is in the best interest of the public health, safety, and welfare to adopt such rules and regulations for the licensing of secure transportation services and the permitting of vehicles used to provide secure transportation services.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado hereby adopts the El Paso County Secure Transportation Service Licensing Regulations, attached hereto as Exhibit A and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Board hereby adopts the following application fees, to be paid at the time of application submittal:

\$250 for new and renewal secure transportation license applications

\$100 for new and renewal secure transportation vehicle permits

DONE THIS _____ day of December, 2022 at Colorado Springs, Colorado.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

Chuck Broerman
County Clerk & Recorder

By: _____
Stan VanderWerf, Chair

EL PASO COUNTY SECURE TRANSPORTATION SERVICE LICENSING REGULATIONS

I. AUTHORITY AND PURPOSE

These Regulations are adopted pursuant to the authority granted to the Board of County Commissioners of El Paso County, Colorado (“Board”) under C.R.S. §§ 25-3.5-103, 25-3.5-309, 25-3.5-310, 25-3.5-311, and 25-3.5-313. The Board finds that the secure transportation of individuals experiencing a behavioral health crisis is a matter closely affecting the public interest and declares that it is in the best interest of the public health, safety, and welfare, and in accordance with the law, that these Regulations be adopted.

The purposes of these Regulations are to set forth requirements for the inspection, licensing, and operation of secure transportation services in El Paso County pursuant to state law, establish the structure and authority for regulatory oversight, and provide for the development, operation, and monitoring of high-quality secure transportation services in El Paso County.

II. INCORPORATION OF STATE REGULATIONS

The Colorado Board of Health has adopted state standards and regulations for the licensing and operation of secure transportation services pursuant to its authority under C.R.S. 25-3.5-311. These State Standards are found at 6 CCR 1011-4 and attached hereto as Appendix A, and portions of them are incorporated into these Regulations as specifically identified herein. Any future amendments to the State Standards are automatically incorporated herein by reference without the need for additional action by the Board. The State Standards and any future amendments thereto can, as of the date these Regulations are adopted, be found online at the following address:

[https://www.sos.state.co.us/CCR/DisplayRule.do?action=ruleinfo&ruleId=3382&deptID=16&agencyID=144&deptName=Department%20of%20Public%20Health%20and%20Environment&agencyName=Health%20Facilities%20and%20Emergency%20Medical%20Services%20Division%20\(1011,%201015%20Series\)&seriesNum=6%20CCR%201011-4](https://www.sos.state.co.us/CCR/DisplayRule.do?action=ruleinfo&ruleId=3382&deptID=16&agencyID=144&deptName=Department%20of%20Public%20Health%20and%20Environment&agencyName=Health%20Facilities%20and%20Emergency%20Medical%20Services%20Division%20(1011,%201015%20Series)&seriesNum=6%20CCR%201011-4)

III. DEFINITIONS

The definitions set forth in Part 2 of the State Standards shall apply to those terms as used in these Regulations unless otherwise provided herein.

IV. LICENSING AND PERMITTING

A. License and Permits Required.

1. No person or entity shall provide secure transportation service based in El Paso County unless it holds a valid license and permits issued by El Paso County.

2. A licensed secure transportation service must obtain a permit issued by El Paso County for each vehicle used to provide secure transportation services.
3. The following entities, as identified in Part 3.2 of the State Standards, may provide secure transportation services based in El Paso County without obtaining a secure transportation license.
 - a. Ground ambulance agencies licensed pursuant to § 25-3.5-301, C.R.S.
 - b. Transportation services provided by the Office of Behavioral Health within the Colorado Department of Human Services.
 - c. Emergency service patrols established pursuant to § 27-81-115, C.R.S.
 - d. Law enforcement.

B. License Types. Two types of secure transportation licenses are available.

1. Class A: for secure transportation services that may use physical restraint during secure transport pursuant to the parameters set forth in Part 8.3 of the State Standards.
2. Class B: for secure transportation services that shall not use physical restraint during secure transport.

C. Permit Types. Two types of secure transportation vehicle permits are available.

1. Type 1: for vehicles with a safety partition that separates the driver from the passenger compartment.
2. Type 2: for vehicles without a safety partition that separates the driver from the passenger compartment.

D. License Applications.

1. A person or entity owner shall obtain a secure transportation license prior to beginning operations and upon change of ownership. Licenses are not assignable or transferable.
2. A license applicant shall submit the following information and items in applying for a new license.
 - a. A completed application.
 - b. The license application fee.
 - c. A copy of the secure transportation service's written policy and procedures manual, including its policy regarding staff member background checks.
 - d. A copy of the secure transportation service's operational and medical protocols, which must comply with Part 8 of the State Standards.
 - e. A copy of the secure transportation service's training procedures, which must comply with Part 7.7 of the State Standards, and proof of completion of the required orientation and training by relevant staff.

- f. Attestation that the Manager and the Administrator, who may be the same person, meet the requirements of Part 7.1 of the State Standards.
- g. A copy of the secure transportation service's written client rights and related policies and procedures, which must comply with Part 9 of the State Standards.
- h. A copy of the secure transportation service's quality management plan, which must comply with Part 10 of the State Standards.
- i. Documentation of minimum vehicle insurance coverage as defined by §§ 10-4-609 and 42-7-103(2), C.R.S. with El Paso County identified as the certificate holder.
- j. Documentation of a minimum level of worker's compensation consistent with the Colorado Worker's Compensation Act in Articles 40-47 of Title 8, C.R.S., as applicable.

E. Permit Applications.

- 1. A licensed secure transportation service must obtain a vehicle permit prior to placing the vehicle into service. Permits are not assignable or transferable.
- 2. A licensed secure transportation service shall submit the following information and items when applying for a vehicle permit.
 - a. A completed application.
 - b. The permit application fee.
 - c. Proof of compliance with Federal Motor Vehicle Safety Standards on the date of manufacture pursuant to Part 3.3 (A)(10) of the State Standards.
 - d. Proof of routine vehicle maintenance and periodic checks, as of the date of application, in accordance with manufacturer recommendations.
- 3. Upon receipt of the items listed in paragraph E.2. above, the County shall schedule an inspection of the vehicle, which must be completed before issuance of a vehicle permit.

F. Issuance and Renewal of License and Permits.

- 1. Upon receipt of all required documents and fees and completion of required vehicle inspections, license and permit applications shall be scheduled for a hearing before the Board. The Board shall approve license and permit applications upon making the following findings:
 - a. All submitted documentation demonstrates compliance with the State Standards and these Regulations.
 - b. All vehicles sought to be permitted comply with the State Standards and these Regulations.
 - c. The secure transportation service Manager, Administrator, and personnel meet the requirements set forth in the State Standards and these Regulations.

2. If the Board denies a license or permit application, it shall advise the applicant in writing of the reasons for the denial.
3. Secure transportation service licenses shall be valid for a period of three (3) years.
4. Secure transportation vehicle permits shall be valid for a period of one (1) year.
5. An application to renew a license or vehicle permit must be submitted no later than thirty (30) days prior to expiration of the license or vehicle permit. License and vehicle permit renewals shall follow the same requirements and procedures as new applications.

V. REGULATIONS

A. Operational Requirements.

1. Each licensed secure transportation service shall at all times operate in compliance with applicable state law, State Standards, and these Regulations.
2. Each licensed secure transportation service shall comply with the data collection and reporting requirements set forth in Part 6 of the State Standards.
3. Secure transport clients may only be transported by a licensed secure transportation service under the circumstances described in Part 8.1 of the State Standards.
4. Each licensed secure transportation service shall have an ongoing quality management program (QMP) that is appropriate to the size and type of service. The QMP shall incorporate a plan that evaluates the quality of client care and safety and includes, at a minimum, the policies and procedures described in Part 10.1 of the State Standards.

B. Staff and Training Requirements.

1. Each licensed secure transportation service must have a manager and administrator who meet the minimum qualifications set forth in Part 7.1 of the State Standards. The manager and administrator may be the same person.
2. A licensed secure transportation service must notify the County in writing of changes regarding the manager or administrator of record within fourteen (14) days of such change.
3. Each licensed secure transportation service must meet the staffing requirements set forth in part 7.6 of the State Standards.
4. Each licensed secure transportation service shall ensure that its staff with direct client contact has completed the training requirements set forth in Part 7.7 of the State Standards.

VI. COMPLAINTS

A. Receipt of Complaints.

1. All complaints against licensed secure transportation services or regarding secure transportation services being provided by an unlicensed party or in an unpermitted vehicle shall be referred to the appropriate County department as directed by the Board.
2. Information for the public concerning how to file a complaint shall be posted on the County's website.
3. Complaints will be accepted in writing, through email, or over the phone.
4. County staff shall create a written record of each complaint received and, for the types of complaints identified in Part 4.3 of the State Standards, shall provide a copy of such record to the licensed secure transportation service or alleged unlicensed party.

B. Investigation of Complaints.

1. County staff shall initiate an investigation of each complaint within five (5) business days of receipt by contacting the complainant to verify the substance of the allegations.
2. County staff shall, as appropriate, contact the manager or administrator, interview staff and other witnesses, and review records of the licensed secure transportation service against whom the complaint is made.
3. County staff shall document each complaint investigation in writing.
4. Upon finding that sufficient evidence exists of a violation of state law, State Standards, or these Regulations has occurred, County staff shall take one of the following actions:
 - a. Elect to give the licensed secure transportation service an opportunity to correct the issue by requiring and ensuring compliance with a written plan for resolution.
 - b. Schedule a hearing before the Board to suspend or revoke a license or permit.
 - c. Request that the Board temporarily suspend, pursuant to the procedure set forth in Section VII.A. below, a secure transportation service license or vehicle permit for a period not to exceed thirty (30) days.
5. County staff shall notify each complainant verbally or in writing, as requested by the complainant, of the results of the complaint investigation.
6. Licensed secure transportation services shall cooperate with any County investigation of a complaint received by the County and provide any information or documentation not otherwise protected by law.

C. Notice of Litigation or Other Action.

1. A licensed secure transportation service must notify the County in writing within seven (7) business days of any legal action filed or judgment entered against it in any court, any adverse action taken on a license issued to the service by another

jurisdiction, or any adverse action taken against the service by the State of Colorado.

VII. SUSPENSION AND REVOCATION OF LICENSES AND PERMITS

A. Temporary Suspension.

1. Upon finding that sufficient evidence exists of a violation of state law, State Standards, or these Regulations has occurred and that an imminent risk to the health, safety, or welfare of the public or clients exists, the Board may, without notice to the licensed secure transportation service, immediately suspend a secure transportation service license or vehicle permit for a period not to exceed thirty (30) days.
2. A temporary suspension imposed pursuant to this Section VII.A. shall take effect upon delivery of written notice to the manager or administrator of record of the licensed secure transportation service.
3. County staff must schedule a public hearing on the alleged violation before the Board within ten (10) days of the effective date of the temporary suspension.

B. Hearing Procedure.

1. Upon finding after an investigation that sufficient evidence exists of a violation of state law, State Standards, or these Regulations has occurred, County staff may schedule a public hearing before the Board to suspend or revoke a secure transportation license or vehicle permit.
2. Except in cases where a temporary suspension has been imposed, County staff shall provide the manager or administrator of the licensed secure transportation service at least fourteen (14) days' written notice of the public hearing date, time, and place.
3. Public notice of and the procedures for conducting a public hearing to suspend or revoke a secure transportation license or vehicle permit shall be as established by the Legislative and Parliamentary Rules and Procedures of the Board of County Commissioners of El Paso County, Colorado, adopted pursuant to Board resolution.

C. Decision of the Board.

1. At the conclusion of the public hearing, the Board shall find based upon competent evidence whether a violation of state law, State Standards, or these Regulations has occurred.
2. If the Board finds by a preponderance of the evidence that a violation has occurred, it may take one of the following actions:

- a. Continue the temporary suspension, if imposed, for the full thirty (30) days.
- b. Suspend a secure transportation service license or vehicle permit after the temporary suspension period, if any, for any portion of or for the remainder of the license or permit period.
- c. Permanently revoke a secure transportation service license or vehicle permit if the licensee has a prior violation.

VIII. SEVERABILITY

If any provision of these Regulations is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.



ARCHULETA COUNTY POLICY AND PROCEDURES REGARDING SECURE TRANSPORTATION SERVICES

I. Purpose

It is the policy of the Archuleta County Board of County Commissioners that all providers of secure transportation services and the vehicles used for secure transportation services comply with local and state laws and regulations, specifically C.R.S. §§ 25-3.5-103, 25-3.5-309, 25-3.5-310, 25-3.5-311, and 25-3.5-313 as well as 6 CCR 1011-4.

II. Policy

The following procedures are intended to facilitate the licensing and permitting of secure transportation services and the vehicles used for such services. This Policy is subject to interpretation by the Archuleta County Attorney's Office.

III. Definitions

The definitions contained in C.R.S. § 25-3.5-103 *et.seq.*, as may be amended from time to time, shall apply to this Policy and procedures, unless the context clearly requires a different meaning. One definition of particular relevance is "secure transportation" or "secure transportation services", which shall mean urgent transportation services provided to individuals experiencing a behavioral health crisis and includes:

1. An individual being transported from the community to a facility designated for treatment and evaluation;
2. An individual in need of services from any location to an approved treatment facility, or a walk-in crisis center that is operating as part of a behavioral health crisis response system; or
3. An individual who is receiving transportation across levels of care or to a higher level of care.

"Secure transportation" does not include urgent transportation services provided by law enforcement or personnel employed by or contracted with a law enforcement agency.

IV. Applicability

This Policy applies to all public or private businesses within Archuleta County who provide transportation services within the boundaries of Archuleta County, with the exception of ambulance agencies, transportation services provided by the state or county department of human services, emergency service patrols established pursuant to C.R.S. §27-81-115, and law enforcement.

V. Secure Transportation Services License

Applicable secure transportation service businesses are required to have a valid County-issued license for their business beginning January 1, 2023. Licenses are valid for three years and have the following two licensing options:

- A. Class A – services that may use physical restraint during secure transport; or
- B. Class B – services that shall not use physical restraint during secure transport.

Requirements for Licensing: Owners of new secure transportation service businesses must obtain a Secure Transportation license and vehicle permit(s) prior to beginning operations and upon change of ownership of a secure transportation service.

VI. Staffing Requirements

- A. Manager/Administrator: Each applicable secure transportation service operating within Archuleta County must have a manager and administrator who meets the following minimum requirements:
 - 1. Be at least twenty-one (21) years of age, possess a high school diploma or GED;
 - 2. Have at least one (1) year documented supervisory experience in the provision of secure transportation services - or be qualified by education, knowledge, and experience to oversee the secure transportation services provided;
 - 3. Be able to communicate, understand, and respond effectively to the client, family representatives, and other providers and be able to use appropriate translator services as needed;
 - 4. Be familiar with all applicable local, state and federal laws and regulations concerning the operation and provision of secure transportation services;
 - 5. Be in good standing with any state regulatory agency if the manager or administrator is licensed or certified with the Colorado Department of Regulatory Agencies or the Colorado Department of Public Health and Environment; and
 - 6. Have passed a background check that was performed by the secure transportation service or owner prior to the assumption of responsibilities. The manager or administrator shall not conduct their own background check or any required follow-up.
- B. Any changes regarding the manager or administrator of record must be provided to the Licensing Coordinator within fourteen (14) business days of the change.
- C. Staffing: Every secure transportation service's staffing requirements must include, at a minimum:
 - 1. All drivers must possess a current and valid Colorado driver's license.

2. If a Type 1 (partitioned) vehicle is being used for the secure transport, then the following shall apply:
 - i. A 1:1 ratio of client to staff member shall be maintained during the transport; this staff member may *also* be the driver. If one (1) client is being transported, then one (1) staff member with a current and valid certification for all training topics is required to staff a vehicle permitted for each secure transport. If more than one client is being transported, then one (1) staff member who possesses a current and valid certification for all training topics is required to accompany each individual client during transport.
3. If a Type 2 (non-partitioned) vehicle is being used for the secure transport, then the following shall apply:
 - i. A 1:1 ratio of client to staff member shall be maintained during the transport, in addition to the driver who is *not* included in this staffing ratio requirement. If one (1) client is being transported, then two (2) staff members are required to staff the vehicle. At minimum, the staff member who is not the driver will have a current and valid certification for all training topics.
4. Each secure transportation service must have a policy in-place related to background checks for all staff members. Such background checks shall take place prior to an individual providing secure transportation services. The policy shall include, at a minimum:
 - i. The secure transportation service's responsibility to conduct a background check on every existing and prospective staff member.
 - a. If any background check reveals prior convictions of a violent, fraudulent, or abusive nature, the manager or administrator shall inquire further to determine the potential impact on client safety in accordance with the policies developed by the secure transportation service.
 - b. If an individual is hired despite a background check that reveals a prior conviction of a violent, fraudulent, or abusive nature, the manager or administrator shall document the reasons for hire and plans for supervision.
5. Each secure transportation service must have established the following minimum staff training requirements for all staff that must be completed prior to providing secure transportation services, and annually thereafter, or as recommended by the relevant training organizations:

- i. Cultural competencies including, but not limited to, supporting persons with physical or cognitive disabilities, language accessibility, and accessing interpretive services;
 - ii. In-person or online verbal de-escalation training sessions that prioritize client and staff safety and inform restraint requirements set forth in Part 8.3, 6 CCR 1011-4;
 - iii. Trauma-informed care principles;
 - iv. Evade and escape violent encounter strategies;
 - v. Internal policies and procedures applicable to the secure transportation service and staff, including, but not limited to the staff disciplinary policy;
 - vi. Client rights; and
 - vii. Compliance with applicable privacy laws.
- 6. Each secure transportation service must have established the following additional minimum staff training requirements for all staff with direct client contact:
 - i. Adult and Youth Mental Health First Aid as offered by educational institutions or by professional organizations such as mentalhealthfirstaid.org, or the equivalent;
 - ii. Basic First Aid and CPR; and
 - iii. Care of clients with substance use disorders.
- 7. Each Class A secure transportation service must have also established the following additional minimum staff training requirements for all staff who may utilize physical restraint during secure transportation of clients:
 - i. Circumstances and protocols governing the permissible application of individual physical restraint during secure transport; and
 - ii. Safe application of individual physical restraint on clients during secure transport.
- 8. Each staff member with direct client contact must possess a certification or proof of having completed the required coursework.

VII. Quality Management Program (QMP)

- A. Each secure transportation service operating within Archuleta County must have an ongoing quality management program (“QMP”) that is appropriate to the size and type of the service. The program shall incorporate a plan that evaluates the quality of client care and safety and has the following policies and procedures including, at a minimum:
 - 1. The incorporation of the substantiated findings of any complaint into its QMP for the purpose of evaluating and implementing systemic changes where needed.

2. The general description of the types of cases, problems, or risks to be reviewed and criteria for identifying potential risks.
 3. Identification of the staff members responsible for coordinating quality management activities.
 4. A description of the method(s) for:
 - i. Investigating and analyzing the frequency and causes of individual problems and patterns of problems;
 - ii. Taking corrective action to address the problems, including prevention and minimizing problems or risks;
 - iii. Evaluating corrective action(s) to determine the effectiveness of such action(s); and
 - iv. Coordinating all pertinent case, problem, or risk review information with other applicable quality assurance and/or risk management activities, such as review of client care, review of staff conduct, the client complaint system as described in Section XI of this Policy, and education and training programs.
 5. Documentation of required quality management activities, including cases, problems, or risks identified for review; findings of investigations; and any actions taken to address problems or risks.
 6. A schedule for program implementation not to exceed ninety (90) days after the date of the issuance of the secure transportation service license.
 7. A schedule for program evaluation to periodically assess the effectiveness of services and review the clinical and operational protocols and compliance with such protocols.
 8. The utilization or application of data collected pursuant to Section XIII.A of this Policy to inform the quality management plan.
 9. A written disciplinary policy that addresses a process for staff quality improvement.
- B. The secure transportation service shall make available the quality management plan to Archuleta County during the initial and renewal license applications.

- C. Archuleta County, the Colorado Department of Public Health and Environment (the “Department”), or any other appropriate regulatory agency having jurisdiction for disciplinary or licensing sanctions shall have access to any records, reports, and other information of the quality management program.

VIII. Secure Transportation Vehicle Permit

Each vehicle used by a licensed secure transportation service is required to have a valid County-issued permit for the vehicle beginning January 1, 2023.

- A. Permits are valid for one year and have the following two types of permitting options:
1. Type 1 – vehicle with a safety partition that separates the driver from the passenger compartment; or
 2. Type 2 – non-partitioned vehicle.
- B. Requirements for Licensing:
1. All client and crew vehicle safety standards must be followed.
 2. All vehicles must demonstrate proof of compliance with Federal Motor Vehicle Safety Standards on the date of manufacture.
 3. All vehicles must undergo routine vehicle maintenance and periodic checks in accordance with manufacturer recommendations.
 4. All vehicles must have the following safety features:
 - i. Four doors;
 - ii. Ligature risk reduction measures;
 - iii. Child safety and window safety locks;
 - iv. Global Positioning System (GPS) tracking;
 - v. Occupant protection, including seat belts, supplemental inflatable restraints, and child safety seats (as applicable);
 - vi. Cabin temperature control and ventilation system;
 - vii. Be absent any foreign items or instruments in the secured area that may be used to inflict harm; and
 - viii. Mirror for monitoring the client or capability for visual observation of the client.

5. If a Type 1 vehicle with a safety partition that separates the driver from the passenger compartment is being used for the secure transportation service, then the vehicle must have the following additional safety features:
 - i. Permanent installation of all safety partitions; and
 - ii. For vehicles with a cargo area, a safety partition must also be installed that separates the passenger compartment from the cargo area
6. All vehicles must be equipped with the following:
 - i. First aid kit;
 - ii. Fire extinguisher;
 - iii. Wireless two-way communication (public safety radio, commercial land mobile radio, or wireless telephone);
 - iv. Biohazard bag;
 - v. Personal protective equipment for each occupant as per public health recommendations; and
 - vi. Map of service area.
7. If a licensed secure transportation service utilizes physical restraint as part of its services, the vehicle shall additionally be equipped with the following:
 - i. Automated external defibrillator (AED);
 - ii. Non-metal, soft posey-type restraints; and
 - iii. Device intended to prevent a client from spitting or biting that does not restrict the client's airway or breathing ability and does not pose a ligature risk.

IX. Application Process

- A. All applications, whether for a secure transportation service license, a secure transportation vehicle permit, or both, can be downloaded from the County website at: www.archuletacounty.org. Questions related to the applications can be directed to the Licensing Coordinator at (970) 264-8308 or via email to licensing@archuletacounty.org.
- B. Applicant shall contact the County Vehicle Inspector at (970) 264-8412 or via email to fleet@archuletacounty.org to schedule an appointment for a vehicle(s) inspection.
- C. Once all documentation is completed and the vehicle inspections have been done, applicant shall contact the Licensing Coordinator at (970) 264-8308 or via email to licensing@archuletacounty.org to schedule the application review.

- D. Upon completion of the application review, applications will be placed on the next available agenda for the Board of County Commissioners' (the "Board") for final review and approval.
- E. Upon Board review, the Licensing Coordinator will notify the applicant of the Board's findings and when/if the approved license and permit(s) will be available for pick-up.
- F. For secure transportation service licenses, applicants must provide:
 - 1. Completed license application.
 - 2. Certificate of occupancy or other documentation that the applicant's premises were found to be in compliance with applicable local requirements.
 - 3. Proof of a minimum level of worker's compensation consistent with the Colorado Worker's Compensation Act.
 - 4. Copy of a written policy and procedure manual, operational protocols, medical protocols (if applicable), training procedures, or other relevant documents.
 - i. Policies and procedures must follow national best practice guidelines where available that address, at a minimum:
 - a. Appropriate procedures to assess initially whether the client requires a higher level of transport than the service can provide;
 - b. Appropriate procedures to follow when, during a secure transport, it becomes apparent that a client needs medical attention or a higher level of transport than the service can provide;
 - c. Appropriate procedures to confirm the receiving facility's acceptance of the client prior to initiation of the secure transport;
 - d. Criteria used for pickup and drop-off, including the circumstances that determine a secure transport client's eligibility;
 - e. The level of support and protection needed for both client and staff safety;
 - f. Compliance with vehicle safety standards and procedures;
 - g. Proper evacuation of the vehicle during emergencies if the windows and/or exits of the vehicle are blocked or inaccessible;
 - h. Infection protection and control, including the decontamination of the vehicle after each transport;
 - i. Parental and/or guardian level of support and involvement;
 - j. Meeting client needs on extended transports including meals, water and bathroom breaks; and

- k. Documentation of all steps in the process from initial pickup request to drop-off, including but not limited to documenting all stops made during the secure transportation service.

5. Payment of Secure Transportation Service license fee

G. For secure transportation vehicle permits, applicants must provide:

- 1. Completed permit application (one for each vehicle).
- 2. Certificate of Mechanical Inspection (to be completed by a qualified motor vehicle mechanic) (one for each vehicle).
- 3. Proof of motor vehicle insurance coverage with Archuleta County identified as certificate holder.
- 4. Proof of general liability and applicable professional liability insurance coverage, at a minimum:
 - 1. Liability insurance for injuries in the amount of \$1,000,000 for each individual claim;
 - 2. Liability insurance in the amount of \$3,000,000 for all claims made against the secure transportation service or against its personnel from an insurance company authorized to write liability insurance in Colorado;
 - 3. Liability insurance coverage to the maximum extent required by Section 24-10-114, C.R.S., as applicable, if the secure transportation service is granted qualified immunity under the Colorado Governmental Immunity Act, Section 24-10-101, *et.seq.*, C.R.S.; and
 - 4. Proof of any additional insurance as identified in county resolution or regulations.

5. Payment of Secure Transportation Service Vehicle permit fee

X. Renewal of License and Permits

Secure transportation service licenses are valid for three years. Secure transportation service vehicle permits are valid for one year. Renewal applications are processed in the same manner as new applications.

Applicants should schedule their application review meeting with the Licensing Coordinator no less than thirty (30) days prior to the date of license and/or permit expiration.

XI. Complaint and Investigation Process

- A. **Origination of Complaints:** Alleged violation of these rules by a licensed secure transportation service or of a secure transportation service operating in the County without a license, may be made in writing by any party and addressed to the Board, or by the Board on its own initiative. Any individual bringing a matter of medical competency to the Board shall waive the right of patient confidentiality as a condition of complaint submission and subsequent investigation. If any legal action is filed against a licensed secure transportation service in a court of the United States, the State of Colorado or any of its political subdivisions, the licensee shall notify the Board within ten (10) business days. A violation of these rules shall not be presumed based on the allegation. In the event that a judgment is entered against the licensee, the licensee shall file a copy of the findings of fact, conclusions of law and order of the court with the Board within ten (10) business days. If an action against a secure transportation service license is undertaken by another jurisdiction, the licensee shall notify the Board within ten (10) business days. A violation of these rules shall not be presumed based on the action. If the action results in a suspension or revocation of the secure transportation service license by another jurisdiction, the licensee shall file a copy of the record of the adverse action with the Board within ten (10) business days.

- B. **Validation of Complaints:** The Board, or its designee, shall complete an initial review of the complaint, judgment or adverse action within five (5) business days to determine if it constitutes a violation of these rules and has sufficient foundation to warrant a complete investigation. Any apparent violation of these rules having sufficient factual basis shall be fully investigated by the Board. Allegations of violations outside the purview of the Board shall be returned to the complainant for referral to the appropriate authority or jurisdiction. The Board shall notify the complainant in writing if the allegation lacks sufficient basis to warrant investigation. The Board shall notify the licensee in writing if a judgment or adverse action filed with the Board does not constitute a violation of these rules.

- C. **Investigation of Complaints:** The Board shall notify the complainant in writing that the allegation is sufficient to warrant a full investigation. Upon initiation of a full investigation, the Board shall notify the secure transportation service of the alleged violation in writing. The Board shall commence action against the secure transportation service or unlicensed secure transportation service if the allegation is determined to be a violation of these rules or, at its discretion, may provide a reasonable period for the licensee to cure any violation or to implement corrective measures to bring the licensee's business activities into conformance with these rules before commencing action to suspend or revoke a license or permit. The Board may forego further hearing or action against the license or permit upon confirmation that the licensee has cured the violation and satisfied any conditions reasonably imposed by the Board. The Board shall notify the complainant in writing if an

investigation determines that the allegation fails to constitute a violation of these rules or that the licensee has cured the violation.

XII. Procedures for Revocation or Suspension

- A. The Board may, on its own initiative or upon written complaint made by any party, temporarily suspend, suspend for a definite period, or revoke any license or permit issued pursuant to these rules upon a determination that a violation of these rules by a licensed secure transportation service has occurred.
- B. **Temporary Suspension:** Without prior notice to the licensee and upon determination that a violation that poses immediate threat to the public health, safety and welfare has occurred, the Board may temporarily suspend any license or permit. Such temporary suspension shall be effective upon delivery of written notice to the licensed secure transportation service by the Board. No temporary suspension shall be valid for more than thirty (30) days or until a final decision by the Board concerning suspension or revocation, whichever period is longer. Any written notice of temporary suspension shall also provide notice of the time, date and place of a hearing before the Board to consider the suspension or revocation of the license. Except upon written consent of the licensee, the hearing shall be held not more than ten (10) business days following the effective date of the temporary suspension.
- C. **Suspension for Definite Period or Revocation of License:** Following notice to the licensee and a public hearing at which the licensee shall be afforded an opportunity to be heard, the Board may suspend or revoke any license or permit. Any suspension or revocation shall require a finding by the Board of a violation of these rules based upon the evidence presented at the hearing. Suspension shall be for a specific and definite period of time not to exceed any remaining current license period. The County shall bear the burden of proof of a violation justifying any suspension or revocation of a license or permit. Issuance of a temporary suspension shall not be a prerequisite to the conduct of a hearing to consider the suspension or revocation of a license or permit.
- D. **Hearings:** All suspension or revocation hearings shall be open to the public and shall be conducted in accordance with the Colorado Open Meetings Act. The Board shall be authorized to administer oaths and issue subpoenas to require the attendance of witnesses and the production of papers, books, and records necessary to the determination of any issue at any hearing.
- E. **Surrender of License or Permit:** Following receipt of a written notice of suspension or revocation, the licensee shall surrender and deliver its license and all secure transportation vehicle permits to the Board within forty-eight (48) hours.

- F. Notices: Any notice issued pursuant to these rules shall be made in writing and provided to the licensee at the address listed in the application for license. The Board shall use its best efforts to immediately notify in writing any communications center and notify within three (3) business days any first response agencies, local law enforcement agencies and medical facilities of any suspension or revocation. The Board may send notice to other counties, the Colorado Department of Public Health and Environment, Colorado Department of Regulatory Agencies, Colorado Department of Health Care Policy and Financing or other interested parties; provided, however, that such notice shall not entitle these parties to a right to participate in any hearing concerning suspension or revocation of a license.

XIII. Data Collection and Reporting Requirements

Any secure transport resulting in the serious injury, illness or death of a client or staff member during transport or resulting in injury to the client as a result of the use of physical restraint during transport shall be reported to the receiving facility immediately and to the County within twenty-four (24) hours of the incident. The County should be notified by calling or emailing the Licensing Coordinator. Each report shall identify and describe the circumstances leading to the serious injury, illness or death of a client or staff member during transport.

In accordance with Part 6, 6 CCR 1011-4, all secure transportation services in Colorado shall provide the Colorado Department of Public Health and Environment (the “Department”) the required data and information in a form and manner determined by the Department as follows:

- A. Beginning in 2024, all secure transportation services shall submit the following data no later than March 1 for the previous calendar year:
- B. The total number of transports (individual trips and trips with multiple clients as allowed in Part 8.4, 6 CCR 1011-4) that the service’s vehicles made for the previous calendar year.
- C. The total number of adults (18+) served by the secure transportation service for the previous calendar year.
- D. The total number of minors (17 and under) served by the secure transportation service for the previous calendar year.
- E. The type of location where individuals were picked up and dropped off for the previous calendar year.
- F. The total number of individuals who were transported by the secure transportation service more than one time for the previous calendar year.

- G. The total number of transports (individual trips and trips with multiple clients as allowed in in Part 8.4, 6 CCR 1011-4) that the secure transportation service declined due to lack of secure transportation service resources for the previous calendar year.
- H. Demographic information for the previous calendar year, including, but not limited to:
 - 1. The total number of clients served by residential zip code;
 - 2. The total number of clients served by pickup location zip code; and
 - 3. The total number of clients served by gender, race and ethnicity.
 - 4. The total number of clients the service transported who were not on involuntary holds (M1, M5 and M8) for the previous calendar year.
- I. The secure transportation service shall complete and submit to the Department a secure transportation service profile in the manner and method determined by the Department. The profile shall include, but not be limited to contact information for the licensee and its owner, manager, and/or administrator, demographics of the service area, number and types of responding staff, number of calls, counties served, organizational type, and number and type of responding vehicles.
 - 1. Secure transportation services shall update the profile data whenever changes occur and at least annually.
 - 2. As part of the profile, a licensed ground ambulance agency shall notify the Department if it is providing secure transportation services under its ground ambulance license.
- J. The Department may establish procedures to monitor and enforce compliance regarding submission of secure transportation service profile information as described in Section XII.B. above and annual submission of utilization data as described in Section XII.A above.
- K. If a secure transportation service fails to comply with the Department's rules, the Department may report this lack of compliance to Archuleta County.
- L. The Department may establish procedures to allow outside agencies, institutions, or individuals to obtain information from the secure transportation data system.
- M. A secure transportation service may request the annual data that it has submitted to the Department.

XIV. Clinical, Medical and Operating Standards and Procedures

A. Parameters for Secure Transportation: Secure transport clients shall only be transported under the following circumstances:

1. The client is experiencing a behavioral health crisis.
2. The client is in need of urgent transportation to a facility that is defined in part 2.22(C), 6 CCR 1011-4.
3. The client does not and will not need either:
 - Medical treatment during transport, or
 - Active or ongoing medical monitoring.
4. The client does not and will not need to be chemically restrained during secure transport as a behavioral intervention.

B. Restraint:

1. No chemical restraint shall be administered during a secure transport. If chemical restraint is needed to ensure client safety, then the client shall receive an ambulance transport.
2. Physical restraint, as defined in Part 2.21, 6 CCR 1011-4, shall only be utilized for health and safety purposes under the following conditions:
 - i. In cases of emergency, when the client is at risk of causing serious, probable and imminent threat of bodily harm to themselves or to others and when there is the present ability to affect such bodily harm; and
 - ii. After the failure of less restrict alternatives, including verbal de-escalation; or
 - iii. After a determination that such alternatives would be inappropriate or ineffective under the circumstances.
3. If physical restraint is utilized during a transport, the service shall document the time at which the physical restraint was applied and removed (if applicable) and the type of physical restraint used.

C. Transportation Procedures:

1. The secure transportation service shall transport one (1) client per vehicle transport, except under the following circumstances:

- i. Each client has received behavioral health clearance from the treating provider at the sending facility, no physical restraint is needed, and there is a low probability of behavioral destabilization;
 - ii. Each client has received medical clearance from the treating provider at the sending facility, is medically stabilized, and has a low probability of medical destabilization;
 - iii. Each client has received an assessment from the treating provider at the sending facility that the client is an appropriate candidate for a transport with one or more individuals;
 - iv. The transport is an inter-facility transport as defined at Part 2.22(C), 6 CCR 1011-4; and
 - v. Each client has given their consent to be transported with another individual.
2. The secure transportation service shall create and maintain accurate and detailed logs of client transports, including professional incident reports.
3. To ensure the needs of clients are met, secure transportation services that do not provide 24/7 services shall provide the client with their after-hours contact information and with contract information for the secure transportation service's back-up providers.

XV. Client Rights

- A. Every secure transportation service must have written client rights that assure a client has the right to be treated with consideration, respect, and full recognition of human dignity and individuality, and that includes, at a minimum:
 1. The right of the client and their property to be treated with respect.
 2. The right of the client to have access to basic comfort items and their personal mobile phone provided the direct client support staff member establishes and documents that those items do not pose a danger to the client or staff member.
 3. The right of the client to wear their own clothes provided the direct client support staff member establishes and documents that those items do not pose a danger to the client or staff member.
 4. The right of the client to receive secure transportation services by the least restrictive means necessary to assure the safety of the client.

5. The right of the client to be free from discrimination in the provision of services.
 6. The right of the client to be free from neglect; financial exploitation; and verbal, physical, and psychological abuse, including humiliation, intimidation, or punishment.
 7. For clients who request voluntary transport, the right of the client to discontinue secure transportation services.
 8. The right of the client to receive disclosure about any video and/or audio recording that occurs during the delivery of service in accordance with applicable privacy laws.
 9. The right of the client to have personally identifying health information protected from unnecessary disclosure.
 10. The right of the client or their representative to file a complaint against the secure transportation service with the secure transportation service and County concerning services or care that is or is not furnished and receive documentation of the existence of the investigation and resolution of the complaint, including providing the complainant with the results of the investigation, and the secure transportation service's plan to resolve any identified issues.
 11. The right of the client to file a complaint with the secure transportation service and County without fear of discrimination or retaliation by the secure transportation service's owner, manager, administrator or any staff member.
- B. Every secure transportation service must have client's rights policies and procedures, that include, at a minimum:
1. Procedures for identifying, reporting, reviewing, and investigating all allegations of abuse, mistreatment, neglect and exploitation.
 2. Procedures for timely communicating all investigation results to the client and County in which the secure transportation service is licensed.
 3. Procedures for timely and appropriate disciplinary action up to and including termination of staff and appropriate legal recourse against any staff member who has engaged in abuse, mistreatment, neglect or exploitation of a client.

4. Procedures that direct client support staff members must follow, to document their decision to withhold any basic comfort items and/or the client's personal mobile phone or prohibit a client from wearing their own clothes.

XVI. Assignment

Assignment, sale or transfer of a secure transportation service license or vehicle permit is strictly prohibited.

XVII. Fees

Archuleta County charges a non-refundable flat fee for the review and processing of secure transportation services licenses and vehicle permits, as set forth in the Archuleta County Fee Schedule, as amended from time to time.

Payment of the total fee is required at the time of submitting the application(s).

RESOLUTION NO. 22-48**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION APPOINTING JOSEPH EDES TO THE FEDERAL MINERAL
LEASE DISTRICT BOARD FOR A TERM EXPIRING ON DECEMBER 31, 2025**

WHEREAS, the Board of County Commissioners serve as the governing body of Huerfano County and are vested with administering the affairs of the County pursuant to state statutes; and,

WHEREAS, the Board of County Commissioners established the Huerfano County, Colorado Federal Mineral Lease District in Resolution 15-03 as an independent district under the Federal Mineral Lease District Act, § 30-20-1301, et seq, C.R.S.; and,

WHEREAS, by that same resolution the Board of County Commissioners established the membership structure of the Federal Mineral Lease District Board; and,

WHEREAS, Joe Edes has submitted a letter of interest and has demonstrated his qualifications to serve on the Federal Mineral Lease District Board for Huerfano County and agrees to serve as a member of the Board while adhering to the principles applicable to governmental units and other requirements of law; and,

WHEREAS, the Board of Huerfano County Commissioners desires to appoint Joe Edes to serve as a member of the Federal Mineral Lease District Board as a reflection of the values of the Huerfano County Board of County Commissioners.

NOW THEREFORE BE IT RESOLVED that the Huerfano County Board of County Commissioners hereby appoints Joseph Edes to serve as a member of the Federal Mineral Lease District Board until December 31, 2025, and until their successor has been appointed.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

**BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO**

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22-49**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION APPOINTING DALE LYONS TO THE HUERFANO COUNTY
PLANNING COMMISSION FOR A TERM EXPIRING ON DECEMBER 31, 2025**

WHEREAS, the Board of County Commissioners serve as the governing body of Huerfano County and are vested with administering the affairs of the County pursuant to state statutes; and,

WHEREAS, the Board of County Commissioners has determined that the establishment of certain Boards are necessary to help protect the best interests of the county's inhabitants and promote the health, safety, prosperity, security and general welfare of the County's inhabitants; and,

WHEREAS, Section 9 of the Huerfano County Land Use Code sets forth the structure and membership of the Huerfano County Planning Commission under authority granted the Board of County Commissioners in C.R.S. §30-28-101; and,

WHEREAS, Dale Lyons has submitted a letter of interest and has demonstrated her qualifications to serve on the Planning Commission and agrees to do so while adhering to the principles applicable to governmental units and other requirements of law; and,

WHEREAS, the Board of Huerfano County Commissioners desires to appoint Dale Lyons to serve as a member of the Huerfano County Planning Commission as a reflection of the values of the Huerfano County Board of County Commissioners.

NOW THEREFORE BE IT RESOLVED that the Huerfano County Board of County Commissioners hereby appoints Dale Lyons to serve as a member of the Huerfano County Planning Commission until December 31, 2025, and until their successor has been appointed.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

**BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO**

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22-50**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION APPOINTING MICHAEL “SANDY” WHITE TO THE
HUERFANO COUNTY PLANNING COMMISSION FOR A TERM EXPIRING
ON DECEMBER 31, 2025**

WHEREAS, the Board of County Commissioners serve as the governing body of Huerfano County and are vested with administering the affairs of the County pursuant to state statutes; and,

WHEREAS, the Board of County Commissioners has determined that the establishment of certain Boards are necessary to help protect the best interests of the county’s inhabitants and promote the health, safety, prosperity, security and general welfare of the County’s inhabitants; and,

WHEREAS, Section 9 of the Huerfano County Land Use Code sets forth the structure and membership of the Huerfano County Planning Commission under authority granted the Board of County Commissioners in C.R.S. §30-28-101; and,

WHEREAS, Michael “Sandy” White has submitted a letter of interest and has demonstrated his qualifications to serve on the Planning Commission and agrees to do so while adhering to the principles applicable to governmental units and other requirements of law; and,

WHEREAS, the Board of Huerfano County Commissioners desires to appoint Michael “Sandy” White to serve as a member of the Huerfano County Planning Commission as a reflection of the values of the Huerfano County Board of County Commissioners.

NOW THEREFORE BE IT RESOLVED that the Huerfano County Board of County Commissioners hereby appoints Michael “Sandy” White to serve as a member of the Huerfano County Planning Commission until December 31, 2025, and until their successor has been appointed.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

**BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO**

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22-51**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION APPOINTING MYRNA FALK TO THE HUERFANO
COUNTY PLANNING COMMISSION FOR A TERM EXPIRING ON
DECEMBER 31, 2025**

WHEREAS, the Board of County Commissioners serve as the governing body of Huerfano County and are vested with administering the affairs of the County pursuant to state statutes; and,

WHEREAS, the Board of County Commissioners has determined that the establishment of certain Boards are necessary to help protect the best interests of the county's inhabitants and promote the health, safety, prosperity, security and general welfare of the County's inhabitants; and,

WHEREAS, Section 9 of the Huerfano County Land Use Code sets forth the structure and membership of the Huerfano County Planning Commission under authority granted the Board of County Commissioners in C.R.S. §30-28-101; and,

WHEREAS, Myrna Falk has submitted a letter of interest and has demonstrated her qualifications to serve on the Planning Commission and agrees to do so while adhering to the principles applicable to governmental units and other requirements of law; and,

WHEREAS, the Board of Huerfano County Commissioners desires to appoint Myrna Falk to serve as an alternate member of the Huerfano County Planning Commission as a reflection of the values of the Huerfano County Board of County Commissioners.

NOW THEREFORE BE IT RESOLVED that the Huerfano County Board of County Commissioners hereby appoints Myrna Falk to serve as an alternate member of the Huerfano County Planning Commission until December 31, 2025, and until their successor has been appointed.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

**BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO**

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22-52**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION APPOINTING LISA WAGNER TO THE SPANISH PEAKS
LIBRARY DISTRICT BOARD OF TRUSTEES FOR A TERM EXPIRING ON
DECEMBER 4, 2027**

WHEREAS, the Board of County Commissioners serve as the governing body of Huerfano County and are vested with administering the affairs of the County pursuant to state statutes; and,

WHEREAS, the Board of County Commissioners established the Spanish Peaks Library District in Resolution 98-25 after approval by the voters of the District on November 3, 1998; and,

WHEREAS, Bylaws of the District set forth the membership structure of the Library Board of Trustees and under C.R.S § 24-90-108 the Board of County Commissioners is given the authority to ratify, with a two-thirds majority, recommendations for appointments to the Library Board within 60 days of receiving such recommendation; and,

WHEREAS, the Library Board of Trustees in a letter dated November 8, 2022 recommended the appointment of Lisa Wagner, who has demonstrated her qualifications to serve on the Library Board of Trustees and agrees to do so while adhering to the principles applicable to governmental units and other requirements of law; and,

WHEREAS, the Board of Huerfano County Commissioners desires to appoint Lisa Wagner to serve as a member of the Spanish Peaks Library District Board of Trustees as a reflection of the values of the Huerfano County Board of County Commissioners.

NOW THEREFORE BE IT RESOLVED that the Huerfano County Board of County Commissioners hereby appoints Lisa Wagner to serve as a member of the Spanish Peaks Library District Board of Trustees until December 4, 2027, and until their successor has been appointed.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

**BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO**

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22-53**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION APPOINTING VICKI BARNHOUSE TO THE SPANISH
PEAKS LIBRARY DISTRICT BOARD OF TRUSTEES FOR A TERM
EXPIRING ON JUNE 30, 2023**

WHEREAS, the Board of County Commissioners serve as the governing body of Huerfano County and are vested with administering the affairs of the County pursuant to state statutes; and,

WHEREAS, the Board of County Commissioners established the Spanish Peaks Library District in Resolution 98-25 after approval by the voters of the District on November 3, 1998; and,

WHEREAS, Bylaws of the District set forth the membership structure of the Library Board of Trustees and under C.R.S § 24-90-108 the Board of County Commissioners is given the authority to ratify, with a two-thirds majority, recommendations for appointments to the Library Board within 60 days of receiving such recommendation; and,

WHEREAS, the Library Board of Trustees in a letter dated November 8, 2022 recommended the appointment of Vicki Barnhouse, who has demonstrated her qualifications to serve on the Library Board of Trustees and agrees to do so while adhering to the principles applicable to governmental units and other requirements of law; and,

WHEREAS, the Board of Huerfano County Commissioners desires to appoint Vicki Barnhouse to serve as a member of the Spanish Peaks Library District Board of Trustees as a reflection of the values of the Huerfano County Board of County Commissioners.

NOW THEREFORE BE IT RESOLVED that the Huerfano County Board of County Commissioners hereby appoints Vicki Barnhouse to serve as a member of the Spanish Peaks Library District Board of Trustees until June 30, 2023, and until their successor has been appointed.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22-54**THE BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO****A RESOLUTION APPOINTING ALBERT GALVAN TO THE SPANISH PEAKS
LIBRARY DISTRICT BOARD OF TRUSTEES FOR A TERM EXPIRING ON
JUNE 30, 2023**

WHEREAS, the Board of County Commissioners serve as the governing body of Huerfano County and are vested with administering the affairs of the County pursuant to state statutes; and,

WHEREAS, the Board of County Commissioners established the Spanish Peaks Library District in Resolution 98-25 after approval by the voters of the District on November 3, 1998; and,

WHEREAS, Bylaws of the District set forth the membership structure of the Library Board of Trustees and under C.R.S § 24-90-108 the Board of County Commissioners is given the authority to ratify, with a two-thirds majority, recommendations for appointments to the Library Board within 60 days of receiving such recommendation; and,

WHEREAS, the Library Board of Trustees in a letter dated November 8, 2022 recommended the appointment of Albert Galvan, who has demonstrated his qualifications to serve on the Library Board of Trustees and agrees to do so while adhering to the principles applicable to governmental units and other requirements of law; and,

WHEREAS, the Board of Huerfano County Commissioners desires to appoint Albert Galvan to serve as a member of the Spanish Peaks Library District Board of Trustees as a reflection of the values of the Huerfano County Board of County Commissioners.

NOW THEREFORE BE IT RESOLVED that the Huerfano County Board of County Commissioners hereby appoints Albert Galvan to serve as a member of the Spanish Peaks Library District Board of Trustees until June 30, 2023, and until their successor has been appointed.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

**BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO**

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

RESOLUTION NO. 22-36

THE BOARD OF COUNTY COMMISSIONERS OF HUERFANO COUNTY, COLORADO

A RESOLUTION TO SET AN OPERATING POLICY FOR THE HUERFANO COUNTY WASTE TRANSFER STATION

WHEREAS, Huerfano County operates the Huerfano County Waste Transfer Station, located at 107 Industrial Blvd., Walsenburg, CO 81089; and,

WHEREAS, The Huerfano County Waste Transfer Station collects general municipal solid waste, as well as facilitates the recycling of paper, glass, tin and aluminum, electronic waste, cardboard, brush, scrap metal, and paint; and,

WHEREAS, The Huerfano County Waste Transfer Station is operated in compliance with State Regulations and under the facility's operating plan; and,

WHEREAS, The County has previously adopted fee schedules through motions and given operating instructions through motions and staff direction; and,

WHEREAS, Board of County Commissioners desire that the Waste Transfer Station be operated in a manner that is a credit to the County and a reliable public service; and,

WHEREAS, Board of County Commissioners desires to standardize the operation of the Waste Transfer Station and any other similar facilities that the County may operate.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Huerfano County, Colorado that the following are hereby adopted:

Section 1. Purpose and Scope.

1. The purpose of this policy is to standardize operations of the Huerfano County Waste Transfer Station and any other satellite facilities that that County may open.
2. This policy is applicable to the Huerfano County Waste Transfer Station (herein "Waste Transfer Station" or "WTS") and any other temporary or permanent smaller waste transfer facilities that that County may open (herein "satellite facilities"), together "Huerfano County Waste Facilities"

Section 2. Days and Hours of Operation.

1. The normal hours of operation for any Huerfano County Waste Facility will be 9AM to 3PM. The County Administrator is authorized to allow any Huerfano County Waste Facility to be closed from 11:30 to 12 Noon for lunch, depending on staffing conditions.
2. The Waste Transfer Station will be open on the following days:
 - a. Tuesday through Saturday from May 1st to October 31st

- b. Thursday through Saturday from November 1st to April 30th
3. The County Administrator is authorized to set the days of the week that any other satellite facilities are open given that those days must be generally consistent from week to week, unless set by time of the year.

Section 3. Holiday Closures.

Huerfano County Waste Facilities will generally follow the adopted County holiday schedule and be closed when on days when County Offices are generally closed. However, should Christmas Day, New Year's Day, or Independence Day fall on a Saturday the Waste Transfer Station will be closed on that day, rather than on the observed day.

Section 4. Closure Policy.

Huerfano County Waste Facilities may be closed due to severe weather or other bona fide reasons at the sole discretion of Huerfano County. If a decision to close is made, this will be announced via local media, the County web site and appropriate social media. The transfer station operator will post a sign on the entrance gate announcing the closure.

Section 5. Prohibited Wastes.

The following are prohibited for disposal at Huerfano County Waste Facilities

1. Hazardous solid or liquid waste
2. Lead-Acid or Auto Batteries
3. Waste containing Asbestos or contaminated soils
4. Waste containing mercury
5. Used Oil
6. Flammable solids or liquids
7. Pesticides

Section 6. Special Wastes.

1. **White Goods/Major Appliances**, including washing machines, dryers, stoves, and water heaters, are only accepted at the Waste Transfer Station under the following conditions:
 - a. Any freon must be removed and the appliance must be tagged as safe by a certified professional
 - b. Refrigerators and Freezers must have doors removed
2. **Brush, Tree Limbs, and Logs** must be less than 12 inches in diameter
3. **Tires** must be unmounted
4. **Cardboard** must be clean and dry. Wet or greasy cardboard, such as used in food service, are accepted in the regular loose or bagged waste streams.
5. **E-waste** may only be collected if deemed acceptable in the contracts with the hauler(s) and must be collected in bins for that specific purpose
6. **Paint** will only be accepted at the Waste Transfer Station under the conditions set by the Colorado Paint Stewardship Program

Section 6. Control of Windblown Material and Litter.

Staff are hereby instructed to regularly check the fence lines of all Huerfano County Waste Facilities and collect any material that may have been caught by the wind.

Section 7. Signage.

Signage shall be posted at all access points to any Huerfano County Waste Facility, with the hours of operation, the types of solid waste accepted and not accepted, and phone numbers for the facility and Huerfano County Dispatch.

Section 8. Fee Schedule.

All users of Huerfano County Waste Facilities, including County Departments, Offices, and Agencies, are subject to the fees below unless granted a fee waiver by the Huerfano County Board of County Commissioners.

BAGGED TRASH Including Brown Leaf and Lawn Bags	\$3.00 PER BAG
LOOSE HOUSEHOLD WASTE	\$9.00 PER CUBIC YARD \$23.00 PER LEVEL FULL SIZE PICK-UP LOAD
CONSTRUCTION DEBRIS	\$17.00 PER CUBIC YARD
CARDBOARD RECYCLING	FREE
SCRAP METAL	FREE
BRUSH, TREE LIMBS, LOGS	\$5.00 PER CUBIC YARD \$12.50 PER LEVEL FULL SIZE PICK-UP LOAD
WHITE GOODS/MAJOR APPLIANCES Such as washing machines, dryers, stoves, refrigerators, and water heaters	\$10.00 EACH
TIRES	\$6.00 EACH
MATTRESSES/BOX SPRINGS	\$6.00 EACH
E-WASTE	\$1.00 EACH
TELEVISIONS AND MONITORS	\$10.00 EACH
PAINT CANS	FREE

Section 9. Payments Accepted.

1. Huerfano County will accept cards or checks on site. Customers shall not be charged processing fees for cards.
2. Cash may be loaded onto a gift card at the County Courthouse, but will not be accepted on site.
3. Contractors and Waste Haulers licensed within Huerfano County may establish charge accounts with approval of the Board of County Commissioners.
4. Governments within Huerfano County may establish charge accounts without said approval.
5. The County Administrator shall develop and implement a process for qualified entities to apply, be issued, and maintain an account.

Section 10. Previous Actions Ratified.

1. All previous actions of the Board of County Commissioners to set fees, standards, or policies and the actions of County Staff to implement those actions are hereby ratified.
2. Nothing in this resolution shall be interpreted to overturn, revoke, or otherwise diminish the Operating Plan. Where conflict may exist the higher standard, in the judgement of the County Administrator, will prevail.

INTRODUCED, READ, APPROVED AND ADOPTED THIS 20th day of DECEMBER 2022.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner



PO Box 905 La Veta CO 81055
www.twopeaksfitness.org

December 9, 2022

To: Huerfano Board of County Commissioners
RE: Walsenburg Gym Startup Expenses Donation Request

Honorable Commissioners:

Two Peaks Fitness is excited to be working with the County and Huerfano Parks and Recreation District to open a fitness center in Walsenburg. We greatly appreciate the support from the BOCC.

We have identified quite a few startup expenses as part of getting the fitness center operational, to the tune of nearly \$9,000. Some of the higher priced items include HEPA wall-mountable air filters, a receptionist desk, window blinds, locker room benches, and outdoor signage.

We are participating in the Spanish Peaks Business Alliance's Holiday Giving Campaign and also have a fundraiser planned in January at La Veta's Mountain Merman Brewery. We hope to raise \$3,000 through these two activities. We are hoping that the county could also support this effort by donating \$4,500 to Two Peaks Fitness to assist with startup funding.

Again, we deeply appreciate the support from the County in bringing a fitness center to Walsenburg!

A handwritten signature in black ink that reads "Keri Meyer". The signature is written in a cursive, flowing style.

President and Chair
Two Peaks Fitness



P.O.Box 1129
La Junta, CO 81050
Phone: (719) 384-8553
Fax: (719) 384-7583

Item 7p.

INVOICE

Page 1

104009497

Bill To:
HUERFANO COUNTY DISPATCH
500 S ALBERT AVE
WALSENBURG, CO 81089

Ship To:
HUERFANO COUNTY DISPATCH
500 S ALBERT AVE
WALSENBURG, CO 81089

Vehicle ID:

Date: 12/09/2022		Customer Rep: WALT GARBO		Terms: NET 30 DAYS	
Qty	Item	Description	Unit Price	Extended	
1	TOWER CREW	LABOR - TOWER CREW SHEEP MOUNTAIN TOWER MAINTENANCE: - MOBILIZATION - PERFORM PLUMB AND TENSION OF 150' SABRE GUYED TOWER PER PREVAILING TIA 222 STANDARD REVISION - INSPECT TOWER AND GUY ANCHORS FOR PROPER INSTALLATION - PROVIDE INSPECTION REPORT WITH P&T READINGS AND PICTURES FOR FINAL PRODUCT	5,000.00	5,000.00	

Subtotal:	\$5,000.00
Tax :	\$0.00
Order Total:	\$5,000.00



Item 7q.

**Huerfano County
Land Use Department
401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 1117 (Bldg Department)**

December 13, 2022

This Letter is concerning John Fischer Twp 27, Rng 70 Sec 30 (parcel number 16464) in Gardner. After investigating, the property, there are no structures currently on the property. There is no building permit currently on file for this property/property owner.

Mr. Fischer has applied for a bulk water permit to supply water to their 35 head of cattle as the spring water they use in the summer months quits flowing in the winter months from November through April.

Please let us know if you have any further questions or concerns.

Best Regards,

Cheri Chamberlain
Huerfano County
Building and Code Enforcement
401 Main Street Suite 304
Walsenburg, CO 81089
(719) 738-1220 ext. 117 (Office)
(719) 248-6715 (Cell)
cchamberlain@huerfano.us

Ryan Sablich
Huerfano County
Building and Code Enforcement
401 Main Street Suite 304
(719) 738-1220 ext. 118 (Office)
(719) 248-9019 (Cell)
rsablich@huerfano.us

PERMIT AND AGREEMENT FOR BULK WATER USE

This permit and agreement for bulk water use ("Application") is entered into by and between the Gardner Water and Sewer Public Improvement District ("District") and

JOHN L. FISCHER to become effective on 11/29/22
 (Printed Name) ("Effective Date").

Applicant is requesting bulk water as a

County Resident X Non County Resident _____

Licensed Contractor of Huerfano County _____

Physical address of property where water will be used

1110 COUNTY ROAD 573, REDWING, CO ~~81040~~ 81040

In space provided please explain why you are requesting to open a bulk water account

WE ARE IN NEED OF A BULK WATER ACCOUNT
FOR THE PURPOSE OF SUPPLYING WATER FOR
OUR CATTLE. WE CURRENTLY RUN 35 HEAD
OF CATTLE ON OUR PROPERTY AND THE SPRING
WATER WE USE IN SUMMER QUITS FLOWING
IN THE WINTER MONTHS FROM NOVEMBER
THROUGH APRIL.

Attach proof of ownership to this form Accepted forms of ownership are a Property Deed
 Treasurers Deed or File Maintenance print out from county Assessor's Office

Bulk Water Rates and Administrative Fee.**County Resident Rate:**

\$0.04 cents per gallon up to 30,000 gallons per calendar year, limited to 2,500 gallons per month. Use exceeding 30,000 gallons per calendar year will be charged \$0.08 cents per gallon, limited to 1,500 gallons per month. County resident status is defined as owning a parcel of land within the 81040 postal zip codes, or within the Upper Huerfano River drainage basin with an approved conforming primary residence on the parcel.

Non County Resident Rate:

\$0.08 cents per gallon up to 30,000 gallons per calendar year, limited to 2,500 gallons per month. Use exceeding 30,000 gallons per calendar year shall not be permitted. Nonresident is defined as an owner of any un-improved parcel of land within the 81040 postal zip codes, or within the Upper Huerfano River basin, or any user outside of the Upper Huerfano River basin.

Licensed Contractor of Huerfano County:

Contractors licensed in Huerfano County shall be charged a rate of \$08.5 cents per gallon and limited to 15,000 gallons per calendar year.

Administrative Fee:

A non-refundable new application administrative fee of \$50.00 dollars is due at time of application submittal.

Huerfano County has land use regulations. Account holders charged with a land use violation(s) shall have their account suspended. If it is determined that a violation does exist all remaining fees will be forfeited and the account terminated. NO EXCEPTIONS. Issuance of a bulk water account does not guarantee a source of water in perpetuity.

Approval of all bulk water accounts is subject to inspection of subject property by a county representative and approval of the Board.

Applicant by signing this "Application" agrees to hold the District harmless for any damages to their property as a direct result of utilizing the Bulk Fill Station.

Customer signature: John L. Fischer

DL#

State

Expiration date

DOB

Phone number: (303) 947-5025e-mail address: jrafischer@msn.com

Application received by: _____

Date _____

Office Representative

Date application received by Public Works Director: 11-30-22

Application was reviewed at the regularly scheduled Huerfano County Board of County Commissioners meeting of _____

District approved _____ District denied _____

Finance staff to complete below information.

Date account opened _____ Account # _____

Administrative Fee \$50.00 paid by

Cash _____ Check _____ Attach copy of check to agreement

Card Transaction _____ Attach receipt from Treasurers Office

Bulk Water fee collected _____

Cash _____ Check _____ Attach copy of check to agreement

Card Transaction _____ Attach receipt from Treasurers Office

Gerald Cisneros, Chairman
John Galusha, Commissioner
Arica Andreatta, Commissioner

Item 7r.



Board of County Commissioners

December 20, 2022

Colorado Broadband Commission
601 E. 18th Ave., Suite 250
Denver, CO 80203

RE: Jade Communications Fiber to the Premise Broadband Grant Application

Dear Broadband Commission,

This letter is to enthusiastically support the grant application of Jade Communications to provide Fiber to the Premise (FTTP) service to the communities of Spanish Peaks and the Cuchara Mountain Resort. This grant will provide much needed service to connect these citizens to the previously awarded Highway 12 middle mile and final mile project in Huerfano County.

This grant will provide 100/100 service that is scalable and meet the future needs of these communities that have heavily forestation and mountains that make fixed wireless spotty, unreliable and unavailable. This will permit the community to grow into the future of business and work from home opportunities in a significantly rural county.

Huerfano County consistently has one of the highest unemployment rates and one of the highest poverty rates in Colorado with limited educational opportunities beyond high school. This grant will permit more online educational opportunities, support our efforts to increase mobile health services, and provide growth opportunities for businesses.

We, the Huerfano County Board of County Commissioners, provide our unconditional support and encouragement for this grant application.

Sincerely,

Gerald Cisneros, Chairman

John Galusha, Commissioner

Arica Andreatta, Commissioner

Agreement for Application Hosting and Technology Support Services

Amendment No. 3

Avenu Enterprise Solutions, LLC

Huerfano County, Colorado

This third amendment (“Amendment No. 3”) is made by and between **Avenu Enterprise Solutions, LLC**, 5860 Trinity Parkway, Suite 120, Centreville, VA 20120 (“Avenu”) and **Huerfano County**, 401 Main Street, Walsenburg, CO 81089 (“Client”).

RECITALS

WHEREAS Client and Avenu executed the Agreement for Application Hosting and Technology Support Services (“Agreement”), for the NewVision Application Software and services for the County Finance, Assessor and Treasurer’s Offices, effective January 1, 2020 through December 31, 2022; and

WHEREAS the parties executed Amendment No. 1 effective October 1, 2021 to increase the number of users of the software; and

WHEREAS the parties executed Amendment No. 2 effective January 1, 2023 to extend the Term for two (2) years through December 31, 2024 and remove the Finance Office and associated products and services from the Agreement; and

WHEREAS the parties desire to rescind Section 3 of Amendment No. 2 with this Amendment No. 3 and extend services for the Finance Office for an additional three (3) month period.

NOW, THEREFORE, Avenu and Client (each individually a “party” and collectively, the “parties”) agree as follows:

1. This Amendment No. 3 is effective on January 1, 2023 (“Amendment Effective Date”).
2. Section 3 of Amendment No. 2 is rescinded. Avenu will continue to provide Client with access to the NewVision Government Financial and NewVision Payroll financial application system modules through March 31, 2023.
3. Schedule A (Statement of Work), Section B.1 (Base Monthly Fee and Payment Schedule), as revised under Amendment No. 2, is deleted and replaced with the following:

1. Base Monthly Fee and Payment Schedule

Client shall pay Avenu the base monthly fee set forth in the tables below:

January 1, 2023 – December 31, 2023	Monthly SaaS Fee	Annual SaaS Fee	Annual Forms Amount
Assessor	\$ 2,596.97	\$ 31,163.64	\$ 2,055.04
Treasurer	\$ 2,299.24	\$ 27,590.88	\$ 3,290.23



January 1, 2024 – December 31, 2024	Monthly SaaS Fee	Annual SaaS Fee	Annual Forms Amount
Assessor	\$ 2,674.88	\$ 32,098.56	\$ 2,055.04
Treasurer	\$ 2,368.22	\$ 28,418.64	\$ 3,290.23

January 1, 2023 – March 31, 2023	Monthly SaaS Fee	Quarterly SaaS Fee
Finance	\$ 2,074.47	\$ 6,223.40

4. Section 5 of Amendment No. 2 is amended to add the following address to submit invoices for the Finance Office for the January 1, 2023 through March 31, 2023 extended Term:

Huerfano County (Finance Department)
 PO Box 388
 401 Main Street
 Walsenburg, CO 81089

5. All other terms and conditions of the Agreement, except as modified by this Amendment No. 3, shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned authorized representatives of Avenu and Client have executed this Amendment No. 3.

Avenu Enterprise Solutions, LLC

Huerfano County

By: _____

By: _____

Name: Carl Kumpf

Name: _____

Title: Chief Financial Officer

Title: _____

Date: _____

Date: _____

MEYER & SAMS, INC.
dba GMS, INC., CONSULTING ENGINEERS
611 N. Weber Street, Suite 300
Colorado Springs, CO 80903-1074
719-475-2935 - 719-475-2938 (Fax)

Huerfano County
 401 Main Street, Suite 201
 Walsenburg, CO 81089

December 1, 2022
 Invoice No: 1

Project 2022-070 Huerfano County - Industrial Park

Professional Services from July 25, 2022 to October 28, 2022

Phase .050 Surveying

Prepare and conduct field site survey of defined industrial property; download survey data into AutoCAD;
 prepare site plan; communication with Roscoe Engineering.

Professional Services

	Hours	Rate	Amount
Senior Design Technician	6.80	\$165.00	\$1,122.00
Senior Resident Representative	21.30	\$115.00	\$2,449.50
Design Technician	1.50	\$108.00	\$162.00
Resident Representative	3.20	\$101.00	\$323.20
	<u>32.80</u>		<u>\$4,056.70</u>
Total Labor			\$4,056.70
		Total This Phase	\$4,056.70
		Total this Invoice	\$4,056.70

December 10, 2022

Ms. Elisha Meadows
401 Main Street, Suite 205
Walsenburg, CO 81089

According to our current agreement:

"HUERFANO COUNTY, COLORADO AGREEMENT PROFESSIONAL SERVICES"

in "Section III — Term" between Huerfano County and ValueWest, Inc currently in place for 2022, this agreement can be extended for up to three one-year terms subject to written mutual agreement.

By signing this letter below all parties agree to extend the agreement for the year 2023.



John Zimmerman, ValueWest, Inc
Date 12/10/2022



Elisha Meadows, Huerfano County Assessor
Date 12/14/22

County Commissioner
Date



COLORADO

Department of Early Childhood

MEMORANDUM OF UNDERSTANDING

The State of Colorado Department of Early Childhood and the Board of County Commissioners or other elected governing body of Huerfano County, Colorado.

This Memorandum of Understanding (MOU) is made on this 1st day of January 2023 between the State of Colorado Department of Early Childhood (CDEC) and the Board of the County Commissioners or other elected governing body of Huerfano County (the “County”).

CDEC is the sole state agency with the responsibility to administer or supervise the administration of the Colorado Child Care Assistance Program as outlined in CRS §§ 26.5-1-106 and CRS §§ 26.5-4-104.

The Colorado General Assembly enacted Senate Bill 97-120 in response to the passage of the federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996” thereby adopting the Colorado Child Care Assistance Program (“Child Care Program”); referred to as the “Program” for the purposes of this MOU.

CRS §§ 26.5-4-115 requires CDEC, and each County, either acting singly or as a group of Counties, to enter into an annual performance contract that includes but is not limited to, requirements and provisions that address each party’s duties and responsibilities to work in a collaborative manner to administer, financially support, and implement the Child Care Assistance Program using fair and objective criteria.

CDEC and the County understand and agree that the services and assistance outlined in this MOU are subject to available appropriations by the General Assembly, and the County. Neither party will be obligated to provide services or assistance if adequate appropriations have not been made.

The following terms are agreed to by CDEC and the County:

1. MOU MEETS PERFORMANCE CONTRACT REQUIREMENT

The parties agree that the provisions of this MOU constitute compliance with CRS §§ 26.5-4-115.

2. TERM

The term of this MOU will be from January 1, 2023, through June 30, 2025. This MOU shall be reaffirmed annually through an amendment that shall be signed by all applicable parties.

3. REQUIRED DUTIES OF THE COUNTY

- a. The County will administer and implement the Child Care Assistance Program using fair and objective criteria, and in compliance with Federal law, State Statute, and applicable program regulations in 9 CCR 2503-8, 8 CCR 1403-1, 9 CCR 2501-1, and 11 CCR 2508-1.

- b. The County will not restrict eligibility or the provisions of services, nor will it impose penalties that are inconsistent with State Statute or Federal law and applicable program regulations, including the process and penalties outlined in 9 CCR 2503-8, and 8 CCR 1403-1.
- c. The County will maintain sufficient records and will permit CDEC or its duly designated agents and/or representatives of the federal government, to inspect the records and make such records available to CDEC as specified in CRS §§ 6-17-100 and CRS §§ 26.5-4-118. The County must also continue to report to CDEC in accordance with the Code of Federal Regulations (CFR), title 45 of the Public Welfare Code, parts 98 AND 99, and State regulations, to include 9 CCR 2503-8, 8 CCR 1403-1 8 CCR 1403-1, 9 CCR 2501-1, and 11 CCR 2508-1, or any other applicable regulation promulgated by CDEC and must report to CDEC in the future, as required by law. In addition, counties or county departments that are covered entities, or contracting parties to a Business Associate Agreement, pursuant to the Health Insurance Portability & Accountability Act of 1996 (HIPAA), must comply with HIPAA, as required by law.
- d. As specified by Program regulations and State statutes, counties shall have flexibility in determining the approaches needed to achieve federal and state requirements and to utilize allowable local level policies to manage their budget within their CCCAP Allocation. The County agrees to provide CDEC with its adopted policies and any updated written information when, or if, changes to these policies are made in the Program. The County agrees to provide the information and policies as outlined in 8 CCR 1403-1 to CDEC prior to adopting the aforementioned policies and to update their Child Care Program County Plan when changes impact the administration of the Program.
- e. In addition to what is required by statute or rule, the parties agree that information and policies provided by the County to CDEC, as described in paragraph (d) herein, are for informational purposes and are provided to assist CDEC in meeting its responsibilities, with respect to the Child Care Program. Nothing in this MOU gives CDEC the authority to require any county policies beyond what is required by statute, Program regulations, or the Child Care Program County Plan. The County acknowledges that CDEC has the right to review, comment upon, approve, or request reasonable additional information or clarification of any County policies or records. Such requests will be made in writing and directed to the County Department of Human/Social Services Director.
- f. The County will utilize the technical assistance, training, and reporting or tracking resources offered by CDEC in order to administer the Program and will meet performance measures of timeliness and accuracy.
- g. The County will meet timely processing requirements as outlined in 8 CCR 1403-1. Timeliness requirements are measured from the date the county receives an application or re-determination.
- h. The County will meet established accuracy requirements that ensure compliance with Code of Federal Regulations (CFR), title 45 of the Public Welfare Code, part 98, subpart K - Error Reporting and the Federal Child Care Improper Payment Data Collection Instructions (DCI).

The parties acknowledge that the performance measures of timeliness and accuracy are, as of the signing of this MOU, the only mandated performance goals. The County's agreement to meet the performance measures is relevant to CDEC's anticipation that CDEC will, in turn, be able to meet the performance measures required by Federal guidelines.

4. DUTIES OF CDEC

- a. In consultation with the Counties, CDEC will oversee the implementation of the Child Care Program, statewide, and will develop standardized forms that streamline the application process, the delivery of services, and the tracking of participants.
- b. CDEC will monitor the County's provision of child care services and, if necessary, perform the duties outlined in CRS §§ 26.5 Article 4, Part 1.
- c. CDEC exercises oversight of and responsibility for the development, implementation, maintenance, and enhancement of the State Child Care Automated Tracking System (CHATS) and its application relative to the Child Care Program. Because the State Child Care Automated Tracking System is a system that utilizes decision tables run by a rules engine for determining eligibility and amount of benefits to the extent allowed by law, the County will not be penalized or required to follow a remediation plan due to service disruptions or for erroneous decisions made by the State Child Care Automated Tracking System. Without limitation, this applies to erroneous eligibility decisions, erroneous determination of the amount of benefits, erroneous decisions resulting in overpayments and subsequent recoveries, and erroneous decisions resulting in underpayments and subsequent supplemental payments of claims.
- d. CDEC will not penalize counties for not meeting the required eligibility performance measures when it is due to a system service disruption that impacts a county's ability to meet timeliness and accuracy rates.

CDEC acknowledges that liability to third parties resulting from erroneous, inaccurate, or inadequate State Child Care Automated Tracking System notices to Child Care Program households, is properly the State's liability. CDEC will not take recovery action against the County for any claim, including a legal claim, that is defined in this paragraph c as a State Child Care Automated Tracking System caused error. This provision does not apply to any errors, claims, or issues caused by the County's inaccurate data entry in the system, the County's failure to follow clear, reasonable, and lawful instruction, or failure to follow applicable program regulations in 9 CCR 2503-8, 8 CCR 1403-1, 9 CCR 2503-8 or any other applicable regulation promulgated by CDEC. This provision does apply to the State Child Care Automated Tracking System training and data entry rules and/or any rules that are part of the State Child Care Automated Tracking System rule engine.

- e. CDEC will consider county recommendations and feedback provided to the Rules Advisory Committee (RAC) and/or RAC County Subcommittee related to proposed policies or proposed rule changes that may impact performance measures and help meet federal guidelines.
- f. CDEC will formally communicate in writing the established Performance Measures by outlining the requirements for timeliness and accuracy via a Program memo.
- g. CDEC will use valid data from the State Child Care Automated Tracking System and other sources, as necessary, to accurately calculate the County's performance measures. Prior to submitting its calculation to the federal government, CDEC will provide the County with the individual data variables and supporting information used in the calculations, so that the County may review the data to ensure the accuracy, validity, and proper calculation of the accuracy rates.
- h. CDEC will provide counties with reports that summarize the results of the Quality Assurance

reviews on a monthly basis

- i. CDEC will develop and provide ongoing technical assistance, training, and reporting for tracking resources to help the County administer the program and to meet performance measures. A CDEC technical issue that cannot be resolved within 48 hours will be factored into a County's timeliness rate as a mitigating factor during the time that the issue is unresolved.
- j. CDEC will develop and provide online, on-demand, or one on one training for Program staff.
- k. CDEC will provide reports on County performance monthly.
- l. The amount identified for a county's level of spending, as required by section 26.5-4-110(6) C.R.S., shall be identified annually in the Allocation Agency Letter.
- m. CDEC will ensure that requests for CHATS Pilot/LMS or CHATS access for County CCCAP staff are processed within two (2) business days of the request.
- n. CDEC will ensure, via agreement with LCO's, that Counties are only responsible for CCCAP timeliness once the application is received by the county.

5. JOINT CDEC AND COUNTY DUTIES

- a. CDEC and Counties will work together in partnership to communicate performance expectations and results to jointly achieve federally required performance outcome measures related to timeliness and accuracy as described in Section 3.
- b. As needed, the State and Counties will convene meetings, workshops, focus groups, or other forums to share information, best process, or targeted strategies to achieve the spirit and intent of this MOU document and related federal and state performance requirements.
- c. The State and the Counties will work together to ensure that the information entered and reported in the State Child Care Automated Tracking System and the Colorado Benefits Management System (for the purposes of data matching and Colorado Works Child Care cases) are as accurate as possible. The State shall work to address any system issues in a timely manner, and Counties will enter accurate client and provider information in the applicable state systems.

6. REMEDIATION PLANS

- a. The County, in consultation with CDEC, may develop a remediation plan if, during the term of this MOU, the County engages in any of the following actions:
 - i. Spending federal or state Child Care Program funds in a manner disallowed by Federal or State law, which could include receipts or recoveries that are not reported;
 - ii. Failing to meet the established performance measures;
 - iii. Restricting eligibility or the provision of services, or imposing penalties in a manner inconsistent with a federally compliant state law and state plan, and applicable program

regulation;

- iv. Failing to meet timely processing requirements or Child Care Program federal improper payment error rate guidelines, in accordance with the federal fiscal year and as described in section 3.

7. PENALTIES

- a. According to CRS §§ 26.5-4-115, a county or group of counties may be penalized for not meeting any obligation under this performance contract and may include a reduction in a future county block grant allocation.
- b. Subject to the limitations set forth herein, if CDEC is subject to a federal penalty, and the County's remediation plan was insufficient, CDEC may impose penalties on the County pursuant to this MOU only if during the term of this MOU, the County engages in any of the following actions:
 - i. Spending federal or state Child Care Program funds in a manner disallowed by Federal or State law, which could include receipts or recoveries that are not reported;
 - ii. Failing to meet the negotiated performance measures;
 - iii. Restricting eligibility or the provision of services, or imposing penalties in a manner inconsistent with a federally compliant state law and state plan, and applicable program regulation.
 - iv. Failing to meet timely processing and accuracy requirements as described in section 3.
- c. A penalty will not be imposed on the County for failing to adhere to a state regulation that conflicts with federal law.
- d. The county will not be penalized or required to follow a remediation plan if:
 - i. The County can demonstrate by a preponderance of evidence that CDEC provided inaccurate guidance, training, or data with regards to performance under this MOU; and,
 - ii. That the County's reliance on this information is the proximate cause for the imposed penalties. If the County can only demonstrate that it is the proximate cause for part of the penalty, the County will not be liable for that portion of the penalty.
 - iii. The CDEC fails to provide monthly timeliness reports to the County

8. PROCEDURES FOR IMPOSING A REMEDIATION PLAN OR PENALTIES

- a. The process for a penalty or remediation plan against the County or group of Counties by CDEC will be as follows:
 - i. CDEC will provide the County with written notice of the County's failure to meet any performance measure outlined in this MOU. This notification will include all associated documentation that supports CDEC's determination of the performance failure. Upon receiving such notice, the County has sixty (60) days to contest, explain, offer evidence of mitigating factors, and/or submit a remediation plan to correct the alleged

performance problem.

- ii. If the County's remediation plan does not rectify the performance problem, CDEC may determine the appropriate level of penalty. CDEC shall take into consideration as a mitigating factor any alleged violation of a state regulation, if that regulation exceeds or conflicts with the requirements of the federal law. CDEC will provide the County one hundred eighty (180) days written notice of the proposed penalty before imposing any penalty. This notification will include the rationale of imposing the penalty, as well as all associated documentation, a calculation of the proposed penalty, and an indication of what constitutes a remedy or correction that will allow the County to avert the penalty, if any remedy or correction is possible. Upon receiving such notice, the County has ninety (90) days to contest, explain or offer evidence of mitigating factors, before CDEC imposes the penalty.
- iii. If a penalty is imposed by the Federal Government as a result of a county's actions, CDEC will impose a penalty against that county proportionate to the county's responsibility which cannot be greater than that imposed by the Federal Government. If CDEC has incurred a penalty due to the failure of more than one County to meet its obligations under the terms of this MOU, the County will only be penalized for its share of the penalty.
- b. CDEC will provide the County with all documents received from the federal government related to any proposed or imposed federal penalty within twenty (20) days of receipt, together with all CDEC documents related to the actions giving rise to that federal penalty, or that related to the penalty process or how the County's share of the penalty was determined. If CDEC fails to provide the required documentation within the twenty (20) days, CDEC may not hold the County liable for that penalty.

9. CIRCUMSTANCES FOR CDEC ASSUMING ADMINISTRATION

- a. As outlined in CRS §§ 26.5-4-115 (2), if the County continues to knowingly or consistently fail to meet its obligation specified in this MOU, CDEC, at its sole discretion, may assume the County's administration and implementation of the Child Care Program.

In that event, CDEC will provide the County with ninety (90) days of written notice before assuming these duties. Upon receipt of such notice, the County shall have the opportunity to contest, explain, offer evidence of mitigating factors, or correct the failure before CDEC assumes the duties.

- b. If the County continues to consistently fail to meet its obligation specified in this MOU, the County at its sole discretion may ask CDEC to assume the County's administration and implementation of the Child Care Program.
- c. If CDEC assumes the County's administration and implementation of the Child Care Program, it may retain the unused portion of the allocation that was provided to the County, as part of the County's block grant for its administration and implementation of the Program, in accordance with the formulas described in CRS §§ 26.5-4-110. CDEC will, in consultation and in conjunction with the County, develop or modify automated systems to meet the reporting requirements of CRS §§ 26.5-4-114.
- d. CDEC has no authority to require counties to pay MOE (Maintenance of Effort) for any program other than CCCAP.

10. DISCRETIONARY MATTERS

The parties agree that all portions of Part 1 of Article 4 of Title 26.5 that grant discretion to CDEC or the County regarding the administration of the Child Care Program in the County, will not be affected by the execution of this MOU except as explicitly stated herein.

11. SEVERABILITY

To the extent that this MOU is executed, and the performance of the obligations of the parties may be accomplished within the intent of the MOU, the terms of the MOU are severable. Thus, should any term or provision herein be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision herein. The waiver of any break of term, herein shall not be construed as a waiver of any other term, or of the same term upon subsequent breach.

12. INTEGRATION OF UNDERSTANDING

This MOU is intended as the complete integration of the understanding between the parties concerning the matters negotiated between them and incorporated in this MOU. No prior or contemporaneous addition, deletion, or other amendments hereto shall have any force or effect whatsoever, unless embodied in writing. No subsequent notation, renewal, addition, deletion, or other amendments hereto shall have any force or effect unless embodied in a written amendment executed by the parties.

The parties recognize the nature of the relationship between the County and State. This relationship is governed more broadly by pertinent provisions of the Colorado Constitution and of State Statutes, the State Plan, and Program regulations. The parties further recognize that this MOU is not intended to supersede or change the relationship between the County and the State as established by any legal authority.

13. NO THIRD-PARTY BENEFICIARY

This MOU is binding on CDEC, and the County or group of Counties, as well as their respective successors and assigns. It is agreed that the enforcement of the terms and conditions of the MOU are reserved for CDEC and the County or group of Counties to the extent permitted by law. Nothing contained in this MOU allows a claim or right of action by a third party. Any third-party receiving services or benefits under the provisions of this MOU is deemed an incidental beneficiary.

14. DISPUTE RESOLUTION

According to CRS §§ 26.5-4-115, if a disagreement concerning this performance contract arises between the County or group of Counties and the CDEC, either party may request resolution of the disagreement through an independent dispute resolution process that is agreed upon by the parties. If necessary to assure services are available within the County or group of counties, the Department may enter into a temporary agreement with the County or group of Counties or with another public or private agent until the disagreement is resolved.

DEPARTMENT DIRECTOR,

STATE OF COLORADO DEPARTMENT OF EARLY CHILDHOOD

Executive Director or Designee

COUNTY OF Huerfano COLORADO,

by and through the BOARD OF COUNTY COMMISSIONERS

Chairman

ATTEST:

County Clerk to the Board

Date: _____



COLORADO
Department of Local Affairs
Division of Local Government

Item 7w.

December 01, 2022

Gerald Cisneros, Chairman
Huerfano County
401 Main Street, Suite 201
Walsenberg, CO, 81089

RE: REDI 22-304 - Huerfano County Maker Space and Retail Business Incubator

Dear Chairman Cisneros,

In response to your recent request, I am offering to enter into a contract for a grant in the amount of \$60,000 to assist with the above mentioned project. We are pleased to make this investment to encourage growth, diversity and resiliency in the local economy.

Please contact your Regional Manager, Tara Marshall, for information on how to proceed as well as discuss the scope of work and the Department's expectations. As you know, no state funds or matching funds can be obligated before a grant contract is fully executed. Expenditure of any funds prior to the contract being fully executed cannot be included in the contract budget or reimbursed by the state. Please note that funds need to be expended by June 30, 2024.

We wish you success with this project. Please let us know if we can be of any assistance.

Sincerely,

Rick Garcia
Executive Director

cc: Cleave Simpson, State Senator
Donald Valdez, State Representative
Carl Young, Huerfano County
Tara Marshall, DOLA

Gerald Cisneros, Chairman
John Galusha, Commissioner
Arica Andreatta, Commissioner



Item 7w.

HUERFANO COUNTY GOVERNMENT GRANT APPROVAL MEMORANDUM

Date: December 20, 2022
To: Huerfano County Board of County Commissioners
From: Carl Young, County Administrator
Re: DOLA REDI Grant – Retail Pop-Up Business Incubator

Summary: This is a request to accept the award of a grant from the Colorado Department of Local Affairs Rural Economic Development Initiative for our Retail Pop-Up Business Incubator. This grant will provide some matching funds for our EDA Grant and also assist Huerfano County Economic Development Inc. with building out the Makerspace and other operating expenses. I propose to use American Rescue Plan Act Funds for the County match.

Requested Motion/Action:

Motion to accept the award of a the DOLA Rural Economic Development Initiative Program in the amount of \$60,000 from DOLA and commit \$35,000 in local matching funds with the remaining amount of funds to come from the EDA Grant.

Grant Program: The Colorado Department of Local Affairs' Rural Economic Development Initiative (REDI) program is designed to help rural communities comprehensively diversify their local economy and create a more resilient Colorado. The most successful applications to this program are those from counties with less than 50,000 people, and from communities with fewer than 25,000 people. Projects that will be funded include plans, construction, programs, and capacity building. All applications must create and retain jobs, either direct or indirect. Projects should fall into one or more of the following categories: (1) Job creation and retention - Both through direct and indirect means; (2) Capacity building - Under special circumstances DOLA will consider funding local economic development capacity. Staff must be tied to a specific outcome, project, and timeline, which contributes to goals of job creation, business attraction/retention, and economic resilience; (3) Economic resilience - Economic resilience is the ability of a community's economy and systems that support the economy to withstand disruption and thrive in the face of change; (4) Supports entrepreneurial ecosystems - Entrepreneurial ecosystems provide trainings, networking opportunities, and infrastructure to support local entrepreneurs; (5) All projects should be identified as a priority for the community within a comprehensive and holistic approach.

Our Project:

This Project will launch a Pop-Up Retail Business Incubator Program with maker components. The Pop-Up Retail Business Incubator will launch new or early-stage retail businesses. The intent is that the Pop-Up Incubator will boost downtown activity while also reactivating a downtown building.

The incubator will feature "cubbies and mini-cubbies" and business development services. The business incubator program will be 24-months with the opportunity to graduate early. A competitive application process will select businesses in the target markets identified to fit the key opportunities

in Huerfano County. The business incubator will nurture concepts from the idea stage through business launch. As a result, the impact on the community will be much greater than the companies inside the building. Not only will more business-inclined residents be given access to programming but also the expertise necessary to support the business incubator businesses will benefit all retailers in Huerfano County through training and on-on-one direct support and energizing retail the sector. For Huerfano County retail startups, the pop-up space provides a low-cost, low-risk, opportunity to try their business concept while the business incubator program supports the implementation of successful and sustainable business models.

In an economic development setting, makerspaces are promoted as innovation spaces and coupled with business development resources can encourage makers to think of their innovations as potential new startups and breed the next generation of entrepreneurs. The program beyond the space aims to form a consortium of Makerspaces throughout the County offering a diverse collection of equipment and programming to ignite a maker community. This robust collaborative could include K-12 schools, libraries, the Museum of Friends, and the La Veta Creative District.

Alignment with County Objectives:

This project aligns with the County's Economic Development Strategic Priority.

Financial Considerations:

This grant will help cover costs related to the EDA grant for the retail business incubator. The County's match obligation for the EDA grant could be reduced by between \$26,000 and \$37,000. These are all costs we expect to be front loaded in the grant. We are still working to finalize a project that maximizes funds available.

Keywords: Entrepreneurship, Retail and Hospitality, Downtown Revitalization, Economic Development

Signature of the Chair

Approved ☐

Denied ☐

All-Phase Environmental Consultants, Inc.
721 W. 9th Street
Pueblo, CO 81003

Phone (719) 545-0375

Item 7x.

Invoice

DATE	INVOICE #
12/16/2022	22-5107

BILL TO

Huerfano County
401 Main Street, Ste. 201
Walsenburg, CO 81089

TERMS	DUE DATE
Net 15	12/31/2022

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
Phase 1	Environmental Site Assessment	1	2,500.00	2,500.00
9.4	Mileage	1	125.00	125.00
	129 Kansas Ave Walsenburg, CO			

Thank you for your business.

Total \$2,625.00

PAYMENT NOT RECEIVED BY DUE DATE WILL
ACCRUE INTEREST AT 1.5% EVERY 30 DAYS
WITH A MINIMUM LATE FEE OF \$25.00.

Payments/Credits \$0.00

Balance Due \$2,625.00

E-mail

accounting@allphaseenvironmental.com

CONTRACT FOR SERVICES AGREEMENT
Custodial Contractor for the Huerfano County Judicial Center

This Agreement, entered into this **Day of December 2022**, by and between the County of Huerfano, Colorado, whose address is 401 Main Street, Suite 201, Walsenburg, CO 81089, hereinafter referred to as the "County" and LG Maintenance Enterprises, LLC whose address is 502 County Road 232, Walsenburg, CO 81089, hereinafter referred to as "Contractor".

WHEREAS, the County requires the services of a Custodial Contractor for the Huerfano County Judicial Center, located at 200 West 5th Street, Walsenburg, CO 81089, hereinafter referred to as the "facility"; and,

WHEREAS, the facility is primarily occupied by the Huerfano County Combined Courts, hereinafter referred to as the "Courts";

WHEREAS, the Contractor desires to contract for such services.

NOW, THEREFORE, the parties mutually agree, promise, stipulate, and covenant as follows:

1. The County does hereby agree to contract with the Contractor to do and perform the acts and services hereinafter more specifically set out, on the terms and conditions hereinafter enumerated for period commencing on the **1st day of January 2023** until the **31st day of December 2024**.
2. The Contractor shall do, perform and carry out, in a satisfactory and proper manner, as determined by the Board of County Commissioners, all elements of work as indicated below:
 - a. Provide daily or regularly scheduled cleaning of the interior common areas of the facility including floors, surfaces, and windows.
 - b. Alert County Maintenance Staff to any plumbing, mechanical, electrical, technological or other maintenance issues that may be observed in the course of their duties;
 - c. Assist County Maintenance Staff with snow removal on the grounds of the facility particularly around entry points and areas of particular concern, such as handicap parking spaces;
 - d. Coordinate daily trash removal from the facility with County Maintenance Staff;
 - e. Coordinate cleaning of offices and workspaces with the Courts' staff as may be requested from time to time.
3. Any personnel assigned to the facility by the Contractor, must meet any security requirements set by either the Courts or the County. The Contractor will provide to the County, before the commencement date of this contract, a list of personnel to be assigned to work at the facility. The County will coordinate with the Courts and provide the Contractor any documentation that needs to be completed to meet said security requirements.
4. The Contractor will provide the County with either a bi-weekly or monthly schedule of days they anticipate being at the facility, and which personnel are assigned, as of the issuance of the schedule, to work those days.

5. Huerfano County agrees to pay the Contractor **\$3000 per month** in consideration of the described work elements above.
6. It is understood by the parties that the Contractor will provide all materials, supplies, and equipment necessary to carry out the elements of work listed above. However, the Contractor may utilize County equipment and supplies with prior approval.
7. The parties intend that an independent contractor relationship is created by this agreement. The County is only interested in the results to be achieved and the conduct and control of the work will lie solely with the Contractor.
8. The work to be performed under this contract will be performed entirely at the Contractor's risk and Contractor assumes all responsibility for the condition of tools and equipment used in the performance of this contract. The Contractor agrees to indemnify the County for any and all liability or loss arising in any way out of the performance of this contract. The Contractor agrees to hold at least \$1M in general aggregate insurance coverage with at least \$50K per occurrence.
9. This contractual agreement constitutes the entire agreement and understanding between the parties hereto and it shall not be considered modified, altered, changed, or amended in any respect until in writing and designed by both parties.
10. This contractual agreement may be terminated by either party in writing with thirty (30) days written notice sent to the address as provided therein by United States Mail, postage prepaid.

IN WITNESS WHEREOF, the parties hereto have executed this Contract for Services Agreement to signify their acceptance of all the terms and conditions stated above, to be effective as of the Effective Date, regardless of the date of actual signature

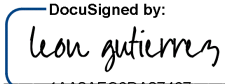
By: _____
Name: Gerald Cisneros
Title: Chairman, Board of County Commissioners

Date Signed: _____

ATTEST:

By: _____
County Clerk and Recorder

LG Maintenance Enterprises, LLC

By:  _____
Name: Leon Gutierrez
Title: Owner Operator

Date Signed: 12/18/2022

TECHNICAL UPDATE



Volume 26 Number 49

December 6, 2022

Colorado Public Meetings & Executive Sessions

The Colorado Open Meetings Law (OML), part of the Colorado Sunshine Law, lays a set of ground rules for how public meetings must be conducted. The law was first passed in 1972 and later modified in 1996. According to the law, meetings of two or more members of any state or local public body, such as a county board, where public business is discussed or formal action is taken, must be open to the public.

The OML applies to more than just physical gatherings. Phone calls, emails, or other electronic communications can also be considered meetings subject to the OML. Furthermore, public notice of a meeting must be given at least 24 hours in advance. However, the Colorado Supreme Court has ruled that “a meeting must be part of the policy-making process to be subject to the requirements of the OML.” So mere attendance at another public body’s meeting does not necessarily trigger OML requirements.

There are a few exceptions to the open meetings and open records law (e.g., chance meetings, social gatherings, property matters; attorney conferences; negotiations with employee organizations; personnel; and student discipline). If a public body must discuss a confidential matter, an executive session may be called.

EXECUTIVE SESSION

An executive session is a private meeting where confidential information is under discussion. Executive sessions must be recorded unless the session can be considered privileged attorney-client communication. If a document used in the executive session has both private and public information, the document may be subject to the open records law; however, private information may be redacted before making the document public.

Private information that is protected under various open records laws includes financial or payroll data, social security numbers, bank account information, personnel records, health and medical records, criminal investigation, some pending legal matters, and so forth. Consult your county attorney to determine if the topic qualifies for a privacy exemption to the open records law.



WHAT THIS MEANS FOR COUNTIES

County board meetings and other meetings of governing boards are subject to the open meetings act. If private information as defined by the Colorado Open Meetings Act and the Colorado Open Records Law is under discussion, use an executive session to discuss the matter. Be sure to stress the importance of confidentiality concerning issues discussed in an executive session, as any leak of confidential information can open the board to liability.

For more information about the requirements for open meetings and executive sessions, contact CTSI at 303 861 0507.

County Technical Services, Inc.

800 N Grant St, Suite 400
Denver, CO 80203

Technical Updates are available online at [ctsi.org](https://www.ctsi.org)

(303) 861 0507
Fax: (303) 861 0507



Huerfano County Fair Board

PO Box 267
La Veta, CO 81055

December 1, 2022

Huerfano County Commissioners
401 Main Street, Suite 201
Walsenburg, CO 81089

Dear Commissioners:

At our November 30, 2022 meeting of the Huerfano County 4-H Fair Board, the election of board members was held. The following are the newly elected board members and their terms.

Chance Price – 11/2022 to 11/2025
Cindy Jameson – 11/2022 to 11/2025
Haley Jameson – 11/2022 to 11/2025
Jade Bullard – 11/2022 to 11/2025

Other board members are as follows:

Joe Faris – Term ends 11/2023
Matt Bjorum – Term ends 11/2023
Brent Sudderth – Term ends 11/2023
Brianna Jensen – Term ends 11/2024
Stephen Ames – Term ends 11/2024
John Freeburg – Term ends 11/2024

Officers elected for the 2022– 2023 year are President, Jade Bullard; Vice President, Joe Faris; Secretary, Haley Jameson; and Treasurer, Cindy Jameson.

If you have any questions please feel free to contact Cindy Jameson at, 719-989-1015 or ciameson@live.com.

Sincerely

Cindy Jameson, Treasurer

PPEs for Illegal Marijuana Grow Sites

In November 2012, Colorado residents voted to legalize marijuana, leading to numerous legal marijuana grow operations opening throughout the state. These legal grows are regulated by and subject to state law; however, counties still encounter illegal grows that must be cleaned up and destroyed. These unregulated grows can pose health hazards to county employees tasked with their removal because unknown pesticides and animal repellents may be present on the plants, or mildew and mold may be present in poorly ventilated grow houses.

While some counties have access to hazmat teams to deal with these types of clean-ups, others rely on county employees, such as those on road and bridge crews, to clean up illegal grows. County employees tasked with cleaning up an illegal grow should use proper personal protection equipment (PPE) to protect them from exposure to unknown chemicals, hazardous mold, and mildew spores. All employees coming into contact with illegal grows should use proper PPE equipment. Should a county employee, especially a Commercial Driver's License (CDL) holder, be tasked with clearing an illegal grow, any accidental contamination should be documented.

ENVIRONMENTAL HAZARD ASSESSMENT

An environmental hazard assessment should be made before clearing an illegal grow to determine what kinds of PPE are required. Recommended PPE and the potential hazards to consider are listed below:

- Eye protection – to protect against liquid chemical splashes or aerosolized dust.
- Hand and skin protection – to protect against chemical exposure, skin irritation, cuts, and abrasions. Nitrile gloves are recommended by the Colorado Department of Public Health & Environment (CDPHE). Clothing that covers the arms and legs, such as coveralls, may also be warranted.
- Hearing protection – to protect against prolonged exposure to high noise levels such as that generated by industrial equipment. This can include earplugs or earmuffs.
- Respiratory protection – to protect against dust, pollen, airborne chemicals, mold/mildew spores. Depending on the risk, a single-strap dust mask may be useful; however, depending on the hazard assessment, the National Institute for Occupational Safety and Health (NIOSH) recommends a NIOSH-certified respirator (e.g., N95). See www.osha.gov/Publications/3352-APF-respirators.pdf for guidance on respirator selection.

TRAINING

According to the CDPHE, employers are required to train each employee to whom they provide PPE to conduct their work activities. The following information must be included in this training:

- What PPE is required.
- When to use PPE.
- How to properly use the assigned PPE, including how to put on, take off, and adjust it.
- The PPE's limitations.
- How to properly care for, maintain, clean, and dispose of the PPE.

WHAT THIS MEANS FOR COUNTIES

Illegal marijuana grows continue to be a problem, and Colorado counties should ensure that employees cleaning up these grows wear proper PPE. For more information, contact CTSI at 303 861 0507.



Lydia Martinez <lmartinez@huerfano.us>

Invite to Earth Day at PCMS

1 message

'Staats, Melissa A CIV USARMY USAG (USA)' via Commissioners

Wed, Dec 14, 2022 at

<commissioners@huerfano.us>

11:16 AM

Reply-To: "Staats, Melissa A CIV USARMY USAG (USA)" <melissa.a.staats.civ@army.mil>

To: "Samantha.archer@trinidad.k12.co.us" <Samantha.archer@trinidad.k12.co.us>, "ejameson@aguilarschools.com"

<ejameson@aguilarschools.com>, "carol.vezzani@swink.k12.co.us" <carol.vezzani@swink.k12.co.us>,

"officehta@gmail.com" <officehta@gmail.com>, "deana.pachelli@trinidad.k12.co.us" <deana.pachelli@trinidad.k12.co.us>,

"bcaldwell@bransonschoolonline.com" <bcaldwell@bransonschoolonline.com>, "jwilson@primeroschool.com"

<jwilson@primeroschool.com>, "kjvaljean@yahoo.com" <kjvaljean@yahoo.com>, "abby.yates@hoehnesd.org"

<abby.yates@hoehnesd.org>

Army Earth Day April 26, 2023

Time: 8 a.m. – 3 p.m.

Age group- Middle/High School

Piñon Canyon Maneuver Site, 36086 US Hwy 350, Model, Colorado 81059

The Army and Fort Carson are joining the nation in observing Earth Day in April 2023. In a PARTNERSHIP FOR THE PLANET, the Army is collaborating with federal agencies, academia, and industry to evaluate how climate, conservation and species preservation contributes to readiness.

The application of this knowledge will improve installation infrastructure and ensure the homeland is protected and defended from current and future threats.

To celebrate the event, Piñon Canyon Maneuver Site, Fort Carson, and community members from southern Colorado are joining to present environmental related topics to help increase awareness. We will have numerous exciting and interactive demonstrations/talks designed for students in grades 6-12 that include forestry, fire ecology, outdoor safety, wildlife, archeology, paleontology, recycling, endangered species, and more.

We will also have a Trash to Treasure competition. To support the theme of recycling, schools are invited to participate in a Trash to Treasure competition. Prize categories include most original, most functional, most beautiful, best use of recycled materials.

Please respond to Melissa Staats if you are interested in attending. The event is open to grades 6-12, but you must RSVP by : 1 March 2023

Item 9d.

By phone 719-526-1246 or by email to melissa.a.staats.civ@army.mil



trash to treasure (2).pdf

635K

EARTH DAY 2014

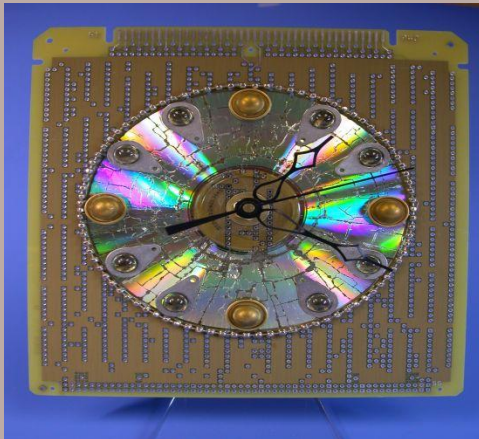
TRASH TO TREASURE ART CONTEST

Item 9d.

*As part of our Earth Day 2014 EnviroFair,
the Fort Carson Environmental Division &
Pinon Canyon Maneuver Site is sponsoring a*

TRASH TO TREASURE ART CONTEST

*Use your imagination to design creative and/or functional
items, even clothing, made out of recyclable materials!*



Contest Rules

1. All entries must be made using recyclable materials. See list below.
2. All entries must be submitted to the POC by April 11th. Entries should include a description of the materials used; name of participant, age/grade, school, and teacher's name.
3. One winner will be selected from each of the age categories. Prizes will be awarded to the winners.



aluminum, plastic, glass, metals, cardboard, paper/newspaper, paperboard, rubber, electronics (e.g. CDs, tapes, wire, circuit boards), etc.



Questions & Submissions

Jennifer Kolise, PCMS Archaeologist
719-503-6136, jennifer.r.kolise.civ@gmail.com
or

Michelle Blake, PCMS Wildlife Biologist
719-503-6538, michelle1colorado@gmail.com



Lydia Martinez <lmartinez@huerfano.us>

FAMLI+ Portal Live to Employers

3 messages

Jacob Lane <jlane@ctsi.org>
Reply-To: Jacob Lane <jlane@ctsi.org>
To: lmartinez@huerfano.us

Fri, Dec 16, 2022 at 2:46 PM



Technical Updates

Special Edition

FAMLI+ is LIVE to all Employers

The Division of Family and Medical Leave Insurance (FAMLI) has just released **an online employer portal**. [Register now](#) to learn more via a live Webinar on Dec. 19 at 11 a.m.

The My FAMLI+ Employer portal will be how Colorado businesses, third-party administrators (TPA's) and local government employers will manage their FAMLI accounts.

Now is the time to get informed- both employers and employees will begin contributing premiums to FAMLI in 2023, with employees seeing benefits as of Jan. 1, 2024.

FAMLI+ allows employers to report wage data, remit premium payments, apply for exemption with a private plan, and upload letters of declination through the portal. Most Colorado employers will need to register in My FAMLI+ Employer before the **first premium payments are due April 30, 2023.**

[Register now for the LIVE FAMLI+ Webinar](#)



COLORADO

Family and Medical Leave Insurance Program (FAMLI)

Department of Labor and Employment

Item 9e.

The Colorado Family and Medical Leave Insurance Program (FAMLI) was approved in a statewide election in 2020. FAMLI provides “partial wage-replacement benefits to an eligible individual who **takes leave from work** to care for a new child or a family member with a serious health condition or who is **unable to work** due to the individual’s own serious health condition.”

The FAMLI program applies to employers of any size; however, employers with a private plan that meets or exceeds the FAMLI requirements may apply to the Division of Family Medical Leave Insurance (Division) for an exemption to use their own plan; also, **the FAMLI program allows local governments to opt-out of participating.**

Local Government Opt-out Option

Local governments may choose to opt out of the FAMLI program; however, individual employees may still participate. For the most up-to-date information regarding rules governing the local government opt-out consult <https://famli.colorado.gov>.

You may also view webinars or sign-up for a newsletter from the Division at <https://famli.colorado.gov/employers> for additional information. **Currently, local governments must opt-out of the program every eight years** and must inform the Division six months before the start of the opt-out period.

What This Means for Counties

Counties should consult with their county attorneys to ensure that they comply with the FAMLI program by voting to opt out or collecting employee contributions. For more information, consult the Colorado FAMLI website at <https://famli.colorado.gov>. You can contact CTSI at (303) 861-0507.

To Learn More refer to the following Technical Updates

- Vol 26 No. 15- [Colorado Family and Medical Leave Insurance Program](#)
- Vol 26 No. 32- [Understanding the FAMLI Program](#)





County Technical Services, Inc.

800 Grant St., Suite 400
Denver, CO 80203

Phone: 303.861.0507
Fax: 303.861.2832

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You can [update your preferences](#) or [unsubscribe from this list](#)

Lydia Martinez <lmartinez@huerfano.us>
To: Carl Young <cyoung@huerfano.us>

Fri, Dec 16, 2022 at 3:15 PM

Good afternoon Carl,

Is this something you would like me to share with Angela and Lisa?

Lydia

[Quoted text hidden]

--

Lydia Martinez
She/Her/Hers/Herself
Executive Assistant
Huerfano County
401 Main St Suite 201
Walsenburg CO 81089
719.738.3000 Extension 200
FAX 719-738-3996

Carl Young <cyoung@huerfano.us>
To: Lydia Martinez <lmartinez@huerfano.us>

Fri, Dec 16, 2022 at 3:20 PM

Hi Lydia, no this can just go in correspondence. We have everything already ready for this

Carl Young
Huerfano County Administrator

[Quoted text hidden]



COLORADO

Broadband Office

Governor's Office of Information Technology

You have the power to improve your internet! We are gathering data to understand who in Colorado has poor internet or no internet connection. So is the Federal Communications Commission (FCC). In fact, the FCC has created a map of the entire country showing broadband coverage. However, some of the data they are using is inaccurate and therefore, have asked for help correcting those inaccuracies. FCC will use its broadband coverage map to determine how much of the \$42.5 billion pie each state will receive.

We're asking for your help. What is your internet experience? If it's bad, we especially want to hear from you. Your input will improve the accuracy of the map and result in federal funding for broadband, ultimately improving the internet experience for the residents in your town or county.

To participate, please follow the steps below:

1. Go to <https://broadbandmap.fcc.gov/home> and type in your address before January 13, 2023.
2. If there is no dot on your home, camp, or business, or the location needs to be corrected, drop a pin on the map, click **Location Challenge**, fill out the form with the correct information, and click submit.
3. If the information about the broadband service offerings available at your home, camp, or business needs to be corrected, click **Availability Challenge**, fill out the form, and submit.
4. Encourage your neighbors, friends, and family to follow steps 1 through 3 above!

For more information or support, please visit: www.fcc.gov/BroadbandData/consumers

[Help video: How to submit an Availability Challenge](#)

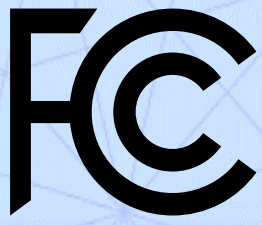
[Help video: How to submit a Location Challenge](#)

[How to challenge fact sheet](#)

[How to challenge flyer](#)

The Colorado Broadband Office has more information at

<https://broadband.colorado.gov/news-article/fcc-releases-new-national-broadband-map>



National Broadband Map

Item 9f.

What is the FCC National Broadband Map?

The National Broadband Map displays where internet services are and are not available across the country, as reported by internet service providers. The map allows consumers and other stakeholders to easily dispute, or challenge, information shown on the map that they believe is inaccurate. To view the map, visit BroadbandMap.FCC.gov.

- The **Fixed Broadband Map** shows the fiber, cable, DSL, satellite, or fixed wireless internet services available at each home or small business on the map. When you search for an address and select a location on the map, you can see which providers report offering broadband service at that location, and the technologies and the maximum advertised download and upload speeds they each offer.
- The **Mobile Broadband Map** shows the 3G, 4G, and 5G coverage of each mobile provider for the area displayed. The coverage areas reflect where consumers should be able to connect to the mobile network when outdoors or in a moving vehicle, but not indoors. The map allows you to compare mobile wireless coverage reported by different mobile providers.
- **Individual location points** appear on the map if you search for a location or zoom in. These points identify buildings or structures – such as a home, apartment building, or small business – where internet services are, or could be, available. Each location is part of a dataset called the Broadband Serviceable Location Fabric . Gray location points represent buildings or structures that are not likely to use mass-market broadband services.

How to Help Improve the Map?

Visit BroadbandMap.fcc.gov and search for your address. If you see incorrect information, you can help the FCC improve the map by submitting a challenge, or request for corrections:

- **Availability Challenges:** If the information about the internet services available at your home or other location is incorrect, you can dispute it by clicking on the Availability Challenge link on the right side of the map and submitting the form.
- **Mobile Challenges:** If the map of mobile coverage submitted by your provider seems incorrect, you can dispute that by taking speed tests on your mobile phone with the FCC Speed Test App, available for both Android and iOS. Make sure to select the Challenge Speed Test option and to take the test while either outdoors or in a vehicle.
- **Location Challenges:** If the information about the location point of your home or other location seems to be incorrect, you can submit a Location Challenge to correct the information on the location. The link to do this is to the right of the address on the map. To add a location, click on the place on the map where the location should be and then click the “Challenge Location” button.

Accurate Maps = Improved Access

An accurate map will help identify the communities most in need of funding for high-speed internet projects.

NEED HIGH-SPEED INTERNET?

Item 9f.

CHECK THE NATIONAL BROADBAND MAP!



The FCC has a new map showing where high-speed service is – and is not – available across the country.



High-speed, high-quality internet service is essential for participation in modern life.



The map shows where internet service providers report service and includes input from consumers.

This is where YOU come in!

Help Improve the Map



Search for your home or small business to see if your location and service availability are accurate on the map. If you think the map is incorrect or incomplete, you can [submit a challenge](#) to the FCC to correct it.

Location Challenges can

- Add a missing location.
- Correct the address or other details of your location.
- Correct the geographic placement of your home or small business.

Mobile Availability Challenges

Will be created using the FCC Speed Test App. To participate, download the App. The data that you share will be combined with other speed tests conducted in your area and may be used to create a challenge.

Service Availability Challenges can

- Correct services not offered or reported speeds that are not available for purchase.
- Report that a provider denied a request for service or demanded connection charges that exceed its standard installation charge.
- Report that a provider failed to schedule an installation within 10 business days of a request for service or failed to perform the installation.

Scan for more information



Accurate Maps = Improved Internet Access

An accurate map will help identify the communities most in need of funding for high-speed internet projects.

Carlton, Sarah, and Board, It is with Deep regret that I ask the board to consider my resignation from the tourism board due to health reasons. I apologize to the board for months of being a non-participant due to Health issues. My surgeon has asked me to immediately take several months away from all stress and work, so without question I am taking the time needed to recover and gain my health back.

Respectfully, Jacky Christian