

MEETING MINUTES
GRAND COUNTY BOARD OF COUNTY COMMISSIONERS
GRAND COUNTY DEPARTMENT OF SOCIAL SERVICES
GRAND COUNTY BOARD OF HEALTH
GRAND COUNTY HOUSING AUTHORITY

March 22, 2022

Present: Commissioner Richard D. Cimino, Commissioner District 1
Commissioner Merrit S. Linke, Commissioner District 2
Commissioner Kristen Manguso, Commissioner District 3 - Chair

Also Present: County Clerk and Recorder Sara L. Rosene
County Manager Ed Moyer
Assistant County Manager Micah Benson
Interim County Attorney Maxine LaBarre-Krostue

Those present recited the Pledge of Allegiance.

Commissioner Cimino moved to approve the minutes the Regular Board of Commissioner's meeting of March 8, 2022 as presented.

The motion passed unanimously.

Finance

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on March 23, 2022, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the checks presented on March 22, 2022, for payment on March 23, 2022, for the Grand County Housing Authority.

The motion passed unanimously.

Commissioner Linke moved to approve the vouchers presented on March 22, 2022, for payment on March 23, 2022, for the Grand County Department of Human Services.

The motion passed unanimously.

Commissioner Linke moved to approve wire payment and vouchers presented on March 22, 2022, for payment on March 23, 2022, for Grand County.

The motion passed unanimously.

Departmental Contracts, Comments, Issues

Commissioner Linke moved to approve the renewal of the Hotel and Restaurant Liquor License with optional premises and change of manager for Devil's Thumb Ranch as presented.

The motion passed unanimously.

Commissioner Linke moved to approve the transfer of ownership of the Tavern Liquor License owned by Todd Gold, Manager of TENCO, LLC dba Red Dog Saloon to Michael Ambrose Tiehen doing business as Red Dog Saloon.

The motion passed unanimously.

Chair Manguso announced the Board is sitting as the Grand County Board of Health.

Commissioner Linke moved to approve and authorize the Chair to sign the Master Task Order Contract with Colorado Department of Public Health and Environment.

The motion passed unanimously.

Commissioner Linke moved to approve and authorize the Chair to sign the grant agreement for the America Rescue Plan Act funding.

The motion passed unanimously.

Commissioner Linke moved to approve out-of-state travel from April 6 through April 8 to Moab, Utah for Hannah Wynd for the Region 8 Radon Stakeholders Meeting. The cost of travel will be covered by a grant.

The motion passed unanimously.

Commissioner Linke moved to approve out-of-state travel to Spokane, Washington, from June 28 to July 1 for the National Environmental Health Association Annual Education Conference for Hannah Wynd. The cost of travel will be covered by a grant.

The motion passed unanimously.

Chair Manguso announced the Board is sitting as the Grand County Board of Human Services.

Commissioner Linke moved to approve the Services Contract between Peak Performance Solutions and Grand County Board of Human Services for a copier and maintenance agreement.
The motion passed unanimously.

Chair Manguso announced the Board is sitting as the Grand County Board of Commissioners.

Commissioner Linke moved to approve and authorize the Chair to sign the Grand County Wildland Fire Operating Plan as presented.
The motion passed unanimously.

Commissioner Linke moved to approve out-of-state travel effective today through December 31, 2022 not to exceed \$4,500. This is travel for the County Sheriff on behalf of the Western States Sheriffs' Association as Sheriff Schroetlin is the president of the association for 2022-2023. The individual request will be only for the Sheriff and each expenditure will be documented.
The motion passed unanimously.

Commissioner Linke moved to approve and authorize the Chair to sign the Modification of Grant or Agreement between Grand County and Arapaho and Roosevelt National Forests and Pawnee National Grassland for work on County Road 6.
The motion passed unanimously.

Commissioner Linke moved to approve Ed Moyer and Dave Taussig to sign the Application for Finding of Reasonable Diligence on the Due Diligence Flow Decree 2011 CW152.
Commissioner Manguso aye
Commissioner Linke aye
Commissioner Cimino absent
The motion passed.

Commissioner Linke moved to approve Resolution No. 2022-3-24, "REAFFIRMING THE DESIGNATION OF MARCH 20 AS "MEAT-IN-DAY"
The motion passed unanimously.

Calendar

March 23-24	Club20 Spring Conference / Wildfire & Watershed Summit at Colorado Mesa University in Grand Junction, all day
March 23	Tentative Legislator Monthly Breakfast Meeting via Zoom, 8 to 10 am
March 23	Peak Health Alliance Board Meeting via Zoom, starting at 2 pm
March 24	Associated Governments of Northwest Colorado (AGNC) Legislative Call via Zoom, 8:30 to 9:30 am
March 24	Counties & Commissioners Acting Together (CCAT) Monthly All-Member Meeting via Zoom, 3:30 to 5 pm
March 28	Colorado Basin Roundtable via Zoom, noon to 4 pm
March 29	No Regular Meeting of the GC BOCC (Fifth Tuesday)
March 31	AGNC Legislative Call via Zoom, starting at 8:30 am
March 31	CCAT Committee Meeting (As Needed) via Zoom, starting at 3:30 pm
April 1	Colorado Counties, Inc. Legislative Briefing via Zoom, starting at noon
April 4	CCAT Governing Board Meeting via Zoom, starting at 11:30 am
April 6	CCAT Member Social in Denver, starting at 4:30 pm
April 7	CCAT Legislative Breakfast in Denver, 7:30 to 9 am
April 7	AGNC Legislative Call via Zoom, starting at 8:30 am
April 7-8	CCI Steering Committee Meetings (Hybrid), starting at 9 am

Rick Howard is the President of the Experimental Aircraft Chapter at the Granby Airport. The Town of Granby has removed the courtesy car from the Granby Airport.

Mr. Howard would like support from the Board to find solutions to the issue of a courtesy car at the airport.

The new owner of Avalanche Car Rental may be interested in providing a car.

The Board supports the idea of a courtesy car and encouraged Mr. Howard to find a solution.

Public Hearing – Aspen Canyon Ranch, New Special Use Permit

The public hearing schedule to begin at 10:15 am was called to order by Chair Manguso at 10:15 am. Upon request, the hearing will be continued.

Commissioner Linke moved to continue the public hearing for Aspen Canyon Ranch to April 5, 2022 at 11:15 a.m.

The motion passed unanimously.

Sagebrush Subdivision Exemption Sketch Plan

Commissioner Cimino moved to authorize Commissioner Linke to serve as the temporary Chair. The motion passed unanimously.

PROJECT NAME	Sagebrush Subdivision Exemption – Sketch Plan
APPLICANT	MANGUSO, KRISTEN
LOCATION	METES & BOUNDS 80 ALL 40AC IN THE SE4 SE4 OF SEC 22 T2N R80W OF THE 6TH PM
ZONING APPLICABLE REGULATIONS	Forestry & Open (R) Grand County Zoning Regulations; Grand County Subdivision Exemption Regulations; Grand County Master Plan

ATTACHMENTS

- A. Development Application
- B. Project Narrative Letter
- C. Proposed Final Plat
- D. Vicinity and Detail Map
- E. Quit Claim Deed
- F. Access Easement
- G. Title Commitment dated January 3rd, 2022
- H. Proof of Taxes Paid – 2022
- I. Warranty Deed Rec. No. 2019006992
- J. Proof of Water
- K. Planning Commission Resolution 22-03-02

STAFF	Taylor Schlueter, County Planner
REQUEST	Approval of Subdivision Exemption to divide a 40 acre, metes and bounds parcel, into three new parcels.

PURPOSE OF REQUEST

The Applicant has requested a Subdivision Exemption to divide their 40.00 acre property into three parcels of 29.75, 5.13, and 5.02 acres each.

BACKGROUND & HISTORY

The oldest record of ownership on file is the 2019 Quit Claim Deed transferring title from Kristen Manguso to Kristen Manguso & Dale Frey II. It has historically been used as agricultural land for ranching. The undeveloped property is located approximately 5.5 miles north of US HWY 40 off of GCR 22. There is driveway access from the proposed Lot 3 and construction is expected to stay at least 30 feet away from an existing seasonal Kirtz ditch. Access to all lots will be available from GCR 22.

STAFF ANALYSIS

The subject property is not located in any growth area and is currently zoned Forestry & Open. The proposed three lots will be accessed from GCR 22, and an access easement running between proposed lots 1 and 2 will provide access to both.

The entire property is currently classified as Agricultural Land by the Grand County Assessor.

PLANNING COMMISSION

The Planning Commission recommended approval of the Sagebrush Subdivision Exemption on March 9, 2022, with the twelve (12) conditions as outlined in Resolution 2022-03-2.

STAFF RECOMMENDATION

Staff recommends approval of the Sagebrush Subdivision Exemption Sketch Plan. The following conditions shall be met prior to the recording of the Subdivision Exemption:

1. The Applicant shall work with Staff to establish addresses for each lot.
2. All recording fees are to be paid by the Applicant.
3. Certificate of Notice to mineral estate owners shall be provided prior to any hearing by the Board of County Commissioners. The name and addresses of the mineral estates owner(s) shall be provided.
4. School fees as outlined above shall be provided prior to recording of the Final Plat.
5. Applicant will be required to provide \$1000.00 per lot for a total of three (3) lots before the sale of the lot to be held either by Grand County or turned over to a properly formed Sanitation District for future water quality measure. Applicant will also be required to enter into a Water Quality Agreement with the county prior to recording of this plat.
6. An electronic copy of the Final Plat shall be submitted.
7. The Applicant will work with Road & Bridge to determine the appropriate access for Lots 1 and 2 prior to presentation of the Final Plat to the Board of County Commissioners.

Rebecca Guthrie lives adjacent to Lot 1. Ms. Guthrie believes that this goes against the master plan. The large residential and agricultural properties adjacent to this are the landscape of that area. Ms. Guthrie suggested that this be changed to only 40-acre lots. There are a number of smaller parcels around Kremmling that are not built out as of yet.

Ms. Guthrie stated that the applicant has made statements to her about environmental dumpsites on the property. It is further evidence of why the purchase in 2018 was below market.

Ms. Guthrie stated that she does not believe this is in the best interest of the County.

Applicant Kris Manguso stated directly across the street, there is a one-acre parcel and a three-acre parcel. Down the road there is a subdivision exemption with two 2.5-acre tracts and a 35-acre tract. On County Road 222, there is a subdivision exemption parcel with a home on it.

Ms. Manguso stated that the proposal is not in a growth boundary but the Master Plan does allow for subdivision exemptions outside of growth boundaries.

Ms. Manguso stated there is nothing on this property. There is no environmental hazards whatsoever.

Commissioner Cimino moved to approve the Sagebrush Subdivision Exemption – Sketch Plan as presented. The motion passed.

Commissioner Linke relinquished the chairmanship back to Commissioner Manguso.

Public Hearing – This Land is My Land (Trail Ridge Marina) Special Use Permit

The public hearing scheduled to begin at 10:30 a.m. was called to order by Chair Manguso at 10:31 a.m. Interim County Attorney Maxine LaBarre-Krostue set the record as follows:

- A. Grand County Application Dated December 13, 2021
- B. Applicant's Narrative
- C. Applicant's Site Plan
- D. Site Map
- E. Public Notice Trail Ridge Marina, This Land Is My Land to Middle Park Times News dated February 23, 2022
- F. Proof of Publication to Middle Park Times News dated March 3, 2022
- G. Grand County Memo Mailed to Interested Parties Dated February 23, 2022
- H. Quit Claim Deed Reception#: 2020001086
- I. Easement Grant Reception#: 2014007717
- J. Easement Grant Reception#: 2015002552
- K. Well Permit 71781
- L. Grand County BOCC Staff Certificate Dated February 22, 2022
- M. Grand County Planning Commission Staff Certificate Dated February 9, 2022
- N. Grand County Planning Commission Resolution 2022-2-2 Reception No. 2022001859

PROJECT NAME: This Land is My Land Special Use Permit
APPLICANT: Renee Valentine, representing This Land Is My Land, LLC.
LOCATION: 12669 US HWY 34
REGULATIONS: Grand County Zoning Regulations Section VII I, Section 11.8 Special Use Permits, Section 14.5 Three Lakes Design Review Area, Grand County Master Plan

ZONING: Tourist District

ATTACHMENTS:

- A. Application
- B. Narrative Letter
- C. Detail & Vicinity Map
- D. Site Plan
- E. Aerial photography, Eagleview, September 13, 2019
- F. Osprey Subdivision Plat, Reception No. 96001225
- G. Access and Utility Easement Reception No. 2015002552
- H. Access and Utility Easement Reception No. 2014007717
- I. DWR Well Permit, No. 71781
- J. Statement of Taxes Due – 2022
- K. Quit Claim Deed, Reception No. 2020001086
- L. Planning Commission Resolution 2022-2-2

STAFF: W. Taylor Schlueter, Planner

REQUEST: The Applicant is requesting a Special Use Permit for indoor and outdoor storage of boats and related equipment

DISCUSSION

Renee Valentine, representing This Land Is My Land, LLC., hereinafter referred to as “the Applicant”, is the owner of Osprey Subdivision Parcel 2, which lies across US Highway 34 from Trail Ridge Marina. Ms. Valentine has owned Parcel II since 2019. In 2020, the property was transferred to a company run by Ms. Valentine, This Land Is My Land, LLC., under a Quit Claim Deed recorded at Reception No. 2020001086 of the Grand County Real Property records. The applicant also proposes to use Parcels III and IV for future employee housing. The Vicinity Map below depicts Parcel II which is the site proposed for the indoor storage facility. As such, the requested SUP applies to all of Parcel II with the potential to add a residential use. Workforce housing could also be constructed on Parcels III and IV as a permitted use under the Tourist Zoning District.

The Applicant proposes to construct a sizeable 40 x 80 foot shed on the currently vacant, 1.270 acre property, to be used for maintenance and repair of boats and other recreational equipment. The structure would be located within the Three Lakes Design Review Area and would be required to conform to the design guidelines at building permit. The area surrounding the shed would also be used for overflow storage of boats and other recreational equipment.

The subject property is zoned Tourist, which while not explicitly allowing outdoor storage of recreational equipment, does allow for marinas. As this project is being sought in connection with the owner of Trail Ridge Marina, with owners of each as partners, Staff feels it is an appropriate extension of the marina currently in use directly across the highway.

Indoor storage of recreational vehicles is allowed as a special use in the Forest and Open District but is not listed as a use in the Tourist District. Given the site’s proximity directly US Highway 34 from Trail Ridge Marina, also owned by Renee Valentine, and with the reasonable need for Marinas provide maintenance and storage services, Staff feels that the BOCC could allow this use through a SUP as per Section XII of the Zoning Regulations which allows for uses to be added the uses listed for a zoning district any other similar use which conforms to the conditions set forth in the special findings:

- (a) Such use is appropriate in the use group to which it is added;
- (b) Such use conforms to the basic characteristics of the use group to which it is added;
- (c) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influence or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added;
- (d) When any use has been added to any use group in accordance with this section, such use shall be deemed to be listed in the appropriate zoning district, and shall be added thereto in the published text of these regulations at the first convenient opportunity.

The subject parcel is currently accessed through a complex series of easements which provide Parcel II access across Parcel V, which is county-owned property, to US Highway 34. There are two driveways on Parcel V, one is located on the northern end of the parcel, and one is on the southern end. The original 1996 plat of Osprey Subdivision provided a 60’ access easement in the aforementioned locations of Parcel V, explicitly for the use of Parcels I, III, and IV. The same plat created a 25’ access easement for the benefit of Parcels I and II, between the northern and southern 60’ access easements.

In 2015, an access and utility easement was granted from the owners of Parcel III to the owners of Parcel II, across the southern portion of Parcel III, to connect to the 60' access and utility easement through Parcel V to US Highway 34 (Attachment G). The 25' access easement from the 1996 plat did not include utilities access.

It is Staff's understanding that the 2015 easement granted Parcel II the right to access US Highway 34 through Parcel III's access through both the northern and southern driveways located on Parcel V.

CDOT has told the Applicant to close the northern driveway as a condition for approving an increased impact on Highway 34 from the proposed use on the subject parcel. Staff has met the Applicant along with representatives from CDOT at the site in question. CDOT's conclusion was to have the Applicant close the northern entrance, and move all traffic to the southern entrance, which is nearly directly located across the highway from the existing access point for Trail Ridge Marina. Their intention is to reduce the number of access points off US 34 that are not directly across from another access point, and this SUP request triggers that requirement. Three Lakes Sanitation District has a facility on Parcel V which is owned by the County that is accessed by the easement on the southern end of the parcel. The Planning Commission required a condition for approval of this SUP would require the Applicant provide written documentation that an agreement had been reached with the applicant and the County and CDOT since the County owns the access point and the access point shall be approved by CDOT as well as any owners currently using the northern-most access point, along with any new easements that may be required for current property owners to maintain access to their properties.

This proposal lines up very similarly with another County-approved SUP, for Beacon Landing Marina. In 2014, an SUP was approved to allow the owners of Beacon Landing to store boats and other recreational equipment across GCR 64 from the marina. Given the nature of this business, it is possible that offensive noise, vibration, smoke, dust, odors, or glare may be noticeable at or beyond the property line. If this is determined to occur, the Applicant may be required to appear before the Board of County Commissioners to define appropriate measures that will need to be undertaken. The above will be made a stipulation of any Special Use Permit.

STAFF COMMENTS

This application is similar to the McCallum case at US 34 whereby CDOT is requiring closure of the northern driveway which benefits properties not owned by the applicant. The ruling in the McCallum case has not been issued, therefore, the right and ability of CDOT to affect access to non-applicant properties is unknown. ✓In the event CDOT's authority to close the northern access point in the McCallum case is upheld, the applicant shall comply with CDOT's condition to remove the northern access and obtain a written agreement with adjacent property owners who benefit from the northern driveway to provide access through the southern driveway.

The SUP gives the applicant the right to use the subject property for warehousing/indoor storage. There is access to the site, although CDOT prefers not to use the northern access for the proposed operations. Given the circumstances, ✓Staff recommends access to the proposed use be limited to the south access only. Courtesy notification was sent out to all neighbors within 500 feet of the project parcel. Notification was sent out in December 2021.

PLANNING COMMISSION

On March 9, 2022, the Planning Commission recommended approval of this Special Use Permit, with fifteen (15) conditions as outlined in Resolution 2022-2-2.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners approve the Trail Ridge Marina Special Use Permit, with the following conditions:

1. In the event CDOT's authority to close the northern access point in the McCallum case is upheld, the applicant shall comply with CDOT's condition to remove the northern access and obtain a written agreement with adjacent property owners who benefit from the northern driveway to provide access through the southern driveway
2. Staff recommends access to the proposed use be limited to the south access only.
3. All uses as outlined in the conditions of approval below shall be made a part of any approved Special Use Permit.
4. This Special Use Permit shall be valid for one year, at which time the impact of this project shall be reviewed, and an extension of the permit considered.
5. Hours of operation shall be as follows:
 - No limitation for moving boats or trailers in and out of the Parcel II through the south access unless otherwise stipulated in the access permit.
 - Maintenance activities are limited to hours of operation between 7:00am and 7:00pm.
6. This proposal is located within the geographic area of the county known as the Three Lakes Design Review Area and is subject to all design criteria of the overlay zoning district.

7. The Applicant shall be required to obtain a building permit issued by the Grand County Building Department, as is the case for any structures greater than 120 square feet.
8. Camping and/or using any vehicle or trailer, as temporary or permanent living quarters is strictly prohibited.
9. Best management practices for erosion, sediment control, and fuel storage shall be complied with on all disturbed areas of the site.
10. If exterior lighting is proposed, the Permittee shall be required to provide a lighting plan to Grand County prior to installation. It shall be directed to subtly illuminate functional areas. Fixtures shall be downward facing and hooded, and located below the eave lines.
11. During the term of this Permit, if any damage or injury is caused to the County-owned driveway off of US Highway 34, Grand County shall give written notice to the Permittee specifying the damage being caused by the operation. Within ten (10) days after such written notice, Permittee shall correct its operation to eliminate such damage and at its expense, repair the damage alleged to have been caused to the County Road. Notice shall be deemed to have been furnished at the time of the mailing to the Permittee at the address shown on this Permit Renewal. If the Permittee denies responsibility for the damage, then Permittee shall furnish written notice to the Board of County Commissioners of its denial of liability within the ten (10) day period provided herein. Within twenty (20) days after receiving said written notice denying liability, the Board of County Commissioners shall hold a hearing wherein the Commissioners will hear evidence regarding the alleged damage and the responsibility of the Permittee for such damage. At the conclusion of such hearing, the Board of County Commissioners shall make finding regarding Permittee's liability. If Permittee is found responsible for injury to the County Road, it shall be so advised in writing, as provided for above in the case of notice, and shall have ten (10) days in which to comply with the decision of the Board of County Commissioners.
12. The Applicant shall be required to appear before the Board of County Commissioners to define appropriate mitigation measures should visibility, noise, dust, glare, odor, hours of operation, or traffic become an issue.
13. If the proposed structure is to contain any sink or water connection, the Applicant will be required to provide a well permit allowing such uses in a commercial building at the time of submittal of a building permit application to the Grand County Community Development Department.
14. Verification of property taxes paid shall be required before recording of this Special Use Permit.
15. That all standard language and conditions of Grand County Special Use permits shall be made part of any approved permit for this request, under the following headings, as follows:
 - Control of Site
 - Noxious Weed Control
 - Site Maintenance and Storage of Abandoned Equipment
 - Compliance with County, State and Federal Regulations including CDOT
 - Limitation of Liability
 - Alteration of Terms and Conditions
 - Access and Right to Enter Site
 - Assignability
 - Binding Contract
 - Abandonment
 - Violation of Terms and Conditions
 - Non-Transferable
 - Termination
 - Rehabilitation of Site
16. Any substantial changes to the site plan will require the Applicant to appear before the Board of County Commissioners for a review of this Special Use Permit.
17. The area of effect for this Special Use Permit is limited to Parcel II, Osprey Subdivision, and shall exclude any future structures on this parcel.

After discussion, the Board requested the following changes to the recommendations:

Remove Recommendation No. 1

Recommendation No. 5

Most maintenance will take place in the building and there is not a restriction on hours of operation. The hours of operation for outside activities and maintenance activities will be allowed between 7 am to 9 pm

James Newberry, for the applicant, stated that notification was made to neighbors and he received to concerns with regard to the building.

Added to recommendations:

The Special Use Permit will allow for overflow parking with up to 20 spaces. Boats can be stored on the property as well.

Added to recommendations:

Nothing in the Special Use Permit would preclude the construction of a habitual residence. It will also allow issues or incidental to Trail Ridge Marina operations shall be permitted. This does not preclude the building of a single-family home.”

Remove recommendation No, 17

Mr. Newberry stated that CDOT did not require an access permit. CDOT let the applicant know that they can use the south entrance. CDOT would like the north entrance shut down.

Mr. Newberry stated that last year the applicant allowed the fire department to chip.

Added to the recommendations:

Nothing in this Special Use Permit shall limit use of community use of the property; temporary chipping etc. Notification to Community Development is requested.

Commissioner Linke moved to approve the Special Use Permit for This Land Is My Land, LLC. with conditions presented with changes and additions.

The motion passed unanimously.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 11:05 a.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 19th day of April 2022.

Kristen Manguso, Chair

Attest:

Sara L. Rosene, Clerk and Recorder