

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

October 12, 2021

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

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

Those present recited the Pledge of Allegiance.

Commissioner Cimino moved to approve the minutes of the Regular meeting of the Board of Commissioners of September 21, 2021.

The motion passed unanimously.

Employee Recognition

County Manager Ed Moyer acknowledged and welcomed new employees.

Mr. Moyer acknowledged the following anniversaries:

Dustin Sanchez	EMS	1 year
Joseph Tort	GC Jail	1 year
Brian Foster	GC Sheriff's Office	3 years
Tracey Vasquez	Public Health	3 years
Laree Howell	Human Services	3 years
Larry Banman	GC Assessor's Office	7 years
Luke McDonald	GC Sheriff's Office	7 years
Travis Wildeboer	EMS	8 years
Erica Mentzer	EMS	8 years
Shelly Cecil	Public Health, Sr. Nutrition	14 years
Thomas Weydert	GC Assessor	20 years
Rachel Born	GC Sheriff's Office, Dispatch	21 years
Allen Pulliam	EMS	32 years

General Public Comments

None

Finance

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on October 13, 2021, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on October 12, 2021, for payment on October 13, 2021, for the Grand County Housing Authority.

The motion passed unanimously.

Commissioner Cimino moved to approve the vouchers presented on October 12, 2021, for payment on October 13, 2021, for the Grand County Department of Human Services.

The motion passed unanimously.

Commissioner Cimino moved to approve wire payment, vouchers, and interfund transfers presented on October 12, 2021, for payment on October 13, 2021, for Grand County.

The motion passed unanimously.

Pandemic and Fire Costs

		East Troublesome Fire	
	COVID-19	Paid	Total Fire
2020 Cares Act/ETFire Reimbursement Allocation	\$701,883	\$20,388	\$20,388
Less:			
2020 Personnel costs	\$381,135	\$137,487	\$137,487
2020 Grand Foundation programs funded	\$230,000		
2020 Rural Health grant	\$10,000		
2020 Other operating costs	\$115,852	\$205,974	\$205,974
Total 2020 costs	\$736,987	\$343,461	\$343,461
Net 2020 (costs) after reimbursements	\$(35,104)	\$(323,073)	\$(323,073)
2021 Reimbursements Requested	\$50,540	\$103,867	\$103,867
Less			
2021 Personnel costs	\$283,921	\$118,563	\$118,563
2021 Grand Foundation programs funded			
2021 Rural Health grant			
2021 Other operating costs	\$17,231	\$316,286	\$316,286
Total 2021 costs	\$301,152	\$434,849	\$434,849
Net 2021 (costs) after reimbursements	\$(250,612)	\$(330,981)	\$(330,981)
Total costs after reimbursements	\$(285,716)	\$(654,054)	\$(654,054)
Unrestricted Fund Balance calculation			
2020 Operating Revenues		\$27,100,000	
2020 Operating Expenditures		\$21,176,000	
2020 Unrestricted Fund Balance		\$10,760,000	
% of operating revenues		40%	
% of operating expenses		51%	

Department Contracts, Comments, Issues

Zach Broady of the Road and Bridge Department requested to move forward with leases that will be funded in 2022. The Board gave direction to move forward with the leases.

Commissioner Cimino moved to approve the renewal of the Tavern Liquor License Renewal for Squeaky B's as presented. The motion passed unanimously.

Clerk and Recorder Sara Rosene presented the Clerk Revenue for September 2021.

County Assessor Tom Weydert would like to proceed with the set-up fees for the Spatial Models in the amount of \$12,500. The Board agreed to fund this as pull forward in 2021.

Emergency Manager Joel Cochran and Recovery Manager Alyssa Ingles presented. Ms. Ingles stated that Team Rubicon was in Grand County September 10 through September 12.

Team Rubicon provided anywhere from 48 to 65 people per day to do the work of down and dead tree removal. Based on the State of Colorado Forest Service labor rate, the value of the project provided by Team Rubicon was approximately \$41,000. The direct logistical cost to the County was approximately \$6,000.

Grand Fire donated labor for the work on County Road 408. Road and Bridge help chip the trees.

Grand Fire and Grand Lake Fire have offered their wildland crews to do some additional tree work through the end of the month. The districts will likely provide some work at no or low cost if the County provides the chipper.

The Board supports using County funds for the chipper.

Assistant County Manager Micah Benson stated that there were two projects for emergency watershed protection which received no bids. These will be put back out for bid.

The Corral Creek arch culvert project will be pulled for the fall. The project will be done in the spring. There is a communication line that runs through that project. Work will be done with Century Link to get that project done in the spring.

There are three project out to bid currently:

1. CPW Parshall project
2. Troublesome Creek and Ennis Headgate
3. Mrs. Keen Headgate

The Drowsy Water and Smith Creek projects are starting construction this week.

Commissioner Manguso moved to authorize Micah Benson in her capacity of Assistant County Manager to sign the Stormwater Management Permits.

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2021-10-5, "CONCERNING THE AUTHORIZATION OF THE COLORADO NEW ENERGY IMPROVEMENT DISTRICT TO CONDUCT ITS NEW ENERGY IMPROVEMENT PROGRAM, CALLED COLORADO COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE), WITHING GRAND COUNTY ("COUNTY") and authorize the Chair to sign applicable documents.

The motion passed unanimously.

Commissioner Manguso moved to approve out-of-state travel for Sheriff Brett Schroetlin to attend a Sheriff's Conference in Nevada the first week of November.

The motion passed unanimously.

Commissioner Linke announced the Board is sitting as the Grand County Housing Authority.

The Board reviewed a letter regarding a regional housing authority.

Commissioner Linke announced the Board is sitting as the Board of Health.

Board of Health

Public Health Director Abby Baker presented.

Ms. Baker stated that the COVID-19 cases are going down. There have been 33 cases in the last seven days. The one-week case rate is 190.86 per 100,000.

The cases in the last two weeks is 92. At this time, the County is averaging about eight cases per day. About 24 percent of those cases have been pediatric cases.

Approximately 13 percent of the County population has had COVID-19 since the beginning of the pandemic.

Ms. Baker stated that there has been a small percentage of reinfection.

There are six currently hospitalized for COVID-19. There were two additional deaths due to COVID last week. That puts Grand County's total at seven deaths due to COVID and five with COVID.

There are currently two active outbreaks in the Grand County.

There has been an increase in availability for the Foothills RETAK. The availability is 13 percent which is 35 beds. The acute care beds are at 10 percent which is 100 beds.

Pfizer has requested emergency use authorization for the five to eleven-year-old population. If it is approved, it will likely take place at the end of October. Pfizer booster doses have been approved under the emergency use authorization for those 65 years and older and 18 to 65 year olds who are immunocompromised.

Moderna or Johnson and Johnson do not currently have boosters.

Rapid antigen tests are offered at 620 Hemlock Building, Hot Sulphur Springs on Tuesdays and Fridays from 10 am to 12 pm. Middle Park Health (Granby) has drive-through testing every weekday morning from 9 to 12 and in Kremmling from 2 pm to 4 pm. Denver Health has drive-through testing Monday through Thursday during business hours.

The Denver Health and Middle Park Health are the PCR test. Those are the most reliable.

Dr. Steurman stated that with regard to the antigen test, the sensitivity is about 50 percent if you are symptomatic meaning that there is a 50 percent chance that you will test negative even if you are positive. If you test positive, it is 90 percent sensitivity.

With regard to community immunity, Grand County is at 63.7 percent of eligible residents who are fully vaccinated. About 71.2 percent of eligible residents have received at least one dose of the vaccine. The natural

immunity through illness or infection is about 2.5 percent. The current estimated community immunity 73.7 percent.

Grand County Assessor – Audit

The Board reviewed the Assessor’s Annual Audit Report.

County Assessor Weydert stated that there were 48 commercial property sales. With that, the Assessor had to value 628 commercial properties based on only the 48 sales.

There were 1,900 residential sales. From those sales, the office had to value 15,000 homes.

There were 511 vacant land sales that were used to value 5,800 vacant properties.

Manager and Attorney Items

Commissioner Manguso moved to accept the general liability of \$1 million and the data breach liability of \$1 million for Colorado Document Security for shredding.

The motion passed unanimously.

Consent Agenda

Resolution No. 2021-9-9, “APPROVING THE COLORADO OPIOIDS SETTLEMENT MEMORANDUM OF UNDERSTANDING”

Resolution No. 2021-10-1, “ACCEPTING THE COLORADO DIVISION OF EMPLOYMENT AND BENEFITS MAINTENANCE OF EFFORT (MOE) RELIEF FOR FY 2021-22”

Resolution No. 2021HA-10-2, “APPROVING AN AMENDMENT TO RESOLUTION NO. 2021HA-9-11 AND TO THE SERVICES CONTRACT WITH ELEVATED TECHNOLOGIES, LLC FOR ELEVATOR AND LIFT MAINTENANCE AT SILVER SPRUCE APARTMENTS”

Resolution No. 2021-10-3, “AMENDING RESOLUTION NO. 2021-9-24 AND APPROVING AMENDMENT #1 TO THE SERVICES CONTRACT WITH WESTERN STATES RECLAMATION, INC.”

Commissioner Cimino moved to approve the Consent Agenda.

The motion passed unanimously.

- Oct. 13 Housing Authority Workshop in the Top Floor Boardroom, Grand County Admin. Building, 308 Byers Ave., Hot Sulphur Springs, starting at 9 am
- Oct. 13 Middle Park Water Conservation District meeting via Zoom (and at Kremmling Town Hall tbd), 1 to 2:30 pm
- Oct. 13 Counties & Commissioners Acting Together Transportation 2022 Policy Planning meeting via Zoom, starting at 1:30 pm
- Oct. 13 Meeting at 3:00 p.m. with Jason Clepper of Middle Park Health at hospital in Granby
- Oct. 14 Utility Coordinating Committee meeting at Java Lava Café in Granby, starting at 9 am
- Oct. 14 Freeport McMoRan Inc. / Henderson Mine and Mill Tours, starting at 8:30 am
- Oct. 15 Health Insurance Affordability Enterprise Board Meeting via Zoom, 8 to 10 am
- Oct. 15 Colorado Counties, Inc. Discussion of Interim Committee Bill Drafts meeting via Zoom, 1 to 3 pm
- Oct. 15 STAC meeting at 9:00 am
- Oct. 15 Forest Service Update at 10:30 am at Grand Fire Protection District No. 1
- Oct. 18 Transit Advisory Committee at Winter Park Town Hall, 4 to 5 pm
- Oct. 19 GC BOCC Bi-Annual Update to the Town of Winter Park at Winter Park Town Hall, starting at 3 pm
- Oct. 20 Wolf Reintroduction call from 8 am to 4pm
- Oct. 20 Town of Fraser Biannual Update at 7:00 pm at Fraser Town Hall
- Oct. 21 Northwest Bureau of Land Management Regional Advisory Committee at 2 pm viz zoom

Grand County Clarity update

Water Quality Specialist Katherine Morris presented:

- Review of process
- 2021 status
- Hydros Consulting findings from 2007-2020 data review
- Clarity MOU status

Adaptive management began officially in 2016 as an outgrowth of several years of Grand Lake clarity stakeholders meeting which led to the Grand Lake Clarity Stakeholders' Memorandum of Understanding.

Adaptive Management Process

- Active period: July 1 – September 11 each year
- Two clarity goal qualifiers in Grand Lake
 - Average clarity of 3.8 meters (12.46 feet)
 - Minimum clarity of 2.5 meters (8.20 feet)
- Two triggers in Shadow Mountain Reservoir
 - pH not to exceed 8.3 surface
 - Dissolved oxygen no less than 3.0 mg/L at bottom
- Weekly stakeholder meetings to review data, recommend actions

There was a period of time in 2011, there was no pumping for 14 weeks. That was the best clarity in both Grand Lake and Shadow Mountain Reservoir.

In 2012, it was drought year. There was six-week stop pump in Shadow Mountain Reservoir. It helped Grand Lake clarity but it caused problems in Shadow Mountain Reservoir.

There was an accidental pump pulse and found it made a difference in 2014. There was an effort to reproduce it in 2015 and in other years.

The MOU started in 2016. In 2018 and 2019, the clarity was good.

Open Lands, Rivers and Trails – Fall 2021 Grant Cycle

Presented by Mike Crosby and Anna Drexler-Dries.

Open Lands and Rivers

Funds Available as of 7/31/2021: \$2,170,753.00

Recommending Funding: \$118,200.00

Applicant: Colorado Open Lands

Project Name: Running Wilder Ranch conservation easement

Brief Description: Colorado Open Lands is requesting \$64,700, which is 67% of the total project cost. The requested funding will permanently protect the Running Wilder Ranch, a 700-acre property located at the northern terminus of the Williams Fork Mountains. This grant will cover the transactional expenses for a donated conservation easement on this private property, permanently preventing any future division and development outside of two modest building envelopes. This easement will allow the property to remain open, scenic, available for agriculture and serving as wildlife habitat, particularly for elk in the winter seasons. The property helps connect USFS, BLM, and other protected lands from the mountains to the Colorado and Blue Rivers.

Recommended Funding: With an average score of 87.6/100, OLRTAC recommends funding this project in the amount of \$63,700 to encourage matching funds. Unanimous recommendation by all committee members present.

Applicant: Colorado Headwaters Land Trust

Project Name: Elk's Vista Conservation Easement

Brief Description: Colorado Headwaters Land Trust is requesting \$54,500, which is 69% of the total project cost. This requested funding will cover the landowner expenses (excluding personal legal and tax credit application fees) to complete a donated conservation easement to be held in perpetuity encumbering 125+/- acres east of the Gore Ranch along CR 14, southeast of the Enter Conservation Easement, approximately six miles west of Kremmling. The property is forested and connects public lands to the south and west to undeveloped parcels to the north and east. The easement will include one two-acre building envelope in a clearing at the end of an existing road. The envelope location currently includes temporary storage shelters.

Recommended Funding: With an average score of 77.5/100, OLRTAC recommends fully funding the project with the understanding that in the future the Advisory Committee would like to see contributions from the land trust or other funding entity. Unanimous recommendation from all committee members present.

Funds Available as of 7/31/2021: \$170,000.39

Recommending Funding: \$72,970.00

Applicant: Headwaters Trails Alliance

Project Name: Winter Trail Grooming

Brief Description: Headwaters Trails Alliance is requesting \$9,500 which is 10% of the total project cost. HTA and its partners maintain over 40 miles of existing winter, non-motorized, multi-use trails. HTA expanded its grooming program in both 2019 and 2020 by almost 10 miles due to interest and in response to COVID-10 and the need to social distance during recreation activities. Due to an increase in volume of winter trail users and late season snow, HTA also extended its grooming season well into April. This year, HTA will start its grooming operations in November and end in April (weather permitting) and seeks to provide similar expanded grooming for users to spread out on trails. In 2021-22, HTA plans to again groom the additional 6.5 miles of trails added to its grooming program (increase of 18.6%) from 2020. HTA requests funding support from OLRT to help provide these opportunities.

Recommended Funding: With an average score of 91.0/100, OLRTAC recommends fully funding the project. Unanimous recommendation by all committee members present.

Applicant: Headwaters Trails Alliance

Project Name: Wilderness Trail Maintenance Project

Brief Description: Headwaters Trails Alliance is requesting \$8,650, which is 17.5% of the total project cost. Grand County’s public lands include five wilderness areas, which comprise over 25% of our trails. Due to fire recovery needs and staffing shortages, the USFS has requested support to maintain wilderness trails. HTA partnered with the USFS and the Grand County Wilderness Group to assess and maintain trails and in 2021, HTA prioritized deadfall removal and trail tread improvements on 11 wilderness trails, totaling 45 individual staff workdays. HTA plans to continue trail maintenance on wilderness/experimental forest trails in 2022, including replacing 5 rotten single-stringer primitive bridges on St. Louis Lake, High Lonesome, and Vasquez Pass Trails.

Recommended Funding: With an average score of 90.8/100, OLRTAC recommends fully funding the project. Unanimous recommendation by all committee members present.

Applicant: Headwaters Trails Alliance

Project Name: Fraser to Granby Trail Maintenance Project

Brief Description: Headwaters Trails Alliance is requesting \$54,820, which is 66% of the total project cost. The Fraser to Granby Trail (FTG) is a popular year-round trail linking the Koppers Park in Fraser to Kaibab Park in Granby (over 16 miles). The trail segment from mile 8 (Snow Mountain Ranch –Tim’s Tunnel) north through the box culvert under Hwy 40 to mile marker 10 near the Val Moritz neighborhood needs heavy machine maintenance and regrading, including building drainage swales and structures to mitigate spring runoff and natural seeps. HTA, through an easement agreement, is responsible for the maintenance of the FTG through this private property and plans to realign, reroute, regrade, and restore this 2-mile section of trail in various segment-specific treatments to reduce erosion and sedimentation issues and to improve public safety and recreational experience.

Recommended Funding: With an average score of 86.8/100, OLRTAC recommends fully funding the project. Unanimous recommendation by all committee members present.

OLRTAC recommendations on open lands funding

Entity	Project Name	Requested Funding	Average Score	Recommended Funding
Colorado Open Lands	Running Wilder Ranch Conservation Easement	\$67,700	87.6/100	\$63,7000
Colorado Headwaters Land Trust	Elk’s Vista Conservation Easement	\$54,500	77.5/100	\$54,500
	Total	\$119,200		\$118,200

OLRTAC recommendations on trails funding

Entity	Project Name	Requested Funding	Average Score	Recommended Funding
Headwaters Trails Alliance	Winter Trail Grooming	\$9,500	91.0/100	\$9,500
Headwaters Trails Alliance	Wilderness Trail Project	\$8,650	90.8/100	\$8,650
Headwaters Trails Alliance	Fraser to Granby Trail Maintenance	\$54,820	86.8/100	\$54,820
	Total	\$72,970		\$72,970

Commissioner Manguso moved to void the Town of Winter Park / Fraser River Corridor preservation OLRT grant application that was approved in 2020 in the amount of \$800,000.

Discussion: The grant application because the ownership of the property changed.

The motion passed unanimously.

Commissioner Cimino moved to approve the OLRT recommends as presented for three trails projects and two land conservation projects.

The motion passed unanimously.

Northern Slope Sketch Plan

PROJECT NAME: Northern Slope Subdivision-Single-family Sketch Plan Revision
APPLICANT: Kent Whitmer on behalf of Stillwater Ranch-11, LLC represented by Ray Trimble; Engineer: Kevin Vecchiarelli JVA, Inc.
LOCATION: Part of the Section 22 and 27, Township 3 North, Range 76 West, of the 6th P.M. approximately 1001GCR 4
APPLICABLE REGULATIONS: Grand County Master Plan, Grand County Zoning Regulations, Grand County Subdivision Regulations
ZONING: Split Zoned R/F–Residential and Forestry and Open District
ATTACHMENTS: a) Vicinity Map
b) Amended Sketch Plan (Plat)
c) Amended Sketch Plan Application and Narrative letter
d) Mineral Certification
e) Amended Application Narrative
f) Mandy Hanifen Comments Dated September 2, 2021
g) Mandy Hanifen Comments Dated September 3, 2021
h) Stillwater Ranch Trail Crossing Location Map
i) Email from Brigette Scherrer
j) Comments from Eric Meyer
k) Comments from County Engineer regarding the Preliminary Geotechnical Evaluation
l) Email from Kent Whitmer dated 12/3/2020
m) Letter from Moses Wittemyer, Harrison and Woodruff, P.C. dated October 2020 titled Summary of Augmentation Plan and Water Rights
n) Preliminary Geotechnical Evaluation by Ground Engineering
o) Middle Park Conservation District Review of Stillwater Ranch
p) Title Commitment
STAFF PLANNER: Robert C. Davis, AICP, Director
REQUEST: The Applicant is proposing a subdivision to create six (6) single-family lots on an approximately 19-acre parcel.

I. BACKGROUND

The Sketch Plan approved by the Planning Commission on November 18, 2020 and by the Board of County Commissioners on January 26, 2021 is now being presented for a revision. The approved Sketch Plan called for 27 units comprised of 13 duplex buildings and one single family dwelling at a density of 1.44 units/acre. The new proposed Sketch Plan provides for the development of six units at roughly .32units/acre. The revised concept is in fitting with the surrounding area on lots ranging in size from 2.4 aces to 4.9sq.ft.

StillwaterRanch-11LLCistheownerofa130-acre ranch parcel located off County Road 4 about ½ miles west of Soda Springs Ranch. Stillwater Creek runs through the entirety of the ranch. The ranch has extensive water rights and much of the land there in is irrigated hay meadows, with the remaining portions being some small areas of upland sagebrush and aspen groves. The irrigated meadows are visible from County Road 4. It is a very picturesque and rural setting. The single-family homes will be connected to Three Lakes Water and Sewer. Access to the development will be directly from County Road 4.

The proposed sketch plan provides for a single drive to serve all proposed units. The other proposed development on this property is Nature Valley Ranch which is a single-family proposal consisting of 4 units, consisting of three (3) existing cabins and a vacant lot for a future single family home on approximately nine (9) acres south of this proposal.

The subject property was purchased by Stillwater Ranch-11, LLC in 2011. It consists of a total of one hundred thirty-one (131) acres.

The property is split zoned with the boundary for Residential District lying in the center of Stillwater Creek near the western edge of the property. Single-family residential is allowed as a use by right in the Residential District. Parcels being served by a proposed water system and public sewer are allowed on 7,000 acres. The lots are accessed by a single road, which travels approximately 2,100' and allows several points for turnaround for emergency and personal vehicles alike. The site is located in Urban Growth Area #2 of the Master Plan.

Ray Trimble purchased this property in 2017 and has been working on development plans since. Ray approached Staff in 2018 originally then after several back and forth discussions an agreement was reached that the property would need to go through the subdivision process for approvals to be developed.

The property subject to this proposal has long had a history of being intended for development of multiple units through either a guest ranch or lodge development or residential subdivision. Staff has found records dating back to the nineteen eighties, specifically the Water Court Decree reference water for uses including "a small lake, 3,200 ft² of office or community use building, eighty (80) single family cabins of 900 ft², four (4) single family homes less than 4000 ft², year round swimming pool and associated dressing and sanitation facilities, a laundromat, and a fish rearing operation..." this or a portion of this proposal was discussed with Grand County in 2004.

EXISTING REPORTS

The most current files that would supply Staff insight to anticipated site conditions are from the August 2021 Preliminary Geotechnical Report by Ground Engineering and the Drainage and Soils Report provided for West Hillside Acres Subdivision in 2003.

The Soils report for West Hillside suggests there are expansive soils on that site. Staff pulled a web soil survey from Natural Resource Conservation Survey (NRCS) to research if there is any similar soil types to those found in West Hillside Acres. The soil survey suggests that the soil found in the development area is composed primarily of loamy (higher organic contents) type soils which are typical of farmlands. The soil types differ from the available soil report and require more investigation from the Applicant to confirm site conditions.

When Middle Park Conservation District reviews subdivision plans, resource concerns typically address issues relating to soils, water, weeds, revegetation, and wildfire risk.

Soils data is collected by the Natural Resources Conservation Service and is depicted through the online soils database "Web Soil Survey". The NRCS Soil Survey is meant to provide general soils information, suitability, and limitations for the area of interest.

In County files, Staff has discovered the water court decree from the 1990's which updates Case No. 88 CW 270. This water court decree dating back to the nineteen eighties details some of the prospective uses for the property then owned by Spike and Patricia Potts as the proprietors of Stillwater Ranch Development Company. Specifically the Water Court Decree referenced, in the old plan created by the Potts, water for uses as described above.

The Applicant provided a letter dated October 2020 from Moses, Wittenmyer, Harrison and Woodruff, P.C. that describes the Stillwater Ranch Water Supply. This letter details the augmentation plan confirming allowable uses and total depletions.

PLANNING COMMISSION AND THE BOCC PREVIOUS HEARINGS

During the Planning Commission hearing scheduled for November 18, 2020 where the first Sketch Plan was presented, Staff informed the Planning Commission of certain items which were of most concern to be resolved prior to moving forward to Preliminary Plat. Further discussion continued about the development area and former proposal from the Potts family which was the reason for the significant water rights available.

Toward the end of questions from the Planning Commissioners, there was some confusion about open space and the remaining balance of the 135 acre property. After some back and forth between Planning Commission, Staff and the Applicant's team, a request to table the application until the December meeting was made.

The Commissioners asked questions about the need for this parcel to be rezoned. Staff clarified that this was not recommended for this proposal as the parcel being created is included in only one district. A question was asked about ditch crossings, it was further reviewed and the Applicant clarified that would be verified with Preliminary Plat. The Commissioners and public both had questions about water rights and impacts to adjacent properties. The Applicant explained in detail that they are working closely with an attorney who specializes in water resources. They confirmed that the augmentation plan will have to be closely followed and managed for compliance with water use granted through the plan and that it will be clearly detailed in future covenants

drafted for this proposal. It was added that there are other adjacent property owners who also have rights through this plan and ensuring impacts are mitigated are included in this effort.

There was additional discussion about how the proposal fits within the fabric of existing development. Staff added that the densities were similar to surrounding area.

Public questions spurred response about review of Three Lakes Design Review Criteria. The Planning Commission suggested that it was typical to review that in more detail at preliminary plat because architectural schematics are also being included in the submittal. The Planning Commission approved the Sketch Plan and subsequently the Sketch Plan was approved by the BOCC on January 26, 2021.

At the September 8, 2021 Planning Commission meeting, the applicant presented a scaled-down version of the proposal. Northern Slope is almost 19 acres of the Applicant's 135 acre property. The initial proposal provided for a relatively high density townhome development that was going to result in 13 duplexes, 26 total units and 1 single family residence for a total of 27 units. After looking into putting in a central water system and going through the 1041 permit process, the Applicant felt it was better economically to reduce the density.

The Applicant is striving to provide lots similar in size to the northern Stillwater Small Tract lots. The Applicant suggested the use of building envelopes within each of the tracts to control the spacing and make sure ecstastically it becomes a nice finished product. The Planning Commission discouraged the use of building envelopes but to instead utilize the zoning approved term "non-buildable area.

As far as topography goes this property sits elevated up above the Applicant's irrigated meadows to the west. The only spot for potential wetlands is along County Road 4, which is the lower area of the Barrow Pit area. This is where the entrance is contemplated and the Applicant has obtained approval from the Army Corps for one (1) entry there. To do another entry would be in the wetlands area and the Applicant would prefer to minimize the impact as much as possible. The Applicant is requesting to stay with one entry to minimize the impact.

Staff recommends approval of the revised Northern Slope Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat approval:

1. A Phase III Drainage Study consistent with the standards identified within the Storm Drainage Design and Technical Criteria Manual shall be provided.
2. Aerial imagery shows a drainage surrounding Stillwater Creek. This shall be delineated as a "non-build zone" on the Final Plat.
3. This application shall comply with current Road and Bridge Standards. Cul-de-sacs shall be designed to Road and Bridge Standards and be considered where there are dead-end streets and shall be reflected in the Preliminary Plat.
4. Provide feasibility/infeasibility of compliance with Road and Bridge Standards, Section 3.4.2(two points of ingress/egress), shall be submitted with the Preliminary Plat.
5. The Applicant shall also provide a Phase II Traffic Impact Analysis as identified in 3.12.2
6. The Preliminary Plat shall show details of locating utility easements and access details.
7. Calculated open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat.
8. The Street or shall be dedicated as part of the plat and shall be deeded to the public through a Quit Claim Deed recorded in conjunction with the Plat.
9. Property Owners whether a sole owner, separated interests, or separate interests under a Owners Association shall maintain the landscape in a fire wise manner within the boundaries of this development, a plat note shall be added to the final plat to this effect.
10. The Applicant shall pay any impact fees assessed during the approval of a Final Plat.
11. Staff and the Applicant shall work together on addresses prior to Planning Commission reviewing the Preliminary Plat.
12. A plat note shall be added to the Final Plat which requires radon mitigation infrastructure in all new construction pursuant to this Subdivision.
13. Plat review agencies during Preliminary Plat shall include:
 - Mountain Parks Electric, Inc. (MPEI)
 - Xcel
 - Centurylink
 - Comcast
 - Colorado State Forest Service
 - Grand Fire Protection District No. 1
 - Colorado Geologic Survey
 - East Grand School District

- State Engineers Office (Division of Water)
- Three Lakes Water and Sanitation District
- Colorado Parks and Wildlife
- Grand County Consulting Engineer
- US Army Corps of Engineers
- Grand County Division of Natural Resource

Commissioner Manguso moved to approve the Northern Slope Sketch Plan as presented with the one change to Condition 1 that a Phase 2 drainage study is required. Mr. Cherrington is added with regard to the Red Top Ditch.

The motion passed unanimously.

Fee Change Hearing

The public hearing scheduled to begin at 1:00 p.m. was called to order at 1:02 p.m. County Attorney Leahy set the record as follows:

- Exhibit A Public Notice for September 9, 2021 *Middle Park Times*
- Exhibit B Proof of Publication, September 9, 2021 *Middle Park Times*, Ad# 719082-01
- Exhibit C Grand County Facility Rate Schedule
- Exhibit D Grand County Facility Use Application
- Exhibit E Grand County Facility Use Policies

The recommendations were provided by Micah Benson. The purpose of the fees is to help fund improvements and maintenance at all the County facilities.

Commissioner Cimino moved to approve the fee changes as presented effective January 1, 2022. The motion passed unanimously.

Learning By Doing Letter of Support Request – Colorado Water Conservation board Watershed Restoration Grant for Grand County Stream Management Plan, Phase I

Presented by Water Quality Specialist Kayli Foulk
 Who is LBD?
 Non-profit
 Long-term collaborative effort
 Diverse stakeholders
 Long-term data collection and compilation

Grand County SMP history
 First in Colorado

- Launched in 2010
- Established target flows
- Covers expansive geographic area

Limited scope

- Fisheries focused
- Stakeholder involvement could be expanded

Is the guiding framework for LBD

- Many lessons learned over the years
- No updates have been made since its inception

LBD IGA Task I1.B

“Continue to Improve the Grand County Stream Management Plan. The parties will continue to adapt and improve the draft SMP cooperatively as additional information is developed, the understanding of desired stream conditions is better defined, and the management goals of each stream reach are agreed upon.”

What is the Project?

Stream Management Plan Update	
Multi-year / phased approach	Requesting CWCB Watershed Grant
↓	
Phase 1	
Comprehensive Analysis	Expand Stakeholder Outreach

Comprehensive Analysis

- Scientific approach
- Assess current conditions
- Prioritize target reaches for restoration

Associated Benefits

- Supports LBD's mission to enhance aquatic environment
- Broader scope
- Wider stakeholder engagement
- Publicly accessible resources i.e., story maps, analytics
- Economic and social benefits

How does the project support goals of Grand County?

1. Supports Grand County's Strategic Plan: Strategic Priority #5 Water Protection
2. Improve Upper Colorado River and Fraser River Watersheds
3. Secures access to clean and abundant water to sustain our local economy
4. Ensures continued collaboration among stakeholders and major water providers

Next Steps

1. September and October (Draft CWCB grant application)
2. October 25, 2021 (Receive letters of support)
3. November 4, 2021 (Submit grant application)

Commissioner Manguso moved to approve the letter of support to Mr. Chris Sturm, Colorado Water Conservation Board for the Learning By Doing's Stream Management Plan Grant Application. The motion passed unanimously.

Colorado River District Update – Demand Management

Presented by Mike Ritschard.

INTRODUCTION

In the Spring of 2019 and in response to almost two decades of severe drought in the Colorado River basin, the seven Colorado River Basin states and the federal government executed a series of agreements collectively known as the Drought Contingency Plan (DCP) and succeeded in sponsoring federal legislation adopting the agreements. Among the agreements affecting the Upper Basin is an agreement titled the Upper Basin Demand Management Storage Agreement, the terms of which commit the four Upper Division states to explore the establishment of a program that intentionally conserves consumptive use of water, through temporary, voluntary and compensated mechanisms and provides a storage account in Lake Powell and the upper Colorado River Storage Project Act reservoirs (Aspinall, Flaming Gorge and Navajo) of up to 500,000 acre feet (AF) for the Upper Basin's conserved consumptive use, should the Upper Colorado River Commission and all four states decide to move forward with such a program.

In the years and months leading up to the adoption of the DCP documents, the Colorado River District (CRD) together with the Southwestern Water Conservation District (SWCD) (collectively, "the Conservation Districts") expressed concerns about potential disproportionate impacts to Western Slope agriculture if a demand management program is implemented without sufficient sideboards or controls to prevent disproportionate impacts to the West Slope and/or agriculture. The Conservation Districts initiated a dialogue with the Colorado Water Conservation Board (CWCB) and the Front Range Water Council (FRWC) seeking statewide agreement on principals designed to protect Colorado and the West Slope's interests from the potential negative impacts of a Demand Management program. This statewide discussion ultimately led to the CWCB's November 15, 2018, adoption of a document titled, *"Support and Policy Statements Regarding Colorado River Drought Contingency Plans, Demand Management and Compact Administration"* which set forth the CWCB's guiding principles as it evaluates the feasibility of a Demand Management program in the state of Colorado.

In the intervening years, there has been significant discussion and study around the feasibility of a demand management program in Colorado. Many of these discussions have been organized and directed by the CWCB in its role as our state's principal water policy agency, however, many other groups, including the CRD have also engaged in discussion, evaluation, and testing of elements of a potential demand management program. The CRD is engaged in these discussions in order to fulfill its mission *"to lead in the protection, conservation, use, and development of the water resources of the Colorado River Basin for the welfare of the District, and to safeguard for Colorado all waters of the Colorado River to which the state is entitled."* More specifically, the

CRD is empowered, *"to make surveys and conduct investigations to determine the best manner of utilizing stream flows within the district and the amount of such stream flow or other water supply ... and to perform all acts and things necessary or advisable to secure and insure an adequate supply of water present and future, for irrigation, mining, manufacturing, and domestic purposes."* CRS §37-46 107(1)(c).

The CRD Board has not formally taken a position supporting or opposing the establishment of a demand management program in Colorado. The CRD, collaborated with partners including but not limited to, SWCD, The Nature Conservancy (TNC), Tri-State Generation and Transmission, Inc., Uncompahgre Valley Water Users Association, the Upper Gunnison River Water Conservancy District, the Grand Valley Water Users Association and all four West Slope Round Tables to conduct several related evaluations including but not limited to, Phase III of the Colorado River Risk Study, the Secondary Economic Impact Study, and convened the group of stakeholders that resulted in this report.

Through all of these discussions, it became clear that there is not unanimous agreement regarding the advisability and/or feasibility of a demand management program among constituents within the River District boundaries. There are water users and constituents who have embraced the concept of a demand management program, there are others who are adamantly opposed and there appears to be a significant number of constituents who are hesitant, undecided or have no opinion due to being not sufficiently informed about the complexity of the hydrologic imbalance in the Colorado River and the even more complex range of solutions or potential outcomes.

Given the variety of perspectives on the potential demand management program, the CRD initiated this grassroots stakeholder process to advise the CRD and the CWCB staff and boards. CRD believed that by creating an advisory stakeholder group, which is representative of the various geographic regions and water user sectors within the sprawling CRD territory, CRD could create a process where water users were provided information and education on the various aspects of a potential demand management program and then through an open, collaborative and facilitated dialogue, those water users could provide direction and advice to the CRD staff who would then report to both the CRD board and the CWCB with the hopes of influencing the structure, shape and operation of a potential demand management program in Colorado.

The committee included sixteen stakeholders representing interests from across the West Slope.

PROCESS

At the end of 2020, a Demand Management Stakeholder Advisory Committee was convened by the CRD with the purpose of providing insight and guidance to the CRD on how a demand management program could serve the interest of the West Slope. The committee's purpose was to:

- Confirm and refine the guiding principles to inform the development of a demand management program that addresses the specific interest of the Western Slope water users.
- Identify the desirable and undesirable aspects of a potential demand management program based on the most up to date concepts being explored.
- Identify preferred criteria for how to evaluate a demand management program.
- Identify where additional legal and/or technical information is needed to address the concerns of the Western Slope water users.

Emerging early from the process was the identification of the values and interests that the committee wanted to represent. The values and interests remained consistent throughout this process.

Value Statements

- **COLORADO'S BEAUTY:** Snow on the mountains, green valleys, and water in the rivers define Colorado.
- **HERITAGE:** Agriculture and recreation are the heritage of Colorado and are intertwined. Agriculture is integral to our communities, supports our scenic vistas, and agricultural flows benefit river systems, particularly during droughts.
- **HEALTHY ECOSYSTEMS:** Wildlife habitat and healthy river systems provide critical ecosystem services and support our agriculture, tourism-based economy, and our high quality of life.
- **THRIVING ECONOMIES:** Local communities across the state have resilient, vibrant, and diverse economies.
- **FAIRNESS:** We value everyone participating in the creation of solutions that do their best to address our individual and shared needs with the recognition that it is impossible for anyone to get everything they want.
- **STEWARDSHIP:** We understand water is life and are committed to wise water resource management. This is demonstrated by the fact many of us are already working on water resource management projects.

In addition to exploring more specific recommendations, the committee spent significant time addressing questions of Colorado River management, how a demand management program might be structured, public perceptions that could impact participation, and the interrelated negative impacts that drought and involuntary curtailment could have on agriculture, local economies, and river systems.

One of the desired outcomes of the committee process was to explore how agriculture can be successful and thrive despite increasing pressures within the Colorado River Basin. The stakeholders representing the agriculture perspective expressed;

- Clear understanding of the changing conditions in the Colorado River Basin and frustration with the Colorado River 2007 Interim Guidelines which was perceived as driving basin states into an unnecessary crisis.
- A strong distrust of decision-making and programs driven by the state government. Many do not view the state as representing the best interest of agriculture on the West Slope and instead, are making decisions that are driven by East Slope and municipal interests. The committee, agriculture as well as those representing other interests, hold a profound fear that the West Slope agriculture will be sacrificed to meet the Front Range and Lower Basin urban interests, either through a demand management program, involuntary curtailment, or condemnation.
- A preference for a voluntary and compensated option, rather than mandatory requirement, for agriculture to cut back water use.
- Many producers have a concern that the development of a demand management program will be overly complicated or restrictive and therefore fail to achieve the intended goal of preventing a compact violation.
- A strong position that in order for agriculture to participate in any program, the pain has to be shared across sectors and the state. Otherwise, the program will not be viewed as fair and instead, viewed as agriculture bearing the full burden. of a statewide problem.
- Agriculture has experience with responding to drought conditions and adjusting its operation. It is critically important for any program with the goal of reducing water demand to allow sufficient planning time for operators to plan to participate. Decisions are often made a year or more in advance of when crops are planted.
- The economics of a demand management program need to account for the full costs of water use reductions, within reasonable limits, to adequately incentivize participation. While demand management program participation may not be an economically viable choice for all agricultural producers, such a program needs to provide sufficient compensation to make participation a worthwhile alternative to production.
- Not all crops, soils, operations, or water systems are equal, and a demand management program needs to be flexible enough to allow for projects that may be more resilient to water demand management practices to participate more and include an adaptation of program design as learning occurs over time.
- Agricultural operators understand the need to become more resilient. If done thoughtfully and carefully, a demand management program could be a way for operators to invest in upgrades to their operation over time and to support the agriculture sector in Colorado.

The committee also expressed concern over the potentially devastating impacts to West Slope rural economies if the Colorado River Basin situation is resolved through either involuntary curtailment or a poorly designed demand management program. Agriculture has been a steady economic foundation in many communities and the loss of agriculture would likely result in the decline of the communities as well. The alternative economic development option touted is recreation which brings with it its own water resource management challenges such as adequate in stream flows.

The committee was also tasked with identification of preferred criteria for a demand management program. The committee applied and evaluated the pros and cons of the different sideboards in a framework that resulted in agreement that sideboards need to be tailored to address different goals.

The findings and recommendations found in this summary report represent as far as the committee could go in finding the appropriate balance among diverse interests of the West Slope. Consensus in this process was defined by each member feeling they had been heard, respected, and that the group had gone as far as it could in exploring the diverse interests of the group. Members were permitted to hold dissenting opinions without holding up the process. The group found agreements in principle as well as agreement around more specific recommendations. This report includes these areas of agreement as well as shares concerns.

Finally, the committee expressed a desire to remain engaged in future engagement processes as the state refines its recommendations on the feasibility for a demand management program. While the committee was able to

find alignment around the recommended principles, the devil is in the details and could create conflict if implemented without additional stakeholder input.

GROUP FINDINGS & CONSENSUS

The following findings reflect the principal agreements that emerged from the stakeholder committee discussions. While the committee did not achieve consensus on all findings, there was most often general agreement in principle with concerns noted or need for additional information or details identified. The findings are organized into five themes:

- I. Statewide Climate Resilience and Adaptation;
- II. A Demand Management Program Must Reduce Compact Violation Risk;
- III. A Demand Management Program Must be Fair and Equitable Across Geographies; and Sectors;
- IV. A Demand Management Program Market Needs to Support the Agriculture Sector;

and

- V. Potential Impacts of a Demand Management Program Should Be Mitigated.

Mr. Ritschard stated that he would appreciate any comments or concerns regarding demand management.

Mr. Ritschard noted that there will be some minor maintenance at Wolford.

Board Business

Commissioner Cimino moved to approve the sales agreement for a 140LVR motor grader purchase price \$386,811.12 less a trade allowance of \$68,000 plus delivery fee of \$800 for grand total of \$319,611.12 and 140LVR motor grader purchase price of \$376,291.66 less trade allowance of \$67,600 plus delivery fee of \$800 for a grand total of \$309,491.66 and authorize the Chair to sign applicable documents.

The motion passed unanimously.

Aspen Pine Estates, Amended Final Plat

Presented by Community Development Director Robert Davis:

Background

The Aspen Pine Acres Home Owners' Association is requesting an Amended Final Plat in order to remove a note from the original 1998 plat, recorded at #98001697. The plat note states "No fences shall be constructed around the perimeter of the community area or along or adjacent to the boundary or lot line of any site". This plat note was created based on Colorado Parks and Wildlife comments to the original plat, which stressed the importance of a historic wildlife migration corridor in the area.

The area was heavily impacted by the 2020 East Troublesome Fire, which destroyed many houses in the area as well as local trees and vegetation. This impact to local forested areas has resulted in a prevalence of hidden tree stumps in the subdivision, left over from efforts to remove downed and compromised trees in the area. This hazard will be especially significant in the winter months when GCR 492 and the surrounding stumps may be hidden underneath snowfall. The Aspen Pine Estates HOA is concerned the effect the stumps may have on snowmobile and other traffic that moves through the area to access the Supply Jeep Trail.

With regard to trespassing –calling the Sheriff was deemed to be not as effective given the trespassers may be gone by the time the Sheriff shows up.

The conflict surrounds the concern there should be no fencing versus some fencing for safety purposes. Most people agree with some fencing at the site:

- Fencing along CR 492 is appropriate, without any fencing along people's individual properties i.e., along lot lines. Wright agrees with no fencing along lot lines. Need to demonstrate that are snowmobilers going across areas what are being trespassed by snowmobilers and when the housing goes up then the fencing can come down.
- There is agreement to put in breaks and not want to stop the wildlife from entering. A small amount of fencing outside of 492 should be provided to prevent trespassing.

The Plat Note

Number 21 of the General Notes for the Aspen Pine Estates Subdivision states, "No fences shall be constructed around the perimeter of the community area or along or adjacent to the boundary or lot line of any site".

The Covenants of the HOA are more specific:

3.26 Fences Prohibited. No fences shall be constructed around the perimeter of the Community Area or along or adjacent to the boundary or lot line of any Site. Subject to the requirements of this Section, fences may be installed adjacent to a dwelling, provided that the area enclosed within such fence shall not exceed 200% of the area occupied by the dwelling or extend beyond the defined limits of the building envelopes for each Site as prescribed on the Plat. Fences may not exceed 40 inches in height. The prior approval of the Design Review Committee is required for the installation of any fence. The restrictions contained in this Section shall not apply to fences in existence as of the date of this Declaration.

Lot A

Place signage at this location near Lot A. A sign at Lots 12 and 11 alerting visitors of no trespassing is recommended. Forty-feet on all the wings and forty feet from the monuments is also recommended.

Lot 27

Lot 27 built a 15-foot fence along CR 492 and on the south edge of Tract A and on east side of Tract A which was there for 21 years. The fencing channeled traffic down CR 492 and into the trails. Since there is no home there now, snowmobilers currently unload trailers near Lot A. Need to prevent snowmobilers from riding on the pond/wetlands on Lot A.

The HOAs will work with the property owner to replace the fence at southwest corner of Lot 27 with 40 feet along the western lot line and 40 feet along the southern lot line, but if the fence is not built within an agreed upon timeframe or before October 12, a compromise is to build a 100 foot fence along the western edges of Lots 27 and 28.

Lot 2

There should be an opening along the north side of Lot 2 with a break at the driveway. Break have been agreed to roughly 12 feet to 20 feet in width. CPW recommend breaks (breaks should be at similar locations on both sides of the street to allow efficient movement of wildlife while not trapping the animal at the road. APE agrees to do breaks every 12 to 20 feet. Although a 12 foot gap is big enough for a snowmobile, a 12 foot gap will send a signal to discourage vehicular movement. The smaller the gap the more it is believed to discourage trespassing.

The fences have to be at the corners to help prevent shortcutting.

Lot 12

The site has three sides where there is trespassing potential. It was agreed that the fence on Lot 12 has to comply with a new requirements but that it was agreeable to provide breaks in the fencing. There was agreement on limited fencing at the northeast corner of the site with 40 feet along the east and 40 feet along the north. Also, there was agreement with fencing the cul-de-sac with 40 feet fencing west of the cul-de-sac and 40 feet east of the cul-de-sac.

Lot 11

Agrees to a 40 feet section of fencing along the east property line of Lot 11 and the 40 feet from the southeast corner of the lot along the lot line.

Putting an ad to identify where snowmobilers can find in a trail map publications in additions to no trespassing signs and signage aimed at recreational traffic.

Fencing Details

CPW should review fences to approve any propose fencing are wildlife friendly. APE is saying CPW requires 60 foot tall fencing although plat notes restrict height to 40inches. APE says CPW says because of snow loads the fencing should be roughly x feet tall and CPW says that with the Buck and Rail Fence, that during certain periods, the top rail could be dropped. It was recommended that an HOA member will design a fencing scheme where there will be fencing standards according to these parameters:

- Corners are key
- Breaks between fencing is key
- Any fence can be modified to be wildlife friendly
- Preference for Buck and Rail fencing which can be two to three rails
- Fencing design based on adjacency to wetlands, open areas, etc.
- Height to be designed from 42 inches to 60 inches
- Identify the number of rails of the fencing and the space between the rails
- Identify the width of the fencing

Although CPW recommends breaks every one hundred yards but the APE suggested looking at breaks at every 150 feet.

Condition #6 of the APE Proposed Resolution

Condition #6 –change the platting to where there is no fencing and allowing it to be a decision with the APE in the future is something lot of people are not comfortable with. The argument is that it allows too much power to a few homeowners. APE wants flexibility to prevent trespassing in the future and does not want to keep coming back to the BOCC. Members of Acres does not like the word ‘egregious’ in Condition #6 from the document produced by Aspen Pines Estates. Members of acres would like to see the language to be less open – ended. It was agreed there would be negotiations between both HOAs to determine reasonable areas for fencing to block trespassing but with wildlife habitat in mind.

Staff Recommendation

Staff believes there should be limited fencing to avoid trespassing that could endanger snowmobilers or other recreational vehicles. The APE reserves the right to establish conditions for the placing of fencing where it helps prevent trespassing while accommodating wildlife movements. On the other hand, residents from Sun Valley and Acres were involved in a two year community wide effort 24 years ago with APE to agree on limiting fencing in the community. As such, an expectation existed within the community that there would be no fencing. However, given the emergence of increased trespassing and with the potential for serious accidents to occur because of the numerous fallen trees, unfilled foundation spaces and tree stumps, there needs to be some limited fencing. As such, it would seem appropriate for the sake of community cohesion, that a comprehensive fencing proposal be developed and shared with the Sun Valley and Acres and agreed upon along the same conduct that occurred 24 years ago.

Before any plat note is changed, agreement has to be reached with regard to information sharing and how action should be taken. Staff recommends that unless an agreement is made, the HOA should come back with details after six months to one year. The BOCC may pass a resolution to continue the AFP request if an agreement cannot be reached concerning:

- Future fencing and process for working with all stakeholders for the consideration of input from Acres and Sun Valley.
- Determine when fencing would be put up and taken down with specific dates.
- Determine a fencing plan that incorporates breaks, fencing heights by location which avoids road right-of-ways and meets the approval of CPW.

Community Development Director Robert Davis stated that the residents of Aspen Acres residents are upset that the plat note regarding fencing for Aspen Pine Estates is not enforced.

Mr. Davis stated that the East Troublesome Fire created some change of circumstances. The fire created dangerous situations in the neighborhood.

The residents of Aspen Pine Estates want to fence certain areas to prohibit trespassing.

Keith Vincent owns Lots 14 and 16 stated that he is adjacent to this property. What happens along the border matters to him. He noted that it is the county’s job to enforce the plat.

Rick Epstein, owner of Lot 30, Aspen Pine Acres stated that he borders the Holland property. Mr. Epstein understands that it is within the rights of the HOA to try to make a change. He noted he bought the property which did not have fencing. Mr. Epstein believes the fencing will disturb the character of the area as well as the migration of the wildlife. Mr. Epstein is in favor of fencing along County Road 492.

Mr. Epstein stated that there are no open foundations in Aspen Pine Estates.

Wendy Engelmann stated that she had a house at 41 County Road 4920 in Aspen Pine Acres. Ms. Engelmann stated that Mr. Wright and Mr. Holland have mislead the County stating this is a public safety concern. There is not one open foundation remaining in the Aspen Pine Estate Subdivision.

Ms. Engelmann noted that there were fallen trees and stumps in the area before the fire.

Ms. Engelmann stated that there is not 100 percent support in the subdivision to add the fences. Ms. Engelmann stated there is no need to fence the open space.

Ms. Engelmann suggested that “No Trespassing” signs be installed in the area.

John Bruegger is the owner of Lot 28, Aspen Pine Acres. He bought his property after the East Troublesome Fire. He understood that fencing would not be allowed in Aspen Pine Estates. His future porch will face Tract A.

The Board encouraged the neighbors to continue working together and with staff.

Board Business

Commissioner Manguso moved to approve subject to edits and authorize signature outside the meeting the letter to the towns regarding the Housing Authority.

The motion passed unanimously.

Commissioner Manguso moved to approve subject to edits and authorize signature outside the meeting a letter concerning the anniversary date of the East Troublesome Fire.

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. PER2017-7-40, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND AS PERMIT AUTHORITY GRANTING A 1041 PERMIT AMENDMENT TO THE CR 50 OWNERS ASSOCIATION LOCATED IN THE NW1/4NW1/4 OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 76 WEST OF THE 6TH P.M. A PERMIT TO ENGAGE IN AN ACTIVITY PREVIOUSLY DESIGNATED AS AN ACTIVITY OF THE STATE INTEREST PURSUANT TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO RESOLUTION NO. 1978-5-4" and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 4:45 a.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 16th day of November 2021.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder