

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

January 25, 2022

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
Interim County Attorney Maxine LaBarre-Krostue

Those present recited the Pledge of Allegiance.

Commissioner Cimino will be joining the meeting late.

Commissioner Linke moved to approve the Minutes of the Regular Board of Commissioner's meeting of January 18, 2022 as presented.

The motion passed.

Commissioner Linke moved to approve the letter Interim County Attorney Maxine LaBarre-Krostue regarding certain information as requested for the audit.

The motion passed.

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

Commissioner Linke moved to approve the letter Interim County Attorney Maxine LaBarre-Krostue regarding certain information as requested for the audit.

The motion passed.

Commissioner Linke moved to approve the Standard Form to Confirm Account Balance Information with Financial Institutions with United Business Bank for the Housing Authority and authorize the Chair to sign.

The motion passed.

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

Finance

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on January 26, 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 January 25, 2022, for payment on January 26, 2022, for the Grand County Housing Authority.

The motion passed.

Commissioner Linke moved to approve the vouchers presented on January 25, 2022, for payment on January 26, 2022, for the Grand County Department of Human Services.

The motion passed.

Commissioner Linke moved to approve wire payment and vouchers presented on January 25, 2022, for payment on January 26, 2022, for Grand County.

The motion passed.

Departmental contracts, Comments, Issues

Commissioner Linke moved to authorize the Chair to sign the Colorado Youth Detention Continuum Juvenile Services Plan for the Colorado Youth Detention Continuum Office and authorize the Chair to sign as presented.

The motion passed.

Information Technology Director Thomas Johnson presented information to the Broad Band Working Group regarding services in the county.

Mr. Johnson is working with the Northwest Region of NWCOGG with the Human Services agencies to work on Cyber Security policies.

Mr. Johnson noted that people should be aware of more phishing attempts due to the conflicts in Russia and Ukraine.

Economic Development Director DiAnn Butler stated that Grand County is applying for a workforce grant under economic development. The Tourism Board has agreed to use funds to match on this grant.

Commissioner Cimino joined the meeting.

Commissioner Cimino moved to approve that Grand County apply for the Tourism and Diversification Strategy Site Readiness and Master Plan grant through Economic Development and understand that no General Fund money will be spent for the grant. The match will come from the Tourism Board.
The motion passed unanimously.

Grand County Board of Health

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

Public Health Director Abbie Baker presented:

The cases of COVID in the last seven days is 165. The one-week case rate is 1049.75. The cases in the last 14 days are 489 and the average is 23 cases per day. Of the cases, 19.4 percent of the cases in the last seven days have been pediatric cases. In the last two weeks it was 20.4 percent pediatric cases.

Total residents who have had documented cases of COVID since the beginning of the pandemic 3,344 which is 21.1 percent of the total population.

There have been 16 deaths due to COV and five with COVID.

There are five current outbreaks in Grand County. Most of those are in the school districts.

There has been a slight decline in cases. Most of the cases in Colorado are the Omicron variant.

Approximately 66 percent of hospitalizations statewide are unvaccinated. Approximately 53.34 percent of those hospitalized for COVID are over 60 years old. The average hospital stay is eight days.

Foothills RETAC availability is
ICU Beds is 10 percent which equals 23 beds
Acute care beds is 6 percent which equals 53 beds

Approximately 62 percent of eligible residents in Grand County are fully vaccinated. Of the eligible residents, 31.6 percent have received booster doses. Of the eligible residents, 73 percent have received at least one dose. Natural immunity through illness in last 90 days is 7.5 percent. The total estimated community immunity is 69.5 percent to 80.5 percent.

Dr. Stuerman reported was unable to get someone to a close bed in the Denver area.

The hospitalization rate for flu is 2.94 per 100,000 and COVID is 50 per 100,000.

Dr. Stuerman stated that keeping a health life style helps protect people from serious complications of COVID.

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

Manager and Attorney Items

There is a meeting with the Corp of Engineers regarding the SHIPPO meeting with the consultant regarding County Road 522. The meeting is a Consulting Party Adverse Effect and Mitigation meeting.

Commissioner Linke moved to approve the County Facility Closure Policy as presented.
The motion passed unanimously.

Mr. Moyer stated that the Board has a draft letter to water attorney David Taussig to the Division Engineer with regard to the RICD decree. Part of the decree is a 3,000-acre foot carve out. It basically said that when the County obtained the decree any junior rights filed upon in a total amount of 3,000-acre feet would be a carve out. The County would never call on those junior water rights that were filed since the RICD came in. Since

2010, there is approximately 105 or more applications. Some have gone through and are decreed. Many are still pending.

Comments have been received from National NRCS on the water shed PA for Windy Gap. There are several comments that are easy to address. NRCS Colorado are able to address the comments.

Mr. Moyer met with the Assessor's Office with regard to some budget items. The solution for 2022 that was a data cloud solution, will not work with Tyler. The Assessor is moving in an alternate direction to provide the same solution but just in a different manner. The office will stay within budget.

Mr. Moyer stated that he has been contacted by the River District regarding a cloud seeding program. Mr. Moyer asked if the Board would be interested in leasing land to the River District for cloud seeding. The Board directed Mr. Moyer to look into some of the county-owned property.

Board Business / Correspondence / Calendar

Three Lakes Water and Sanitation District is applying for grants to expand the sewer system within the service area. They want to apply for a grant and is asking the Board of Commissioners for a letter of support.

The District is working on a program that encourages people to connect to the system instead of forcing them to connect.

Commissioner Linke moved to authorize the Board to sign the letter of support for the Three Lakes Water and Sanitation District for the Community Septic to Sewer Conversion Project.
The motion passed unanimously.

Information Technology Director Thomas Johnson presented information on the Affordability Connectivity Program. A number of residence could benefit this to the program. The Board gave Mr. Johnson direction to provide this information to the public on the web page and through social media.

Commissioner Cimino moved to appoint Shaun Mullahey to the Planning Commission to represent District 1 for a three-year term.
The motion passed unanimously.

Commissioner Cimino moved to appoint re-appoint Kim Shepton to the Planning Commission from District 3 for a three-year term.
The motion passed unanimously.

Consent Agenda

Resolution No. 2022-1-14, "APPROVING APPOINTMENT OF MAXINE LABARRE-KROSTUE AS INTERIM COUNTY ATTORNEY"

Resolution No. 2022-1-15, "DESIGNATING A REPRESENTATIVE TO THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS"

Resolution No. 2022-1-16, "DESIGNATING A PROXY TO THE 2022 CCI STEERING COMMITTEE"

Commissioner Linke moved to approve the Consent Agenda.
The motion passed unanimously.

Commissioner Manguso attended the Board meeting at the Town of Kremmling.

Commissioners Cimino and Manguso agreed to support Keith Baker of Chaffee County for Public Lands Chair of the NACO.

Commissioner Linke attended the Technical Working Group for livestock compensation with regard to the Wolf Introduction.

Commissioner Linke attended the Voices of Rural Colorado of Club 20.

Calendar

Jan 26 Monthly Legislator Breakfast via Zoom, 8 to 10 am

Jan 26 Colorado Communities for Climate Action Meeting via Zoom, starting at 10 am
Jan 26 Grand Enterprises Meeting via Zoom, starting at 2 pm
Jan 26 Peak Health Alliance Meeting via Zoom, 2 to 4 pm
Jan 27 Colorado Association of Ski Towns Meeting via Zoom, 8:30 to 10:30 am
Jan 27 Club 20 Chair Meeting via Zoom, starting at 8:30 am
Jan 27 GCR 522 Consulting Party Mitigation Meeting via Webex, starting at 9 am
Jan 27 Colorado Counties, Inc. (CCI) Steering Committee Meetings via Zoom, 9 am to 3 pm
Jan 27 Northwest Colorado Council of Governments Meeting via Zoom, 10 am to noon
Jan 28 CCI Steering Committee Meetings via Zoom via Zoom, 9 am to 3 pm
Jan 31 Colorado Basin Roundtable Meeting via Zoom, noon to 4 pm
Feb 3 Counties & Commissioners Acting Together Policy Meetings RE: Transportation, Natural Resources / Environment & Wildlife via Zoom, 3:30 to 5 pm

Election Precincts Discussion, Decision – Grand County Clerk & Recorder

Clerk and Recorder Sara Rosene presented the Board with minor changes to Grand County precincts.

Commissioner Cimino moved to approve Resolution No. 2022-1-17, “RESOLUIONT RE-ESTABLISHING ELECTION PRECINCTS OF THE COUNTY OF GRAND, STATE OF COLORADO”

The motion passed unanimously.

Public Hearing – Second Reading of Proposed, Amended Marijuana License Ordinance

The public hearing scheduled to begin at 10:30 a.m. was called to order by Chair Manguso at 10:45 a.m. Interim County Attorney LaBarre-Krostue set the record as follows:

Exhibit A Notice of Hearing
Exhibit B Proposed Grand County Ordinance No. 22 Marijuana Licensing Regulation Ordinance
Exhibit C Proposed Grand County Ordinance No. 22 Marijuana Licensing Regulation and Ordinance in redline version
Exhibit D Proof of Publication
Exhibit E Public Review Sheet

Interim County Attorney Maxine LaBarre-Krostue read the title of the Title of Ordinance:

Ordinance 22, Grand County Marijuana Licensing Regulation and Ordinance

Commissioner Linke moved to adopt the proposed Marijuana License Ordinance as presented. The motion passed unanimously.

Commissioner Cimino moved to close the Public Hearing. The motion passed unanimously.

Red Hawk Ranch Lots MF-1 & MF-2 Sketch Plan

PROJECT NAME: Red Hawk Ranch Multi-family-Sketch Plan
APPLICANT: Graceland Holdings, LLC
LOCATION: Approximately 5.6 acres located in a portion of the W ½ SW ¼ of Section 1 and a portion of the NE ¼ Se ¼ of Section 2 all in Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado.

APPLICABLE REGULATIONS: Grand County Master Plan, Zoning Regulations, Subdivision Regulations
ZONING: R –Residential District

ATTACHMENTS:
a) Vicinity Map
b) Sketch Plan (Plat)
c) Illustrative Site Plan
d) Application and Narrative Letter
e) Kumar Preliminary Geotech and Geology Report August 2018
f) Natural Resources Conservation Service Soil Report dated September 2, 2021
g) Phase II Drainage Report dated 3-38-2021
h) Intergovernmental Agreement for Extra-Territorial Water Service
i) Variance Requests
j) Resolutions Extending Approval of Sketch Plan

STAFF PLANNER: Robert C. Davis, AICP, Director
REQUEST: This request is to approve a Sketch Plan for two multi-family planning areas within the proposed Red Hawk Ranch Subdivision.

I. BACKGROUND and PROPOSAL

The Red Hawk Ranch site is located south of Tabernash and southeast of the Pole Creek Valley Subdivision. This request is to approve a Sketch Plan for two multi-family planning areas The MF-1 and MF-2 sketch plan includes approximately 5.7 acres and 72 multi-family residential units. Located in three buildings, the residential mix will be comprised of 1-and 2-bedroom units resulting in a density of 14 du/acre within the proposed Red Hawk Ranch Subdivision. The sketch plan includes approximately 3.6 acres(63.7%) of open space. Open space areas will be contiguous to each residential enclave.

Adjacent land uses include a residential home located to the north. The parcels to the south and west are currently undeveloped. Located to the east is the Crooked Creek open space corridor. A 112 -foot open space buffer with a berm is located between MF-1 and the residential land use located to the north. The Applicant proposes to landscape the buffer as well.

Access to the site will be from the north along County Road 522. The property appears potentially to be accessible from two connections to US-40. One at CR-5221 and the other at CR-522E in the town itself. Both are full-movement, two-way stop sign controlled intersections. The access road will extend through Red Hawk Ranch and intersect with the CR 522 to the east.

A preliminary plat was recently approved for a total of 92 single family residential units on 95 acres of land plus 17 open space tracts totaling 37.4 acres representing over 39%open space within the same subdivision.

The Applicant intends to phase the development and subdivision platting process, with the intention of receiving preliminary plat approval for all portions of the development, and to take select portions of the development through the final plat process. The proposed multi-family development was not presented at the Red Hawk Ranch single family Preliminary Plat approved by the Planning Commission in September 2021.

The Red Hawk Ranch Preliminary Plat was approved was approved by the BOCC on October 19, 2021. for 93single family homes and three multiple family lots called MF1, MF2 and MF3 for a total of175units. The Preliminary Plat showed the multi-family locations consistent with the MF1 and MF2 Sketch Plan being presented.

A long standing issue concerns the blockage of a view shed from adjacent property directly to the north of the proposed MF1 housing site. Rebecca Arnold who resides at 344GCR 522 directly north of the proposed MF1 site has long advocated a preference for the development of duplexes rather that apartment buildings. Ms. Arnold, who will stand to have her view of James Peak, Parry Peak, Winter Park Ski Area, Vasquez Creek interrupted by three story buildings would prefer to see the apartments relocated to the center of the Red Hawk Ranch development.

This is largely due to the presentation of a plan at the February 2001 BOCC meeting concerning the approval of the Red Hawk Ranch Sketch Plan. The developer presented a Sketch Plan for 141single family units and 45 duplexes (linear lots)and showing MF1 to be located to the center of the development and replaced with duplexes directly south of Becky Arnold's property.

The Sketch Plan was extended awaiting the provision of water and sewer services which now have go ahead with the Tabernash Meadows Wastewater Agreement. In 2013, a request was made to either extend the141 single family,46 duplex Sketch Plan or approve a revised Sketch Plan reducing the number of units from 300 to 226. Resolutions in 2013and 2014 extended approval of the 141single family unit and 46 duplex unit Sketch Plan. A Resolution from 2015extended the approval the revised RHR Sketch Plan that is being considered today.

Previous proposals adjacent to the site provided for more intense development. In the early 1980's, the Indian Springs Subdivision was proposed consisting of 288 condominium units and 72 single-family dwellings. In December of 2000, the applicant proposed creating 185 lots consisting of 141 single-family lots and 44 lots designated for multi-family development with 42.5% open space. The 2001 approval was for 140 single family lots, with the ability to replat up to 159 units into duplex and/or condominiums, subject to further future subdivision. This would have resulted in a density of 299 total units possible.

In the year 2000, Becky and Andy Arnold residing at 344 GCR 522 which abuts the subject property to the north, articulated their concern about the proximity of the project to their 14-acre horse property. The 2013 Sketch Plan provided a redesign of the site where a multi-family tract would be directly across the boundary

line from the Arnold property. A 50-foot buffer zone between the Arnold property and Red Hawk Ranch is to be provided as a condition of approval of the Preliminary Plat.

As per the August 20, 2019 Intergovernmental Agreement for Extra-Territorial Sewer Service, Tabernash Meadows Water and Sanitation District has agreed to provide sewer services to Red Hawk Ranch. An October 13, 2020 Intergovernmental Agreement for Extra-Territorial Water Service between the Red Hawk Ranch Water and Sanitation District and the Tabernash Meadows Water and Sanitation District provides for Tabernash Meadows to provide water services to Red Hawk by accepting raw water for treatment and delivering treated potable water and fire flow water.

Variance Request

County Road 522 and the Crooked Creek riparian corridor has resulted in two planning areas that reflect a linear configuration. This configuration has compromised the depth of the parcel in terms of efficiently accommodating the building footprint. As required, to achieve the required workforce housing units and to ensure the project is economically viable, three-story buildings are proposed to accommodate the program. These buildings are proposed to include massing with terraced gables. The proposed building height at the center building gable ridge is 39.9 feet.

The roof line will vary in height to provide a stepped back design from the property to the north. The proposed buildings are located adjacent to an open space tract to the south and east, a 12-foot-landscape buffer to the north and the CR 522 to the west. At its highest point, Buildings A, Band Care expected to be 40.15 feet tall measured 10 feet out to the lowest grade. The height variance request was tabled at the January 2022 Board of Adjustment meeting because it was not clear what the exact height for the variance should be. The variance request for reducing parking space size was withdrawn.

The Applicant has agreed to the following conditions for the proposed variance:

- 1 – The variance is only applicable to the development of rent controlled workforce housing to be built in Red Hawk Ranch.
- 2 – The applicant must provide a plan to insure all units be rent controlled at rental rates and income levels established by the standards set by CHFA, annually, inclusive of State, Federal, LIHTC and CHFA programs based on the levels for Grand County falling within the maximum rents and income limits ranges of 60% to 120% of AMI (average median income). This plan will need to be approved by the BOCC prior to Final Plat for any rent controlled workforce housing project to be developed in Red Hawk Ranch.

II. STAFF ANALYSIS

The Grand County Master Plan

The proposed subdivision is included within the Tabernash Urban Growth Area as depicted within the Grand County Master Plan. Growth areas are intended to provide land for future growth in a manner where it can best be accommodated, and provided with the necessary public facilities and services in an environmentally sensitive and fiscally responsible manner. The Master Plan recognizes that the continued use of Grand County's growth areas is one of the primary implementation actions necessary for the success of the Master Plan.

Compliance With Grand County Zoning Regulations

The property is zoned Residential and the minimum lot size in the Residential Zone District, on subdivision land that is served by both public water and public sewage facilities, is 7,000 square feet, with a minimum lot width of 60 feet. The proposed lot sizes comply with this requirement. Setbacks are 30 feet from the front, 20 feet rear, and 5 feet from all side lot lines.

Recommendation

Staff recommends approval of the Red Hawk Ranch Multi-Family Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat approval:

1. Calculated open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat [5.5].
2. No burning of slash shall be allowed and disposal shall be included in the Engineers Estimate of Probable Cost provided with Preliminary Plat [5.9].
3. At Preliminary Plat, the Applicant shall provide proposed addressing.
4. The Applicant shall research and verify sub-surface mineral extraction rights prior to the Preliminary Plat review by Planning Commission [5.6].
5. A plat note shall be added recommending Radon mitigation measures be integrated into all proposed structures.
6. Plat review agencies during Preliminary Plat shall include:
 - Mountain Parks Electric, Inc. (MPEI)
 - Xcel

- CenturyLink
- Comcast
- Colorado State Forest Service
- East Grand Fire Protection District
- East Grand School District
- Tabernash Meadows Water and Sewer District
- Grand County Consulting Engineer
- Headwaters Trails Alliance
- Grand County Assessor's Office

7. Based on height variance, visual representation, and landscape buffer.

Jeff Vogel, representing Red Hawk Ranch, stated that the parcels are located off of County Road 522. There are riparian corridors on both sides. Multifamily 1 and 2 are the planning areas.

This area is to cater to workforce housing. There are three buildings that 24 units each for a total of 72 units. They buildings are three story walk ups. There is surface parking on the west side of the buildings. There is 60 percent open space. There will be a 50-foot landscape buffer to the north. There will be a berm four to five feet tall.

One of the goals of the Red Hawk Ranch project is to create a community and be good stewards as a developer in the community. There is a large demand for workforce housing. There is a struggle to find a proper formula for building because of the high cost of building, limited building season, and limited availability of labor.

Landis Arnold presented information on how the project will sit in relationship to the neighborhood. The quality of life and vehicle safety will change if the project is built.

Chris Bergquist lives in Tabernash wondered why the builders could not be shorter. Mr. Bergquist stated that Highway 40 cannot handle the traffic now; more housing will cause more traffic.

Diane Howell is concerned over water and infrastructure. Ms. Howell would like to have the Fraser Valley Parkway built before the development.

Sue Volk state that County Road 522E is about half mile long and there are 12 driveways on the road. Conway Excavating is on the road and they generate as many as 200 truck trips daily during peak seasons. Ms. Volk would like to see an updated traffic study. A second access should be added to this.

Jim Wattenberg lives on Lupine Lane (County Road 522). Mr. Wattenberg is a retired fire chief from the largest fire department on the west coast. Mr. Wattenberg is concerned over the traffic. Mr. Wattenberg stated that the 24-foot ladders the fire department has will not reach the third floor. He wondered if the fire department would be getting a ladder truck closer to this development.

Jonas Hadley of Tabernash is concerned over the water. Mr. Jonas is concerned over light pollution and noise pollution in the area.

Becky Arnold is next to the development and wants to continue to use living in her property as it has historically been used. Ms. Arnold wants low density next to her property line. County Road 522E should not be considered as a second form of access.

Ms. Arnold stated that this was first stated to be 50 units for three lots. Then it went to 80 units for three lots. Ms. Arnold does not understand how between October and now we are looking at 80 units and then 72 units.

Commissioner Linke moved to continue Red Hawk Ranch Multi-family-Sketch Plan to 1:30 p.m. to February 1, 2022.

The motion passed unanimously.

Short-Term Rental Update

Christian Hornbaker, Short Term Rental Coordinator presented.

There were 152 accounts who were sent non-compliance letters in November. Mr. Hornbaker stated that there are actually 83 accounts out of compliance that will be getting fine letters.

Mr. Hornbaker stated Host Compliance accuracy rate is 68.2 percent.

Mr. Hornbaker stated that he is working on fees and finance structure.

Byers Peak Ranch Filing 1 – Preliminary Plat

PROJECT NAME: Byers Peak Ranch Filing 1 Subdivision–Preliminary Plat
APPLICANT: Byers Peak Properties, LLC represented by Layla Rosales and Jeff Marck,
Terracina Design
LOCATION: A parcel of land, being Government Lot 3, Government Lot 4 EXECPT the
Westerly 440 feet thereof, and a portion of the south ½ of Section 19, and the
N1/2NE1/4 of Section 30, all in Township 1 South, Range 75 West of the 6th
P.M., County of Grand, Colorado.,

APPLICABLE
REGULATIONS: Grand County Master Plan, Zoning Regulations, Subdivision Regulations
ZONING: R –Residential District

- ATTACHMENTS:
- a) Application and Project Letter
 - b) Variance Request
 - c) Preliminary Plat and
 - d) Building Images and Illustrative Concept Plan
 - e) Sketch Plan
 - f) Typical Lot Design
 - g) Utility Easements
 - h) Planning Commission Minutes April 10, 2019
 - i) Master Utility Report
 - j) Traffic Impact Study dated April 2021
 - k) Phase III Drainage Report
 - l) Town of Fraser Water and Sanitation “Will serve”
 - m) Mountain Parks Electric, Inc. “Will serve”
 - n) Xcel Energy “Will serve”
 - o) Review Response from Mountain Parks Electric, Jean Johnson
 - p) Review Response from County Engineer, Tim Gagnon –Bowman Consulting
 - q) Review Response from Town of Fraser
 - r) Review Response from Xcel Energy
 - s) Pavement Design Letter

STAFF PLANNER: Robert C. Davis, AICP, Director

REQUEST: The Applicant is proposing a subdivision in order to construct 123-unit
subdivision of single-family detached homes creating a density of 9.7 dwelling
units per acre.

I. BACKGROUND

a. Proposal

Cornerstone Winter Park Holdings is proposing a 123-unit subdivision of single-family detached homes on approximately 12.7 acres within the larger property called Byers Peak Ranch. The single family subdivision, creates a density of 9.7 dwelling units per acre. Each unit is approximately 15’ x40’ and two stories tall, totaling approximately 1200 ft². Each has a foot print of approximately 600 square feet, with patio or deck extending on the rear. Access to each unit is along an internal access road of 24’ drive width and 44’ ROW width. Access to the new homes will be from Norgren Street, a new access street off Mill Avenue that will serve the development.

The property is within the R -Residential Zone.

The units will be served by public water and sewer via Town of Fraser Water and Sanitation. Electric service will be supplied by Mountain Parks Electric.

b. History –

Access to the new homes will be from Mill Avenue (GCR 73) and from Norgren Street, a proposed new access street off Mill Avenue that will serve the development.

The larger property has been used historically for grazing and agriculture, and irrigation ditches to support those uses have altered the landscape and drainage. The land is relatively flat, sloping at about 2% grade toward the NE corner near the proposed development. While awaiting development, Byers Peak Ranch remains a working ranch.

Byers Peak Ranch is located within an eco-region identified as the Southern Rocky Mountain Steppe –Open Woodland –Coniferous Forest –Alpine Meadow Province. There are no large stands of trees or native vegetation. Virtually all of the trees that were present on the site have been logged to reduce the risk of beetle infestation.

St. Louis Creek bisects the northwest corner of the larger 295 acre site and Elk Creek bisects the southeast corner. Otherwise no natural stream course or pond exists on the site. Surface water drains on the east side of the property through a 30' wide CMP (located under the railroad underpass) to a roadside ditch along the west side of GCR 72 that connects to Elk Creek. Surface water on the west side collects into a roadside ditch and eventually reaches St. Louis Creek.

c. Existing Reports

Three previous reports demonstrate that construction on the site is possible, with attention to unstable soils, steep slopes and proper drainage.

- Habitat Assessment for Byers Peak Ranch (10/26/2007), prepared by Wildlife Specialties, L.L.C. – no sensitive species, unique habitats of other important ecological components were found.
- Wetlands Assessment (12/4/2007), prepared by Western Bionomics LLC –identified wetlands areas, mostly not naturally occurring but caused or influenced instead by irrigation and disturbance of the area.
- Traffic Impact Analysis (February 2011) prepared by Felsburg, Holt, and Ullevig –a Short-Term Future (Year 2018) and Long-Term Future (Year 2030), based on proposed development at that time.
- Phase I Environmental Assessment Report (2/8/2012,) prepared by Corn & Associates–finding of No Risk in all categories of investigation.
- Phase I Drainage Study, (9/13/2013) Prepared by TopKnot Engineering LLC –master plan drainage concepts for the construction of storm drainage facilities.

The Applicant has provided an updated master drainage study and an updated Traffic Impact Analysis.

The Applicant proposes to secure water and sewer service and connections from the Town of Fraser. The Applicant has previous “will serve” letters also from Xcel Energy, Qwest Communications (now Century Link) and Mountain Parks Electric Inc. from a previous development proposal which shall be made current for this proposed phase of development.

II. STAFF ANALYSIS

Staff notes that the density created by this Plat is comparable to Plats within the towns. Similar projects in towns where public water and sewer is available makes this density practical. The supply of services from the Town of Fraser is making the proposed density within this proposal possible.

Most notable development in Staff’s research that closely matches the density and layout is Edgewater Resort within the Town of Granby. Edgewater Resort, adjacent to the Fraser River, contains modular homes with approximately the same dimensions as proposed within this development.

Significant variances from the dimensional standards of the Residential District have been granted by the Planning Commission as per Article 8.1 (2) of the Subdivision Regulations only applicable to Filing 1:

- minimum easements required within design standards, from 10’ side and 20’ rear to 3-5’ sides and rear;
- minimum area of a lot from 7000ft² to 2000ft²;
- minimum width of a lot from 60’ to 25’;
- side setback from 5’ to 0’;
- rear setback from 20’ to 10’;
- front setback from 30’ to 20’;
- parking setback from 15’ to 0’

Staff recommends the Planning Commission consider these proposed variances pursuant to Article 8.1 (2) of the Grand County Subdivision Regulations where regulations can be modified by the Planning Commission in the case where a plan for an entire neighborhood is being considered.

Additionally, variances will be required for the Right-of-Way width, road drive surface, and cul-de-sac radii. Staff believes the support for this density has the implication of creating a more affordable development. While these densities are not common in the county as our minimum area of a lot and other requirements it does have implications toward focusing density toward the towns as referenced in the Master Plan.

During Sketch Plan application, adjacent town residents voiced concerns about the driveways that would exit to Mill Avenue within Town limits. Now the proposal has created separation from the Town of Fraser and Mill Avenue, with internal circulation routes. As a portion of this proposal, three other lots are being created for future low-rise, multi-family development. All of these future projects will have ingress and egress within the larger Byers Peak Ranch property.

Preliminary Plat is considered the “heavy lifting” stage of the Subdivision process in Grand County. Although, many of the items required for submittal are referenced “to be included before Final Plat”. Staff is working with the Applicant closely to gain compliance with all applicable items. The items that shall be addressed before Final Plat is scheduled with the Board of County Commissioners include:

- Road and Utility Profiles (Construction Plans)
- Revised Preliminary Plat showing existing topography, easements for utilities, sidewalks and snow storage.
- Landscape and Revegetation Plans
- Snow Storage Calculations and Maintenance Plan
- Signage and Striping Plan
- Proposed utilities including fire hydrants, shallow utilities, water and sewer,
- And other plans referenced in Consulting County Engineer’s review letter dated March 14, 2019.

All the above will return to applicable review agencies for comment or approval and any additional fees incurred shall be paid by the Applicant.

V. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval at it’s for April 10, 2019 meeting with 18 conditions.

VI. STAFF RECOMMENDATION

Staff recommends the conditional approval of the Byers Peak Ranch Filing 1 Preliminary Plat with the following 18 conditions to be met prior to Final Plat:

1. The Applicant is encouraged to make a contribution to the Grand County Affordable housing fund.
2. The construction documents shall be submitted to the Water and Sanitation District for approval prior to issuance of a county building permit [Section 2.3].
3. The dead-end at the southern termination of “Norgren Road” shall include a temporary easement and improvements for public safety turn around [Section 2.3].
4. The Applicant shall work with Staff to establish addressing to be placed on the Final Plat [Section 2.10].
5. Site data including typical residential lot sizes and dimensions shall be supplied on the Preliminary Plat to specify the within this proposal [Section 4.2 (n)].
6. Utility profiles and depths, standard slopes shall be provided as detailed in the comments from Grand County Consulting Engineer [Section 4.2 (p)].
7. The Applicant shall meet all Preliminary Plat requirements.
8. The Applicant is encouraged to make a contribution to the Grand County Affordable housing fund.
9. Any variances determined necessary by Planning Commission in connection to Road and Bridge Standards or Storm Drainage Design and Technical Criteria shall be included in the submittal package.
10. Restrictive Covenants shall be supplied for review in compliance with Colorado Common Interest Ownership Act.
11. The Final Plat shall locate and dedicate easements for access to utility metering. Suggested language from Mountain Parks Electric shall be added to the Final Plat Mylar [Section 4.2 (l)].
12. The dead-end at the southern termination of “Norgren Road” shall include a temporary easement and improvements for public safety turn around [Section 2.3].
13. Language supplied by Mountain Parks Electric shall be added to the Final Plat Mylar [Section 2.5].
14. Staff feels the appraisals submitted in August 2020 for Filing I and all of Filing 2 have expired. This number will be revised prior to Final Plat. Impact fees were estimated to be \$241,590.43 for MILOL for East Grand School District. [Section 2.6].
15. Proof of Fire and/or emergency Impact fees paid shall be paid prior to recording the Final Plat [Section 3.3].
16. Existing topography shall be supplied on the Preliminary Plat to specify the existing slope and grades within this proposal [Section 4.2 (f)].
17. A note on the Plat shall read: all taps shall be paid prior to the issuance of each building permit [Section 4.2 (2) (h)].
18. A draft consistent with proposed Restrictive Covenants shall be supplied prior to Final Plat to BOCC [Section 4.2 (2) (z)].

The Board revised the recommendations as follows:

1. The construction documents shall be submitted to the Town of Fraser for approval prior to approval of the Final Plat.
2. The Applicant shall work with Staff to establish addressing to be placed on the Final Plat [Section 2.10].
3. Utility profiles and depths, standard slopes shall be provided as detailed in the comments from Grand County Consulting Engineer [Section 4.2 (p)].
4. The Applicant shall meet all Final Plat requirements.
5. The Applicant is encouraged to make a contribution to the Grand County Affordable housing fund.
6. Any variances determined necessary by Planning Commission in connection to Road and Bridge Standards or Storm Drainage Design and Technical Criteria shall be included in the submittal package:
 - a. A four foot variance from Road and Bridge Standards Chapter 3 Table 3.3 and Chapter 14 Figure 2 for Norgren Road street sections providing for a 56 foot right-of-way consisting of a 36-foot right-of-way providing a 12 foot driving surface with 10-foot utility and snow storage easements on either side of the road and cul-de-sac. This is subject to County Engineer and East Grand Fire Protection District approval.
 - b. A ten foot variance from Road and Bridge Standards Chapter 3 Table 3.3 and Chapter 14 Figure 1 for internal roads providing a 30-foot right-of-way including a 12 foot driving surface with 10-foot utility and snow storage easements on either side of the road and cul-de-sac. This is subject to County Engineer and East Grand Fire Protection District approval.
 - c. The Applicant shall receive approval of a 40 foot variance from Chapter 14 Figure 4 of the Road and Bridge Standards for a typical cul-de-sac from the required 90 feet width to 50 feet.
7. Restrictive Covenants shall be supplied for review in compliance with Colorado Common Interest Ownership Act.
8. Language supplied by Mountain Parks Electric shall be added to the Final Plat Mylar
9. School fees will be recalculated.
10. Proof of Fire and/or emergency Impact fees paid shall be paid prior to building permit.
11. Existing topography shall be supplied on the Preliminary Plat to specify the existing slope and grades within this proposal [Section 4.2 (f)].
12. A note on the Plat shall read: all taps shall be paid prior to the issuance of each building permit [Section 4.2 (2) (h)].
13. The Applicant shall formulate interim plan regarding formation of metropolitan districts and road dedication and maintenance with defined restrictive covenants shall be provided with the final plat submittal subject to review by the attorney's office

Commissioner Cimino moved to approve the Byers Peak Ranch Filing 1 Subdivision–Preliminary Plat and variances with staff conditions with changes developed today.
The motion passed unanimously.

Byers Peak Ranch filing 2, Parcels 1 & 3 – Preliminary Plat

PROJECT NAME: Byers Peak Ranch Filing 2 Parcels 1 and 3 Multi-family Subdivision (Mill Apartments) –Preliminary Plat

APPLICANT: Byers Peak Properties, LLC represented by Clark Lipscomb

LOCATION: A parcel of land, being Government Lot 3, Government Lot 4 EXCEPT the Westerly 440 feet thereof, and a portion of the south ½ of Section 19, and the N1/2NE1/4 of Section 30, all in Township 1 South, Range 75 West of the 6th P.M., County of Grand, Colorado.,

REGULATIONS: Grand County Master Plan, Zoning Regulations, Subdivision Regulations

ZONING: R –Residential District

ATTACHMENTS:

- a) Application
- b) Vicinity Map
- c) Site Photos
- d) Preliminary Plat
- e) Sketch Plan
- f) County Engineer Comments dated December 3, 2021
- g) Traffic Impact Study dated April 2021
- h) Town of Fraser Letter dated January 9, 2020
- i) Town of Fraser April 17, 2020 Letter confirming water and sewer service
- j) Town of Fraser Comments 12-3-21
- k) Phase III Drainage Report dated May 5, 2020
- l) Phase III Drainage Report Addendum
- m) Stormwater Management Plans
- n) Engineers Opinion of Probable Costs
- o) Geotech Report

- p) Legal descriptions and Easements
- q) 2020 Appraisal Memo to the BOCC
- r) Title Commitment

STAFF PLANNER: Robert C. Davis, AICP, SMP Director

REQUEST: The Applicant is proposing a subdivision in order to construct a 60-unit multi-family project on two lots totaling 4.77 acres creating a density of 12.57 dwelling units per acre.) Conditions to be met to satisfy Regulations

I. BACKGROUND

Proposal

The applicant is requesting approval of 24 one bedroom units, 24 two bedroom units and 12 three bedroom units on Parcels 1 and 3. There is planned 127,998sq. ft. of open space which comprises roughly 61.6% of the site.

Parcels 1 and 3 are part of "Filing 2" also known as The Mill Apartments and is a continuation of the larger proposed development in Byers Peak Ranch. This application represents 4.77 acres of the overall 295.4 acre Byers Peak Ranch site. The Mill Apartments site is bounded by Mill Avenue to the north, an extension of Norgren Road to the west, is adjacent to the Union Pacific Railroad to the east and the future remaining phases of Byers Peak Ranch development to the south. This proposal is being presented as a stand-alone plat although much consideration has gone into the master planning concerns relative to drainage, utilities and traffic.

Parcel 1 contains 2.73 acres consisting of Parcel 1 (2.53 acres) as well as Tract A, Parcel 1 (0.20 acres) which contains the area of Norgren Street south of Mill Ave. Parcel 1 will include a multi-family building with a total of 36 units.

Parcel 3 contains 2.04 acres –compared to the original size of 1.37 acres as approved in the Sketch Plan. The parcel size has been increased to support a multi-family building with a total of 24 units (a 16 unit building was originally approved in the Sketch Plan). The increase in the size of Parcel 3 comes from an added parking lot area to the east which is required for the parking given the increase of eight units.

Both Parcels 1 and 3 sites will have associated driveways/parking and landscaping which has been integrated with Parcel 2 Filing 2, the Mill Apartments site currently under construction. Construction plans for sewer, water and roads were approved by the Town of Fraser on 8/28/20 and Grand County on 9/24/20, although the County did not approve or sign off on the water and sanitation review or review approval of Norgren and Mill intersection design. The construction for those improvements is significantly under way as they relate to the Mill Apartments project and will serve Parcel 1 and 3 as well. The one construction plan change associated with the added parking area resulted in a revised drainage report as well for the added impervious area and those items are under review with the County Engineer.

The Mill Apts. on Parcels 1 and 3 are proposed with two road connections at Norgren and CR 721. Roadways in the site will be classified as a residential drive. The roads are accessed from Mill Ave. to Norgren and through a 24 foot drive linking Parcels 1, 2 and 3 and connecting with the north-south construction road at the eastern edge of the site which ties into CR 721 to the south. There will be no access from Leonard Lane.

The current proposal calls for the continued development of multi-family units within what is called Filing 2. This development will complete Filing 2 consisting of three parcels, i.e., Parcels 1, 2 and 3. The first completed phase of Filing 2 was Parcel 2 consisting of two apartment buildings and a clubhouse which are currently under construction.

Planning of Filing 2 was conducted with consideration for what is being proposed in the tract directly south of Filing 2 called Filing 1. Roadway connections at Norgren and water and sewer services from the Town of Fraser were approved through the Out-of-Town Water Service Agreement for 1,233 single family equivalent units in the overall Byers Peak Ranch which includes Filings 1 and 2.

Filing 1 and Filings2

The Filing 2 Sketch Plan called for four multi-family buildings and a clubhouse on Parcels 1, 2 and 3. A height variance was approved by the Planning Commission for 45' building heights on Parcels 1, 2 and 3. Approved was 36 units in a multi-family building on Parcel 1, 60 units in 2 multi-family buildings and a club house on Parcel 2 and 16 units in a multi-family building on Parcel 3. The type of units proposed included 50 one bedroom units, 52 two bedroom units and 10 three bedroom units. The Planning Commission approved the Sketch Plan at its September 11, 2019 meeting. The BOCC approved the Sketch Plan at its November 19, 2019 meeting.

The Filing 2 Parcel 2 Preliminary Plat was approved by the Planning Commission on April 22, 2020 and by the BOCC on April 28, 2020. The Filing 2 Parcel 2 Final Plat was approved by the Planning Commission on May 23, 2020 and by the BOCC on May 26, 2020. The multifamily buildings in Parcel 2 are incentivized with tax credits by the Colorado Housing and Finance Authority "CHFA", which was awarded in October 2019, helping to provide for low-moderate income housing units.

Both Filing 1 (micro-cottages/single family) and Filing 2 (Mill Apartments.) were the subject of a 23 acre concept plan approved at the April 2019 Planning Commission meeting pursuant to Article 8 of the Subdivision Regulations. That concept plan was used to approve dimensional variances for Filing 1.

Filing 1 is a parcel directly south of the Filing 2 site and consists of the development of 123 single family homes on approximately 12.7 acres directly south of Filing 2 Parcels 1-3. The Preliminary Plat for Filing 1 was approved by the Planning Commission on April 10, 2019 with requested variances, some of which were approved by the Planning Commission as part of Article 8 of the Subdivision Regulations, but other requests for the Right-of-Way width, road drive surface, and cul-de-sac radii are variations from the Road and Bridge Standards and can only be approved by the BOCC.

It was stated by the County Engineer the Plat shall indicate an 80' public R.O.W. for Norgren Road in order to accommodate the projected future traffic from future development; however the plans approved for construction of the roads as part of the Filing 2 Parcel 2 Construction Drawings were not signed off by the County Engineer include as it included a 36' R.O.W. with a 10' Utility and Snow Storage Easement on either side. The developer also covered this road section design shown on the plats and approved construction drawings extensively with the Planning Commission in all the hearings for Filing 1 and Filing 2. This is the same road section utilized for the Grand Park project in Fraser. The Byers Peak Ranch Roads will be private roads. Since the Filing 1 Preliminary Plat has not been reviewed and approved by the BOCC yet, a variance to the Right-of-Way width of Norgren Ave. is being requested here by the BOCC. Construction of the plans approved in conjunction with the recorded Filing 2 Parcel 2 plans are well underway and all the engineering designs submitted utilize the road sections on those approved construction plans which will be consistent with the road sections in the nearby Grand Park neighborhood.

Engineering has been completed for Parcel Two, Filing Two, which also provided the roads, water, sanitary sewer, and drainage engineering necessary for Parcels 1 and 3 including approved construction drawings for water, sewer and driveways. Access and utility easements were granted with the recording of Filing 2 Parcel 2 for the roads, water, and sewer under construction. Remaining items under review with regard to Parcels 1 and 3 include the addition of the parking lot and the revised drainage. The water mains are complete, all but 200' of the Sanitary Sewer is complete. Natural Gas, Electric, and Cable are installed throughout the plan area and the road and parking areas subgrade construction is complete with the paving planned for completion in mid-summer 2022.

The final concept plan for all of Filing 2 and Filing 1 is depicted below in a composite that shows how the two relate to one another and the planning of the infrastructure designed which is designed to accommodate the master plan for all of Byers Peak Ranch. The changes include a shift of Parcel's 1 building facing Mill Ave. with parking being shifted to south of the building which reflects the approved construction drawings associated with Filing 2 Parcel 2. The Parcel 3 building was enlarged to add 8 additional units and additional parking installed.

V. STAFF RECOMMENDATION

Staff is recommending approval of the Byers Peak Ranch Parcels 1 and 3 Preliminary Plat with conditions. The following lists provide conditions of approval, many of which shall be added as notes or dedications on the plat and resolved at Final Plat:

1. A Right-of-Way width of 60 to 80 feet is required for the Norgren extension or the applicant must request a variance from the BOCC.
Variance from Road and Bridge Standards for street sections to Section 2.3 for Norgren Road a 36-foot right-of-way with 10-foot snow utility and snow storage easement on either side of the road and cul-de-sac. This is subject to County Engineer and East Grand Fire Protection District approval.
2. Private roads need to be dedicated to an entity prior to Final Plat. The applicant has stated consideration of a Special District to accommodate this need. An address table shall be included on the Final Plat Mylar.
An interim plan regarding formation of metropolitan districts and road dedication and maintenance with defined restrictive covenants shall be provided with the final plat submittal subject to review by the attorney's office.
3. Provide an updated Title Commitment

4. An Emergency Impact Fee shall be paid at the time of recording of the final plat consistent with the provisions outlined in Section 3.3 of the Subdivision Regulations.
An Emergency Impact Fee shall be paid at the time of building permit consistent with the provisions outlined in Section 3.3 of the Subdivision Regulations.
5. Address all comments in the December 3, 2021 letter from Tim Gagnon, County Engineer prior to Final Plat.
Retain
6. Address comments from the June 2, 2021 letter from Tim Gagnon, County Engineer prior to Final Plat.
Retain
7. School Fees shall be paid prior to approval of the Final Plat.
Retain
8. Exterior lighting shall be minimized and shall be designed and installed to subtly illuminate functional areas only. The source of light shall not be visible above a horizontal plane and shall direct the light inward and downward onto the site and away from the adjoining properties. Fixtures shall be hooded and shall not be located above the eave lines. Use of “Dark Sky” fixtures is encouraged.
Retain
9. Earthen tone colors and materials that blend with the natural environment shall be used on the exterior of all structures, including but not limited to, facades, roofs, doors, and trim.
Retain

Commissioner Cimino moved to approve Byers Peak Ranch Filing 2 Parcels 1 and 3 Multi-family Subdivision (Mill Apartments) and variances with staff conditions with changes developed today.

Note from recorder: The conditions as finalized today show as the conditions in bold 1 through 9.

The motion passed unanimously.

Board Business

Commissioner Cimino moved to approve the appointment of Sandra Scanland to the Grand County Board of Adjustment as the District 2 appointment for a three-year term.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 3:00 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 22nd day of February 2022.

Kristen Manguso, Chair

Attest:

Sara L. Rosene, Clerk and Recorder