

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

January 26, 2021

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

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

Those present recited the Pledge of Allegiance.

Approval of Board Minutes

Commissioner Manguso moved to approve the Minutes of the Regular Board of Commissioner's meeting of December 15, 2020.

The motion passed unanimously.

Commissioner Cimino moved to approve the Minutes of the Regular Board of Commissioner's meeting of December 22, 2020.

The motion passed unanimously.

Commissioner Cimino moved to approve the Minutes of the Special meeting of the Grand County Board of Health of December 28, 2020.

The motion passed unanimously.

Commissioner Cimino moved to approve the Minutes of the Regular Board of Commissioner's meeting of January 5, 2021 as presented.

The motion passed unanimously.

Commissioner Cimino asked that there be a workshop to discuss the makeup of the Housing Authority and look at the future of the Housing Authority.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on January 27, 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 January 26, 2021 for payment on January 27, 2021 for the Grand County Housing Authority.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on January 27, 2021, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the vouchers presented on January 26, 2021, for payment on January 27, 2021, for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Cimino moved to approve wire payment, interfund transfers, and vouchers presented on January 26, 2021, for payment on January 27, 2021 for Grand County.

The motion passed unanimously.

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

Commissioner Manguso moved to authorize Chair Linke to sign the bank confirmations for the Grand County Housing Authority.

The motion passed unanimously.

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

Pandemic and Fire Costs as of 1-26-2021

	East Troublesome Fire			
	COVID-19	Paid	Unbilled but expected	Total Fire
2020 Cares Act Reimbursement Allocation	\$ 701,883			
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	\$ 211,685	\$ 417,659
Total 2020 costs	\$ 736,987	\$ 343,461	\$ 211,685	\$ 555,146
Net 2020 (costs) after reimbursements	(\$ 35,104)	(\$ 343,461)	(\$ 211,685)	(\$ 555,146)
2021 Reimbursements Requested	\$ -	\$ -	\$ -	\$ -
Less:		\$ 3,354		
2021 Personnel costs	\$ 34,222			
2021 Grand Foundation programs funded	\$ -			
2021 Rural Health grant	\$ -			
2021 Other operating costs	\$ 6,800			
Total 2021 costs	\$ 41,022	\$ 3,354	\$ -	\$ -
Net 2021 (costs) after reimbursements	(\$ 41,022)	(\$ 3,354)	\$ -	\$ -
Total Costs after reimbursements	(\$ 76,126)	(\$ 346,815)	(\$ 211,685)	(\$ 558,500)
Unrestricted Fund Balance calculation				
2020 Operating Expenditure Budget		\$ 20,172,000		
2019 Unrestricted Fund Balance		\$ 6,194,000		
2020 estimated unrestricted funds increase		\$ 400,000		
Projected 2020 Unrestricted Fund Balance		\$ 6,594,000		
		33%		

Departments Contracts, Comments, Issues

Commissioner Cimino moved to approve the 2021-2022 VAG Grand Application Form for the Grand County Veterans Affairs and authorize the Chair to sign.
 The motion passed unanimously.

Commissioner Manguso moved to authorize the Chair to sign the Lease Agreement between Granby Sanitation District and the Grand County Board of Commissioners for the animal shelter. This is a five-year lease until December 2025 in the amount of \$11,210 annually.
 The motion passed unanimously.

Commissioner Cimino moved to approve out-of-state travel as requested by the Chief of Grand County EMS to pick up ambulances in North Carolina.
 The motion passed unanimously.

Grand County Board of Health

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

Public Health Director Abby Baker reported that the COVID positivity rate up. There were 133 cases since January 11. There have been approximately 1,110 tests. That is a positivity rate of 11.98 percent.

The County test sites are performing roughly 55 percent of the tests for Grand County residents.

Grand County has seen 897 cases to date. March 17, 2020 was the first case of COVID-19 in Grand County. Grand County case rate is 858 per 100,000. The goal is to be 350 per 100,000.

Dr. Selenke reported that there were three hospitalizations over the last couple of days. The Denver area capacity is good.

Dr. Selenke reported that Grand County is receiving the Moderna vaccine. It has shown to be effective with the new variants.

There are 1,200 doses received in the County and Dr. Selenke believes they are all first doses. Over 90 percent of the doses received have been pushed out. Vaccines are being delivered to people in the 1B group and above.

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

Manager and Attorney Items

Acting County Manager Ed Moyer presented a weekly update.

Consent Agenda

Resolution No. 2021-1-23, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ANNUAL REPORT FOR DISCHARGES FROM THE APPLICATION OF PESTICIDES"

RESOLUTION NO. 2021-1 -24, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN ASSIGNMENT OF HANGAR GROUND LEASE FOR AIRPLANE HANGAR NO. 19 LOCATED AT THE GRANBY-GRAND COUNTY AIRPORT"

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

Commissioner Manguso moved to appoint Bethany Reynolds to Foothills RETAC.
The motion passed unanimously.

Commissioner Manguso moved to authorize the Chair to sign a letter to Senator Michael Bennet and Senator John Hickenlooper regarding retaining the Bureau of Land Management Headquarters office in the Grand Junction area.
The motion passed unanimously.

Calendar

Commissioner Manguso attended the Grand Places call with Commissioner Cimino. Commissioner Manguso attended the CCI Legislative updates call.

January 27 Zoom meeting with Representative Amable and Senator Rankin at 5:00 p.m. – all three commissioners
January 27 Legislative breakfast by zoom – Commissioner Linke
January 27 Western and Mountain District meeting of CCI regarding introduction of wolves from 3:30 pm to 5 pm – Commissioner Linke
January 28 AGNC meeting at 8:30 am by Zoom – Commissioner Linke
January 28 Wildfire Council meeting from 12 to 1 – Commissioner Linke
January 28 Commissioner Manguso will attend a NWCCOG Zoom call
January 28 Winter Park Transit Advisory Committee meeting at 11:00 a.m. – Commissioner Cimino
January 29 Club 20 Leadership call at 7 am – Commissioner Linke
January 29 CCI call at 9:00 am – Commissioner Linke
February 1 FBO Walk through at 9:00 a.m. – All three commissioners
February 4 Work session with Director Willis at 11:00 a.m. – all three commissioners

The Grand County Board of County Commissioners holds meetings from 8:00 a.m. to 5:00 p.m. daily until further notice.

The Grand County Board of County Commissioners and Grand County Board of Health will meet remotely, as needed, via conference call to discuss COVID-19 starting at 2:00 p.m.

Fire Recovery Update

Emergency Manager Joel Cochran reported that they 20 percent of their survey done. It takes 10 to 15 minutes per phone call for the survey. Some calls take 30 to 45 minutes.

Mr. Cochran reported that he believes he has a recovery manager who will be starting soon.

Megan Ledin of Grand Foundation reported on the Individual Needs Task Force. They are working on a collaborative mission statement.

Water Quality Specialist Katherine Morris presented.

If the Northern Water's Board approves, it will be a sponsor for part of the project. It would be responsible for areas upstream of Windy Gap.

The areas of downstream of Windy Gap would be responsibility of Grand County.

Ms. Morris provided the following Watershed Fire Recovery flyer:

Grand County and Northern Water are partnering and collaborating with other critical partners including Middle Park Conservation District, the Three Lakes Watershed Association, the Colorado River Water Conservation District and more than 40 other federal, state and local organizations, to ensure the most efficient and effective coordination of emergency watershed restoration efforts in areas of Grand County affected by the East Troublesome Fire of October 2020.

Project Planning

Following the fires, Grand County and Northern Water began working with partners on post-fire watershed restoration and planning of projects that mitigate threats to life and property due to post-fire flood, sediment or debris. We are conducting field surveys to identify risks associated with post-fire impacts and estimate the cost of mitigation. Field surveys will take place in February. You can expect to see teams of field personnel conducting these assessments. Private properties within and around of the burn area will be considered in these surveys. If access is required for a specific property, the landowner will be contacted. Specific mitigation projects will not be identified at this stage of the process.

Next Steps

Both Grand County and Northern Water are positioned to act as potential sponsors of post-fire emergency watershed restoration projects and are exploring funding options with various programs. In the meantime, the essential field surveys will identify risks associated with post-fire impacts so that once funding options are determined we can move forward on projects. To maximize the use of existing resources, we envision that Grand County and Northern Water will lead emergency watershed restoration projects for specific geographic areas affected by the East Troublesome Fire and will be your point of contact for fire-related emergency watershed recovery activities on private property. Projects will not be planned or completed without landowner approval.

Public Hearing – Riverbend Outright Exemption & Easement Vacation

The public hearing scheduled to begin at 10:45 a.m. was called to order by Chair Linke at 10:53 a.m. County Attorney Leahy set the record as follows:

- A. Development Application, dated October 9, 2020
- B. Map of properties within three hundred feet (300') notification buffer as established by the Grand County GIS
- C. List of property owners within three hundred feet (300') as established by the Grand County GIS
- D. Memo to owner and interested parties from Community Development Department, dated January 15, 2021
- E. Community Development Certificate of Recommendation, dated January 26, 2021
- F. Riverbend Outright Exemption Proposed plat, dated December 10, 2020
- G. Final Plat of Lennon Subdivision Exemption recorded at Reception 93003810, dated April 30, 1993
- H. Email from Jean Johnson, Mountain Parks Electric, Inc., dated December 17, 2020
- I. Email from Terry Ferruzza, Centurylink, dated January 21, 2021

PROJECT NAME: Riverbend Outright Exemption - Final Plat

APPLICANT: Ronald Jones

LOCATION: Lots 1-4, Lennon Subdivision Exemption and open space Tract commonly known as 50 GCR 84

APPLICABLE

REGULATIONS: Grand County Master Plan, Zoning Regulations, Outright Exemption Regulations

ZONING: Residential District

ATTACHMENTS:

- A. Vicinity Map
- B. Application and Narrative Letter
- C. Title Commitment
- D. Proposed Outright Exemption Plat
- E. Lennon Subdivision Exemption Plat Rec. No. 93003081

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing to consolidate 4 existing parcels created by Subdivision Exemption into two parcels through Outright Exemption creating a 38-acre tract and a 10-acre tract.

I. BACKGROUND

a. Proposal

Ronald "Ron" Jones, herein referred to as the Applicant, is the owner of Lots 1-4, and the Open Space tract of Lennon Subdivision Exemption subject in this application. This was previously reviewed by Planning Commission in November 2020 where an additional parcel owned by the applicant was also included. After further discussions, the Applicant has resubmitted a plat creating two lots within the limits of the former Lennon Subdivision Exemption. The two (2) parcels created by this plat have areas of approximately 10 acres and 38 acres.

The Applicant approached Staff last year about the possibility of vacating the plat for the Lennon Subdivision Exemption for the purpose of re-applying for a state issued well permit which allows for outdoor irrigation. After further discussion, Staff confirmed the feasible course of action was an Outright Exemption.

b. History

Lennon Subdivision Exemption was initially proposed in 1990 and finally recorded in 1993 at Reception No. 93003081. This subdivision exemption was created prior to the reduction of lots allowed to be created by Subdivision Exemptions from four (4) to three (3). James Lennon the original subdivider had the intention, according to his application letter, of creating the parcel to deed lots to his children with access to the Fraser River and on-site ponds or lakes. Through the process Mr. Lennon also deeded the right-of-way for County Road 84 to the County.

II. STAFF ANALYSIS

Discussion with the Applicant and internally led to the addition of two notes to this plat. A portion of the request is to eliminate a previously established building limit line which Staff agrees with the Applicant was arbitrarily applied. It is Staff's opinion that notes more clearly convey the intent of that previously applied line. The two notes have been added as follow:

Site Plan for New Construction:

No structures, soil disturbance, vegetation removal or other uses shall be permitted within the Water Quality Setback as defined by Grand County Zoning Regulation.

Any proposed new construction shall be shown on a detailed site plan confirming compliance with the Water Quality Setback and avoidance of any potential wetlands on the property verified by a site specific soils analysis.

Subdivision:

Any future proposed land division of these properties shall be reviewed consistent with the current Master Plan policies and current Grand County Subdivision Regulations. This shall not be considered for land division under Subdivision Exemption in the future.

As noted in the proposal section, the Applicant, approached Staff about finding a way to replat his property with the intention to seek a domestic well permit from the State. The ultimate goal is to have legal rights to outdoor water use. The Applicant also represented that he had done future due diligence to find out all the options available to achieve this through both water augmentation and a new plat.

The proposed plat effectively creates two "tracts" one being approximately 38 acres and the other being approximately 10 acres. These are both compliant with the lot area minimums for this Residential District. Staff is concerned that in the future, whether it be the Applicant's family or another owner, they may want to revert and make the 38-acre parcel a Subdivision Exemption.

III. PLANNING COMMISSION RECOMMENDATION

Planning Commission reviewed and recommended approval of a similar application during their November 18, 2020 meeting.

During the regular Planning Commission meeting held on January 13, 2021, a revised application was scheduled for review. As detailed in Proposal and Staff Analysis Sections above, the total land area included in the proposal was altered excluding a metes and bounds parcel owned by the applicant. There were some additional discussions between the Applicant and Staff which were further clarified.

The Commissioners asked for some clarification about the revised proposed plat because there was some uncertainty about the proposed land areas for each parcel and tract names for the two proposed. The plat shows Tract Band Tract B2. As referenced in the recommendation, they need to be corrected to Tract 1 and Tract 2 prior to recording.

Planning Commission unanimously recommended the approval of the Riverbend Outright Exemption and vacation of utility easements with the following conditions to be met:

1. The plat shows Tract A and Tract B. Please correct to Tract 1 and Tract 2 prior to recording.
2. Addressing shall be shown on the final plat [2.2 (c)].
3. Impact fees shall be paid at time of building permit as there is not anticipated construction following the recording of the Plat [2.5].
4. The title of the plat shall be corrected as recommended by Staff [3.2(2)(a)]
5. Provide a legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the applicant is recorded [3.2(2)(b)].
6. The width of right-of-way for County Road 84 shall be shown and labeled [3.2(2)(e)].
7. Reference by book and page or reception to any pre-existing recorded easements including those which are being vacated shall be shown and labeled [3.2(2)(f)].
8. Names of adjacent property owners, shall be included on the final plat [3.2(2)(g)].
9. A two and one-half by three inch (2 1/2" x 3") vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder [3.2(2)(n)].
10. The Lennon Subdivision Exemption Plat refers to well permits, all of which shall be surrendered and reissued by the State consistent with the recorded plat [3.2(2)(q)].
11. An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system [3.2(2)(s)].
12. Such additional information as may be required by the Grand County Board of County Commissioners [3.2(2)(t)].
13. Prior to the issuance of any building permit, an appropriate site plan shall show the wetlands and appropriate setbacks as required. Two additional plat notes that shall be articulated as per the language found on page 2 of the certificate.

All legal documents required in conjunction with the final approval of this request are subject to the review and acceptance of the county Attorney.

Commissioner Manguso noted that the applicant should not have to pay impact fees because it is going from four lots to two lots.

Commissioner Manguso moved to approve the Riverbend Outright Exemption - Final Plat and easement vacation with the understanding that the only impact fee would fire impact fee.

The motion passed unanimously.

Commissioner Cimino moved to close the public hearing.

The motion passed unanimously.

Public Hearing – Amended Final Plat – Lots 24 & 28, Block 7, Bussey Hills and Interior Easement Vacation

The public hearing scheduled to begin at 11:15 a.m. was called order by Chair Linke at 11:15 a.m. County Attorney Leahy set the record as follows:

- A. Application, dated October 19th, 2020
- B. Project Narrative Letter, dated October 16th, 2020
- C. Vicinity and Detail Maps, dated December 9th, 2020
- D. Proposed Outright Exemption Final Plat, dated December 9th, 2020
- E. Bussey Hills subdivision Final Plat, Reception No. 73932, recorded April 30th, 1952
- F. Public Notice Mailer Memo and 300' notice radius map, dated January 12th, 2021
- G. Title Commitment, effective July 31st, 2020
- H. Warranty Deed, dated August 26th, 2020

PROJECT NAME: Bussey Hills Amended Final Plat
APPLICANT: Theresa and John Dellaport
LOCATION: 18 County Road 6328

ZONING: Forestry & Open (F/O)

APPLICABLE

REGULATIONS: Grand County Zoning Regulations, Grand County Subdivision Regulations

ATTACHMENTS

- A. Development Application
- B. Project Narrative Email
- C. Proposed Amended Final Plat
- D. Bussey Hills Final Plat - Reception No. 73932
- E. Title Commitment
- F. Current Tax Receipt

STAFF PLANNER: Jacob Cote, Planner I

REQUEST: Approval of an Amended Final Plat to combine Lots 24 and 28, both owned by the Applicant.

BACKGROUND

Theresa and John Dellaport, herein referred to as "Applicant", have owned Lots 24 and 28 located in the southeast corner of the Bussey Hills Subdivision since April 2020, per Warranty Deed recorded at Reception No. 2020-007567. Lots 24 and 28 are a combined 0.36 acres large. The parcels have not been developed and are not located in any Growth Areas, but they are in the Three Lakes Design Review Area. The lots are served by Three Lakes Sanitation for sewage and would be served by well water.

The Bussey Hills Subdivision is located south of Lake Granby, east of US 34, and is accessed via County Road 6. It is bordered by Forest Service land to the north and west, and by privately-held parcels to the south and east. The subdivision Final Plat was recorded at Reception No. 73932 in April 1952. Five-foot-wide utility easements were dedicated on all rear and side lot lines in the subdivision.

The subject properties are located in a neighborhood of the subdivision that has been lightly developed: the parcel directly adjacent to the west has been developed and there are a few other single-family residences in the immediate vicinity, but no directly adjacent parcels besides the parcel to the west have been developed. Parcels in the vicinity of the Applicant's property range in size from 0.12-0.24 acres.

HISTORY

The Bussey Hills subdivision, platted in 1952, consisted of approximately 258 original lots. The subdivision is on the side of a large, steep hill, rendering many of the parcels nearly undevelopable. The lots are apparently also unappealing to developers: Eagle View imagery shows that fewer than 50 lots have been developed, and many of those lots are a result of Amended Final Plats to combine smaller parcels. There is clear precedent for an Amended Final Plat to combine small parcels in Bussey Hills.

PURPOSE OF REQUEST

The Applicant is requesting this Amended Final Plat to combine their adjacent lots, creating a larger buildable area that will allow for the installation of a septic system, well, and cabin. If the interior lot line-and corresponding utility easements-separating the Applicant's two parcels is not removed through this Amended Final Plat, the Applicant will have very limited space for the construction of a septic system, well, and cabin on one parcel or the other. The steep grade of much of the two parcels further limits the amount of buildable space on either parcel.

STAFF COMMENTS AND ANALYSIS

The lots of Bussey Hills are relatively small when compared to most other subdivisions in Grand County, and the absence of any municipal water or well infrastructure makes development of any single lot even more difficult. The Applicant's lots are currently nonconforming in size; they are far smaller than the minimum 5 acres for parcels outside of Growth Areas. The lot resultant of this Amended Final Plat will remain nonconforming, but the nonconformity will be reduced as much as possible.

Although the Bussey Hills Subdivision has existed for nearly 70 years, surprisingly few lots have been developed. It does not seem likely that a reduction of the number of developable lots in the subdivision through this Amended Final Plat would impact its development potential or rate of "build-out". Put more simply, the subdivision can afford to have fewer developable lots because not many lots are being developed anyways.

PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing for this Outright Exemption application took place on December 9th, 2020. The Commission recommended approval of the Amended Final Plat, Amended Lot 24, Block 7, Bussey Hills, being a replat of Lots 24 and 28, Block 7, Bussey Hills. The following conditions shall be met prior to the recording of the Amended Final Plat:

1. The name of the street shown on the draft Amended Final Plat shall be amended.
2. The address of the property shall remain 18 Grand County Road 6328 as recommended.

3. An electronic copy of the Final Plat shall be submitted.
4. All recording fees are to be paid by the Applicant.
5. Quit Claim Deeds to describe the amended legal description of the lots shall be completed and recorded with the Grand County Clerk and Recorder's Office.

Commissioner Manguso moved to approve the Amended Final Plat – Lots 24 & 28, Block 7, Bussey Hills and Interior Easement Vacation.

The motion passed unanimously.

Commissioner Cimino moved to close the public hearing.

The motion passed unanimously.

Public Hearing – St. Joseph’s Retreat Special Use Permit

The public hearing scheduled to begin at 11:30 a.m. was called to order by Chair Linke at 11:30 a.m. County Attorney Chris Leahy presented the record as follows:

- A. Application with Narrative and application support materials, dated July 7, 2020
- B. Public Notice - Middle Park Times, dated November 19, 2020
- C. Proof of Publication - Middle Park Times, dated December 4, 2020
- D. Certified Mailings List to all property owners within 500' as established by the Grand County GIS dated November 30, 2020
- E. Vicinity Map depicting 500' notification buffer, as established by Grand County GIS
- F. Certified Mailings List to all property owners within 1000' as established by the Grand County GIS dated November 30, 2020
- G. Vicinity Map depicting 1000' notification buffer, as established by Grand County GIS
- H. Photo of sign posting on property
- I. Memo to John Robert Ryan Revocable Trust dated July 19, 2011 represented by John Ryan and to interested parties, dated November 30, 2020
- J. Certificate of Recommendation, dated December 22, 2020
- K. Power Point presentation, dated December 22, 2020
- L. St. Joseph's Retreat Site Plan, no date
- M. Draft Special Use Permit, dated December 22, 2020
- N. NRCS Custom Soil Resource Report for Arapaho-Roosevelt National Forest Area, Colorado, dated August 28, 2020
- O. St. Joseph's Preliminary Building plans by Hochstetler, dated August 3, 2020
- P. Water supply and Sewer Site plan by Civil Site and Soil, LLC, dated July 28, 2020
- Q. Commitment for Title Insurance, dated July 6, 2020

Supplemental added January 26, 2021

- R. Letter from Hot Sulphur Springs Parshall Fire Protection District chief Tom Baumgarten, dated December 21, 2020
- S. Letter from Jeromy Huntington and Jeff Behncke, Colorado Parks and Wildlife (CPW), dated December 23, 2020
- T. Letter from St. Joseph's Foundation response to CPW, dated January 2, 2021
- U. Specifications sheet for outdoor lighting by Progress Lighting, no date
- V. Email from Tim Gagnon, Grand County Consulting Engineer, dated January 14, 2021
- W. Memorandum from Matt Delich, Delich Associates Traffic & Transportation Engineering, dated January 19, 2021
- X. Letter from Karl Smith, Civil Site and Soil, dated January 2, 2021
- Y. Site Plan by Integration Design Group, no date
- Z. Certificate of Recommendation, dated January 26, 2020

PROJECT NAME: St. Joseph's Retreat, Commercial Camping Area - Special Use Permit
APPLICANT: St. Joseph's Foundation represented by John Ryan
Owners: Ashley Warner Ryan and John Robert Ryan Revocable Trust dated July 19, 2011 represented by John Ryan
LOCATION: Government Tract 37, Section 6 Township 2 South Range 78 West of the 6th P.M. AND Part of the West½ OF Section 31 T1 S Range 78 West of the 6th P.M.; Part of the E ½ of Section 36 Township 1 South Range 79 West and Section 1 Township 2 South Range 79 West of the 6th P.M. more fully described in a deed Recorded at Reception No. 2017009631.

APPLICABLE

REGULATIONS: Grand County Zoning Regulations Article 6, Section 6.1, Uses Permitted by Special Review, Special Use Permits Section 11.8 (1) Commercial Camping, Grand County Master Plan

ZONING: Forestry and Open District- F/O

ATTACHMENTS:

- A. Vicinity Maps
- B. Application and Narrative Letter/Project Summary
- C. Site Plan
- D. Building Plan Schematic Design
- E. Water Use Calculations
- F. Well Permit Application
- G. Septic System Design
- H. Draft Special Use Permit 2021-XX-XX
- I. "Camper Cabins" memo dated April 8, 2010
- J. Email from John Ryan to Staff dated October 7, 2020

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is requesting a Special Use Permit for a Camp consistent with Section 11.8 (8) to accommodate cabins for hermitage, reflection, and prayer.

I. BACKGROUND AND PROPOSAL

John Robert Ryan Revocable Trust dated July 19, 2011 represented by John Ryan is the property owner of 780 acres formerly known as Williams Peak Ranch. The owners of the property intend to lease an area of about 150 acres more fully detailed in a lease to St. Josephs Foundation also represented by John Ryan. The property was purchased in November 2017 and a single-family residence and barn was constructed between the years 2018-2019.

As discussed during the December 2018 meeting with the applicant, the proposed development consists of up to 16 cabins of approximately 12' by 20' in size, and a chapel on 780 acres of land for a silent prayer retreat to be built over approximately the next fifteen years. Each cabin is single person occupancy. The concept is focused around campers in attendance and their ability to gain meditation and relaxation.

The existing storage barn is proposed to serve as a chapel space. Private roadways are proposed but not necessary for regular vehicular traffic. Guests will enter the existing private road from County Road 3, park in the parking area and walk to their hermitage.

PLANNING COMMISSION RECOMMENDATION

This item was scheduled for Planning Commission September 9, 2020 and was tabled until the regularly scheduled meeting in October 14, 2020 which lacked a quorum and delayed until October 28, 2020.

During the initial discussion at Planning Commission September 9, 2020 there was much discussion regarding three topics surrounding water use and supply, structure occupancy classification, and emergency access. After considerable discussion, Staff and the Applicant agreed that it would be wise to review the request and answer additional questions and concerns brought up by the Planning Commission.

Between these two meetings Staff has visited the site to tour where the cabins are located and connection to the chapel as well as other services. Staff can confirm that the proposed cabins are located in a wooded aspen grove adjacent to the residence and what will be converted to the Chapel.

During the meeting October 28, 2020, Staff brought further clarification to the proposal and compliance with the Grand County Zoning Regulations and the adopted Building Code. Staff discovered that there was another church in the county which had a water supply provided by a commercial well on a 35-acre tract. This was completed by an administrative process through the State.

Further discussion confirmed that the Applicant had conversations with Hot Sulphur Springs/Parshall Fire Protection district about ways to mitigate fire hazard. There are a couple surface ponds on site, one

adjacent to the entry drive will have a turnaround installed next to it to allow siphoning of water to fight fire if needed.

Discussion concluded with the term of the permit recommended for 15-year term with review at the end and an option to come in for request for lifetime permit early at fully built out occurs prior to the 15 years. The request for the Special Use Permit (SUP) would be for all 16 cabins plus Chapel, although the Chapel is a use by right it is connected to this use.

The Applicant would like to request the ability to install Septic in February or March to prevent further delay. While the ground is still more or less frozen there would be the least amount of difficulty to do excavation in these months. If this is not achieved then it delays the project another six month until the ground dries and is stable to be excavated.

Planning Commission unanimously recommended the approval of the St. Josephs Retreat Special Use Permit with the following conditions to be met:

- 1) A State issued Commercial Well Construction Permit shall be submitted prior to issuance of any Special Use Permit by the Board of County Commissioners. The onsite use shall comply with the State Commercial Well Permit and an acknowledgment of compliance from the Water Quality Control Division of CDPHE shall be submitted and attached to the final Special Use Permit.
- 2) Water quality testing by the way of regulatory level CDPHE issued kits shall be a permit condition to be completed and kept on file by the Applicant for County review on request.
- 3) The developer should provide information relative to a traffic impacts on the site, appropriate Road and Bridge Standards as well as the impacts of road construction on the surrounding area prior to review by the BOCC. This condition has been addressed.
- 4) Provide information on hours of operation, whether the church will have running water and sanitation, how noise and lighting will be handled on the site prior to review by the BOCC. This condition has been addressed.
- 5) The site plan should be expanded and revised prior to review by BOCC to demonstrate how the site relates to open space and visibility from CR3, the adjacent public access area and the visual impact on the neighbors. This condition has been addressed.
- 6) The Applicant should provide an agreement with St. Josephs for the proposed use prior to the issuance of a SUP.
- 7) Building permits shall be obtained for all proposed new structures and conversions of use for all existing structures.
- 8) Prior to going to the BOCC, the development shall be reviewed by both Colorado Parks and Wildlife and the United States Forest Service. This condition has been addressed.
- 9) All permitting to use Federal or State lands shall be obtained before carrying out the use.
- 10) Cut sheets or schematics of the proposed water supply system shall be submitted to Community Development to keep on file.
- 11) The Applicant shall install road improvements consistent with the Fire District Review prior to the issuance of the permit by the Board of County Commissioners:
 - a. New private roads will be at least 14' in width.
 - b. New turnarounds will be 60' in diameter at the end of each private road
 - c. Cabins will have 30' of cleared forest around each. (Some Individual trees with 10' of spacing are ok).

The following requirements shall be made a part of the Special Use Permit:

- 1) Water quality testing shall be a permit condition to be completed and kept on file by the Applicant for County review on request.
- 2) Any building or sanitation improvements shall be approved and inspected by the Building Division of the Department of Community Development and granted a Certificate of Occupancy prior to occupancy by any guests.
- 3) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:

- Control of Site
- Noxious Weed Control
- Site Maintenance
- Rehabilitation of Site
- Storage of Abandoned Equipment
- Compliance with County, State and Federal Regulations
- Limitation of Liability
- Alteration of Terms and Conditions
- Access and Right to Enter Site
- Assignability
- Binding Contract
- Abandonment
- Violation of Terms and Conditions
- Termination

Commissioner Manguso noted that she was not able to find St. Joseph's Foundation on the Secretary of State's web page as a business. The applicant stated that he would look into the matter.

Commissioner Manguso stated that she is concerned over the layout of the site.

The applicant has met with the CPW and walked the proposed site. The applicant made it clear to CPW that this is a silent retreat center. CPW has agreed to work with applicant as proposed by the applicant.

Commissioner Manguso expressed concern over a 15-year build out and a 15-year special use permit.

The applicant noted that this will be an adult silent retreat center.

In order for the applicant to provide the necessary items, the Board would like to continue the hearing.

- Information from the Secretary of State
- Provide information from CPW with regard to the site
- Staff provide a timeframe for the term of the permit

Commissioner Manguso moved to continue the St. Joseph's Retreat, Commercial Camping Area - Special Use Permit public hearing to February 23, 2021 at 11:15 a.m.

The motion passed unanimously.

Pay Plan Update – Bid Reviews

Human Resource Director Colleen Reynolds presented.

Project History:

January 30, 2020	Request for Proposal Published
February 6, 2020	Request for Proposal Published
February 26, 2020	Bid due date
March 2, 2020	Bid proposals initially presented to BOCC
March 17, 2020	Bid proposals presented to BOCC
March 24, 2020	BOCC directed that pay plan update be put on hold
December 17, 2020	Email sent to vendors announcing the project would move forward
January 11, 2021	Updated information provided from vendors by this date

In order to meet the suggested time frame for this project, staff is requesting a decision on the vendor. The County Attorney staff has been notified that this is being discussed and that a contract will be needed in order to move forward.

The Board gave direction to move forward with Services Contract with Evergreen Solutions LLC.

State Treasurer Dave Young – Outreach

Colorado State Treasurer Dave Young presented:

Overview

- Accounting and Cash Management, Investments, Unclaimed Property
- Programs:
 - Property Tax Deferral
 - Colorado Secure Savings
 - CLIMBER small business loan fund
 - HUTF –highway users tax fund
 - Higher Ed Intercept
 - Property Tax reimbursement -Natural Disasters
 - JBC allocates based on county data

Calendar year 2020:

- 23,434 claims paid
- Claims represented: \$47,684,536.99

Colorado:

- www.colorado.findyourunclaimedproperty.com

Nationwide:

- www.unclaimed.org
- www.missingmoney.com

Short Term Funding:

- ETRANS-Education Loan Program Tax and Revenue Anticipation Notes for K-12 interest free loans
- GTRANS-General Fund Tax and Revenue Anticipation Notes

Longer Term Funding Projects and Programs:

- SB17-267 -Transportation
- SB20-219 -Higher Ed
- Higher Ed Intercept
- National Western Complex -CSU
- BEST –Building Excellent Schools Today
- Those who qualify must file an application with their respective county treasurer between January 1st and Mid-March of each year. Applications must be sent to the state by counties by April 15.
- Once approved, the county treasurer will issue a certificate of deferral to the property owner, keeping one copy on record and sending one copy to the state Treasurer’s office.
- By April 30, the state Treasurer’s office will pay the deferred amount to the county treasurer where the property is located
- The state Treasurer’s office maintains an account for each tax-deferred property which accrues interest which is credited to the state’s General Fund.
- <http://climber-colorado.com>
- A state-wide loan program providing up to \$250 million in capital to Colorado small businesses over the next two years
- Launching end of January 2021 through February 2021
- Complementary with the Energize Colorado Gap Fund and the Federal Paycheck Protection Program (PPP)
- Designed to catalyze loans that would not otherwise happen, and at below market rates with favorable terms.
- Treasurer is chair of the CLIMBER Oversight Board
- CHFA is the loan program manager
- Successive tranches of up to \$50 million per tranche
- Geographic distribution across all 64 counties using effective metrics and providing public reporting
- Focused on businesses with 5 to 99 employees
- Attention to distressed and underserved counties
- Benchmarks for businesses owned by women, minorities, and veterans, and businesses located in rural counties
- Local lenders in each community: loan participation, credit enhancement, direct lending
- Below market interest rate
- Rate depends on the length of term and the type of lender
- Estimated 2.5%-2.9% for most lenders, estimated 3.9%-4.3% for CDFIs
- Payment deferrals for up to one year
- Maturities of up to 5 years
- Loan sizes between \$30K-\$500K
- State facilitated retirement savings program
- Auto-enrollment IRA through a paycheck deduction
- Program Board appointed by Governor in Sept 2020, Treasurer chairs the board and hires staff
- Program will most likely be built by end of 2022
- Partnership with private companies: program administrator/record keeper and fund managers
- Will apply to businesses with 5 or more employees that don’t offer a retirement plan

Colorado River District – Wolford Reservoir Update

The Colorado River District has conducted a series of assessments of Ritschard Dam at Wolford Mountain Reservoir since it was completed in 1996. As part of a periodic dam safety assessment, an independent group of dam experts re-evaluated the dam in 2020. The assessment was coordinated by the Colorado River District, with the assistance of Denver Water, the Colorado Division of Water Resource’s Dam Safety Branch and HDR Engineering. This memorandum provides a summary of the 2020 dam safety evaluation report, a comparison of its results to a previous evaluation, and an overview of the recommendations from the report.

2020 CDSE report

The 2020 Ritschard Dam Risk Assessment workshop (RA workshop) is documented using the State’s Comprehensive Dam Safety Evaluation (CDSE) report format. The report describes the findings and conclusions of the risk analysis workshops and documents additional background information.

Key findings from the report include a higher level of dam failure risk than determined in prior assessments, areas of significant uncertainty, and justification for taking further action. The report identifies internal erosion due to cracking as the primary risk driving potential failure mode with a mean annualized failure probability of 1.5 in 10,000 or approximately equal to the historical failure rate for dams prior to the advent of modern dam

safety programs. The following figure displays the estimated risk on a matrix used to illustrate whether action is warranted. The risk for PFM 4 (potential failure mode due to cracking) intersects with the commonly accepted societal tolerable risk guidelines shown as red lines and the moderate and high-risk categories established by Colorado Dam Safety (shown in yellow and red). The estimated risk for PFM 4 as plotted in Figure 1 below justifies further action to reduce and better define the risk.

The report also addresses incidents that do not result in dam failure or present public health or safety risks but would present significant adverse impacts including economic and water supply impacts. An example of this type of incident at Ritschard Dam is formation of a crack that does not intercept the reservoir but necessitates risk reduction measures including reservoir storage restriction and dam modifications. The report estimates the likelihood of this type of incident that does not result in dam breach to be extremely high due to the estimated high likelihood of cracking.

Comparison to 2016 evaluation

The 2020 report offers conclusions that are significantly different from the 2016 risk assessment report. While both efforts identified dam failure resulting from cracking as the primary risk, the estimated likelihood of that occurrence is dramatically different. The 2020 group estimated that annual risk as approximately one in ten thousand while the 2016 panel determined the risk to be roughly one in one billion. It should be noted that the 2020 report expressly states that the risk estimates have a poor level of confidence, with many uncertainties identified.

The CDSE report identifies several explanations for the discrepancy, with the primary two reasons being an increased likelihood of cracking and reduced confidence in the ability of the sand filter to arrest erosion if a problematic crack were to occur. The rationale behind these changes include recent publications of analyses of crack formation in dams, detailed analysis of core/filter compatibility, and an additional four years of performance monitoring.

2020 CDSE report recommendations

The report does not contain recommendations for immediate construction projects or rehabilitation of the dam but does recommend actions to reduce uncertainties including increased monitoring and data collection, as well as actions to reduce risk to the public. The River District is taking immediate action to implement the recommendations in the report, including increasing monitoring, developing crack response plans, pursuing additional testing and analysis of the dam and its materials, and implementing a voluntary reduced normal operating pool elevation. The last recommendation in the report is to perform an alternative planning study to identify a broad range of possible dam modification alternatives to reduce risk. This final recommendation will benefit from the additional data and studies, including information and understanding garnered from earlier recommendations so will be planned as a subsequent step in this process.

Summary

The additional testing and analyses recommended in the CDSE report may shed light on the likelihood of cracking and the efficacy of the sand filter and could reduce the concern of potential dam failure due to cracking. We will report back to the Board and stakeholders on the results of that analysis.

Public health and safety has been and continues to be the highest priority for the River District with water supply and finances secondary. Should it ultimately be determined that remediation is warranted, staff will recommend actions to ensure public health and safety.

Nature Valley Ranch – Sketch Plan

PROJECT NAME: Nature Valley Ranch Townhomes Subdivision- Sketch Plan
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. 120, 132, 134 GCR4480
APPLICABLE REGULATIONS: Grand County Master Plan, Grand County Zoning Regulations, Grand County Subdivision Regulations
ZONING: Split zoned R-Residential and F - Forestry and Open District
ATTACHMENTS:
a) Vicinity Map
b) Sketch Plan (Plat)

- c) Application and Narrative letter
- d) Water Court Decree 88 CW 270 and 91 CW 11

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing a subdivision to create four (4) parcels containing three existing dwellings on an approximately 8-acre parcel in Urban Growth Area No. 2 (Grand Lake).

I. BACKGROUND

a. PROPOSAL

Stillwater Ranch-11, LLC represented by Ray Trimble, the Applicant, is proposing a four (4) unit single family residential detached subdivision consisting of approximately eight (8) acres. This is one of two proposals being proposed by the Applicant. The other is Northern Slope which is a multi-family proposal consisting of approximately 27 units on approximately eighteen (18) acres north 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 two proposals comprise approximately twenty-seven (27) acres within the property, leaving one hundred three (103) acres remaining outside of either proposal. It has been represented the remaining one hundred three (103) acres will be put in conservation only allowing one agricultural residence.

The subject property is close enough or served by Three Lakes Water and Sanitation District public sewer.

The lots being created for this subdivision will create fee-simple interest in the existing cabins and directly adjacent outdoor space, while maintaining a large portion of open space for continued agricultural use. These Residential District are parcels being served by a shared well and public sewer. They are accessed by a single driveway which extends north from County Road 4480. The site is located in Urban Growth Area No. 2 (Grand Lake) of the Master Plan.

b. HISTORY

Ray Trimble purchased this property in 2017 and has been working on development plans since. Ray approached Staff in late 2018, 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 a long history of proposed development containing multiple units through either a guest ranch or lodge development or residential subdivision. In 2004, Spike and Pat Potts started discussions to develop the property where at the time it was conveyed that it was possible to create 64 cabins as an undivided interest. Since then there have been other interpretations of the Zoning Regulations.

c. EXISTING REPORTS

In County files, Staff has discovered the water court decree from the 1990's which updates Case No. 88 CW 270. The 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 references water for uses including a small lake, 3200 ft² of office/community use building, eighty (80) single family cabins of 900 ft², four (4) single family homes less than 4000 ft², year-round swimming pool, associated dressing and sanitation facilities, a laundromat, and a fish rearing operation.

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

The most current files which would supply Staff insight to anticipated site conditions are from 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 what is in the available soil report and require more investigation from the Applicant to confirm site conditions.

PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for November 18, 2020. Staff presented the application and informed the Planning Commission of certain items which were of most concern to be resolved prior to moving forward to Preliminary Plat. The Planning Commission Chair then asked Commissioners for their questions. A commissioner asked; "what is the total acreage under consideration here?" the Applicant replied 135 acres.

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 Planning Commission meeting held December 9, 2020 began with the Planning Commission Chair clarifying confusion that concluded the previous meeting without any decisions being made on the application leading to it being tabled. The Applicant's team gave some additional detail to the issue of the water and water augmentation plan. Kent Whitmer added that there was no intent to dry up the meadow as previously referenced by the augmentation plan which also had much more intensive uses. It was also noted that in a revised sketch plan there would be an additional parcel which would be deed restricted to agricultural and recreational use.

The public asked questions about the recommendations for rezoning which staff clarified with images and further explanation.

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 unanimously recommended approval for the Nature Valley Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat approval:

1. A rezoning be applied for and obtained prior to the Final Plat being approved.
2. The proposed lots shall conform to the Residential District when rezoned.
3. Drainage surrounding Stillwater Creek shall be delineated as a "non-build zone" on the Final Plat [2.1 (1 & 2)].
4. Phase III Drainage Study submitted at Preliminary Plat shall be added to confirm flood risk [2.1 (3&6)].
5. Soils analysis shall be completed and submitted with the Preliminary Plat [2.1 (5)].
6. Staff assumes based on existing dimensions compliance with the block being no longer than four hundred feet (400') in length, this shall be confirmed in the Preliminary Plat submittal [2.3].
7. 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 [5.3(11)].
8. A dead-end street with a cul-de-sac shall follow the requirements in the Road and Bridge Standards Section 3.4.3.
9. An extension for GCR 4480 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 [2.5].
10. Open space shall be included on a land use table in the Preliminary Plat submittal [2.5].
11. The Applicant shall pay any impact fees assessed during the approval of a Final Plat [2.6& 3.3 (3)].
12. A Phase III Drainage Report which complies with Grand County Storm Drainage and Technical Criteria Manual shall be submitted with the Preliminary Plat [2.7(1)].
13. No burning of slash shall be allowed and disposal shall be included in the Engineers Estimate of Probable Cost provided with Preliminary Plat [2.8].
14. The Applicant shall research and verify sub-surface mineral extraction rights prior to the Preliminary Plat review by Planning Commission [2.8].
15. A topographic survey shall be provided with the Preliminary Plat [4.1(1) (b)].
16. Plat review agencies during Preliminary Plat shall include:
 - Mountain Parks Electric, Inc. (MPEI)
 - State Engineers Office (Division of Water)
 - Xcel
 - Three Lakes Water and Sanitation District
 - Centurylink
 - Colorado Parks and Wildlife
 - Comcast
 - Grand County Consulting Engineer
 - Colorado State Forest Service
 - Grand County Assessor's Office
 - Grand Lake Fire Protection District
 - Grand County Division of Natural
 - Colorado Geologic Survey Resources
 - East Grand School District

Plus any additional required by Planning Commission and Board of County Commissioners.

17. The Applicant shall meet all Preliminary Plat requirements.

18. The preliminary plat shall meet the requirements of the Grand County Road and Bridge standards.

A neighbor near the property is concerned over the split zone.

Other concerns identified by another neighbor is increased traffic, shallow wells near the property, concern for the Red Top Ditch, wildlife in the area, and compliance with Three Lakes Design Review.

Attorney Ken Whitmer stated that the property will comply with Three Lakes Design Review. He noted that there are three existing cabins using County Road 4 and this will be one more residence. Mr. Whitmer stated that a traffic study will be performed on the road. Mr. Whitmer stated that he cannot speak to the wells on the adjacent property. A water augmentation plan was established in 1988 for this property. The augmentation plan that decreed in 1988 was for a robust development. (He believes it was for 80 or 90 cabin units.)

The water right that is more than adequate.

Mr. Whitmer stated that there will be an engineered plan for the area and the owners of the Red Top Ditch owners can comment on the plan.

The local wildlife agencies will have the opportunity to comment on the proposed development.

An adjacent property owner is concerned over the damage done by the East Troublesome Creek Fire and how this development will create more issues.

Commissioner Manguso moved to approve the Nature Valley Ranch Townhomes Subdivision- Sketch Plan as presented.

The motion passed unanimously.

Northern Slope (Multi-Family Subdivision – Sketch Plan)

PROJECT NAME: Northern Slope Subdivision- Multi-Family Sketch Plan
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 1001 GCR 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) Sketch Plan (Plat)
c) Application and Narrative letter
STAFF PLANNER: Alexander Taft, LEED Green Associate
REQUEST: The Applicant is proposing a subdivision to create thirteen (13) duplexes and two (2) single-family totaling 28 units on an approximately 19 acre parcel separated from the "Potts Ranch."

I. BACKGROUND

a. PROPOSAL

This proposal by Stillwater Ranch-11, LLC, is to create a total of 28 dwelling units composed of thirteen duplexes totaling twenty-six (6) units and a two (2) single family dwelling on approximately 19 acres. The proposed sketch plan represents 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 two proposals comprise approximately twenty-seven (27) acres within the property, leaving one hundred three (103) acres remaining outside of either proposal. It has been represented the remaining one hundred three (103) acres will be put in conservation only allowing one agricultural residence.

The property is split zoned with the boundary for Residential District lying in the center of Stillwater Creek. Multi-Family residential is allowed as a use by right in the Residential District parcels being served by a proposed water system and public sewer. They are accessed by a single road and allows several points for

turnaround for emergency and personal vehicles alike. The site is located in Urban Growth Area #2 (Grand Lake) of the Master Plan.

b. HISTORY

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 a long 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 'B 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.

c. EXISTING REPORTS

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 from Moses, Wittenmyer, Harrison and Woodruff, P.C. which describes the Stillwater Ranch Water Supply. This letter details the augmentation plan confirming allowable uses and total depletions.

The most current files which would supply Staff insight to anticipated site conditions are from 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.

PLANNING COMMISSION RECOMMENDATION

During the Planning Commission hearing scheduled for November 18, 2020, Staff presented the application and informed the Planning Commission of certain items which were of most concern to be resolved prior to moving forward to Preliminary Plat. The Planning Commission Chair then asked Commissioners for their questions. A commissioner asked; "what is the total acreage under consideration here?" the Applicant replied 135 acres. 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. Staff added there is a need for a 1041 permit as the proposal exceeds the threshold in our regulations. 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 but the composition is different being a multi-family type product opposed to detached single family as existing nearby.

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.

Planning Commission recommended approval with one nay vote for the 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 [2.7(1)].
2. A 1041 Permit shall be obtained prior to recording the final plat [2.7(2) (b)].
3. Aerial imagery shows a drainage surrounding Stillwater Creek. This shall be delineated as a "non-build zone" on the Final Plat [5.2 (1 & 2)].
4. This application shall comply with current Road and Bridge Standards [5.3].
5. 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 [5.3(11)].
6. The Applicant shall also provide a Phase II Traffic Impact Analysis as identified in 3.12.2 [5.3].
7. The Preliminary Plat shall show details of locating utility easements and access details [5.4].
8. Calculated open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat [5.5].
9. 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 [5.5].
10. 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 [5.6].
11. The Applicant shall pay any impact fees assessed during the approval of a Final Plat [5.7].
12. Staff and the Applicant shall work together on addresses prior to Planning Commission reviewing the Preliminary Plat [5.8].
13. A plat note shall be added to the Final Plat which requires radon mitigation infrastructure in all new construction pursuant to this Subdivision [7.1(1) (d)J].
14. Plat review agencies during Preliminary Plat shall include:
 - Mountain Parks Electric, Inc. (MPEI)
 - State Engineers Office (Division of Water)
 - Xcel
 - Three Lakes Water and Sanitation District
 - Centurylink
 - Colorado Parks and Wildlife
 - Comcast
 - Grand County Consulting Engineer
 - Colorado State Forest Service
 - US Army Corps of Engineers
 - Grand Fire Protection District No. 1
 - Grand County Division of Natural
 - Colorado Geologic Survey Resources
 - East Grand School District
 - Headwaters Trails Alliance

Plus any additional required by Planning Commission and Board of County Commissioners.

15. The Applicant shall meet all Preliminary Plat requirements.
16. The preliminary plat shall meet the requirements of the Grand County Road and Bridge standards.
17. Provide an analysis of the impacted properties subject to extension of Three Lakes Water and Sanitation sewer main.

The adjacent property owners have the same concerns they expressed with regard to Nature Valley Ranch.

An additional adjacent property owner expressed concern for traffic.

Brad White from Grand Fire stated that the project is not in a fire protection district.

Mr. Whitmer stated that the development is intended to be on the sage brush ridge, not in the hay meadow. The hay meadow and creek are not affected.

Mr. Whitmer concurred that if the property is not in a fire district, the development will need to be added to the district or other accommodations will need to be made.

Mr. Trimble stated that he has been working with the land trust.

Commissioner Cimino moved to approve the Northern Slope Subdivision- Multi-Family Sketch Plan as presented.

The motion passed unanimously.

Approval of Temporary Emergency Relief for Building Permit Fees, Temporary Housing and Preexisting, Nonconforming Structures Associated with the East Troublesome Fire

Commissioner Cimino moved to accept the recommendation for a flat fee reduction of \$500 when it comes to consideration for building permit fee.

The motion passed unanimously.

Commissioner Manguso moved to approve temporary suspension, modification or waiver of zoning regulations with regard to property impacted by the East Troublesome Creek Fire.

The motion passed unanimously.

Commissioner Manguso moved to approve temporary camping on affected property while building. The type of units can include campers, mobile homes, manufactured homes, and tiny homes as long as they are not on a permanent foundation. They can remain on the property while a home is being built for a period of three years. The motion passed unanimously.

Commissioner Cimino moved to approve non-conforming use for a period of three years.

The motion passed unanimously.

Commissioner Manguso moved to allow Community Development Director Robert Davis administrative powers regarding temporary housing and to approve the sunset provision.

The motion passed unanimously.

The Board agreed that HOA sign-offs are required in any areas where HOAs exist.

The Board agreed that an agreement will need to be signed when temporary housing is placed on property.

There being no further business to come before the Board, the meeting was adjourned at 5:07 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 16th day of February 2021.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder