

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

February 1, 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.

Finance

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on February 3, 2022, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on February 2, 2022, for payment on February 3, 2022, for the Grand County Housing Authority.

The motion passed.

Commissioner Cimino moved to approve the vouchers presented on February 2, 2022, for payment on February 3, 2022, for the Grand County Department of Human Services.

The motion passed.

Commissioner Cimino moved to approve wire payment and vouchers presented on February 2, 2022, for payment on February 3, 2022, for Grand County.

The motion passed.

Departmental contracts, Comments, Issues

Commissioner Cimino moved to approve the renewal of the liquor license for the Colorado Adventure Park LLC doing business as Colorado Adventure Park and change of manager to Hannah Loudermilk as presented.

The motion passed.

Commissioner Linke moved to approve the Amendment to Granby Airport Hangar Ground Lease between Grand County Board of Commissioners and Hangar 20 LLC for Hangar 20 at the Granby / Grand County Airport Emily Warner Field.

The motion passed unanimously.

Commissioner Cimino moved to approve Amendment to Kremmling Airport Hangar Ground Lease between Grand County Board of Commissioners and Bill Elliott for Hangar 20V#C at the Kremmling Airport McElroy Airfield.

The motion passed unanimously.

Commissioner Cimino moved to approve Amendment to Kremmling Airport Hangar Ground Lease between Grand County Board of Commissioners and Vince Lombardo for Hangar 20V#D at the Kremmling Airport McElroy Airfield.

The motion passed unanimously.

Commissioner Linke moved to approve the Request for FAA Approval of Agreement for Transfer of Entitlements from the Granby / Grand County Airport to the Limon Municipal Airport in the amount of \$150,000.

The motion passed unanimously.

Commissioner Cimino moved to approve the request for out-of-state travel for Kelly Friesen to the NCJFCJ Conference from March 12 through 16, 2022 in Pittsburg, PA. The cost of the transportation, lodging, and conference are covered by CYDC funds.

The motion passed unanimously.

Commissioner Cimino moved to enter into a contract with Clinical Solutions Pharmacy for inmate medications. The Sheriff will renegotiate the contract that is not an automatic renewal but to approve a contract for a period of two to five years. The motion authorizes the Chair to sign outside the meeting. The motion passed unanimously.

Commissioner Linke moved to approve the request for out of state travel for Kelly Oxley, Erin Opsahl, and Brett Schroetlin for training at the Western States Sheriff's Association meeting March 6 through 10, 2022. The motion passed unanimously.

Emergency Manager Joel Cochran presented:

BACKGROUND

On May 4, 2021, the Board of County Commissioners authorized the Emergency Management Director to prepare a letter of support in furtherance of a grant application for a mobile radar. The application was from Oklahoma University to the National Science Foundation Grant for a mobile Doppler radar to enhance the weather forecasting issued by the Boulder National Weather Service.

Based upon financial support from the BOCC and the Emergency Watershed Protection the USGS was able to deploy additional precipitation gauges in key locations in the East Troublesome burn scar. This additional monitoring allowed the Boulder National Weather Service to 'ground truth' the activity of weather systems and specifically almost real-time monitoring of rain. This increased monitoring led to over 70 warning alerts in the summer 2021 to the public.

CURRENT SITUATION

On December 6, 2021, Emergency Management followed up with the facilitator of the grant application and learned the grant application was not funded. On January 10, 2022 a coordination call was held with members of Colorado DNR and NOAA who were involved in the initial grant application. We discussed the possibility of moving forward with a mobile radar deployment for the summer 2022. We discussed the need to find a shared funding solution with the State, County and possibly Northern Water (as suggestions). The follow up items for this group were:

- Identification of a suitable location for the radar with power source and internet connection
- Identification of funding based upon preliminary budget estimates for field deployment:
 - o 2 months: \$107k
 - o 2.5 months: \$126k
 - o 3 months: \$133k
 - o 4 months: \$167k

On January 12, 2022 the Boulder National Weather service commented the mobile radar would be a 'nice addition' to enhance local forecasting. But was not a necessary tool with existing radar coverage and addition of the precipitation gauges which inform forecasters.

STAFF REQUEST

My request is for the BOCC to provide direction on the preferred funding percentage that would be acceptable to Grand County.

The Board agreed not to move forward with the radar.

Mr. Cochran stated that Grand County recovered 100 percent of the allocated expenses due to the East Troublesome Fire.

Commissioner Cimino moved to approve the EMTS Funding Program Grant Attestation and authorize the Chair to sign. Any match to this grant will come from the EMS Budget. 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 COVID case rate for the last seven days is 79. There has been a slight uptick in the pediatric cases.

Of the total population 21.1 percent have documented positive COVID cases. The current hospitalizations is two. There is one additional death with COVID. There are five active outbreaks in Grand County.

Ms. Baker urged people to assess their own risks with regard to their activities.

Ms. Baker stated people are having milder symptoms from COVID.

Dr. Stuermer reported that there is a limited supply of monoclonal antibodies.

As of today, a person is not fully vaccinated if they are qualified for the booster and have not received it.

With regard to the Foothills RETAC:

The ICU bed capacity is at 11 percent and the acute care beds are at six percent.

Currently in Grand County:

62 percent of the eligible population is fully vaccinated or received initial series

31.6 percent of the eligible population received booster doses

73 percent of the eligible population have received at least one dose

8.1 percent of the eligible population have natural immunity

The total estimated community immunity is between 70.5 and 81.2 percent

The number of hospitalizations due to the regular flu is 352 statewide. The predominant strain is H3N2A. The hospitalization rate for flu is 2.94 per 100,000 and 50 per 100,000 for COVID.

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

Manager and Attorney Items

Manager Moyer stated that the public notice for the Windy Gap watershed EA will go this Friday. The meeting will likely be on February 22 at 5:00 p.m. at the Granby Fire Station. That is the public scoping meeting.

Commissioner Linke moved to approve the CPW (Colorado Parks and Wildlife) Impact Assistance Grant as presented.

The motion passed unanimously.

Consent Agenda

Resolution No. 2022-1-18, "APPROVING APPOINTMENTS TO THE GRAND COUNTY PLANNING COMMISSION"

Resolution No. 2022-1-19, "APPROVING AND ADOPTING A COUNTY FACILITY CLOSURE POLICY"

Resolution No. 2022-1-20, "APPROVING APPOINTMENT TO THE GRAND COUNTY BOARD OF ADJUSTMENT"

Commissioner Cimino moved to approve the Consent Agenda.

The motion passed unanimously.

Commissioner Cimino left the meeting.

Commissioner Linke moved to approve the Grand County Library District request as presented for District 3 it is Marcus Davis and Alan Walker is At Large B set. These are for three year terms beginning January 1, 2022. The motion passed

Commissioner Cimino returned to the meeting.

Blue Valley Ranch, Pump Area Rest Station Outright Exemption

PROJECT NAME: Blue Valley Ranch Pump Station Rest Area Outright Exemption
APPLICANT: Galloway Inc., represented by Elizabeth Woodward & Jim Killean, Ireland Stapleton
LOCATION: Subd: METES & BOUNDS 80 ALL 2063.926 AC+/-, 23.10 AC IN LOT 1 SEC8, 33.50 AC IN LOT 1, 34.90 AC IN LOT 3, 29 AC IN LOT 4, 38.03 AC IN LOT 6, NE4SW4, E2NW4 LESS 5.864 AC HWY 9 ROW SEC 9, SW4, SW4SE4, N2SE4, S2N2 SEC15, ALL LESS 10 AC IN NW4NW4NE4 LESS 17.62 AC HWY 9 ROW LESS 34.96 AC HOMESITE PARCEL LESS BLUE VALLEYACRES PARCELS IN S2S2S2 SEC 16, LOT2 & 3, 33.34 AC IN LOT

6, 26.56 AC IN E2E2 SEC 21, ALL LESS HWY 9 ROW SEC 22, NW4NW4,
31.09 AC IN NE4NW4, N2NE4 SEC 27, ALL IN T1S R80W 34

ZONING: Forestry & Open District (F/O)

APPLICABLE

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

ATTACHMENTS: Development Application Project Narrative Vicinity and Detail Map Title
Commitment, dated 12/08/21

STAFF PLANNER: Taylor Schlueter, Planner I

REQUEST: Approval of an Outright Exemption to create a parcel of land to be used as a rest
area for river recreationalists as part of a Bureau of Land Management Land
Exchange process.

I.BACKGROUND

a. Proposal

In connection with, and contingent on the closing of, a land exchange between Applicant and the U.S. Bureau of Land Management (“BLM”), the Applicant is proposing to create a seasonal easement in favor of BLM for intended use by the public as a rest area by floaters from upstream put-ins. This easement will allow BLM to (1) operate, maintain and repair certain improvements (including, without limitation, a tie-up area for floaters, toilet, and trash receptacles) on an approximately 1-acre area (shown on the enclosed plat) along the Blue River, west of Highway 9 (“Easement Property”) and (2) authorize members of the public who float the Blue River from upstream put-ins to use the Easement Property as a rest area.

The Applicant would like to create a new parcel for the Easement Property which is legally separate from the rest of Applicant’s property and is therefore requesting an Outright Exemption and a variance from the 5-acre minimum lot size requirement. This proposed approximately one-acre parcel is being created from a much larger parcel, and the Applicant will continue to use the rest of the parent parcel and the Easement Property for agricultural and ranch-related purposes.

Upon conveyance of the Easement Property, Applicant will establish easements for access, trash, and sanitation. This Blue Valley Land Exchange will provide public improvements such as accessible fishing platforms, boat put-in/take-out, and day use areas. With this land exchange the County made comments to provide a “permanent” public amenity.

This Outright Exemption is contingent upon a variance from the five (5) acre minimum area of a lot as the Outright Exemption is proposed to be 0.930 acres (40,510.8 ft²). The proposed lot is located approximately 10 miles south of Kremmling and approximately 3 miles northwest of the Green Mountain Reservoir. Portable toilets are proposed as a seasonal amenity for this site for recreational users.

Public access is only permitted via the Blue River. An easement will be drawn up in order to provide access to the Bureau of Land Management, through the Applicant’s property, for maintenance purposes. The site is surrounded by Blue Valley Ranch, bounded to the west by the Blue River. The subject parcel is approximately 1 mile north from the Grand-Summit County boundary.

Galloway Inc., represented by Jim Killean and Elizabeth Woodward of Ireland Stapleton Pryor & Pascoe, PC hereafter referred to as “the Applicant,” purchased the subject property in 1994 by Bargain & Sale Deed, Reception No. 94006008. Blue Valley Ranch is composed of several thousand acres south of the Town of Kremmling, along Colorado State Highway 9. The newly proposed parcel is near the edge of Blue Valley Acres Subdivision.

II.STAFF ANALYSIS

During the comment period for a land exchange between Blue Valley Ranch and the Bureau of Land Management (BLM), the County supported the exchange. Public access was a large factor in the support as the Land Exchange granted recreational access adjacent to many popular BLM lands.

IV.STAFF RECOMMENDATION

Staff recommends the approval of the Blue Valley Ranch Pump Station Rest Area Outright Exemption with the following conditions to be met before recording of the plat:

1. The address established by Grand County GIS (5675 CSH 9) shall be shown on the Final Plat.
2. The approval of this Plat shall be contingent on approval of a variance to allow a lot under five (5) acres as required [Section 2.2].
3. The Lot shall be for seasonal outdoor recreational area and incidental facilities purposes only, a note shall be added to this effect.
4. A plat note shall be added to certify that no well permit shall be issued for this Parcel.

5. The title of the Plat shall be amended to match the title included in this certificate. [Section 3.2(2)]
6. Adjacent property owners and their addresses of record shall be identified on the Plat [Section 3.2 (2) (g)].
7. Statement of taxes due showing current taxes paid shall be supplied prior to recording the Plat[Section 3.2(2) (s)].
8. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [Section 3.2 (2) (t)].
9. An access easement for the purpose of facility maintenance shall be recorded along with the Final Plat.

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 Cimino moved to approve the Blue Valley Ranch Pump Station Rest Area Outright Exemption with conditions including one-standard size picnic table and contingent upon approval of the Blue Valley Ranch Land Exchange with the BLM.

The motion passed unanimously.

Sego Blight Hearing

Lonnie Ragsdale presented:

October 20, 2021 Complaint received along with photos: Complaint was received via email with photos. Email indicated there is unregistered inoperable cars, several junk sheds and general junk. Sego Blight Hearing November 4, 2021 Warning letter mailed via Certified mail # 9314869904300088466891.

November 23, 2021 Site visit I noted several improvements.

- White shed was removed
- Sheds adjacent to garage were rearranged
- The front yard looked like it was cleaned up
- Trailer looked ready to haul to the dump

Warning letter:

- Sheds were cleaned up
- Recreational vehicles rearranged
- Trailer looked like materials that were cleaned up ready to haul to the dump

Extension Letter

- 20 day extension
- Certified Mail # 9314869904300089158177

Extension Site Visit

- Did not see any improvement
- Fire wood pile grew

Notice of Violation letter

- Legal Notice of Violation
- Certified Mail # 9314869904300090133347

Notice of Violation letter

- Danielle Segó called Community Development January 11,2022
- Explanation of violation •Suggested solutions to violations
- Recommended a hearing with BOCC

Blight Hearing Request returned to Community Development

- Blight Hearing scheduled 2/1/2022 at 10:30-11:00 AM

Staff Recommendations

1. All items that do not belong to the Segó family are to be removed from the property no later than 6/04/2022
2. Black Avalanche & Plow truck are to be removed or properly disposed of no later than 6/04/2022
3. All personal vehicles registered no later than 04/29/2022
4. All unused personal vehicles parked in or adjacent to garage no later than 06/04/2022. The right to file an extension contingent to snow melt

Commissioner Cimino moved to continue to continue the Segó Blight Hearing to June 7, 2022 at 11:45 a.m.

The motion passed unanimously.

Commissioner Cimino moved to approve out-of-state travel for the Sheriff's Office for an ongoing investigation to California for Neal Brown for a period of time of February 6 through February 9, 2022.

The motion passed unanimously.

Shald Subdivision Exemption

PROJECT NAME: Shald Subdivision-Sketch Plan
APPLICANTS: HALD, DANIEL T & KIMBERLY M
LOCATION: Murphy Subdivision Exemption Lot 2
ZONING: Forestry & Open (F) District
STAFF: Taylor Schlueter, County Planner
REQUEST: Approval of a redivision of Lot 2 of the Murphy Subdivision Exemption to divide a 16.37 acre parcel into two lots.

PURPOSE OF REQUEST

The Applicant has requested a redivision of what is now Lot 2 of the Murphy Subdivision Exemption in order to divide their 16.37 acre property into two parcels, Lot A being 5.02 acres and Lot B being 11.35 acres.

BACKGROUND & HISTORY

This is an atypical Subdivision Exemption request in that the proposal aims to further subdivide property that has already gone through the Subdivision Exemption process. Staff has agreed the best way to accomplish this subdivision is largely through another subdivision exemption. The County has a policy that subdivision exemptions cannot be resubdivided again until the passage of 20 years.

Staff sought guidance with the County Manager and County Attorney on the best path forward, it was agreed that the proposal could move forward as a Subdivision Exemption of a Subdivision Exemption. Historical Subdivision Exemption regulations stipulated a twenty year restriction on further subdividing Subdivision Exemption lots. Current Subdivision Exemption regulations reinforced this stipulation.

The subject parcel is Lot 2 of a two-lot Subdivision Exemption approved in 1999. The Murphy Subdivision Exemption started with a 36.2 acre lot that was then split into two lots. The domestic well permit was surrendered for two household well permits.

There are five Subdivision Exemptions in the near vicinity. The subject property is bounded to the north by the 10 acre Noble Exemption Lot 7B Tract 7B, to the west by a 328 acre metes and bounds agricultural property, to the south is Murphy Subdivision Exemption Lot 1 and to the east across GCR 57 is a 5.5 acre agricultural/residential use. Other Subdivision Exemptions in the area include the Thurston Tracts Subdivision Exemption, the Lone Tree Estates Subdivision Exemption and the Cavalier Subdivision Exemption.

There is an abandoned ditch running through proposed Lot 2-A and terminating in Lot 2-B. The applicant has provided a plat note stating, 'the subject property has no rights to the irrigation ditch depicted herein. The irrigation ditch is abandoned within the subject property. The active portion of the ditch terminates near the west property line of the subject property. The Applicants intend to "fill in" the ditch. The Applicant has provided a letter from the neighbor to the south at Lot 1 of the Murphy Subdivision regarding the filling in of the ditch.

In addition to development constraints posed by the abandoned ditch, there is also a Mountain Parks utility line traversing the site.

Access to Lots 2-A and 2-B will be through GCR 57 which is situated northeast of Lot 2-A. A driveway access easement agreement will be provided Lot 2-B. The existing driveway should be classified as a 20-30 foot driveway.

The applicant has provided a Quitclaim Deed dated October 5, 1999 quitclaiming the interest in 60 feet of Right-of-Way of a county road.

County policy is to allow for a resubdivision of a Subdivision Exemption after the passage of 20 years. This is to discourage the formation of residential areas without forethought whereas a full subdivision process would require a comprehensive mitigation analysis examining the impact on water, roads, open space, etc. Given the policy, the Applicant would be allowed to resubdivide the Subdivision Exemption since more than 20 years has passed.

Staff feels this is a reasonable request since the county would be creating a third lot from a two lot Subdivision Exemption. This meets the intent of the Subdivision Exemption Regulations. The Regulations state, ‘these regulations shall apply to the division of lands within the unincorporated areas of Grand County, CO into a maximum of three (3) single family residential lots with one (1) single family residential unit per lot’.

It has also been county policy to consider a subdivision of a Subdivision Exemption only if the Subdivision Exemption was located in a Growth Area. Because the site is not located in any growth area, any future full subdivision would not be allowed. As such, the Subdivision Exemption process is the best approach in this case to resubdivide.

Subdivision Exemptions are effective for increasing density outside of a Growth Area. In this case, the subject property is less than a mile away from the Town of Granby boundaries and town services. Increasing density on the subject parcel to three lots creates efficiency while not overly impacting road capacity or other site impacts. The County should allow this type of lot split given the shortage of affordable housing in the county coupled with the potential for property owners to find this as a fairly straight forward approach for splitting off a lot for a family member or anyone to build a home on.

Planning Commission Recommendation

The Planning Commission recommended approval of the Shald Subdivision Exemptions with 20 conditions outlined in Planning Commission Resolution 2021-11-4.

STAFF RECOMMENDATION

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

1. The applicant must provide proof of availability of sewer and water supply at Final Plat.
2. All recording fees are to be paid by the Applicant.
3. 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.
4. An electronic copy of the Final Plat shall be submitted (see(y) above).
5. School fees as outlined above shall be provided prior to recording of the Final Plat
6. Applicant will be required to sign a Water Quality Agreement and provide \$1000.00 per lot for a total of one (1) lot at the sale of the lot to be held either by Grand County or turned over to a properly formed Sanitation District for future water quality measures.
7. Provide a plat note stating all utilities shall be underground.
8. There shall be a plat note stating any building on Lot A should not be on slopes greater than 30 percent with driveways at no greater than 5% grade for the first 50 feet and 10% thereafter

Commissioner Cimino moved to approve the Shald Subdivision–Sketch Plan as presented with condition number 8 to read “There shall be a plat note stating any building on Lot A should not be on slopes greater than 30 percent with driveways at no greater than 5% grade for the first 50 feet.”

The motion passed unanimously.

Board Business / Correspondence / Calendar

Commissioner Linke moved to approve the letter to the Bureau of Land Management in support of the BLM land exchange with Blue Valley.

The motion passed unanimously.

Commissioner Linke moved to approve the letter to Ingrid Karlstrom thanking her for her many years of work on the Grand County Planning Commission.

The motion passed unanimously.

Public Hearing – Flintstone Gravel & Trucking, Inc. Special Use Permit Amendment

The public hearing scheduled to begin at 11:15 a.m. was called to order by Chair Manguso at 11:19 a.m. Interim County Attorney Maxine LaBarre-Krostue set the record.

- A. Grand County Development SUP Application dated December 1, 2021
- B. Memo to interested parties dated December 6, 2021
- C. Public Notice of Amendment to Middle Park Times News dated December 16, 2021
- D. Proof of Publication to Middle Park Times News dated December 2, 2021
- E. Pictures of sign posted on property at 500 Grand County Road 61.
- F. List of addresses within 300 feet of applicant taken from Grand County GIS
- G. Picture showing mailing addresses from Grand County GIS.

- H. Plat showing new location of 29 acres increase to operation.
- I. Lease Agreement dated January 3, 2022 through January 3, 2032
- J. Lease Agreement dated October 16, 2009 through October 16, 2019
- K. Staff Certificate dated January 4, 2022
- L. Staff Certificate dated February 1, 2022 titled updated

PROJECT NAME: Flintstone Gravel Pit Special Use Permit Amendment and Name Change
APPLICANT: Flintstone Gravel and Trucking, Inc. represented by Nick and Caroline Waldo
LOCATION: 90.7 acres and a 42.9 acre access parcel located in the Northeast ¼ of Section 32, Township 2 North, Range 76 west of the 6th P.M., County of Grand, State of Colorado

APPLICABLE REGULATIONS: Grand County Zoning Regulations Section XI, Section 11.8 Special Use Permits, Grand County Master Plan

ZONING: Forestry and Open for the 90.7 acres and Residential on the 42.9 acre access parcel.

ATTACHMENTS:

- A. Application
- B. Flintstone Gravel Request Map of Mined Area
- C. Lease Agreement
- D. CDOT Access Permit
- E. Stormwater Management Plan
- F. State 112 Permit Application and Approval
- G. APEN
- H. CDPHE Permit Renewal
- I. Airport Consultant Comments dated October 2009
- J. Resolution 2012-12-15
- K. USACE Wetland Determination
- L. Letter from Ecological Resource Consultants dated November 2009

STAFF: Robert C. Davis, AICP, SMP, Director
REQUEST: The Permittee is requesting a permit name change from Ted and Terry Pratt to Nick and Caroline Waldo and requesting to expand boundaries of construction materials operation to 44.5 acres.

DISCUSSION

This proposal will expand the area allowed for operations to increase from 15 acres to roughly 44 acres. In addition, a new operator is proposing to take over the operation from the existing Permittees who are Ted and Terry Pratt.

Flintstone Gravel (“Permittee”) has a gravel pit operation located within roughly 90 acres outside of the Town of Granby.

The mine is permitted under the name of Pickering Family Pit, and operates under Flintstone Gravel and Trucking Inc. under 112 Permit No. M-2009-086. Currently the existing permit is used for the existing 15 acres. The mining permit must be amended to show the proposed new boundary and new Permittee through a Request For Transfer of Mineral Permit and Succession of Operators. The Permittee is also in compliance with the Colorado Department of Health, Air Quality Control Division, as they operate under a current APEN Permit. The Permittee shall reapply for an APEN Permit in order to transfer ownership.

Access to this parcel is off County Road 61, by a private road across a forty two (42) acre parcel. This road is twenty (20) feet in width with two (2) foot shoulders and grades of less than 10%. All trucks are required to enter and exit the pit from US Hwy 34 to CR 61 unless delivering to the Town of Granby. As with other gravel pits in the county, road damage language for CR 61 is included in the existing SUP.

The access parcel is zoned Residential according to Grand County Zoning, which does not allow for Quarry operations. There is a condition contained within the approved Special Use Permit to ensure no mining takes place on this property.

During the original permitting process, the Army Corps of Engineers provided written confirmation dated November 5, 2009, that “wetland mitigation in this instance is waived by the Corps.” No wetlands/water were identified within the 15 acre permit boundary, however Ecological Resource Consultants found an offsite wetland area outside of the original permit boundary that extends 125 feet east of the property line. This is the area that appears to not be within the proposed expansion area. Any mine expansion along the western permitted boundary near existing wetlands shall remain 100 feet away from the edge of the wetland area.

√An amended Stormwater Management Plan, incorporating the total 44 acres, shall be provided prior to any mining or disturbance of the expanded area. Any and all conditions contained within said amended SWMP shall be complied with.

An existing berm surrounds the operation and has minimized visual impacts. With the proposed expansion, the existing berm will require widening. The berm will be replaced if and when operations expand and will remain in place until reclamation. The existing Permittee has made attempts to visually screen equipment on the site by moving the equipment to lower elevations. The SUP will not allow Permittee to mine up to property boundaries. Any mine expansion along the north, east and the south permitted boundary, along adjacent property lines, shall provide a buffer of 100' from the boundary of neighboring property.

In addition, the Department of Mining and Reclamation will not allow expansion without reclamation of existing land. √Mining of the 44 acre area shall be conducted as per State approved revised reclamation plan. The Uses Permitted shall be located within the 44 acre disturbance area and may include any equipment necessary to adequately operate the gravel pit.

Following is a brief history of the pit:

- Resolution 2010-5-13 was a Resolution Denying A Request By Flintstone Gravel & Trucking, Inc., To Allow For Operation Outside Their Approved Hours For A Special Project, approved on May 11, 2010.
- Resolution 2012-12-15 was a Resolution Approving The Flintstone Gravel & Trucking Special Use Permit Renewal Approved On December 4, 2012.

STAFF COMMENTS

There has not been a record of on-going complaints from neighbors. Dust was an issue in 2010, and the Permittee was required to cease operations on July 7, 2010 due to high winds and dust issues.

PUBLIC NOTICE:

Public notice was made in the December 16, 2021 issue of the Middle Park Times as required. All property owners within 500 feet and the Town of Granby were notified by certified mailing as required. The Permittee has paid all fees associated with the public notification as required.

STAFF RECOMMENDATION:

Staff recommends approval of the amendment and Permittee name change for Flintstone Gravel and Trucking, Inc., Special Use Permit with the following conditions:

1. The mining permit must be amended to show the proposed new boundary and new Permittee through a Request for Transfer of Mineral Permit and Succession of Operators.
2. The Permittee shall reapply for an APEN Permit in order to transfer ownership.
3. Any mine expansion along the western permitted boundary near existing wetlands shall remain 100 feet away from the edge of the wetland area.
4. The permit shall be issued for one year under the name of Flintstone Gravel and Trucking Inc. Any change in the lessee of the pit shall require a full amendment hearing before the Board of County Commissioners.
5. An amended Stormwater Management Plan, incorporating the total 44 acres, be provided prior to any mining or disturbance of the expanded area. Any and all conditions contained within said amended SWMP shall be complied with.
6. Mining of the 44 acre area shall be conducted as per a State approved revised reclamation plan.
7. All other conditions contained within the Special Use Permit 2012-12-15 shall remain in full force and effect.

Chair Manguso stated that wetlands cannot be included in the mining area.

Cindy Boyes stated that she is next to the property. There is supposed to be a buffer. Mining is not being done on the property but hunting is. Ms. Boyes stated that there is also a lot of noise from Jake brakes.

The following exhibits were added to the public hearing file:

- M. Memo dated January 4, 2022 defining notice for today's hearing
- N. Flintstone second mailing list

Jill Hansen lives across from the property in the Great Divide Head Lettuce. Ms. Hansen said that Mr. Pratt has been great about keeping the dust down on the road and asks the new owner to do the same.

The Board is changing and adding the following:

- No sky lining except the scale house
- \$85,000 pounds for secondary roads (not 80,000)
- Add a “W” to Nick’s name
- Granby has to sign off on the routes
- With regard to the mine plan – Add condition that they will implement the mine plan and provide as much visual buffer as possible. To leave as much berm as possible.
- There will be a setback of 25 feet on the east and south sides
- The applicant will provided an updated plan showing the berming and setbacks that will be made an exhibit of the SUP.

Commissioner Linke moved to approve the Flintstone Gravel and Trucking, Inc. Special Use Permit with staff recommendations and the items listed

- No sky lining except the scale house
- \$85,000 pounds for secondary roads (not 80,000)
- Add a “W” to Nick’s name
- Granby has to sign off on the routes
- With regard to the mine plan – Add condition that they will implement the mine plan and provide as much visual buffer as possible. To leave as much berm as possible.
- There will be a setback of 25 feet on the east and south sides
- The applicant will provided an updated plan showing the berming and setbacks that will be made an exhibit of the SUP.

The motion passed unanimously.

Commissioner Cimino moved to close the public hearing.
The motion passed unanimously.

Water Protection, Uinta Railway Proposal

Kayle Foulk presented:

In August 2021, the federal Surface Transportation Board (STB) Office of Environmental Analysis (OEA) issued a Final Environmental Impact Statement (FEIS) for the new Uinta Basin Railway in Utah, identifying the 88-mile Whitmore Park Alternative as the environmentally preferred route. On December 15, 2021, the STB approved the construction and operation of the new railway. This project, initiated by the Seven County Infrastructure Coalition (SCIC), would connect to the Union Pacific Mainline, allowing trains to transport “waxy crude” from the Uinta Basin in northern Utah, across the Colorado West Slope and through the Moffat Tunnel into Denver before heading to the Gulf Coast refineries.

The project also lies within Utah’s Ashley National Forest Roadless Area, where SCIC is seeking approval to build about 12 miles of the new railroad. The Forest Service approved the right of way and issued its Draft Record of Decision (ROD).

According to the FEIS, “Depending on future market conditions, between approximately 3.68 and 10.52 trains could move on the proposed rail line per day, on average, including both loaded and unloaded trains.” These two mile long trains are expected to “primarily transport crude oil produced in the Basin, but could also carry frac sand, other proppant material, steel, machinery, or mineral and agriculture products and commodities into and out of the Basin.” As a result, the total volume of crude oil that would be transported on the proposed line and through Grand County would range from 130,000 to 350,000 barrels per day, on average.

Impacts to our county could include 1) noise level increases by 3 dB or more, 2) increased impact to scenic attraction in the Upper Colorado River Wild & Scenic corridor, 3) ozone and air pollution due to increased locomotive exhaust and carbon emissions each year, 4) increased chance of a major crude oil spill along the Colorado and Fraser Rivers, jeopardizing drinking and irrigation water supplies and the aquatic ecosystem, 5) increased pressure on the already near-capacity Moffat Tunnel, 6) proppant material mixtures are often proprietary and could also pose concerns for water quality, and 7) additional soot buildup in the Moffat Tunnel could be problematic with respect to tunnel cleaning and treatment and discharge into the Fraser River.

NWCOGG/QQ recently shared with members the letters they sent to Senators Bennet and Hickenlooper which are in today’s meeting folders. This issue and these letters have sparked concern within the region and the water community. Staff can prepare letters to Senators Bennet and Hickenlooper based on BOCC’s direction.

These trains are heated from beginning to end.

The Board directed staff to prepare a letter asking for mitigation efforts to help with any spills.

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) Red Hawk Ranch Subdivision Preliminary Plat
f) Kumar Preliminary Geotech and Geology Report August 2018
g) Natural Resources Conservation Service Soil Report dated September 2, 2021
h) Phase II Drainage Report dated 3-38-2021
i) Intergovernmental Agreement for Extra-Territorial Water Service
j) Intergovernmental Agreement for Extra-Territorial Sewer Service
k) Variance Requests
l) 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 12.63 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. Residents at public meetings have expressed a concern for using CR522E as a second means of ingress and egress and have called for the full development of CR522 before the proposed units are built.

Red Hawk Ranch Preliminary Plat

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 Preliminary Plat mirrors the single-family development concept of the Red Hawk Ranch Sketch Plan approved in 2013 and shows eight (8) lots of 1/3 of an acre, 92 single family lots of 60 feet x 120 feet. The approved Sketch Plan and Preliminary Plat also provides for 45 cabin sites (Tract I), 32 duplex sites (Tract B) and future multi-family platting of up to 50 units. This proposed multi-family development was not presented at the Red Hawk Ranch single family Preliminary Plat that was approved. As such, the multi-family development is being presented now with this Sketch Plan.

The Red Hawk Ranch Preliminary Plat was approved by the BOCC on October 19, 2021 for 92 single family homes and three multiple family lots called MF1, MF2 and MF3 for a total of 175 units. The Red Hawk Ranch Preliminary Plat showed the multi-family locations consistent with the MF1 and MF2 Sketch Plan being

presented and shows 50 multi-family units. The applicant had asked to increase the number of multi-family units to 80 and now 72. The total number of multi-family units approved in the Preliminary Plat was 127 units. Reduce the 127 multi-family unit number by subtracting the 45 cabin units and it results in 82 multi-family units. Tract B is likely to reduce its 32 duplex units in order to accommodate the increase from 50 to the proposed 72 multi-family units. The developer is aware that the overall density of the Red Hawk Ranch development cannot exceed 227 total units. The Developer is not clear on specific plans for the 0.7 acre MF3 area or Tract M.

Objections from a Neighbor

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 344 GCR 522 directly north of the proposed MF1 site has long advocated a preference for the development of duplexes rather than 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 141 single 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 gone ahead with the Tabernash Meadows Agreements. In 2013, a request was made to either extend the 141 single family, 46 duplex Sketch Plan or approve a revised Sketch Plan reducing the number of units from 300 to 226. Resolutions in 2013 and 2014 extended approval of the 141 single family unit and 46 duplex unit Sketch Plan. A Resolution from 2015 extended the approval of 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.

Sketch Plan Changes

The applicant originally planned a larger building for Building A with 80 units in order to make the economics of workforce housing work. Since then, the applicant has reduced the number of units to 72. As such, Building A has been shortened. With the shortened building, the buffer is now 112 feet wide. A four and a half foot berm will be on the north side of a trail within the 112 foot buffer. With regard to the building, there is a recessed ridge line in the center of Building A which will be at a height of 39 feet and will drop down to 34 feet at the edge. The 11,000 square foot building will be roughly 65 feet wide.

Workforce Housing

The Applicant states it is a struggle to find the right formula for delivering workforce housing because of the high cost of construction, the limited building season and the high costs of labor. The applicant proposes deed restrictions and using a Colorado Housing Finance Authority/Department of Housing and Urban Development formula for the Area Median Income to remain between 60 and 120 percent. The Applicant intends to work with the County to find incentives, grants, etc., and to establish standards for deed restrictions prior to Final Plat approval. The Applicant explained the need to build a three story building in order to make the project work economically.

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 roof line will vary in height to provide a stepped back design from the property to the north. There is a ridge line in the center of Building A which will be at a height of 39 feet and will drop down to 34 feet at the edge. The proposed buildings are located adjacent to an open space tract to the south and east, a 112 foot-landscape buffer to the north and the CR 522 to the west. At its highest point, Buildings A, B and C are expected to be up to 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.

Planning Commission Recommendation

Planning Commission recommended approval as per Resolution 2021-12-7.

Staff Recommendation

Staff recommends approval of the Red Hawk Ranch Multi-Family Sketch Plan with the following seven (8) 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 have been identified in the Certificate.
7. Sketch Plan approval is contingent upon approval of a height variance, landscaping berm and visual representations.
8. Approval is contingent upon the applicant amending the Preliminary Plat to reflect the proposed number of apartments (multi-family), duplexes (multi-family) on Tracts I, B, K, L and M at Final Plat.

Mr. Moyer stated that the sketch plan cannot advance to preliminary plat until the overall preliminary plat for the development is amended. Mr. Moyer wondered if that needs to go back to the Board of County Commissioners for an amended preliminary plat. He wondered if the changes could instead come forward with the final plat.

Mr. Moyer stated that Multi-Family 1 and 2 cannot advance with more than 46 units until the preliminary plat is amended.

Commissioner Cimino moved to approve Red Hawk Ranch Lots MF-1 and MF-2 Sketch Plan with 8 conditions and a 9th condition that is contingent upon the final plat approving affordable housing partnership with the Grand County Housing Authority with details to be determined. It will amend the preliminary plat of Red Hawk Ranch in conjunction with the preliminary plat.

Discussion: Becky Arnold had very a strong meeting on the 25th with a lot of people making comments that have been referenced. The preliminary plat means something. Public comment means something. They have moved the density forward to the north. The neighbors have asked that the density be moved to the middle of the plat. There is no recognition about that.

The Board added Condition 10 which is: The building will be no closer than 112 feet from the property line. The motion passed unanimously.

Innovative Affordable Housing Strategies House Bill 21-1271

Housing Authority Director Sheena Darland presented.

House Bill 21-1271 created three difference programs through the Department of Local Affairs, Division of Housing. The programs are the local government affordable housing development incentive grant program, local government planning grant program, and the affordable housing guided tool kit for local officials.

Money was allocated for each of the programs. There was \$1.6 million for the affordable housing guide tool kit, \$39.3 million for the affordable housing development incentives grant program and \$7.1 million for the planning grant program.

The main qualification is that the community has to show it is trying to provide new regulations for affordable housing developments to come in.

The Board supports applying for a planning grant in conjunction with Community Development.

Board Business

Commissioner Manguso stated that there are 15 Transportation Commissioners who are appointed by the Governor. There is a bill to elect the Transportation Commissioners. Commissioner Manguso is not in favor of that change. All three commissioners agree that it would like to see the Transportation Commissioners appointed. Club 20 and CCI oppose the change to electing the Transportation Commissioners.

Commissioner Linke attended a Club 20 meeting regarding transition of Club 20 leadership. Commissioners Linke and Manguso attended the meeting regarding the Fraser Valley Parkway.

Feb 2 Sage Grouse listening session hosted by CCI at 4:00 pm via Zoom
Feb 2 Club 20 Zoom call at 8:00 am
Feb 3 Check-In with Kate Greenberg, Colorado Commissioner of Agriculture via Zoom, 4 to 5 pm
Feb 3 Counties & Commissioners Acting Together Policy Meetings RE: Transportation, Natural Resources / Environment & Wildlife via Zoom, 3:30 to 5 pm
Feb 7 Transit Advisory Committee Meeting at the Winter Park Town Hall, 4 to 5 pm
Feb 10 Utility Coordinating Committee Meeting at Java Lava Café, 7:30 to 9 am

Commissioner Cimino moved to convene an Executive Session at 3:30 p.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is the Walker Blight Violation. In addition to the Commissioners are County Manager, Assistant County Manager Interim County Attorney, Lonnie Ragsdale and William Schlueter.

The motion passed unanimously.

I, Kristen Manguso, hereby attest that the portion of the executive session during which no minutes were taken was confined to a topic authorized for discussion in an executive session.

I, Maxine LaBarre-Krostue, hereby attest that the portion of the executive session during which the Recorder was directed to take no minutes constituted a privileged attorney-client communication.

There being no further business to come before the Board, the meeting was adjourned at 3:29 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