

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

March 23, 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.

Commissioner Cimino moved to approve the minutes of the March 16, 2021 Board of Commissioners meeting as presented.

The motion passed unanimously.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on March 24, 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 March 23, 2021, for payment on March 24, 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 March 24, 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 March 23, 2021, for payment on March 24, 2021, for the Grand County Department of Human Services.

The motion passed unanimously.

Commissioner Cimino moved to approve wire payment and vouchers presented on March 23, 2021, for payment on March 24, 2021, for Grand County.

The motion passed unanimously.

**Pandemic and Fire Costs**

	COVID-19	East Troublesome Fire		Total Fire
		Paid	Unbilled but expected	
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	\$ 254,503	\$ 163,155	\$ 417,658
Total 2020 costs	\$ 736,987	\$ 391,990	\$ 163,155	\$ 555,146
Net 2020 (costs) after reimbursements	(\$ 35,104)	(\$ 391,990)	(\$ 163,155)	(\$ 555,146)
2021 Reimbursements Requested	\$ -	\$ -	\$ -	\$ -
Less:				
2021 Personnel costs	\$ 120,415	\$ -		\$ -
2021 Grand Foundation programs funded	\$ -			\$ -
2021 Rural Health grant	\$ -			\$ -
2021 Other operating costs	\$ 11,205			\$ -
Total 2021 costs	\$ 131,620	\$ -	\$ -	\$ -
Net 2021 (costs) after reimbursements	(\$ 131,620)	\$ -	\$ -	\$ -
Total Costs after reimbursements	(\$ 166,724)	(\$ 391,990)	(\$ 163,155)	(\$ 555,146)

<b>Unrestricted Fund Balance calculation</b>	
2020 Operating Expenditure Budget	\$ 20,172,000
2019 Unrestricted Fund Balance	\$ 6,194,000
2020 estimated unrestricted funds increase	\$ 400,000
<b>Projected 2020 Unrestricted Fund Balance</b>	<b>\$ 6,594,000</b>
	<b>33%</b>

Departmental Contracts, Comments, Issue

Commissioner Manguso moved to accept the proposal and authorize staff to enter into contract negotiations with SGM, Inc. for the Grand County Emergency Watershed Projects.  
The motion passed unanimously.

County Manager Ed Moyer stated that the DSR for Area B (Windy Gap west including the East Troublesome) is \$1.325 million total would be the 25 percent match. A little over \$1 million would be the 20 percent match. That is the local match on the total DSR for Area B of \$5.3 million.

Area A is a little over \$29 million.

County Clerk and Recorder Sara Rosene stated that April is Organ and Tissue Awareness month and asked the Board to approve a Proclamation recognizing that. The Board agreed to approve a Proclamation.

Clerk and Recorder Sara Rosene asked to use the lunchroom for the Voter Service and Polling Center on November 2, 2021. The Board approved the use of the lunchroom in the County Administration Building for the 2021 Coordinated Election.

Commissioner Manguso moved to approve and authorize the Chair to digitally sign the Airport Coronavirus Response Grant Program for the Kremmling McElroy Field and Granby-Grand County Airport.  
The motion passed unanimously.

Commissioner Manguso moved to approve the Certificate of Appreciation to Jim Ward for his many years of service to the Kremmling Airport and Airport Advisory Committee.  
The motion passed unanimously.

Commissioner Ciminio moved to approve the Services Contract between Grand County Board of Commissioners and corvinus group llc to replace the failed and obsolete uninterrupted power system to provide emergency backup power and surge protection at the Granby County Jail in an amount not to exceed \$21,100.  
The motion passed unanimously.

Grand County Board of Health

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

Public Health Director Abbie Baker stated that the COVID transmission rate in Grand County is low. There are nine cases over the last seven days. There is one hospitalization over that time. The positivity rate is 2.9 percent.

Grand County incidence rate is 57.26.

In the last seven days, there have been 238 tests performed for County residents:

40 percent	Grand County Public Health
25 percent	Middle Park Health
1 percent	Denver Health
7 percent	COVID Check Colorado
26 percent	All other testers

The utilization has decreased at the test sites has decreased about 70 percent in the last month. The test site dates, times, and locations will be changing.

Since the vaccine was received on December, 22, the number of vaccines has been 6,161 in Grand County. On average between 470 and 490 vaccines are being offered every week.

Ms. Baker noted that approximately 80 percent of the 70 plus population in Colorado has been vaccinated. There has been a marked decrease in hospitalization and mortality rates for that population.

Commissioner Manguso moved to extend the Grand County Emergency Declaration to July 1, 2021.  
The motion passed unanimously.

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

Manager & Attorney Items

Commissioner Cimino moved to approve use of the Grand County Facilities Use / Application and Agreement for Flying Heels Arena as shown on the Agreement and August 14, 21, and 28 if necessary due to any COVID restrictions. Staff need to do a standard tax exemption review in order to waive any fees.

The motion passed unanimously.

County Manager Ed Moyer provided the weekly update.

Consent Agenda

Resolution No. 2021-3-27, “RESCINDING RESOLUTION NO. 2019-10-2 AND APPROVING AN AWARD OF CONSERVATION TRUST FUND MONIES TO THE TOWN OF FRASER TO ASSIST WITH CONSTRUCTION OF THE FRASER LIONS POND COMFORT STATION”

Resolution No. 2021-3-28, “APPROVING BUDGET REORGANIZATION WITHIN THE ASSESSOR’S OFFICE IN ORDER TO ENGAGE SPATIALEST SOFTWARE SERVICES”

Commissioner Cimino moved to approve the Consent Agenda.

The motion passed unanimously.

Board Business / Correspondence / Calendar

Commissioner Manguso moved to prepare a letter against the 3030 Proposal and send in the same manner as Garfield County to the acting Secretary of the Department of Interior and authorize the Chair to sign outside the meeting.

Discussion: Commissioner Cimino does not support this because it needs more details before being in an opposition status.

Commissioner Manguso        aye

Commissioner Cimino        no

Commissioner Linke        aye

The motion passed.

Commissioner Manguso moved to approve the letter to Colorado Senator Larry Garcia opposing the appointment of James J. Tutchton to the Colorado Parks and Wildlife Commission.

Discussion: The Board wants to include that it supports the other nominees.

The motion includes that the letter is to be signed outside the meeting.

The motion passed unanimously.

- March 24        AGNC call regarding wolf introduction
- March 24        Monthly Legislator Breakfast
- March 24        Health Insurance Affordability Enterprise meeting from 8 am to 10 am
- March 24        CCAT Tourism Subcommittee 4 pm to 5 pm
- March 25        Testifying on Senate Bill 21-166 at 1:30 pm
- March 25        AGNC legislative call at 8:30 am
- March 25        NWCCOG meeting from 10 am to 2 pm by zoom
- March 26        CCI Legislative meeting at 8:30 am
- March 29        Basin Roundtable from noon to 4 pm

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 presented.

In the disaster declarations, the state receives hazard mitigation money and it is referred to as HMGT. Those funds are all typically tied back to the hazard mitigation plan which the Board has adopted for Grand County. The local jurisdictions are working on adopting that.

Mr. Cochran has attended the stakeholder meeting to understand how the state is going to link the different disaster declarations.

The state would like to see the money divided between counties affected by fire in 2020.

The funds cannot be used for private property.

Megan Ledin of the Grand Foundation stated that the wildfire fund has raised \$3.8 million. They have awarded \$721,212. Ms. Ledin has been getting more applications for more homeowners and renters.

Water Quality Specialist Katherine Morris stated that the DSRs were submitted to nationals on Friday and the totals have not changed much. The total for Area B went up by about \$20,000 so the total request for the East Troublesome Fire is just under \$35 million.

### Executive Session

Commissioner Manguso moved to convene an executive session at 10:50 a.m. This is in compliance with CRS 24-6-402 (4)(f), which states, "Personnel matters, unless the employee asks for an open meeting (if multiple employees are involved, they must all request the open meeting), this provision does not apply to discussion concerning any member of the local public body, any elected officials, or the appointment of a person to one such offices, nor does it apply to discussions of personnel policies generally. The topic of the meeting is Edward Moyer.

The motion passed unanimously.

I, Merrit Linke, hereby attest that the minutes of this executive session were recorded in accordance with CRS 24-6-402 and confined to the topic authorized for discussion in the executive session.

The regular meeting was reconvened at 11:20 a.m.

### Mind Springs Health Annual Update

Update provided by Makena Line.

What we do:

- Mental Health and Substance Use Outpatient Services
- Mobile Crisis Response
- Community Education/Response

Unique Clients Served in 2020

- Outpatient Services: 531 (Unduplicated Client Count)
- Mobile Crisis Services: 130 (face to face assessments)

Our Team

Therapy Services

- Cynthia James, MSW
- JennyMae Martin, MA
- Zane Barns, MSW, CAC II

Case Management

- Kailey Adkins, BS
- Michelle Kennard, MS

Crisis Services

- Lance Howe, MSW, CAC III
- Alexis Wilson, BS

Psychiatry Services

- Provided via telehealth by network of providers (20)

Mobile Crisis Services

- Available 24/7 to anyone experiencing a mental health or substance use crisis
- Dispatched through the Colorado State Crisis Line
- Respond to the community, homes, jail, LE offices, and Emergency Department

- Save lives and connect with the appropriate next level of care

#### Transportation for M-1

- BOCC funding through the Grand Foundation: \$20,000 September 2019 to April 2020 BOCC \$25,000 intended April 2020 to June 2021 –Spent down November 2020
- Current Grant Application in for funding for 2021 for M-1 Transportation.

#### Community Education/Outreach

- Youth MHFA
  - Trained 18 community members
- Adult MHFA
  - 20 Grand County Library
- School Staff Support
  - Clinicians mad available to school staff
- Upcoming Trainings

#### COVID-19 Response

- Participated in county's response to COVID-19 providing behavioral health response
  - Collaborated with schools and provided community information
- Colorado Spirit
  - FEMA program to address those impacted by COVID-19
  - Individual, group, and organizational support

#### East Troublesome Fire Support

- On the ground support at the Evacuation Center and Disaster Assistance Center
  - Also provided support at the schools, donation centers, EOC
- Staff from other counties came to support.
- Ran zoom support groups 3x per day for several weeks
- Continuing to support the recovery efforts

#### 5 Free Individual sessions

- Thanks to the Wildfire Emergency Fund
- Offered since November

#### Free Support Group

- Do not have to be a client to participate, just join!
- Started December 16<sup>th</sup>

Thank you for your support of the mental health care for the people in Grand County and our efforts to provide that specialty care.

#### Executive Session

Commissioner Manguso moved to convene an Executive Session at 11:33 a.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 Kremmling FBO

The motion passed unanimously.

I, Merrit Linke, 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.

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I, Chris Leahy, 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.

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The regular meeting reconvened at 11:46 a.m.



parcels at the north end of the subdivision. The parcels subject to this Outright Exemption application were not impacted by the fire.

#### PURPOSE OF REQUEST

The Applicant and Hanson plan to distribute the parcel to the south of the Applicant's property, and the Applicant will join his portion of the divided property with the developed property and the parcel to the west of the Applicant's developed property. The resulting Outright Exemption will consist of two recorded parcels created from the original four unrecorded parcels.

The Outright Exemption would simplify property boundaries for both involved parties and would simplify taxation for property owners. It would also ensure no future sale of the adjacent lots that have not yet been developed.

#### STAFF COMMENTS AND ANALYSIS

The Outright Exemption was selected as the appropriate process by which the Applicant's goals could be accomplished because the Stillwater Small Tract subdivision was never a recorded subdivision. This could not be an Amended Final Plat, because there is no "final plat" to amend.

The Stillwater Small Acres unrecorded subdivision has been largely developed for some time; the Applicant's request to combine lots may reduce the number of developable sites in the area, but the absence of recent development indicates that this action would not impact development trends in the area. This request is consistent with many Outright Exemption and Amended Final Plat applications that Community Development receives, and that the Planning Commission has recommended for approval.

#### PLANNING COMMISSION RECOMMENDATION

The Grand County Planning Commission heard this Amended Final Plat application at a regularly-scheduled meeting on February 10th, 2021. The Commissioner unanimously recommended approval of the Steineck-Hanson Outright Exemption. The following conditions shall be met prior to the recording of the Outright Exemption:

1. The Title of the Outright Exemption shall be amended.
2. The legal description of the property shall be amended.
3. All parcels subject to this Outright Exemption shall be labeled consistently as recommended, if possible.
4. Dedication shall be amended.
5. Surveyor's Certificate shall be amended.
6. An electronic copy of the Final Plat shall be submitted.
7. All recording fees are to be paid by the Applicant.
8. 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 Linke asked for and received no public comment.

Commissioner Manguso moved to approve the Steineck-Hanson Outright Exemption and easement vacation with conditions.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

#### County Manager Contract

Commissioner Manguso moved to approve and authorize the Chair to sign the Employment Agreement between Grand County Board of Commissioners and Edward Moyer.

The motion passed unanimously.

#### Lots 5 and 9-14, The Ranches at Devils Thumb – Amended Final Plat

PROJECT NAME: Amended Final Plat, Lots 5, and 9-14, the Ranches at Devils Thumb  
APPLICANT: The Ranches at Devils Thumb, Inc. represented by Jeff Vogel AICP, Principle, Vogel & Associates  
LOCATION: Amended Lot 5:103 GCR 80314; Amended Lot 9:108 GCR 80314; Amended Lot 10: 110 GCR 80318; Amended Lot 11: 112 GCR 80318; Amended Lot 14: 118 GCR 80320  
ZONING: Forestry and Open District (F)  
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Grand County Master Plan, Rural Land Use Process  
ATTACHMENTS:

- A. Vicinity Map
- B. Letter of Application and Narrative
- C. Proposed Plats
- D. Title Commitments
- E. Site photos (EagleView)

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is requesting an Amended Final Plat of seven (7) lots, to eliminate two (2) lots being 12 and 13, to redistribute the remaining land area across five (5) lots.

#### I. Background

##### a. PROPOSAL:

The proposal is to eliminate on Lots 12 and 13 to redistribute the land area amongst the other lots. The Rural Land Use Final Plat required 66% open space, with the expansion of lot areas, it increases the total open space area by approximately three (3) acres. Only the existing Lot 11 owned by Ridge 11, LLC has a single family dwelling under construction, Lots 5, 9, 10 and 12-14 subject in this proposal are vacant parcels.

##### b. HISTORY:

The Ranches at Devils Thumb was completed under a Rural Land Use Process (Subdivision) in 2017 and 2018. The Ranches at Devil's Thumb, Inc. as the developer, is still owner of a majority of the parcels within the subdivision. The 17 lots within the subdivision are on 341.1 acres near Devils Thumb Ranch Resort located northeast of the Town of Fraser and situated between GCR 8 to the south and GCR 83 which leads to Devils Thumb Ranch Resort to the north and east. The subdivision, which created these 17 lots, maintains two-thirds open space and contains solely agricultural or recreational uses.

The property is not contained within an Urban or Rural Growth Boundary as defined by the 2011 Master Plan. Being located outside of these growth areas, the Rural Land Use Process is one of the few methods available to property owners interested in creating multiple interest in tracts less than thirty-five (35) acres (see the map below for the project vicinity and map on the next page for a zoomed in view).

#### II. STAFF COMMENTS AND ANALYSIS

The proposal to combine lots appears to not conflict with any previous approvals. The building envelopes shall remain on the new amended lots to limit the amount of area being disturbed, but still usable by the lot owners. The effect of combining the lots to preserve more space is a reasonable one. It may be a reduction to the overall tax revenue collections but that seems negligible.

Although the subject property borders parcels to the south within the Urban Growth Area, the property has no access to public water or sewer. The sparsely developed lots proposed are surrounded by ample open space and provides a good transition to more rural open areas. Total open space for the proposed development remains above 2/3 or 67 percent including approximately two-hundred thirty one (231) acres.

#### III. PLANNING COMMISSION RECOMMENDATION

Planning Commission reviewed this application during their regular scheduled meeting on March 10, 2021. During that meeting, Staff presented the application and recommendation. The Applicant explained the reasoning for doing this was caused by some buyers interested in lots with greater areas.

The Commissioners asked about the lot numbering to signify legal descriptions, suggesting each lot add "A" at the end to signify the amended lot.

A Commissioner asked if the 3 acres being added to the open space was to correct a deficiency in the required amount. The Applicant responded that there was no deficiency just an additional 3 acres will be added. Planning Commission recommended the approval of the Amended Final Plat, Amended Lots 5A, 9A, 10A, 11A, and 14A, The Ranches at Devils Thumb, with the following conditions to be met prior to the recording of the Amended Final Plat.

1. Correct the Title of the plat as shown [§4.4 (2) (a)].
2. Verify lot numbers accurately identify each lot which may be shown on separate pages and correct to Lot #A to signify the amended lot [§4.4 (2) (g)].
3. Minor corrections are needed for the dedications that are placed on the Plat, the County Attorney's Office shall review the Dedications [§4.4 (2) (k)].
4. Address shall be shown on the Amended Final Plat and a digital copy will be supplied to the Grand County GIS Coordinator [§4.4 (2) (u)].
5. A statement of taxes that shows all taxes have been paid shall be submitted [§4.4 (2) (v)].
6. An electronic copy in AutoCAD.dwg or AutoCAD.dxf of the Final Plat shall be submitted [§4.4 (2) (w)].

7. All recording fees are to be paid by the Applicant.
8. All applicable building and sanitation permits shall be obtained through the County prior to construction.
9. Quit Claim Deeds to describe the amended legal description of the lots and be clearly conveyed on title. 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 moved to approve Amended Final Plat, Lots 5, and 9-14, the Ranches at Devils Thumb with conditions and additional condition 10 that all lots are under 35 acres.  
The motion passed unanimously.

Arvada Parcel Subdivision Exemption – Sketch Plan – Represented by Jeff Vogel, AICP

PROJECT NAME: Arvada Parcel Subdivision Exemption- Sketch Plan  
APPLICANT: Colorado Mountain Resort Investors LLC, represented by Jeff Vogel, AICP  
LOCATION: Metes and Bounds being Part of Section 6, Township 1 South, Range 75 West totaling approx. 101 acre, part of Section 27, Township 1 South, Range 75 West of the 6th P.M. Grand County, Colorado.

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

ATTACHMENTS:

- A. Application and Narrative Letter
- B. Sketch Plan (Plat)
- C. Title Commitment

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing a Subdivision Exemption to subdivide a 69.57 acre parcel into 2 parcels.

I. BACKGROUND

a. PROPOSAL

Colorado Mountain Resort Investors LLC, represented by Jeff Vogel, AICP, the Applicant, are the owners of an approximately one hundred four (104) acre Metes and Bounds property. They are proposing a subdivision of a portion of the parcel by process of Subdivision Exemption to create two (2) separate lots. One 35 acre parcel is not being considered as part of this application leaving 69.57 acres included in this application.

The two lot proposal would consist of Lot 22 being 34.4 acres and Lot 23 being 35.17 acres. These two lots are intended to allow residential development on a portion of the property which is adjacent to existing residential development. The subject parcel is located outside any Rural or Urban Growth Areas as defined by the Grand County Master Plan. Proposed water will be well and sanitation provided by Onsite Waste Water Treatment System (OWTS).

b. HISTORY

This approximately one hundred four (104) acre parcel is a part of a larger ranching operation which dates back to federal land patents granted in 1883.

There are at least three conservation easements which surround the property including the Stadelman Ranch Conservation Easement which protects the “Fraser Flats.” The one which encumbers the proposed Lot 23 was established by the property owner in 2008 to conserve the Fraser River Corridor and extends back along the meadow. This conservation easement will continue to run with the property into perpetuity.

II. STAFF ANALYSIS

Staff would like to note that the total land area of the two parcels may vary throughout this Recommendation and on the plat. We acknowledge this may lead to some confusion but would like to clarify that Staff will work with the Applicant to have total areas consistent on the Final Plat. We also acknowledge that with the large area of the property it is difficult to survey accurately which leads to some fluctuation in total area.

This Subdivision Exemption request is intended to maintain the current environmentally sensitive character of the area and is an appropriate tool for subdividing this property. The development requirements focuses on developing the site while remaining cognizant of special site considerations. Each lot created by this proposal will contain one (1) single-family residential unit per lot. The site is surrounded by both residential uses and open space with Denver Water Board property to the west, agricultural and residential land to the north and south and the Sunset Ridge residential subdivision to the east. An irrigation ditch runs through the property as

well as the Fraser River. A conservation easement encumbers the majority of the subject parcel. Please find a map showing conservation easement on page 11, in Appendix A

Access to Lots 22 and 23 could be provided from GCR 8302 "Sunset Drive" and GCR 8304 "Golden Drive" from the east side of the property.

This proposal has been submitted as a Subdivision Exemption instead of Outright Exemption because the lots created by this proposal are intended to be used for single family residential development. The Subdivision Exemption Regulations consider infrastructural and access improvements for future development which the Outright Exemption Regulations do not.

The Grand County Subdivision Exemption Regulations outline the process of how to divide land on a small scale such as this. It is particularly useful these under circumstances in which compliance with the full Grand County Subdivision Regulations would cause undue hardships. Additionally, the impact of the proposed division would not require the review or rigor of analysis as required in the Subdivision Regulations.

It is Staff's understanding that a domestic well permit for the 69.57 acre area is obtainable through the state consistent with C.R.S. §37-92-602. The Applicant represented that a well sharing agreement would be created to allow the single domestic for use of both lots but to maintain outdoor or animal watering. Also, it is Staff's understanding that under that same section of state law, exempted well(s) which allow for at a minimum household use are available if a County approves a lot through an exemption process. This does not fully detail the adequacy of the water resources consistent with C.R.S. §29-20-304. It is Staff's recommendation that a water resource engineer or water resource attorney provide an explanation of the adequacy of the water supply prior to Final Plat review by the Board of County Commissioners.

### III. PLANNING COMMISSION RECOMMENDATION

Planning Commission reviewed this application during their regular scheduled meeting on February 10, 2021. During that meeting Staff presented the application and recommendation.

The Commissioners asked a question about access to enter Lot 22. The Applicant stated that there was an access and utility easement at the furthest east side of Lot 23 which would allow that ingress/egress. A Commissioner asked if the proposed building envelope was necessary and suggested that it be removed to avoid having a property owner apply in the future to move or remove it. Since the Planning Commission meeting, Staff and the Applicant have discussed options to allow the buildings envelopes to be described in the covenants and not included in a plat.

A Commissioner asked for clarification of the conservation easement and which part of the property it encumbered. The Applicant responded to explain that Lot 23 and the 35 acre parcel south of Lot 35 are included in that conservation easement. The Applicant also stated it would continue to be used for grazing land for Devils Thumb's cattle.

Planning Commission unanimously recommended the approval of the Arvada Parcel Subdivision Exemption Sketch Plan with the following conditions to be met prior to submitting an application for Final Plat approval:

1. Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. A plat note stating: All utilities shall be placed underground where not already existing [§ 2.2 (12)].
2. The Applicant shall work with Staff and the local Fire District to establish addresses to best serve first responders and emergency services [2.2 (13)].
3. The front of the lot shall be that side adjacent to driveway or road access noted on the Final Plat [§ 2.3 (2)].
4. Addresses for lots shall be determined before approval of the final plat [2.3 (5)].
5. An explanation of adequate water supply for the proposed development will be created by a water resource engineer or water resource attorney and shall be provided prior to Final Plat review by the Board of County Commissioners pursuant to §29-20-103 (§29-20-304) Colorado Revised Statutes [§ 2.5 (3a)].
6. Improvements shall be made by the applicant at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Board of County Commissioners [§ 2.7].
7. Electric utilities shall be placed under ground typical of all new subdivisions created in Grand County. A plat note shall be added to the Final Plat to this effect [§ 2.7(3)].
8. School lands or fees in lieu Impact fee shall be completed prior to the recording of any Final Plat [§2.10].
9. Plat notes shall be added to the Final Plat covering items related to ditch crossings [§ 2.13].
10. The Final Plat shall include ditch Right-of-Way and shall be accurately dimensioned [§ 3.2 (2) (i)].
11. The title and legal description shall be reviewed by the County Attorney.

12. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.

13. The Applicant shall meet all Final Plat requirements.

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 moved to approve the Arvada Parcel Subdivision Exemption- Sketch Plan which is Lot 22 a single-lot subdivision with the condition that the title is changed to reference subdivision exemption.

The motion passed unanimously.

Lot 23, Sheep Mountain Ridge Estates – Amended Final Plat (Amended Building Envelope) – Cindy Wagner

PROJECT NAME: Lot 23, Sheep Mountain Ridge Estates Amended Final Plat  
APPLICANT: Cindy Wagner (Owner) represented by Scott Munn  
LOCATION: Lot 23, Sheep Mountain Ridge Estates Subdivision 201 GCR 51991/ 201 Samaia Court  
ZONING: Forestry & Open District  
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Grand County Subdivision Regulations  
ATTACHMENTS  
A. Development Application  
B. Detail and Vicinity Maps  
C. Sheep Mountain Ridge Estates, Reception No. 2001002315  
D. Proposed Amended Final Plat  
E. Warranty Deed, Reception No. 2020006556  
STAFF PLANNER: Alex Taft, Planner  
REQUEST: Approval of an Amended Final Plat to move and alter, but not expand a building envelope of Lot 23, Sheep Mountain Ridge Estates Subdivision.

**PURPOSE OF REQUEST**

The Applicant wants to build a single-family residence on the property, but the location of the current building envelope creates an approximate 165' length driveway. The proposed amended building envelope will have an approximate 85' length driveway, requiring substantially less snow removal. The Applicant, a single woman, currently owns another property with a longer driveway that is burdensome to plow and maintain. In addition, the Applicant is cognizant of the forested nature of the lot and wants to preserve this lot's unique characteristics. Moving the building envelope closer to the road reduces driveway length and subsequently reduces the amount of clear cutting required.

**BACKGROUND**

Cindy Wagner represented by Scott Munn, herein referred to as "Applicant", has owned Lot 23 of the Sheep Mountain Ridge Estates since August 7th 2020 per Warranty Deed recorded at Reception No. 2020006556. The lot has an area of 9.109 acres, and is a heavily forested.

A 150' x 150' building envelope was included in the original Final Plat of the subdivision. No permanent structure has yet been built on the property. Plat Note #5 dictates that "no improvements (including decks but excluding approved driveways, water wells, any central water or sewer lines, utilities, fencing...) shall be constructed outside the designated building envelopes on each lot as designated on the accompanying plat unless specifically approved by ARC[Architectural Review Committee]". Plat Note #5 also notes that the exact location of all improvements shown on a site plan within the building envelope must be provided to Grand County Building Department as a condition of approval for any building envelope.

The Sheep Mountain Ridge Estates Subdivision is located west of Fraser, and south of County Road 519 in an area commonly known as the Pole Creek Valley. Lot 23 is located in Rural Growth Area Two. The Final Plat was recorded March 13th, 2001 at Reception no. 2001002315. 160.575 acres was subdivided into 23 lots over 114.807 acres.

Lots vary in size ranging from 2.5 acres up to 11.2 acres throughout the subdivision. 32.816 acres or 20.44 percent of the subdivision was dedicated for open space. All parcels in the subdivision were created with 150' x 150' building envelopes. A 20' utility easement was platted along rear and side lots, however these utility easements would not be impacted by this proposed Amended Final Plat.

The lot in subject in this application, Lot 23, is currently vacant. Adjacent to the property is an easement denoted as Outlot A. Outlot A is a private, exclusive utilities and road easement for the benefit and use of an owner of adjacent lands located outside the property. The building envelope recorded at Reception No. 2001-002315 shows the building envelope tie at N41°49'24"E to be 414.67'. On the proposed amended final plat, the

same building envelope tie shows 459.99'. The proposed new building envelope will be 45.32' closer to Outlot A.

A Non-Development-Zone can be found across Lot 23 in the far lower right-hand corner as noted on the Sheep Mountain Ridge Estates Plat. This Non-Development-Zone has no associated plat notes; however, it appears it was implemented to prevent property owners from developing on a 30% grade. The property is gradually sloping from County Road 5199, 1 Samaia Court, with a sudden steep grade change towards the bottom portion where the Non-Development-Zone is located.

The proposed building envelope will be located within 19' of the side of the property. The siting of the envelope will not encroach on the ten-foot side minimum side yard required by Grand County Zoning Regulations. The drive way will access from GCR 51991 Samaia Court.

#### STAFF COMMENTS AND ANALYSIS

The designated building envelope for the property was located without full consideration given to the "buildability" of the property and the sustainability of said actions with respect to the location of a driveway. The property's topography is a densely wooded environment. The original building envelope does not consider the amount of deforestation that will be required in order to access any dwelling. Relocating the building envelop closer to the road will preserve more of the forested areas and will reduce the snow removal burden. The proposed building envelope is not larger than the current one found on the Sheep Mountain Ridge Estates Plat. Planning Commission Recommendation

Planning Commission reviewed this application during their regular scheduled meeting on February 10, 2021. During that meeting, Staff presented the application and recommendation.

The commissioners asked a question about the dedication, stating it said lot 3a. Planning Commission created condition number six to address this mistake. Another question was asked about what the original plat and building envelope looked like. The original building envelope was transposed onto the proposed amended final plat. The commissioners were able to see the distinction and had no further questions.

Planning Commission unanimously recommended the approval of Lot 23, Sheep Mountain Ridge Estates Amended Final Plat with the following conditions:

1. Plat Note #1 shall be Amended from stating Lot 26 to Lot 23a.
2. The Title of the Amended Final Plat shall be amended (see (a) above).
3. An electronic copy of the Final Plat shall be submitted (see (y) above).
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.
6. Change dedication from lot 3a to 23a.
7. HOA approval shall be included for review.

Commissioner Cimino moved to approve Lot 23, Sheep Mountain Ridge Estates Amended Final Plat as presented.

The motion passed unanimously.

#### Fire Ban Discussion – Stages, Fines, Proposed Amendments, and Exploding Targets

Sheriff Brett Schroetlin stated that he is getting ready for the 2021 Wildfire Season. The penalty for violating the fire restrictions is currently \$100. Sheriff Schroetlin would like to increase that fine to \$500.

The second offense will be a ticket to go to court.

Sheriff Schroetlin recommended moving exploding targets to Stage 1 Fire Restrictions.

Sheriff Schroetlin stated he uses the Craig Interagency Dispatch Fire Restriction Plan documents that lays out the objectives and the scientific formulas used for fire restrictions.

The Board directed staff to move forward with working on changes to the Fire Resolution and Ordinances based on the discussion today.

Commissioner Cimino would like to consider adding exploding targets to Stage 1 Fire Restrictions. Commissioners Linke and Manguso would like to consider keeping the exploding targets in Stage 1 Restrictions. Commissioner Linke noted that the issues regarding exploding targets is more around sound, not around fire.

Community Planning Assistance for Wildfire – Grand Fire

Brad White (Fire Chief) and Schelly Olson (Assistant Chief) of Grand Fire One Fire Protection District presented. Both are members of the Wildfire Council.

In 2020, Grand County lost 20 percent of the County. No economic centers were lost. No towns were lost.

Schelly Olson stated that the Wildfire Council is about creating fire adaptive communities.

The CPAW (Community Planning Assistance for Wildfire) program would like to come in and make some recommendations for Grand County.

The Board supports working with CPAW.

There being no further business to come before the Board, the meeting was adjourned at 3:15 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 20<sup>th</sup> day of April 2021.

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Merrit Linke, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder