

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

March 26, 2019

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

Also Present: Interim County Manager Ed Moyer
County Attorney Chris Leahy

Those present recited the Pledge of Allegiance.

Commissioner Linke to approve the Meeting Minutes of March 19, 2019, of the Board of Commissioners meeting with a correction.

The motion passed unanimously.

General Public Comments

None

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on March 27, 2019, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the checks presented on March 26, 2019 for payment on March 27, 2019 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 27, 2019, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the vouchers presented on March 26, 2019, for payment on March 27, 2019 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Linke moved to approve the wire payments and vouchers presented on March 26, 2019, for payment on March 27, 2019 for Grand County.

The motion passed unanimously.

Departmental Contracts, Comments, and Issues

Commissioner Manguso moved to approve out-of-state travel for Robert Davis to the American Planning Association National Conference at an approximate cost of \$2,130 as presented by Robert Davis.

The motion passed unanimously.

Commissioner Cimino announced that the Board is sitting as the Board of Human Services.

Commissioner Manguso moved to approve the amended contract between Grand County Department of Human Services and Robert Franek Law to extend the amount up to \$15,000 with a total amount of \$30,000 and authorize the Chair to sign applicable documents as presented by Human Services Director Deb Ruttenberg.

The motion passed unanimously.

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

Commissioner Linke moved to approve the amended contract between Grand County Department of Public Health and Colorado Department of Public Health and Environment – Disease Control and Environmental

Epidemiology Division Immunization Amendment in the amount of \$4,403 for immunizations as presented by Public Health Nurse Brene Belew-LaDue.

The motion passed unanimously.

Manager and Attorney Updates

Interim County Manager Ed Moyer presented the weekly update.

Commissioner Manguso moved to approve Resolution No. 2019-3-22, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AN AMENDMENT TO RESOLUTION NO. 2019-1-3 AND THEREBY CANCELLING A REGULAR MEETING OF THE BOARD ON APRIL 2, 2019"

The motion passed unanimously.

Board Business / Correspondence / Calendar

Commissioner Linke attended the AGNC meeting, the Club 20 conference call, and 1177 Colorado Basin Roundtable meeting.

Commissioner Manguso attended the Town of Kremmling Board meeting for the River District presentation. Commissioner Manguso also attended STAC.

Commissioner Cimino attended CCAT conference call regarding affordable housing, had lunch with the Mayor of Fraser, and CCAT Governing Board Teleconference.

Calendar

March 27	Legislative Breakfast in Clear Creek at 7:30 a.m. (Commissioners Linke and Manguso)
March 28	NWCCOG meeting in Gypsum at 10:00 a.m. (Commissioner Manguso)
March 29	Conference call with Executive Committee of Club 20 (Commissioner Linke)
April 2	No Board of County Commissioner's meeting
April 3	Mass Casualty Incident exercise at the YMCA at 9:00 a.m.
April 8	Executive Session at the Grand Lake Town Hall (All three commissioners)

Commissioner Manguso moved to convene an Executive Session 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)(e) determining negotiating strategies and positions and instructing negotiators on or for the acquisition of property. This will be at the Grand Lake Town Hall on April 8, 2019 at 5:00 p.m. with the Grand Lake Town Board.

The motion passed unanimously.

Resolution No. 2019-3-17, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND AUTHORIZING ITS SPECIAL COUNSEL TO EXECUTE A STIPULATION IN WATER COURT CASE NO. 2013CW3109"

Resolution No. 2019-3-18, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, APPROVING A LOAN FROM THE GRAND COUNTY HOUSING AUTHORITY DOWN PAYMENT ASSISTANCE PROGRAM, AND AUTHORIZING A COMMISSIONER TO EXECUTE THE WIRE TRANSFER REQUEST"

Resolution No. 2019-3-19, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO PROCLAIMING APRIL, 2019 THROUGH APRIL, 2020 AS A "BIG YEAR FOR LITTLE KIDS" IN GRAND COUNTY, COLORADO"

Resolution No. 2019-3-20, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A TAX ROLL CORRECTION WORKSHEET FOR ACCOUNT R310169 AND AUTHORIZING THE REPAYMENT OF THE OVERPAID REAL PROPERTY TAX"

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Amended Final Plat – Lots 9 & 10, South Shore Place Subdivision

PROJECT NAME: Amended Final Plat, Lots ½, 8, 9 and 10, South Shore Place
APPLICANT: Wiggins Trust, Christopher J Kiefer, Patricia A. Kiefer and John Velays
LOCATION: Lots E ½ 8, 9 and 10, South Shore Place, 556, 562 & 570 County Road 697 aka Jericho Road
ZONING: Residential District (R)
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Grand County Master Plan, Subdivision Regulations
EXHIBITS:
A. Vicinity Map
B. Letter of Application and Narrative
C. South Shore Place Subdivision Plat
D. Lots E ½ 8,9 and 10, South Shore Place, Amended Final Plat
E. Title Commitment
F. Deeds creating E1/2 Lot
STAFF PLANNER: Alexander Taft, LEED Green Associate
REQUEST: Approval of an Amended Final Plat to cure encroachment effectively a boundary line adjustment.

I. DISCUSSION

a. Background:

Lots 8, 9 and 10 South Shore Place Subdivision platted in October 1949 at Reception No. 69901. The owners of Lots E ½ 8 and 9 are Trust f/b/o Melinda W. Wiggins dated October 24, 1976, represented by the Robinsons. The owners of Lot 10 is Christopher J. Kiefer, Patricia A. Kiefer and John Velays all previously described shall herein be referred to as the Applicants. Ownership of the subject lots transferred via Warranty Deed recorded at Reception No. 2018007942. The following is taken directly from the Applicants Narrative:

The Robinsons and Kiefers are neighbors and have been for several years. Each property borders on Grand Lake.

The relevant dispute began with a March 12, 2018 letter from counsel for the Kiefers that included a topographic survey. That survey purported to show that there were several alleged encroachments on the Kiefer property by items belonging to the Robinson property, namely a boathouse, a small retaining wall, a driveway retaining wall, some concrete steps and a balcony overhang. The letter also claimed other bad acts (e.g., a gutter downspout that caused drainage and erosion issues; a compromised water pump).

Over the course of time several relevant surveys have been done that are all somewhat inconsistent with each other. Ultimately it is not clear from the surveys what (if any) encroachments exist.

Because of this uncertainty and the continuing disagreement over the encroachment issue the parties ultimately agreed to the boundary line set forth in the Amended Plat that eliminates any encroachment claims. Whether one wants to characterize the agreed upon boundary line as involving a minor (couple feet) conveyance of property from the Kiefers to the Robinsons or simply as a boundary adjustment necessary to remove encroachment claims is of no consequence. The bottom line is that everyone profits from the mutually agreed upon boundary line identification set forth in the Amended Final Plat.

Approval of this Amended Final Plat will effectively solve a long running boundary line dispute.

b. History:

South Shore Place Subdivision was platted in October 1949 and contains 13 lots in approximately 1.75 acres or lots ranging in size from 6,600 ft² to 1,925 ft². Access is via County Road 697, commonly known as Jericho road with a thirty foot (30') Right-of-Way. Subdivided lots are within the service area of Three Lakes Water and Sanitation District and require a well.

II. STAFF COMMENTS AND ANALYSIS

The Applicant is proposing this boundary line adjustment to cure existing encroachment and end a dispute. The individual platted lots are 7,922 ft² and 5,769 ft² lying in the Residential District. Under current County Zoning Regulations, minimum area of a lot is 15,000 ft² and minimum width is sixty (60) feet. The difficulty is the existing lots were created at a time where land speculation drove land division. A subdivision with the land area would allow for no more than 5 lots and likely none considering the excessive topography. The lots as shown in the original plat have dimensions of 55' x 120' to 51'x28' with variations. Homes on each property were constructed, 1979 and 1954 respectively.

Staff finds this proposal consistent with the applicable Grand County Regulations. The resultant lots, while not compliant with minimum lot areas required by the zoning, are as large as possible while still remaining within the setback insofar as possible.

III. PLANNING COMMISSION REVIEW

The Planning Commission reviewed this during their regular meeting of March 20, 2019, the regular meeting had to be rescheduled from March 13, 2019 due to severe weather and road conditions that were detrimental to public safety. During the meeting Commissioners asked about the boat house, which is a pre-existing, nonconforming structure, talked about the difficulty of surveying and construction of these parcels. An issue arised in challenge to the pre-existing, non-conforming lots. With the consideration that non-conformity is increasing on Amended Lot 10A (Lot 10), a variance would be required to cure any future issues. Staff had not preplanned for the variance, in order to move forward, Planning Commission and the County Attorney's office felt it would be appropriate if the Applicant obtained a Waiver of Notice and Consent to Variance.

IV. RECOMMENDATION

Planning Commission unanimously recommended the approval of the variance for minimum lot area for Amended Lot 10A and Amended Final Plat, Amended Lot 9A and Amended Lot 10A, South Shore Place with the following conditions to be met prior to the recording of the Amended Final Plat.

1. A statement of taxes that shows all taxes have been paid shall be submitted (4.3 (2) (u)).
2. An electronic copy of the Final Plat shall be submitted (4.3 (2) (y)).
3. All recording fees are to be paid by the Applicant.
4. All applicable building and sanitation permits shall be obtained through the County prior to construction.
5. Draft Quit Claim Deeds to amend legal description of the lots shall be submitted for review by the County Attorney's Office and recorded with the Plat.
6. The Applicant shall supply a signed Waiver of Notice and Consent to Variance form prior to the Board of County Commissioners approval.

William Rapson, Denver Attorney, representing the Robinsons, who own the trust which owns Lot 9, stated that the lot line adjustment is a reasonable, fair way to resolve the problem of encroachment.

Paige Osmond is the attorney from Boulder who represents the owners of Lot 10. No representatives were present for Lot 10.

Commissioner Manguso made a motion to approve the Amended Final Plat, Lots ½ 8, 9 and 10, South Shore Place amending the final plat lines for Lots 9 and 10 due to this being pre-existing non-conforming.

The motion passed unanimously.

Mulligan Estates Townhomes Sketch Plan (continued from 3/19/2019)

PROJECT NAME: Mulligan Estates- Sketch Plan
APPLICANT: Simon and Amanda Farrell, Engineer: Kevin Vecchiarelli JVA Consulting Engineers
LOCATION: Lot 27, Winter Park Ranch First Filing, 997 GCR 830 (aka Mulligan Street)
APPLICABLE REGULATIONS: Grand County Master Plan, Zoning Regulations, Subdivision Regulations
ZONING: R – Residential District
ATTACHMENTS:
a) Vicinity Map
b) Sketch Plan (Plat)
c) Application and Narrative letter
d) Soil and Foundation Investigation, Lot 24 Winter Park Ranch aka 1030 Townhomes (January 2003)
e) Radon Levels Test Report, 1030 Townhomes (May 2005)
f) Geologic Reconnaissance Study Lot 23 Winter Park Ranch aka Trestle Townhomes (January 2000)
g) Trestle Townhomes Preliminary Drainage and Erosion Control Report (April 2000)
h) Development Agreement
i) Amended Plat of Winter Park Ranch First Filing
j) Construction drawings for Site Improvements
STAFF PLANNER: Alexander Taft, LEED Green Associate
REQUEST: The applicant is proposing a subdivision in order to construct a two townhome (duplex) building with a density of 3.4du/acre.

I. BACKGROUND

a. PROPOSAL

During the regular meeting of March 19, 2019, Grand County Board of County Commissioners, “the Board”, Simon Ferrell requested the approval of a townhouse (2-units) Sketch Plan. Also, the Applicant is interested in moving the project forward allowing construction while completing the Plat process. An issue arose because of uncertainty of an existing recorded agreement on the property that restricts development to one or two family dwellings. The County Attorney’s Office needed time to review per the request of the Board. A decision was delayed for a week for clarification.

Simon and Amanda Farrell, the Applicant, is proposing a two unit townhome subdivision on a .58 acre (25,264 ft²) lot. The two townhome dwelling units have mirrored foot prints. The total building footprint of 4,913 square feet includes the dwelling and a single car garage with patio or deck extending outside.

The plan substantially meets the development criteria as being located within the Urban Growth Area, which includes all filings of the original Winter Park Ranch Plat. The two units being proposed will be developed for use by the property owner and family.

Each unit has a separate entrance. The units will be served by water and sewer via Winter Park Ranch Water and Sanitation District. Electric service will be supplied by Mountain Parks Electric. These utility companies or districts will be included in those who receive the Preliminary Plat for review.

The units proposed will share one driveway per structure. Each unit is required to have the minimum three parking spaces per unit (per GCZR Sec. 14.4). The garage will contain space for one vehicle and additional will be parked on the shared drive.

The current owners purchased the parcel in May 2018, as shown in the Assessor’s records. The Applicant’s intent is to create second homes for themselves and family as future retirement property.

The developers have created a plan and layout of the homes that provides usable open space – decks and rear yards - on a year-round basis.

b. HISTORY

The initial plat for all of Winter Park Ranch which was completed in six separate filings platted between 1965 and 1980.

This lot lies within the First Filing which was recorded in Grand County at Reception No. 101192 in September 1964. The first Lots within the First Filing range in size from .51 acres (22,216 ft²) to 1.10 acres (47,916 ft²).

c. EXISTING REPORTS

Four previous reports give some insight to future construction conditions on site. The four reports are pulled from projects adjacent or nearby. At a minimum, they give us clarification on the additional information that the county will require to move this project forward.

1030 Townhomes is a triplex project northwest of the subject parcel. Two reports provides information about soil bearing capacity. The studies note soil formations of Cowdrey loam and no bedrock outcrops within the immediate mapping area. Both tests show evidence of higher radiation hazard, i.e., radon gas with a suggestion of providing a sub-slab depressurization system.

Trestle Townhomes is a project containing six (6) units, two lots east of the subject parcel. Two reports provides information about soil bearing capacity and drainage onsite of the subject property. The Geologic reconnaissance Study provided by Ground Engineering mention soils with potential for high swell and monitoring needed to determine replacement of soils with structural compacted fill.

Drainage for the six units within the Trestle development could be maintained within historical levels on site with a detention area of .03 acres (approximately 1600 ft²).

Drawings submitted by the Applicant demonstrate grades and drainage of the proposed parcel. Topography on site consists of gentle slopes that will allow for building and drainage compliant with regulations.

II. STAFF ANALYSIS

The Applicant proposes to construct two (2) townhome units as homes for the owners of the parcel and family. The plan meets criteria as set forth in the Master Plan for the Winter Park Ranch neighborhood, which is located within the Grand County Urban Growth Area (Chapter 3 - 2.1 Growth & 4.2 Infrastructure).

Per the character of the surrounding properties this development is similar to existing uses in the area. Within approximately a ¼ mile from the property there are eleven (11) other townhome and condominium type

developments. The density of the development is approximately 3.4du/acre which is similar to densities of surrounding townhouse and condominium development.

The particular benefit of locating the type of densities as found in this proposal within this location is the connection to existing infrastructure. Existing roads, public water and sewer are all accessible to the property. These existing improvements are useful in lowering the impact on lands and water resources if this development were to occur in other parts of the County.

Based on a call Staff received from a neighbor, Staff did some research into the chain of title and existing encumbrances on the property. There is an agreement filed with Grand County Clerk and Recording office at Reception No. 2010001479 that limits the development of this property to single or two family dwellings. Staff feels that the proposed duplex classifies as a two-family dwelling, but will review the issue with the County Attorney's Office.

III. PRELIMINARY SITE DISTURBANCE REQUEST

Typically, the Board of County Commissioners would not consider an application for site development under the Subdivision Regulations until the Planning Commission grants approval of both the Preliminary and Final Plat. The Applicant intends to proceed with Preliminary Plat and Final Plat in a timely manner.

The Subdivision Regulations includes a provision for the Applicant to seek approval directly from the Board of County Commissioners specifically for site disturbance prior to Final Plat approval from the Planning Commission [Subdivision Regulations 1.4 (5)]:

Once submittal of a sketch plan has been made to the Grand County Planning Department for review of a subdivision, no disturbance of the site, nor installation of any improvements associated with the proposed subdivision is allowed until after approval of the final plat by the Board of County Commissioners, or prior approval of any site disturbance or installation of required improvements has been authorized by the Board of County Commissioners. The developer will be allowed to do any soils and geologic testing, soils borings, surveying, etc. that are needed to provide the technical reports required for review of the subdivision. The Applicant is seeking approval for site disturbance and partial completion of site improvements prior to Final Plat Approval. The proposed site improvements include, but are not limited to, grading, utility connection, rough drainage, re-vegetation, and erosion control.

Staff has received a complete set of site construction drawings from the Applicant prepared by JVA Consulting Engineers. These construction plans and an Estimate of Probable Cost shall be reviewed by the County's engineer Tim Gagnon. As this shall be connected to a Subdivision Improvement Agreement, Staff's opinion is the Applicant shall be allowed to choose whether they prefer to do a restriction on sale or submit a security for 110% of the cost of improvements. Staff believes this is not out of character of any agreement that would follow Final Plat approval.

IV. PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed this application during the regular meeting on February 20, 2019, a rescheduled meeting due to a public meeting posting error. At this meeting, Staff presented the project, detailing the Applicants intention of subdivision for the purpose of separate ownership within the family. Staff mentioned that a letter from a neighbor had been added to the packet of information regarding an existing encumbrance.

Planning Commission asked about potential duplication of conditions, confirmed that two conditions reference the open space requirement and one condition was removed. Planning Commission voted to recommend approval the application with one member abstaining from vote.

V. STAFF RECOMMENDATION

Planning Commission recommends the approval of the Mulligan Estates Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat approval:

1. Recalculated open space shall be included on a land use table in the Preliminary Plat submittal.
2. As required by State Law, the Applicant shall research and verify sub-surface mineral extraction rights as referenced in Section 5.6.
3. The Applicant shall submit updated and additional reports specific to this Plat for drainage, soils, and utilities prior to Preliminary Plat submittal.
4. The Applicant shall submit soil studies provided at Preliminary Plat and shall include information on radon hazards within the subject parcel to be developed.
5. Plat review agencies during Preliminary Plat shall include:
 - Mountain Parks Electric, Inc. (MPEI)
 - Xcel
 - Centurylink
 - Comcast

- Colorado State Forest Service
- East Grand Fire Protection District
- East Grand School District
- Winter Park Ranch Water and Sanitation District
- Grand County Consulting Engineer

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

6. If accepted by the school district, impact fees in lieu of land shall be paid prior to recording the Final Plat.
7. The Applicant shall meet all Preliminary Plat requirements.

Shawn Farrow stated that he desires to withdraw the sketch plan and proceed with development of a two-family duplex this summer.

Chas McConnell is an adjacent landowner who represents himself and Tom Newton as adjacent landowners. Mr. McConnell inquired about the deed restriction that restricts the subdividing of the lot. Both owners agree that the building of a two-family, one-owner dwelling is what was agreed to in the initial sale of this lot.

Public Hearing – Ranch Creek Ltd., Special Use Permit (continued to 5/7/2019)

To: Board of County Commissioners
From: Alexander Taft, LEED Green Associate
Date: Tuesday, March 26, 2019
Re: Amendment for Ranch Creek Ltd and STC, LLC; Solid Waste Transfer SUP

An application was received for an amendment to the Special Use Permit for Ranch Creek Ltd. Currently under Resolution 2014-04-28, to allow the use for a term of lifetime under current ownership. This new use will be attached to the current permit and was presented to Planning Commission during a recently rescheduled, regular meeting March 20, 2019. During the meeting the project was continued to a date to be determined. The Applicant is anticipating moving forward with the application at the April Planning Commission meeting and Staff in effort to keep this application within the proper notice period requests the scheduled Public Hearing to be continued.

Staff requests the Board of County Commissioners continue the Public Hearing to May, 7 2019, 11:00 a.m. this shall allow enough time to finalize the materials needed by Planning Commission for a determination during the April meeting.

Commissioner Manguso moved to continue the Ranch Creek Ltd. Special User Permit application until May 7, 2019 at 11:00 am.

The motion passed unanimously.

Amended Final Plat – Lots 7 & 8, Block 9, Scanloch Subdivision

PROJECT NAME: Amended Final Plat, Lots 7 & 8, Block 9, Scanloch Subdivision
APPLICANT: MTN Vista, LLC
LOCATION: Lots 7 and 8, Block 9, Scanloch Subdivision, 9 and 21 County Road 6120 (Rainbow Road)
ZONING: Residential District (R)
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Subdivision Regulations
ATTACHMENTS:
A. Vicinity Map
B. Letter of Application and Narrative
C. Scanloch Subdivision Plat Rec. No. 75532
D. Lots 7 and 8, Block 9 Scanloch Subdivision, Proposed Amended Final Plat
E. Title Commitment
STAFF PLANNER: Joan Lyons
REQUEST: Approval of an Amended Final Plat to combine lots for the construction of a new single family dwelling.

I. DISCUSSION

a. Background:

MTN Vista, LLC (the “Applicant”) is the owner of the subject lots transferred via Warranty Deed Recorded at

Reception No. 2018007331. The Applicant is proposing the construction of a new single family dwelling. The proposed single family dwelling will be approximately 2800 ft². The proposed footprint encroaches over the common lot line. Thus, approval of this Amended Final Plat will increase the effective building area and prevent encroachment on the common lot line and setbacks.

b. History:

Scanloch Subdivision was platted in 1953 and contains approximately 120 lots in 34.2 acres with average lot sizes of roughly .40 acres or 17,424 ft². Subdivided lots are within the service area of Three Lakes Water and Sanitation District and require a well. Property owners would be required to obtain a sewer easement from Three Lakes Water and Sanitation. Electric is provided in adjacent overhead electric lines.

II. STAFF COMMENTS AND ANALYSIS

The Applicant is proposing this lot combination with the future intention of constructing a new single family dwelling on the larger lot. The individual platted lots are .11 acres or 4,791.6 ft², and .17 acres or 7,405.2 ft² lying in the Residential District. Both lots are significantly smaller than the average lot sizes in the subdivision. Under current County Zoning Regulations, minimum area of a lot is 15,000 ft² and minimum width is sixty (60) feet. The difficulty with constructing a building on the existing lots is the plat was created at a time where lots were not placed in optimal orientation with the topography.

All surrounding parcels lie within the Residential District to the north, east, south and west. Immediately north exists a .17 acre parcel of vacant land. A vacant land parcel of .88 acres exists to the west. Single family dwellings exist to the immediate east and south of the parcel.

Staff finds this proposal consistent with the applicable Grand County Regulations. The resultant lot is .28 acres or 12,196.8 ft². Though the lot does not meet the 15,000 ft² minimum area of a lot lying in the Residential District, combining the lots allows for the Applicant to increase area to the maximum possible potential. It is Staff's opinion that, the land area is a suitable area for constructing a home. Staff believes that the proposal is consistent with keeping low density where there are not public water services.

III. PLANNING COMMISSION REVIEW

During the regular Planning Commission meeting on March 20, 2018, the Commissioners reviewed this application. Commissioners felt as though the application was straight forward and had no questions or comments. Planning Commission voted to recommend the approval of this application as presented with Staff conditions.

IV. RECOMMENDATION

Planning Commission unanimously recommended approval of the Amended Final Plat for Lot 7A, Block 9, Scanloch Subdivision with the following conditions to be met prior to the recording of the Amended Final Plat:

1. A statement of taxes that shows all taxes have been paid shall be submitted (4.3 (2) (u)).
2. An electronic copy of the Final Plat shall be submitted (4.3 (2) (y)).
3. All recording fees are to be paid by the Applicant.
4. All applicable building and sanitation permits shall be obtained through the County prior to construction.
5. Draft Quit Claim Deeds to amend legal description of the lots shall be submitted for review by the County Attorney's Office.
6. A 24"x36' mylar for recording shall be submitted and recorded (4.3(1)(a)).
7. A surveyor's certificate shall be submitted (4.3(2)(l)).

Commissioner Linke moved to approve the amended final plat Lots 7 and 8, Block 9 Scanloch Subdivision as presented by Joni Lyons.

The motion passed unanimously.

Commissioner Linke moved to convene an Executive Session at 10:56 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 County Road 43. Present for the meeting are the Board, the County Manager, County Attorney, and Assistant County Attorney.

The motion passed unanimously.

The session ended at noon and the regular reconvened at 1:00 p.m.

I, Richard Cimino, 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, Christopher 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.

Economic Development Quarterly Update

Presented by Economic Development Director DiAnn Butler:

Strategic Objectives:

Countywide:

Workforce Web Portal
Student to Career Opportunity Initiative
CRAFT 101 – Colorado Tourism Office
Grand Lake:
Creative District & Space to Create
Art Space
Heart and Soul Community

Anchor Employers
Winter Park Resort
C Lazy U Ranch
Devil's Thumb Ranch
YMCA Snow Mtn. Ranch
Granby Ranch
Fraser Rec District
Middle Park Medical Center
The Roofing Company
Grand Lake Lodge
Mountain Parks Electric
Cabin Works
Granby Country Ace Hardware
Parshall Inn
Never Summer Products
Goodys
Resort Management Group

Plus many more Stakeholders

Workforce Web portal
WorkInGrand.com

March 2019

Launched beta site with partners currently reviewing
Toolkits and materials for organizations and businesses

On-going

Get more contributors to populate the website

Areas of Focus:

Jobs and careers available
Housing available
Events and activities
Resources for new employees & residents

WorkInGrand.com

April and May 2019

Public Relations & Marketing Campaign
Community Launch Events throughout Grand County

Discussion of funds for marketing

On-going

Continue to get more contributors to populate the website

Student to career opportunity

Daniels and COSI grants programs:

- Middle Park & West Grand
Career Fair: April 11, 2019
- Entrepreneurship Camp: May 2 -4, 2019
- Job Shadowing, Internship Opportunities
- Entrepreneurship Club Connection

Darcee Kessler - Grand County Higher Education

Middle Park and West Grand Counselors

Thom Schnellinger - East Grand Principal

Frank Reeves - East Grand Superintendent

Darrin Peppard - West Grand Superintendent

Craig Schroeder - Entrepreneurship Camp

Craft 101: Colorado Tourism Office

CRAFT stands for Colorado Rural Academy for Tourism

Partners: Grand County Economic, Tourism, and Historical entities

Goal: to promote and create awareness and knowledge cultural, heritage, creative and byways within Grand County

Trainings:

Learning Lab #1 Monday March 18, 2019 (25 attended)

Rural Tourism and Visitor Readiness

Learning Lab #2 Monday April 8, 2019

Sustainable Tourism and Marketing & Social Media

Learning Lab #3 Monday April 22, 2019

Culinary & Argitourism and Cultural & Heritage Tourism

GOAL: Develop an app or audio journey tours throughout the county

Grand Lake Heart and Soul

Two Year Process: Currently in the middle of finishing Phase 2:

Attended Coach Training in Charleston March 4 – 8, 2019 in Phase Four Training

The Grand Lake Team is looking at a Community Meeting sometime in the early summer.

I will be attending the Annual Meeting in Essex, VT on September 22 – 28, 2019

Funded by Orton Foundation and match by Town of Grand Lake

Space to Create Update

OVERVIEW Space to Create Colorado is the first state driven initiative for affordable housing for artisans and creative entrepreneurs in the nation. Our mission is to develop affordable housing and work space, including commercial space, for creative industries workers and to position Colorado as the nation's leader in creative-led community transformation in rural communities. Space to Create will facilitate the development of nine projects in eight regions in Colorado's rural, small town and mountain communities. This effort is led by the Colorado Office of Economic Development's Colorado Creative Industries, the Colorado Department of Local Affairs, the Boettcher Foundation, Artspace and History Colorado.

GOALS • Stimulate community and economic development in rural, small town and mountain communities by providing permanently affordable and financially sustainable workforce housing and working spaces for creative sector employment • Nine projects initiated across Colorado by 2019 will culminate in roughly \$45 million of investment in direct capital investment by multiple partners and agencies

Status Update: Just Completed Feasibility Study, Next Step is Market Survey in Late Spring Early Summer.

Spring Network Session:

Fall and Spring Network Sessions that Diana Lynn Rau lead for many years has been turned over to Economic Development.

Idea for Discussion: Involvement of the BOCC branding this as a Grand County event.

Chance to strengthen the Grand Brand and Plan and have the BOCC be the host/hostess

Possible Dates: Wed. May 1st OR Thurs. May 29th 2019

Upcoming Conferences:

Downtown Colorado, Inc. Conference: April 9 – 12, 2019

NWCCOG Economic Development Summit: April 2, 2019

Colorado Creative Industries Summit:

May 14 – 17, 2019

Orton Heart and Soul Annual Meeting:

September 23 – 27, 2019

Open Lands, Rivers and Trails – 2019 Spring Grant Recommendations

Paul Bruchez, with Open Lands, Rivers and Trails, and the Colorado Basin Round Table, stated that the committee voted unanimously to approve all of the trail projects at the cost of \$72,734.

There is associated paperwork, as well as before and after pictures for all projects, to prove that all projects are completed.

There was a request from Grand Huts for the Showalter Hut. The recommendation is to extend the deadline to May to get a proper partnership.

Town of Grand Lake Project Lower North Fork of Colorado River Nine Elements Restoration Plan is a \$37,000 request. Based on the applicant and the project, the committee felt that it did not meet the terms of the resolution. It did not have a component of adding public access or easement. It is a study toward restoration. Mr. Bruchez stated that he believes this will fit a CWCB grant.

Coordinating and planning with other partnerships that have an interest in water and river systems is important. Also, there needs to be stakeholder agreement for the reach of the river that affects private property and agricultural lands.

In response to funds being denied by the Open Lands, Rivers and Trails Committee, Dave Troutman with the Upper Colorado Watershed Group, representing the Town of Grand Lake, addressed the funding amounts and partnership efforts with other agencies. Access is less of a concern than conservation, restoration, and outdoor use.

Andy Miller with the Upper Colorado River Watershed Group addressed public engagement in the planning process. The Watershed Group intends to coordinate disparate interest groups and bring them together. They are working to identify ways to deal with sediment problems that were allegedly caused by eastern slope ditch breaks and diversion.

Paul Bruchez stated that there are grants and state funds that are earmarked for just such a project, and Grand County should be the fallback plan for funding.

Ken Fucik gave a history of seeking funding for the Lower North Fork Project.

Ed Moyer stated that the North Fork is currently not included in a Grand County Stream Management Plan.

Commissioner Cimino stated that he is inclined to vote in favor of the project contrary to the recommendation of the Open Lands, Rivers and Trails committee, as long as the Upper Colorado Watershed Group seeks coordination with other organizations in Colorado, recognizing that this might also cause the cost to be higher. The Watershed Group will attend the next Next Steps meeting to begin the process of seeking funding.

Commissioner Manguso moved to approve the Open Lands Committee's recommendation (Broken Thumb, Strawberry Tail Bridges, Burnout, Loop application, Buffalo Creek application as presented with the withdrawal of the Lower Fork Grant Application.

Discussion: The Board agrees that the withdrawal of the application of the Upper Colorado River Watershed Group is important. The Board supports the work and study that is being proposed.

The motion passed unanimously.

Public Hearing – Serene Wellness License Renewal

The public hearing scheduled to begin at 3:00 p.m. was called to order by Chair Cimino at 3:08 p.m. County Attorney Chris Leahy set the record with the following exhibits:

Exhibit A Cover Letter

Exhibit B State Renewal Applications
Exhibit C Trade Name Registration
Exhibit D Certificate of Good Standing from Colorado Secretary of State
Exhibit E Entity Documents
Exhibit F Documents Showing Legal Possession
Exhibit G Diagram of Premise
Exhibit H Financial Documents (Notes, Security Notes, Financial Obligations, Funding Sources)
Exhibit I Copies of Inspections, Violations, Orders to Show Cause, Summary Suspensions, Administrative Holds
Exhibit J Current Colorado Sales Tax Licenses and Colorado Retail Marijuana License Bond
Exhibit K Security Plan, Burglar Alarm and Contract
Exhibit L County Fees Submitted to State
Exhibit M County Submitted Fees
Exhibit N Grand County Marijuana Business License Application, Memorandum of Understanding, Owners and Managers Form, Affidavit of Lawful Presence
Exhibit O Grand County Department of Community Development Marijuana License Review
Exhibit P Letter from Applicant regarding Previous Marijuana Licenses
Exhibit Q Supplemental Information Provided to the State
Exhibit R State of Colorado Marijuana Licenses
Exhibit S 1000 Foot Buffer Map and Land Use within 1000 Foot Buffer
Exhibit T Map of 2-Mile Radius - the "Neighborhood"
Exhibit U Grand County Assessor's Property Record and Schedule Number
Exhibit V Proof that Property Taxes Are Paid
Exhibit W Applicants Marijuana Management Plan
Exhibit X Marijuana License Applications and Badges for Current Employees
Exhibit Y Notifications
Exhibit Z Public Comments

To: Grand County Board of County Commissioners
From: Sara L. Rosene, Grand County Clerk and Recorder
Date: March 26, 2019
Re: Retail Marijuana Store (the term "retail marijuana" is commonly known as "recreational marijuana")
Applicant: Serene Wellness V LLC dba Serene Wellness Winter Park LLC Daniel F. Volpe, President
Location: 79025 US Highway 40, Units 5 and 6 Winter Park, CO Part of Lot 10, 11, 12, Block 1, Hideaway Park
Zone District: Business
Applicable
Regulations: Resolution Nos. 2013-12-25, 2014-1-26 and Ordinance #14, Ordinance #14-1, Ordinance 18
Request: The Applicant is requesting renewal of a County Retail Marijuana Store License

Discussion:

Grand County Board of County Commissioners passed Resolution Nos. 2013-12-25, 2014-1-26 and Ordinance #14, Ordinance 14-1, and Ordinance 18 to exercise the authority of the County of Grand to allow state licensed marijuana establishments to exist in unincorporated Grand County in accordance with applicable state laws and regulations as well as the additional local licensing requirements and other restrictions. This regulation and ordinance is adopted pursuant to constitutional and statutory authority as well as the county's authority under its police power in order to preserve the public health, safety, and general welfare.

The applicant for this Retail Marijuana Store is Serene Wellness V LLC dba Serene Wellness Winter Park LLC. Daniel F. Volpe is the owner of the business. The location is 79025 US Highway 40, Units 5 and 6, Winter Park, CO. The building is owned by Jozef and Slawomira Ligas. The lease to Serene Wellness Winter Park LLC consists of two units in the Valley Hi Motel and the lease ends August 31, 2019.

During the review process, the County Clerk's Office makes courtesy notification to all landowners, taxing districts, hospitals, and towns within 1,000 of the proposed license location.

After the final review, the Clerk and Recorder schedules a public hearing to be heard by the Board of County Commissioners.

Compliance with Grand County Resolution No. 2014-1-26 and Ordinance #14 and Ordinance #14-1 and Resolution No. 2018-2-2 and Ordinance 18

“Retail Marijuana Store” has the same meaning as defined in section 16(2)(n) of article XVIII of the state constitution. “Retail marijuana store” means any entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.”

Section 5 – Application

County application:

- A. Cover Letter
Complete
- B. State Application
Complete
- C. Trade Name Registration
Complete
- D. Certificate of Good Standing from Colorado Secretary of State
Complete
- E. Entity Documents
Complete
- F. Documents showing legal possession
Complete
- G. Diagram of Premise
Complete
- H. Financial Documents (Notes, Security Notes, Financial Obligations, Funding Sources)
Complete
- I. Copies of Inspections, Violations, Orders to Show Cause, Summary Suspensions, Administrative Holds
Complete
- J. Current Colorado Sales Tax Licenses and Colorado Retail Marijuana License Bond
Complete
- K. Security Plan, Burglar Alarm and Contract
Complete
- L. County Fees Submitted to the State
Complete
- M. County Submitted Fees
Complete
- N. Grand County Marijuana Business License Application, Memorandum of Understanding, Owners and Managers Form Affidavit of Lawful Presence
Complete
- O. Grand County Department of Community Development Marijuana License Review
Complete with CO
- P. Letter from Applicant regarding previous Marijuana License
Complete
- Q. Supplemental information provided to the state
Complete
- R. State of Colorado Marijuana Licenses
Complete
- S. 1000 Foot Buffer Map and Land Use within 1000 foot buffer
Complete
- T. Map of 2-mile radius – the “Neighborhood”
Complete
- U. Grand County Assessor’s Property Record and Schedule Number
Complete
- V. Proof that property taxes are paid
Complete
- W. Applicants Marijuana Management Plan
Complete
- X. Marijuana License Applications and Badges for current employees
Complete – Personal information not available for public hearing file
- Y. Notifications
Complete
- Z. Public Comments

Posted on web page at: <http://www.co.grand.co.us/720/Applications-in-Process>

Classes of licensing authorized

1. Retail marijuana stores may operate only in the Business or Tourist zones within unincorporated Grand County.

Section 7 – Schedule Hearing and Notice

(a) Upon receipt of a complete application for a marijuana establishment, the Clerk and Recorder shall schedule a public hearing before the Board of County Commissioners not less than thirty days from the date of the application and shall post and publish the public notice thereof not less than ten days prior to such hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made and by publication in a newspaper of general circulation.

On June 21, 2018 the applicant made application to the Board of County Commissioners. Publication in the Middle Times was on March 14, 2019 and posting was completed on March 11, 2019.

(b) Notice given by posting shall include a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of the hearing, and the name and address of the applicant, such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a corporation, association, or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary, and manager or other managing officers.

Signs posted are in compliance with this section. A postcard notification was made to all landowners within 1,000 feet of the proposed location. Notification was made by email to all individuals on the interested party list. The complete file is posted on the County's website.

Notification was made to Department of Planning and Zoning (Community Development), Grand County Sheriff's Department, and East Grand Fire Protection District.

Section 8 – Public Hearing

(a) At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and to cross-examine witnesses. As used in this section, "party of interest" means any of the following:

- a. The applicant;
- b. An adult resident of the neighborhood under consideration;
- c. The owner or manager of a business located in the neighborhood under consideration;
- d. An authorized representative of a registered neighborhood organization that encompasses all or part of the neighborhood under consideration; or
- e. The Board of County Commissioners

(b) As used in this section, the term "neighborhood" shall have the same meaning as the Board of County Commissioners utilizes for purposes of issuance of liquor licenses.

(c) The Board of County Commissioners has authority to refuse to issue any marijuana establishment license for good cause, subject to judicial review pursuant to C.R.C.P. 106. For purposes of this subsection (c), the term "good cause" means:

1. The applicant has violated, does not meet, or has failed to comply with any of the terms conditions, or provisions of the Colorado Retail and/or Medical Marijuana Code or any rule or regulation promulgated pursuant thereto, or this regulation and ordinance or any rule or regulation promulgated pursuant to this regulation and ordinance;
2. With respect to second or additional retail or medical marijuana establishment license applied for by the same applicant, the Board of County Commissioners shall consider the effect on competition of the granting or disapproving of additional license to such licensee, and no application for a second or additional license that would have effect or restraining competition shall be approved.
3. Evidence that the issuance of the license will adversely impact the health, welfare or public safety of the neighborhood in which the marijuana establishment is proposed to be located.

(d) Before entering any decision approving or denying the application, the Board of County Commissioners shall consider, except where this regulation and ordinance specifically provides otherwise, the facts and evidence adduced as a result of public hearing required by this section, and any other pertinent matters affecting the qualifications of the applicant for the conduct of business as a marijuana establishment.

(e) The Board of County Commissioners shall also consider:

1. The reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrance, or otherwise; and
2. The number and availability of other marijuana establishments in or near the neighborhood under consideration; and
3. Whether the issuance of such license would result in or add to an undue concentration of marijuana establishments and, as a result, require the use of additional law enforcement resources.

(f) Any decision of the Board of County Commissioners approving or denying an application shall be in writing stating the reasons therefor, within thirty days after the date of the public hearing, and a copy of such decision shall be sent by certified mail to the applicant at the address shown in the application and to the state licensing authority.

Section 9. Licensing requirements – Provisions applicable to all licenses

In addition to those requirements of the Colorado Medical and/or Retail Marijuana Codes the following shall be required of all licenses:

(a) Notice of applications to departments and agencies. Upon receipt of an application for any class of local license, the Clerk and Recorder shall give notice of the application to the Department of Planning and Zoning and the Grand County Sheriff's Department, and the Local Fire District. Any applicant for a license under this regulation and ordinance shall obtain any and all necessary permits, licenses, and other regulatory approvals from the other affected county departments and agencies prior to the issuance of a license under this regulation and ordinance.

Notification was made to Department of Planning and Zoning (Community Development), Grand County Sheriff's Department, and East Grand Fire Protection District.

(b) Background checks and determination of good character and state residency. Prior to the issuance of any local license, the Board of County Commissioners shall make a finding and determine as to the good moral character of the applicant and compliance with state residency requirements in accordance with the standards and procedures set forth in the Colorado Retail Marijuana Code and/or the Colorado Medical Marijuana Code. In so doing, the Board may incorporate any findings as to good character and residency previously made by the state licensing authority, and shall not be required to perform a criminal background check if the state licensing authority has already performed a criminal background check on the applicant.

A background check for the initial application was performed by the State of Colorado.

(c) Area maps. All applications for marijuana establishment submitted pursuant to this regulation and ordinance shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school, church or child care establishment, to any other marijuana establishments, or to any alcohol or drug treatment facility.

The applicant has submitted a map and referenced Assessor's property records showing the land uses within 1,000 of the proposed location. The applicant states that there are no alcohol or drug treatment facilities, child care establishments, schools or churches within 1000 feet of the proposed location. In addition, the applicant has provided a map showing the 2-mile radius around the property.

(d) Additional prohibited locations. No retail or medical marijuana license shall be issued for the following locations:

(1) Within one thousand (1,000) feet of any school, child care establishment, alcohol or drug treatment facility or church, with the distance computed by direct measurement in a straight line from the nearest property line of the land use for the school, child care facility, alcohol or drug treatment facility, or church to the nearest portion of the building in which the marijuana establishment is located.

(e) Off-site delivery of product by licensee prohibited. All sales and distribution of retail or medical marijuana by a licensed marijuana establishment shall occur only upon the licensed premise, and the licensee shall be strictly prohibited from delivering retail or medical marijuana to any person at any other location.

(f) Signs and advertising.

(1) Any person or premises licensed as a marijuana establishment shall comply with all county ordinances and regulations regulating signs and advertising. In addition, no licensed marijuana establishment shall use any advertising material that is misleading, deceptive, or false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, is designed to appeal to minors.

(2) Except as otherwise provided in this subsection (2), it shall be unlawful for any person licensed under this regulation and ordinance or any other person to advertise any marijuana product anywhere in the county where the advertisement is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the Grand County Zoning Regulations; any sign mounted on a vehicle; any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. The prohibition set forth in this paragraph (2) shall not apply to:

(a) Any sign located on the same zoned lot as a marijuana establishment which exists solely for the purpose of identifying the location of the marijuana establishment and which otherwise complies with the Grand County Zoning Regulations and any other applicable county laws and regulations; or

(b) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the county; or

(c) Advertising which is purely incidental to sponsorship of a charitable event by a marijuana establishment.

Comments

The Grand County Clerk and Recorder has received all documentation required by Grand County Resolution Nos. 2013-12-25, 2014-1-26 and Ordinance No. 14 and Ordinance No. 14-1. The fees required by law and statute have been remitted.

All standard language and conditions of the Grand County Resolution Nos. 2013-12-25, 2014-1-26 and Ordinance No. 14 and Ordinance No. 14-1 shall be made part of any approved license.

If, after taking testimony at the public hearing, the Board of Commissioners approves the license, the Clerk and Recorder recommends that a license be issued to the applicant.

Commissioner Cimino asked for and received no public comments.

Commissioner Linke moved to set the neighborhood for this license as a two-mile radius around the license.

The motion passed unanimously.

Daniel Volpe, owner of Serene Wellness, LLC commented that, as stated, there have been no complaints, no behavioral issues with customers, and all regulations have been followed.

Commissioner Manguso moved to approve the renewal of the Retail Marijuana License for Serene Wellness V LLC dba Serene Wellness Winter Park LLC as presented by Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Board Business

The Board supports having Wi-Fi available to the public in the judicial and courthouse buildings.

There being no further business to come before the Board, the meeting was adjourned at 3:20 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 9th day of April 2019.

Attest:

Richard Cimino, Chair

Sara L. Rosene, Clerk and Recorder