

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

April 12, 2022

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

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

Those present recited the Pledge of Allegiance.

General Public Comments

Tracy Horner asked for the County's endorsement for an eco-friendly wash out for concrete. The Board thanked Mr. Horner for the information.

Finance

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on April 13, 2022, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on April 12, 2022, for payment on April 13, 2022, for the Grand County Housing Authority.

The motion passed unanimously.

Commissioner Cimino moved to approve the vouchers presented on April 12, 2022, for payment on April 13, 2022, for the Grand County Department of Human Services.

The motion passed unanimously.

Commissioner Linke moved to approve wire payment and vouchers presented on April 12, 2022, for payment on April 13, 2022, for Grand County.

The motion passed unanimously.

Employee Recognition

County Manager Ed Moyer welcomed the new employees.

Mr. Moyer thanked the following employees for their years of service by recognizing anniversaries:

"Ben"jamin Steinle	Sheriff's Office	1 Year
Magli Escobedo-Amaya	Public Health	1 Year
Neil Brown	Sheriff's Office	3 Years
Eric Selzer	Information Systems	4 Years
Aaron Trainor	Sheriff's Office	5 Years
Alan Gonano	Emergency Medical Services	5 Years
George Clark	Road & Bridge	8 Years
Curtis Lange	Accounting / Finance	8 Years
Lacie Barbee	Sheriff's Office / Dispatch	8 Years
Thomas "Tom" Manguso	Sheriff's Office / Dispatch	10 Years
Janette Fudge	Treasurer's Office	14 Years
Cathy Henderson	Accounting / Finance	15 Years
Ryan Gallagher	Emergency Medical Services	16 Years
Teresa Hertel	Clerk & Recorder	17 Years
Brenda Bock	County Coroner	27 Years

Deputy Coroner Tawyna Bailey and Coroner Brenda Bock presented the Grand County Coin of Excellence to Chief Todd Holzwarth with the East Grand Fire Protection District. Todd has provided excellent work as an EMS volunteer, 911 Board Member, and Deputy Coroner as well as the Fire Chief for East Grand Fire Protection District.

Road and Bridge Superintendent Chris Baer stated that Brian Holly will be retiring this week after 43 years, 6 months and 23 days. Mr. Baer stated he will be giving a Coin of Excellence to Mr. Holly for his many years of excellent work for Grand County Road and Bridge.

Departmental Contracts, Comments, Issues

Commissioner Cimino moved to approve and authorize the Chair to sign a Letter of Agreement for the rental hangars at Granby Airport with the following

Keith Cooper	Hangar 1
Independence Enterprises LLC	Hangar 2
Strohauer Farms, Inc.	Hangar 5
Kent Turner	Hangar 4
Brett Gingery	Hangar 3

The motion passed unanimously.

Commissioner Cimino moved to approve Credit Application with US Bank and have the Chair sign. There will be one annual payment due of \$98,255.10 for a total cost of \$627,502.78. With interest, the cost will be \$687,785.72.

The motion passed unanimously.

Commissioner Cimino moved to approve and authorize the Chair to sign the Services Contract between Grand County and CGRS – Granby Shop Fuel System in an amount not to exceed \$13,222.35.

The motion passed unanimously.

Commissioner Cimino moved to approve out-of-state travel for David Elthorp and Nathan Opsahl to travel to Jackson, Wyoming for the 2022 National Police Canine Association – Regional K9 Training.

The motion passed unanimously.

Mr. Moyer reported that he received information from the Sheriff's Office regarding needed work at the Sheriff's Office. The information will be used to apply for community funding grants. The Board gave authorization to move forward with the grant application.

Commissioner Cimino moved to sign the Intergovernmental Agreement for the Fraser River Valley Housing Partnership as presented.

The motion passed unanimously.

Clerk and Recorder Sara Rosene presented the revenue for the Clerk's Office for March 2022.

Treasurer's Report

County Treasurer Frank DeLay presented the monthly Treasurer's report.

Departmental Contracts, Comments, Issues

EMS Chief Robert Good reported that three of the ambulances are out of service. For the 13 year-old ambulance, the cost to replace the engine will be \$26,000. For another 13 year-old ambulance, the work needed will cost \$15,000. The last ambulance will cost about \$10,000.

Chief Good would like to apply for a grant to get the repair work done. The County may need to cover about 5 percent of the costs if the grant is received.

Commissioner Cimino moved to authorize the EMS Chief to apply for the grant contingent upon legal review and then stamped with the Board signatures.

The motion passed unanimously.

Manager & Attorney Items

Assistant County Manager Micah Benson attended the Fair Board meeting where the Board discussed dissolving the Sales Committee. The Chairperson of the Sale Committee resigned and there are three remaining members. The Sale Committee has two weeks to accomplish its goals for the Fair this year.

Commissioner Cimino moved to approve the updated Airport Hangar Ground Lease.

The motion passed unanimously.

Consent Agenda

Resolution No. 2022-4-1, “APPROVING THE EMPLOYMENT AGREEMENT BETWEEN MAXINE LABARREKROSTUE AND THE BOARD OF COUNTY COMMISSIONERS FOR APPOINTMENT AND EMPLOYMENT AS COUNTY ATTORNEY, EFFECTIVE APRIL 3, 2022”

Resolution No. 2022-4-2, “APPROVING A BUDGET SUPPLEMENT FOR THE OFFICE OF EMERGENCY MANAGEMENT TO FUND HAZARD TREE REMOVAL WORK”

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

Water Protection Update

Colorado River Headwaters Project

- NEPA Watershed Plan EA
 - Plan EA Public Scoping completed
 - Consultant finalizing Plan EA document
 - NRCS in order to issue FONSI in late April
 - NRCS Chief authorization 30 days after FONSI is signed
- Timeline
 - Project tentatively to start May 2022
 - Must be completed by September 2023

Project Costs and Funding

Total (design, engineering, and construction)	\$28,192,437
Funding secured by Project Partners	\$16,965,060
NRCS RCPP Funding	\$5,681,600
Shortfall:	\$5,545,777

- TU and Project Partners requested an additional \$5.545M from NRCS RCPP in March. Request will go to National Office once Watershed Plan EA is authorized by NRCS Chief.
- Grand County made CDS request with Senator Bennet for the same.
- Continuing work with Grand County Irrigated Land Company (GCILC) President, attorney, and engineer to finalize engineering reports and address all concerns re: Pilot Project
- Continue to work with CWCB and Colorado Water Trust on the Substitute Water Supply Plan as legal instrument for Pilot Project
 - Implementation will be 2022 or 2023
- Pilot Project
 - Creates additional in-stream flows in Fraser River for environmental water and other uses (ex. R&B Op's)
 - Accomplished by Denver Water diverting and using GCMDRC stored shares at Meadow Creek Reservoir, then retiming and delivering same amount of water to upper Fraser via the Moffat or Vasquez Collection System (i.e. Clinton delivery points)

Grand County Mutual Ditch & Reservoir Company

- Grand County Irrigated Land Company will need to formally approve the Pilot Project
 - Once approved, Grand County Mutual Ditch and Reservoir Company will make formal application to CWCB, requires two Board Meetings for approval, including public notice and State Engineer approval
 - Potential ISF compensation. County be used to apply for engineering and leverage needed to fund Vail Ditch improvements to benefit all shareholders and Grand County Irrigated Land Company
- Lease of Additional GCILC Shares –2022
 - GCMDRC looking to lease an additional 58.5 shares in the GCILC
 - GCMDRC is working on subleasing the shares
 - In summary, these shares could ultimately help with the Pilot Project and the mission of the GCMDRC

Moffat Firming Project

Gross Reservoir Expansion:

- Raise dam 131 feet to add 77 KAF
- April 2022:
 - Drawing down Gross to 29 KAF
 - Filling Ralston
 - Limited flexibility in the system over the next 4-5 years

•Staff reviewing all the CRCA triggers

Grand County / CRCA Implementation Triggers are contingent on Moffat Project Permitting or Gross Reservoir Construction:

- LBD Cooperative Effort
- Grand County 1,000 AF Fraser River Bypass flow,
- 1,000 AF Williams Fork,
- Grand County Water Users -375 AF, Clinton Bypass Water, Snowmaking water, etc.
- USFS 1,500 AF Fraser Bypass flows,
- \$3.95M in Project Funding -WPWSD and WPRA
- \$2M Water Quality Funding,
- \$3M LBD Aquatic Habitat Enhancement,
- \$1M LBD or Aquatic Habitat Mitigation (Denver Water using \$984K for Mitigation on Williams Fork River per CRCA)
- \$1M for Windy Gap Pumping, etc.
- 12.5% surcharge for West Slope Fund (Grand County and Summit County split 20%) –funding to LBD.
- Shoshone Outage Protocol
- No West Slope Water Rights Development

Windy Gap Firming Project

- WGFP IGA and Northern Water Agreement
 - Staff reviewing all triggers within both agreements
 - Northern Water executed contract with Colorado Parks and Wildlife to manage the Willow Creek public access. Northern to update us on when it will be opened to the public.
 - Processed Materials Agreement –need to renegotiate with Northern Water
- WGFP 1041 Permit Conditions
 - Staff meeting with Reclamation regarding the Municipal Subdistrict’s updated NRP and NMP (1041 Conditions 21 and 22)
- Chimney Hollow Reservoir
 - Construction began in August 2021
 - 90 KAF dedicated storage capacity

CRCA Implementation

Section 13.B: Rich Ditch and Hammond No. 1 Ditch

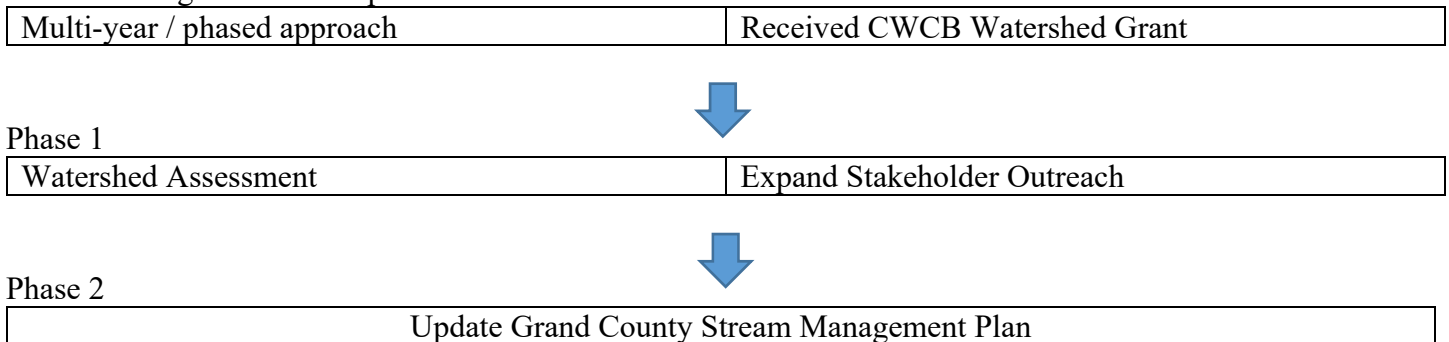
- Upon Issuance and Acceptance by Denver Water of Permits Necessary for the Moffat Project Denver Water and Grand County agree to fund a study to determine how best to enhance stream flows with Denver Water’s rights in the Rich Ditch and Hammond No.1Ditch. Any enhancements would be in addition to the Fraser 1,000 af and would begin with the year the Moffat Project becomes operational.

Kayli Foulk stated that work is being done to ensure that the public is aware of the Grand County Drought Preparedness Plan.

Work has just been started on the Kawuneeche Valley Ecosystem Restoration Collaborative.

Learning By Doing

Stream Management Plan Update



EWP and Post Fire Recovery

- About \$2 million spent in Area B thus far, with about \$1 million more to go to resume projects after winter hiatus and in new project contracts.
 - Possible balance of about \$2 million between the remaining CWCB and NRCS funds.
- Remaining NRCS funds are primarily designated for Construction Assistance (FA), however we need and have requested additional technical assistance (TA) funds. The State Conservationist approved additional EWP TA Funds; request promoted to National for review & action.

- CWCB funds are less restrictive in terms of where they can be used with respect to land ownership, and they can also be used on the Williams Fork Fire recovery.
- Northern and Grand County, USFS, and BLM are looking at additional mulching in the ETF area on Routt and Arapaho National Forest and BLM land, and will be engaging in a prioritization process with these agencies to determine where to do the work.
- Our Watershed Recovery Coordinator is also working to assist USFS to prioritize recovery areas for the Williams Fork Fire, and will be presenting maps to stakeholders later this week.
- ETF Watershed Recovery presentation with fellow sponsor Northern Water scheduled for 5/10.

Commissioner Cimino moved to approve the letter to the Colorado Basin Roundtable in support for Learning by Doing's Water Supply Reserve Fund Grant Application.
The motion passed unanimously.

Colorado Parks & Wildlife, Fisheries Biologist Update with Jon Ewert

Presented Jon Ewert.

The topics to be covered:

- Fire Impacts
- Fish Movement study
- Shadow Mountain reservoir project
- Fraser River sculpin concern

One of the most severe consequences of the fire was in Trail Creek. The riparian area completely burned. Mr. Ewert stated that they did not find any live fish (Cut Throat) in the stream. Brook Trout did survive in the beaver ponds.

The Fish Movement Study is using tagged fish with antenna in the river.

There are management challenges in Shadow Mountain Reservoir. The suckers are an issue in the Reservoir. Mr. Ewert is planning to stop stocking Trout and instead plans to stock a sterile hybrid called a Tiger Muskie.

Surveys are being performed on the sculpin in the Fraser River.

Departmental Contracts, Comments & Issues

Undersheriff Wayne Schafer is looking at replacing vehicles. The Board supported the decision with the Sheriff's Office purchasing a vehicle.

Yak Subdivision Exemption

PROJECT NAME	Yak Overlook Subdivision Exemption Final Plat
APPLICANT	Gabriel Wallace
LOCATION	1791 GCR 60
ZONING	Residential/Forestry & Open Districts (Split Zone)
APPLICABLE REGULATIONS	Grand County Zoning Regulations, Grand County Subdivision Exemption Regulations, Grand County Master Plan
ATTACHMENTS	
A. Development Application	
B. Project Narrative Letter	
C. Proposed Final Plat	
D. Vicinity and Detail Map	
E. Title Commitment	
F. Planning Commission Resolution 2022-01-5	
G. DWR Well Permit, No. 218029	
STAFF PLANNER	Taylor Schlueter, County Planner
REQUEST	Approval of a Subdivision Exemption to split a 60.05 acre Metes and Bounds parcel into three separate lots.

PURPOSE OF REQUEST

Gabe Wallace, the Applicant, has applied for a Subdivision Exemption to create three lots, approximately twenty (20) acres each, from an existing 60.05 acre metes and bounds parcel.

STAFF COMMENTS AND ANALYSIS

The subject property is located just east of the municipal limits of the Town of Granby and is located within the Granby Urban Growth Area. There is an existing domestic well permitted on the site which will be required to be forfeited in exchange for three single-family household use only well permits. Lot 1 of this proposed Subdivision Exemption contains an existing single-family dwelling unit, built in 1972. The property is bordered to the south by the Union Pacific Railroad right-of-way. Running parallel to the railroad is an irrigation ditch.

PLANNING COMMISSION RECOMMENDATION

On January 19, 2022, the Grand County Planning Commission recommended approval of the Yak Overlook Subdivision Exemption Final Plat with twenty (20) conditions as outlined in Resolution No. 2022- 1-7.

STAFF RECOMMENDATION

The Board of County Commissioners approved the Yak Overlook Subdivision Sketch Plan on February 15, 2022. Staff recommends approval of the Yak Overlook Subdivision Exemption Final Plat. The following conditions shall be met prior to the recording of the Final Plat:

1. The Surveyor's Certificate shall be amended.
2. An electronic copy of the Final Plat shall be submitted.
3. All recording fees are to be paid by the Applicant.
4. 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.
5. The applicant shall quitclaim deed any interest of CR 60 Right-of-Way to Grand County.
6. The applicant will provide a statement of taxes paid for 2022 before the recording of this plat

Commissioner Cimino moved to approve the Yak Overlook Subdivision Exemption Final Plat as presented. The motion passed unanimously.

Sagebrush Subdivision Exemption – Final Plat

Commissioner Linke moved to appoint Rich Cimino as the temporary Chair. The motion passed.

PROJECT NAME	Sagebrush Subdivision Exemption – Final Plat
APPLICANT	MANGUSO, KRISTEN
LOCATION	METES & BOUNDS 80 ALL 40AC IN THE SE4 SE4 OF SEC 22 T2N R80W OF THE 6TH PM
ZONING	Forestry & Open (R)
APPLICABLE REGULATIONS	Grand County Zoning Regulations; Grand County Subdivision Exemption Regulations; Grand County Master Plan
ATTACHMENTS	
A. Development Application	
B. Project Narrative Letter	
C. Proposed Final Plat	
D. Vicinity and Detail Map	
E. Quit Claim Deed	
F. Access Easement	
G. Title Commitment dated January 3rd, 2022	
H. Proof of Taxes Paid – 2022	
I. Warranty Deed Rec. No. 2019006992	
J. Proof of Water	
K. Planning Commission Resolution 22-03-02	
STAFF	Taylor Schlueter, County Planner
REQUEST	Approval of Subdivision Exemption to divide a 40 acre, metes and bounds parcel, into three new parcels.

PURPOSE OF REQUEST

The Applicant has requested a Subdivision Exemption to divide their 40.00 acre property into three parcels of 29.75, 5.13, and 5.02 acres each.

BACKGROUND & HISTORY

The oldest record of ownership on file is the 2019 Quit Claim Deed transferring title from Kristen Manguso to Kristen Manguso & Dale Frey II. It has historically been used as agricultural land for ranching. The undeveloped property is located approximately 5.5 miles north of US HWY 40 off of GCR 22. There is

driveway access from the proposed Lot 3 and construction is expected to stay at least 30 feet away from an existing seasonal Kirtz ditch. Access to all lots will be available from GCR 22.

STAFF ANALYSIS

The subject property is not located in any growth area and is currently zoned Forestry & Open. The proposed three lots will be accessed from GCR 22, and an access easement running between proposed lots 1 and 2 will provide access to both. The entire property is currently classified as Agricultural Land by the Grand County Assessor.

PLANNING COMMISSION

The Planning Commission recommended approval of the Sagebrush Subdivision Exemption on March 9, 2022, with the twelve (12) conditions as outlined in Resolution 2022-03-2.

STAFF RECOMMENDATION

The Board of County Commissioners approved the Sagebrush Subdivision Exemption Sketch Plan on March 22, 2022. Staff recommends approval of the Sagebrush Subdivision Exemption Final Plat. The following conditions shall be met prior to the recording of the Subdivision Exemption:

1. All recording fees are to be paid by the Applicant.
2. School fees as outlined above shall be provided prior to recording of the Final Plat.
3. Applicant will be required to provide \$1000.00 per lot for a total of three (3) lots before the sale of the lot to be held either by Grand County or turned over to a properly formed Sanitation District for future water quality measure. Applicant will also be required to enter into a Water Quality Agreement with the county prior to recording of this plat.
4. An electronic copy of the Final Plat shall be submitted.

Adjacent property owner Rebecca Guthrie stated that this may meet the Master Plan, the property is miles from an approved growth plan. The smaller parcels adjacent to this property were subdivided years before the Master Plan was discussed.

The Master Plan was put into place to protect views, open space, and the character of rural Grand County. This does not appear to meet those goals.

Ms. Guthrie stated that Lot 1 will obstruct her views. Regarding the environmental sites, Ms. Guthrie is concerned over sites that need to be cleaned up. The previous owner dumped fluids on the property. A neighbor stated that he had conversations with the applicant with regard to the fluids that were dumped on the property.

Commissioner Linke moved to approve the Sagebrush Subdivision Exemption – Final Plat as presented. The motion passed unanimously.

Commissioner Manguso returned as Chair.

Public Hearing – Great Divide Lettuce Colony Inc., New Retail Marijuana Cultivation Facility License

The public hearing scheduled to begin at 1:30 p.m. was called to order by Chair Manguso at 1:30 p.m. County Attorney Maxine LaBarre-Krostue set the record as follows:

Exhibit A	Business Overview
Exhibit B	Regulated Marijuana Business License Application
Exhibit C	Trade Name Registration
Exhibit D	Certificate of Good Standing from Colorado Secretary of State
Exhibit E	Copy of the Bylaws for Great Divide Lettuce Colony, Inc.
Exhibit F	Executed Copy of Lease
Exhibit G	Diagram of Premises for Great Divide Lettuce Colony, Inc.
Exhibit H	Explanation of Funding Sources
Exhibit I	No Inspections, violations, orders to show cause, summary suspensions or administrative holds
Exhibit J	Colorado Sales Tax License
Exhibit K	Security Plan & Burglar Alarm Monitoring Contract Letter of Intent
Exhibit L	Copy of Application and License Fees Submitted to the State for the County

Exhibit M	Copy of Application Fees Submitted to the County
Exhibit N	Grand County Marijuana Business License Application, Memorandum of Understanding Form
Exhibit O	Grand County Department of Community Development Marijuana License Review - Includes comments from applicant O-1 Letter to Colorado Division of Water Resources requesting a Substitute Water Supply Plan O-2 Email dated 04.10.2022 from Middle Park Water approving short-term augmentation water contract O-3 Water Deeds from John Kovacs for five shares of \$100 each of the Capital Stock of The Grand County Irrigated Land Company to Granby Development Company LLC
Exhibit P	Letter from Applicant Detailing Previous or Current Marijuana Licenses held
Exhibit Q	Supplemental Information Provided to the State
Exhibit R	State of Colorado Marijuana Conditional License
Exhibit S	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 Y-1 Proof of Publication in the Middle Park Times on March 31, 2022 Y-2 Proof of Posting on the Property - Posting date of March 31, 2022
Exhibit Z	Public Comments Z-1 Email from Mariette McGrath dated 04.11.2022 opposed Z-2 Email from Gail Bendrat dated 04.11.2022 opposed
Exhibit AA	Petition provided by the applicant with 12 signatures in favor

Commissioner Linke moved to set the neighborhood to a two-mile radius.
 The motion passed unanimously.

To: Grand County Board of County Commissioners
 From: Sara L. Rosene, Grand County Clerk and Recorder
 Date: April 12, 2022
 Re: Retail Marijuana Cultivation Facility (the term "retail marijuana" is commonly known as "recreational marijuana")
 Applicant: Great Divide Lettuce Colony Inc.
 Peter W. Doerken, Owner
 Location: 1851 County Road 60, Unit C, Granby, CO
 Zone District: Forestry and Open
 Applicable Regulations: Ordinance #18
 Request: The Applicant is requesting a County Retail Marijuana Cultivation Facility

Discussion:

Grand County Board of County Commissioners passed Resolution No. 2014-1-26 and Ordinance #14 and then updated the ordinance in 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 ordinances were 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 Cultivation Facility, Great Divide Lettuce Colony Inc., Peter W. Doerken, is the owner of Great Divide Lettuce Colony Inc. The proposed location is 1851 County Road 60, Unit C, Granby, CO 80446. The building is owned by Granby Development Company LLC and is leased to Great Divide Lettuce Colony Inc. from November 1, 2021 through October 31, 2026.

Applications for Retail Marijuana Licenses are submitted to the State of Colorado Marijuana Enforcement Division. The State then begins its review process. The State collects the state fees and within seven days remits the initial application and \$2,500 to the local jurisdiction. If additional documentation is needed, it is

requested of the applicant. This information is not forwarded to the local authority by the State. The state then must make a determination to approve or deny the license no sooner than 45 days and no later than 90 days. Once the license is approved, the Conditional State license is remitted to the local authority.

Grand County uses the initial state license application and the County application to start the review process. In addition to the County application, a fee of \$5,500 is required.

Grand County makes the notifications required in the County Ordinance. The County Clerk's review includes the following:

1. Review of the initial state application.
2. Review of the documents included with the County application.
3. Receipt of the \$5,500 fee
4. Contact with both the state and the applicant to obtain any additional documents or to receive clarification.

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. #18

"Retail Marijuana Cultivation Facility. Retail marijuana cultivation facilities may operate only in areas zoned as Forestry and Open Districts after issuance of a special use perm as provided in the Grand County Zoning Regulations, or zoned as Business District"

Section 5 – Ordinance #18 – Application

County application:

1. *Operating Fee or Operating Renewal Fee (cash or check only). This fee is non-refundable and not dependent on the approval of an application.*

County portion of state fee is \$2,500 and has been received by County.

County application and license fee is \$5,500 and has been received by County.

Section 6 – Ordinance #18 – Classes of licensing

For the purpose of regulating the cultivation, manufacture, testing, distribution, offering for sale, and sale of retail and/or medical marijuana, the Board of County Commissioners, in the Board's sole discretion, upon application in the prescribed form made to the Clerk and Recorder, may issue and grant to the applicant a local license from any of the following classes, and Grand County hereby authorizes issuance of the licenses of the following classes by the state licensing authority in locations in unincorporated Grand County, subject to the provisions and restrictions set forth in this regulation and ordinance:

- (1) Retail marijuana store. Retail marijuana stores may operate only in areas zoned as Business District or as Tourist District.

Section 7 – Ordinance #18 – Set Neighborhood, Schedule Hearing and Notice

- (1) Upon receipt of a complete application for a marijuana establishment and payment of fees and costs, the Clerk and Recorder shall designate the neighborhood to be considered during the public hearing. The neighborhood designated shall be either the presumptive neighborhood consisting of the area within a two mile radius of the main entrance to the premises, or a different neighborhood established by considering the geographical area around the premises subject of the application, the persons potentially to be served by the license, community of the area, where inhabitants obtain services and products, distances between municipalities and communities, and such other factors as the Clerk and Recorder may determine demonstrate a "neighborhood." A neighborhood may include areas within municipal boundaries without including the entire municipality. No designation of neighborhood shall include the entire county or a majority of the land acreage of the County. Notice of the neighborhood designated shall be provided to the applicant and made public within five business days following receipt of a complete application.

- (2) Upon receipt of a complete application, the Clerk and Recorder shall schedule a public hearing upon the application before the Board of County Commissioners not less than thirty days from the date the application is complete. Public notice of the application and public hearing shall be given 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 legal publication in a newspaper of general circulation in the area of the licensed premises. Published notice shall contain the same information as that required for posted notice.

(3) Posted notice shall be by posting 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 public hearing, and the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the posted notice shall contain the names and addresses of all partners, and if the applicant is a corporation, association, or other organization, the posted notice shall contain the names and addresses of the president, vice-president, secretary, and manager or other managing officers.

(4) The applicant shall also cause publication of a display advertisement of not less than a one-quarter page of the newspaper containing the same information as that required for posted notice.

(5) If the building in which retail or medical marijuana is to be sold is in existence at the time of the application, any sign posted as required in subsections (2) and (3) of this section shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time of the application, the applicant shall post the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

Section 8 – Ordinance #18 - Public Hearing

(1) *The public hearing shall consider the neighborhood established pursuant to Section 7(1).*

(2) *At any public hearing held pursuant to this regulation and ordinance, a Party in Interest shall be allowed to present evidence and to cross-examine witnesses.*

(a) *The following shall have automatic Party in Interest status for all proceedings:*

(I) *The applicant; and*

(II) *A person residing, holding, or owning any property interest in the neighborhood may file with the Clerk and Recorder written objections to or support for an application, and/or may appear in person at such public hearing to submit such objection or support.*

(b) *A person who is not an automatic Party in Interest under Section 8(2)(a) but who is affected or aggrieved by the action of the Board of County Commissioners may be granted Party in Interest status, but only after the person files with the Board of County Commissioners a written request to be added as a Party in Interest. The request must set forth a brief and plain statement of the facts which entitle the requester to be admitted and the matters which the requestor claims should be decided. Such written request shall be filed at least 5 days prior to the scheduled public hearing. The Board of County Commissioners shall determine requested Party in Interest status on the day of the public hearing. Nothing shall prevent the Board of County Commissioners from admitting any person or agency as a Party in Interest to a public hearing for a limited purpose. The Board of County Commissioners shall have the authority to decide Party in Interest status and may grant Party in Interest status to those not conforming to these requirements upon a showing of good cause or excusable neglect.*

(3) *The Board of County Commissioners has the discretion to accept or reject comments, statements, and/or documents from any person, whether or not the person qualifies as a Party in Interest.*

(4) *The Board of County Commissioners shall give all evidence the weight it deems appropriate.*

(5) *The Board of County Commissioners has authority to refuse to issue any marijuana establishment license for good cause. For purposes of this subsection (5), the term "good cause" means:*

(a) *The applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Retail Marijuana Code, the Colorado Medical Marijuana Code, this regulation and ordinance, or any rule or regulation promulgated pursuant thereto; and/or*

(b) *With respect to a 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 licenses to such licensee, and no application for a second or additional license that would have the effect of restraining competition shall be approved; and/or*

(c) *Evidence that the issuance of the license and subsequent operation of the business will adversely impact the health, welfare or public safety of the neighborhood in which the marijuana establishment is proposed to be located.*

(6) *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.*

(7) *The Board of County Commissioners shall also consider:*

(a) *The reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrance, or otherwise; and*

(b) *The number and availability of other marijuana establishments in or near the neighborhood under consideration.*

(8) *The local licensing authority shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this regulation and ordinance and applicable law.*

Comments

The Grand County Clerk and Recorder has received all documentation required by Grand County Ordinance #18. The fees required by law and statute have been remitted.

The type of license being requested allows the applicant to cultivate and sell for the purpose of retail (recreational) purposes.

Recommendation

If, after taking testimony at the public hearing, the Board of Commissioners approves the license, the Clerk and Recorder recommends that operations be allowed after the following items are complete.

1. No operations under this license shall be permitted until all conditions herein have been complied with and the Grand County Clerk has provided written notice of the satisfaction of those conditions.
2. Current list of employees provided to the County Clerk on a quarterly basis.
3. An approved Special Use Permit from Grand County.
4. Complete set of plans provided to Community Development for the completion of the interior of the building.
5. Certificate of Occupancy from Community Development to allow use of the building.

Clerk and Recorder Rosene stated that this is a recreational grow license only.

Attorney for the applicant, Brian Blumenfeld, presented on behalf of the applicant.

The license being applied for is a cultivation facility only. This is not a store.

Attorney for the applicant, Brian Blumenfeld stated that the license being applied for will not impact the Cold Springs operation in any way. Cold Springs will continue to operate as it has in the past.

This license is part of an overall strategy and plan to ensure the survival of Cold Springs.

The proposed project is a 6,000 square foot warehouse. It is not a greenhouse. It is completely self-contained, hard-sided building. There is no public interface and no public access. The facility is completely environmentally self-contained.

There will be surveillance on the building that works with infrared lighting and motion detection. There are extensive security regulations.

There will be only four employees in the facility at a time.

The harvest will be approximately 5.5 times per year. It is not a giant facility. There will be no big trucks coming in and getting loaded. The harvest will be moved out in private vehicles.

Odor will not be an issue. The industry has come a long way for mitigation. There are carbon filtration systems. The air will be carbon scrubbed four times per hour.

There will be no signs or advertising on the building.

Cold Springs is operating part of the year. This will provide additional fulltime employment.

The Vail Ditch is part of the water source. There is also a well on the property.

County Manager Ed Moyer stated that as part of the Special Use Permit, the County will require that there is no impact to the Grand County Mutual Ditch and Reservoir Company as it relates to the Granby No. 1 Ditch and the Willis Ditch.

Mariette McGrath stated that she is up the road from the proposed facility. Ms. McGrath stated that she thought the property would stay the way that it was and remain only a greenhouse with food production. Ms. McGrath does not want Grand County to be the marijuana capital.

Asa Holley stated he represents the owners of the property to the south of the proposed facility. Mr. Holley has no issue with the grow facility. His only issue is water use and fertilizers.

The Vail Ditch runs from May to August depending on supply.

Mr. Holley understands that the Vail shares cannot be used by an augmentation source.

Neal Gibbons stated this is a closed structure facility. They will recirculate and reclaim water. They expect to use 100 to 200 gallons of water usage per day on higher usage days.

Water will remain in the building. It will not be dumped outside the building. There is not much runoff. Water will evaporate inside the building.

With regard to pesticides, there will be very little use of pesticides. They will use organic best practices. The goal is to make the product as clean as possible.

Commissioner Cimino moved to approve the Retail Marijuana Cultivation Facility License Great Divide Lettuce Colony Inc. as presented with conditions. The Special Use Permit will address all the water issues. The motion passed unanimously.

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

Board Business

Calendar

April 12	Wildfire Council meeting at 5 pm
April 13-14	Energy and Environment Symposium in Rifle, all day
April 14	Utility Coordinating Committee Meeting at Java Lava Café in Granby, starting at 7:30 am
April 14	Associated Governments of Northwest Colorado (AGNC) Legislative Call via Zoom, starting at 8:30 am
April 14	Counties & Commissioners Acting Together (CCAT) Hybrid Meeting (As Needed), starting at 3:30 pm
April 14	Wolf Reintroduction Call
April 15	Health Insurance Affordability Enterprise Board Meeting via Zoom, 8 to 10 am
April 15	Colorado Counties, Inc. (CCI) Short Term Rental Discussion via Zoom 9 to 10:30 am
April 15	STAC meeting in Steamboat Springs
April 18	CCAT Governing Board Hybrid Meeting, 11:30 am to 1 pm
April 20	Visit with Senator Hickenlooper in Granby (TBD)
April 21	Associated Governments of Northwest Colorado (AGNC) Legislative Call via Zoom, starting at 8:30 am
April 21	National Association of Counties West Region Regular Conference Call, 2 to 3:30 pm
April 21	CCAT Monthly All-Member Meeting via Zoom, 3:30 to 5 pm
April 21	Grand County Builders Association Membership Meeting (Venue TBD), 5 to 7 pm
April 22	CCI Legislative Briefing via Zoom, noon to 1:30 pm
April 25	Colorado Basin Roundtable Next Steps via Zoom, noon to 4 pm

Office of Emergency Management

Presented by Alyssa Ingles:

Purpose

The purpose of the Grand County, Colorado East Troublesome Fire Recovery Report (Report) is to analyze the County's response and recovery from the East Troublesome Fire in late 2020. This report seeks to inform the County and stakeholders regarding the recovery process, examine what resources are available for post-fire recovery, identify what resources are missing and where there are gaps, and discuss how the County can address these gaps. This report also seeks to explore future steps for the County as recovery continues. The primary goal of long-term recovery operations is to rebuild safely and wisely, reducing future hazards and optimizing community improvements. These operations include: reconstructing public facilities, coordinating delivery of long-term social and health services, improving land use planning and implementation, updating planning documents, re-establishing the local economy to pre-disaster levels, recovery of disaster-related costs, and effective integration of mitigation strategies into recovery planning and operations. This Report consists of a

review of the recovery process, analysis of available resources, identification of gaps in services and resources, and a discussion of ongoing and future opportunities.

Scope

This Report focuses includes discussion on the fire impacts and response actions, recovery programs and available resources, the Recovery Task Force, current and future recovery projects, identified gaps, and future opportunities. In writing this report, input was taken from the Recovery Task Force, department heads, County Leadership, and input from the community during a Local Emergency Planning Committee meeting. Additionally, it includes input from community stakeholders and important partners in Grand County's recovery.

The report identifies how recovery was completed.

There being no further business to come before the Board, the meeting was adjourned at 2:47 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 10th day of May 2022.

Kristen Manguso, Chair

Attest:

Sara L. Rosene, Clerk and Recorder