

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

April 23, 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: County Clerk and Recorder Sara L. Rosene  
County Manager Kate McIntire  
Interim County Manager Ed Moyer  
County Attorney Chris Leahy

Those present recited the Pledge of Allegiance.

General Public Comments

Tom Siefers, General Manager Mountain Parks Electric presented the Board with the Capital Credit Check for a portion of the allocated margins on electric service for the years 1992, 1996, and 1997. The check is in the amount of \$8,264.87.

Mr. Siefers introduced his successor as General Manager – Mark Johnston.

Mr. Siefers reported that Mountain Parks Electric signed contracts with Pivot Energy for the solar power purchase agreement and interconnect agreement.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on April 24, 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 April 23, 2019 for payment on April 24, 2018 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 April 24, 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 April 23, 2019, for payment on April 24, 2019 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Linke moved to approve the wires payment, vouchers, and interfund transfers presented on April 23, 2019, for payment on April 24, 2019 for Grand County.

The motion passed unanimously.

Departmental Contracts, Comments, Issues

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

Commissioner Manguso moved to authorize the Chair to sign the Services Contract between Grand County Board of Human Services and Marcia McIntosh in an amount not to exceed \$600 as presented by Deb Ruttenberg.

The motion passed unanimously.

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

Commissioner Manguso moved to accept the bid from United Companies including alternate 1 (which includes County Road 53). It also includes 515, 832, 838, 8500, 84, and 858. This is in the amount of \$2,474,941 and is contingent upon a cost sharing agreement with the YMCA for County Road 53.

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2019-2-25, "A RESOLUTION GRANTING AN EXTENSION TO THE FINAL PLAT APPROVAL FOR LAKE GRANBY TRACT B SUBDIVISION, LOCATED IN SECTION 34, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF GRAND, STATE OF COLORADO"

The motion passed unanimously.

County Manager Kate McIntire presented the weekly Manager's Update.

Commissioner Manguso moved to authorize the Board to sit as the Board of Equalization as needed as of July 1, 2019, and appoint Doug Doudna, Lacey Thurston, and Stewart Thomson as the three referees as the 2019 Board of Equalization as recommended by the Assessor.

The motion passed unanimously.

Commissioner Linke moved to authorize the Chair to sign the Grand County Airport Hangar Ground Lease with Zook Management LLC of Granby for hangar to be constructed.

Discussion: The Lease is \$.13 per square foot for the ground. It is subject to annual CPI adjustments.

Commissioner Linke amended his motion to make approval contingent upon review by the County Attorney and the Chair will sign outside the meeting.

The motion passed unanimously.

Commissioner Manguso moved to approve conditional upon a MOU between Grand County and Town of Fraser to provide a financial contribution in the amount of \$25,000 to extend the scope north to County Road 5 for CDOT improvements on Highway 40.

The motion passed unanimously.

Commissioner Manguso moved rescind the previous motion for \$12,500 to the Town of Fraser for work on County Road 5.

The motion passed unanimously.

The County had a right of first refusal for property in Pine Aire Subdivision. That right was not offered to the County. The Board gave staff direction to look into the matter further to determine if the County wants to purchase the property.

#### Board Business/Correspondence/Calendar

Commissioner Linke moved to approve Resolution No. 2019-4-15, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO IN DEFENSE OF THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION AND OF ARTICLE II, SECTION 13 OF THE COLORADO CONSTITUTION.

The motion passed unanimously.

Commissioner Manguso attended the Middle Park Directors meeting.

Commissioner Linke met with the Grand County Historical Association regarding a fundraiser for the Association. Commissioner Linke would like a Board meeting on the date of the fundraiser at the museum. The date of the fundraiser will be July 11, 2019.

Commissioner Linke attended the CRAFT training.

Commissioner Cimino attended CCI and CCAT to review legislative bills.

Commissioner Cimino met with the County Manager. Commissioner Cimino attended the insurance committee meeting.

- April 23 Meeting with East Grand School District at 6:00 p.m. at the East Grand School District Office in Granby (All three commissioners)
- April 24 Legislative Breakfast in Idaho Springs at Wildfire Café at 8:00 a.m. (Commissioners Manguso and Cimino)
- April 24 & 25 Commissioner Linke will attend the Northwest Resource Advisory Council of the BLM in Meeker
- April 24 Pizza Party at 11:00 a.m. for Public Health
- April 24 Commissioner Cimino will be at the East Grand Fire celebration at 7:00 p.m.
- April 26 Reading of Proclamation for Grand Beginnings at Granby Elementary School
- April 27 Kremmling Health Fair 7:30 a.m. to 1:30 p.m. at West Grand High School sponsored by Middle Park Health
- April 29 Meeting between Commissioner Manguso and Manager McIntire at 7:45 a.m.
- May 2 Law Day (All three commissioners)
- May 2 Billy Clark Retirement Party at 3:30 p.m. at Granby Road and Bridge
- May 6 Board workshop with the Office of Emergency Management in the Board of Commissioner's meeting room at 2:00 p.m.
- May 13 Mayor and Manager's meeting

### Consent Agenda

Resolution No. 2019HA-4-7, "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, DIRECTING THE GRAND COUNTY HOUSING AUTHORITY OPERATIONS MANAGER TO RELOCATE THE GRAND COUNTY HOUSING AUTHORITY'S BANK ACCOUNTS"

Resolution No. 2019HA-4-8, "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 AND AUTHORIZING THE CHAIR TO EXECUTE A COLORADO HOUSING AND FINANCE AUTHORITY RENT INCREASE OPTION AND A U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RENT SCHEDULE, BOTH CONCERNING THE SILVER SPRUCE APARTMENTS"

Resolution No. 2019-4-9, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF COUNTY OF ROUTT, STATE OF COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE BACK UP OF DISPATCH/PUBLIC SAFETY ANSWERING POINT SERVICING AND SHARING OF ENHANCED 911 PHONE SYSTEM INFRASTRUCTURE"

Resolution No. 2019-4-11, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONTRACT BY AND BETWEEN THE STATE OF COLORADO, DIVISION OF YOUTH SERVICES AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING COST REIMBURSEMENT OF COLORADO YOUTH DETENTION CONTINUUM PROGRAM AND MARIJUANA TAX REVENUE PROGRAM REQUIREMENTS WITHIN THE 14TH JUDICIAL DISTRICT"

Resolution No. 2019-4-12, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND AUTHORIZING THE ROTARY CLUB OF GRANBY FOUNDATION TO USE PORTIONS OF THE FLYING HEELS RODEO ARENA GROUNDS AND FACILITIES FOR LIQUOR SALES DURING CERTAIN EVENTS, SUBJECT TO BEING ISSUED A SPECIAL EVENT LIQUOR PERMIT AND THE CONDITIONS THEREOF"

Resolution No. 2019-4-13, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONFIRMING THAT SILVERSAGE SUBDIVISION, BLOCK 3, TRACT D IS A TRACT DEDICATED AND SET APART FOR THE USE OF THE PUBLIC, UPON WHICH A PUBLIC ROAD MAY BE CONSTRUCTED"

Resolution No. 2019-4-14, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AUTHORIZING THE GRAND COUNTY SHERIFF TO INITIATE A WEAPON STANDARDIZATION PROGRAM, AND TO CONTRIBUTE AN ADDITIONAL AMOUNT TO GRAND COUNTY SEARCH AND RESCUE"

Commissioner Manguso moved to approve the Consent Agenda removing Resolution No. 2019-4-10.

The motion passed unanimously.

#### Grand County Library District Annual Update

Grand County Library District Chair Sally Leclair thanked all the volunteers who have supported the Library District.

Tara Thompson stated that Grand County's assessed value decreased another .24 percent over year 2017. The revenues increased 8.9 percent from 2017 and the expenses increased 1.4 percent from 2017.

The District received over \$60,000 in donations from the Friends of the Library and in the form of grants.

The goal is to continue a balanced budget to maintain approved reserve levels and adopt a 5-year financial plan with forecasting tool.

Director of Public Services Polly Gallagher stated that 2017 and 2018 was all about planning.

They offer weekly story time programs and after school programs. The summer reading program has been a big hit.

The Library had an on-line high school that is fully accredited. There are five who have graduated and three are close to graduating.

The use of online resources are growing.

#### Public Hearing – Three Lakes Water & Sanitation 1041 Amendment

The public hearing scheduled to begin at 11:00 a.m. was called to order by Chair Cimino at 11:03 a.m. County Attorney Leahy set the record as follows:

- A Grand County Development Application dated February 25, 2019
- B Vicinity Map
- C Public Notice – dated March 14, 2019
- D Proof of Publication – Middle Park Times, March 19, 2019
- E Public Review Sheets without signatures
- F Regulation 22 Application form dated August 2018
- G Table Mountain Reclamation Facility Discharge Permit Compliance Alternatives for Potentially Dissolved Copper Study by Kennedy/Jenks Consultants dated January 31, 2018
- H Draft 1041 Permit
- I Staff report dated April 23, 2019
- J Power Point presentation by Community Development presented April 23, 2019
- K Resolution 2001-1-1 dated March 6, 2001

PROJECT NAME: Three Lake Water and Sanitation District Amended 1041 Permit

APPLICANT: Three Lake Water and Sanitation District, represented by Katie Nicholls, District Manager

LOCATION: Southeast ¼ of the Southwest ¼, of Section 33, Township 3 North, Range 76 West of the 6th P.M.

#### APPLICABLE

REGULATIONS: Grand County Master Plan, Grand County 1041 Regulations, Section 22.8 of Regulation 22: Amendment of an Existing Site Location Approval

ZONING: R- Residential District

#### ATTACHMENTS:

- A. Grand County Development Application
- B. Vicinity Map
- C. Draft 1041 Permit
- D. Three Lakes Water and Sanitation District Area Map
- E. Table Mountain Reclamation Facility Discharge Permit Compliance Alternatives for Potentially Dissolved Copper Report by Kennedy/Jenks Consultants
- F. CDPHE Form – Amendment of Existing Site Location Approval

STAFF PLANNER: Joan Lyons

REQUEST: Amend the Three Lakes Water and Sanitation 1041 Permit to accommodate for state required dissolved copper discharge.

## I. BACKGROUND

In 1979, Grand County approved the Three Lakes Water and Sanitation District 1041 Permit by Resolution No. 1979-9-1. Over the years, the Three Lakes Water and Sanitation District 1041 Permit has been amended for site approvals for construction of a new domestic wastewater treatment plant in 2000 by Resolution No. 2000-6-3. The permit was also amended in 2001 to reflect the state's interest in the Three Lakes Water and Sanitation District's activities by Resolution No. 2001-1-1.

In 2014, the discharge permit for the Three Lakes Water and Sanitation District Wastewater Treatment Plant, known as the Table Mountain Reclamation Facility (TMRF), was renewed. As part of the renewal process the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division notified the Three Lakes Water and Sanitation District that a new permit limit for potentially dissolved copper was added to the permit.

Three Lakes Water and Sanitation hired Kennedy/Jenks Consultants to conduct a study to evaluate their compliance with new effluent permit limits. The review concluded that the only viable option to comply with the permit limit is to add a copper treatment process at TMRF. This study prompted the Three Lakes Water and Sanitation District to amend the Site Location Approval for the wastewater treatment plant known as TMRF to add for a site to treat potentially dissolved copper.

The Site Location Amendment is to add six (6) upflow reactive sand filters to treat copper to the levels required by the State Discharge Permit. The sand filters will only occur on the existing TMRF site and is designed to remove copper only. The Site Location Amendment does not change the capacity of TMRF. The project is expected to begin construction in the second quarter of 2019 upon the amendment and approval of the Three Lakes Water and Sanitation District 1041 Permit.

It is also Staff's determination to list state compliance as line items for Terms and Conditions in the Three Lakes Water and Sanitation's 1041 Permit to allocate for future changes in system design as outlined in the 1041 Draft Permit. The Current Three Lakes Water and Sanitation 1041 Permit on file with the County outlines specific limits for effluent parameter values, such as BOD/day, suspended solids, fecal coliform, and total ammonia. As the Permit is a matter of state interest, the permit shall reflect state compliance.

5 CCR 1002-22, also known as CDPHE Regulation 22, applies to the implantation of the Colorado Water Quality Control Act in regards to construction or changing a domestic wastewater treatment plant and its stations. The amendment process of Regulation 22 means that the application changes an existing site location approval or existing domestic wastewater treatment plant.

## II. ANALYSIS OF COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one is most relevant to the development supported by this 1041 proposal. – Element 4.

### Plan Element 4 – Community and Public Facilities

Plan Element 4 focuses on the development of public facilities and infrastructure. The Three Lakes Water and Sanitation District is within the jurisdiction of Grand County that provides sanitation services to development in the Grand Lake region and surrounding areas. The sand filters to treat copper being proposed in the Site Location Amendment are a vital component of the district system and its compliance with state regulations. Further, the project aligns with the goals of the Master Plan to provide consistent, reliable and appropriate facilities for the long-term development of the County.

## III. ANALYSIS OF COMPLIANCE WITH THE GRAND COUNTY 1041 REGULATIONS

Grand County Resolution 1978-5-4 designated the major extensions of existing domestic water treatment systems as an activity of state interest and established Administrative Regulations pertaining to such activities. A Public Hearing by the Board of County Commissioners, acting as the Permit Authority is scheduled for April 23, 2019, and public notice was published in the Middle Park Times on Thursday, March 14, 2019.

## IV. PLANNING COMMISSION RECOMMENDATION (April 10, 2019)

This application for a 1041 Permit was scheduled to be reviewed by the Planning Commission during the regular meeting on April 10, 2019. Discussion about the 1041 Permit process took place to refresh and clarify new Commissioners. The Commissioners were under the impression that the District had done their due diligence in researching what they needed to comply with state regulation. This application as referenced above was presented and approved unanimously for the six (6) upflow reactive sand filters.

## V. RECOMMENDATION

Staff recommends the approval of the amended 1041 Permit for the Three Lakes Water and Sanitation District (the "District") to install and operate six (6) upflow reactive sand filters to treat copper to the levels required by the State Discharge Permit with the following conditions:

Prior to issuance of the 1041 Permit:

- 1) A Stormwater Management and Erosion Control Plan shall be submitted to Grand County prior to construction, as applicable.
- 2) Construction plans and specifications shall be approved by CDPHE prior to commencing any construction and any construction change orders or amendments shall be approved by CDPHE.
- 3) Permit approval will expire after one year from permit approval unless construction of the project has commenced. Construction is defined as entering into a contract for the physical placement of equipment, piping, and/or earthwork that is part of the proposed installation of the six (6) upflow reactive sand filters and their new facility on the TMRF.
- 4) Building permits will be required to be obtained by the Applicant through the Grand County Building Division for any additional structures or modifications to existing structures on the TMRF.
- 5) Standard permit conditions including off-site impacts, noxious weeds, parking, and blight.
- 6) Any additional conditions to be added by the Planning Commission or Board of County Commissioners.

District Manager Katie Nicholls found this was the most feasible option for the District. The District received a \$2 million state revolving loan.

Commissioner Manguso moved to approve the Three Lake Water and Sanitation District Amended 1041 Permit as presented.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Commissioner Manguso moved to waive the building permit fees for Three Lakes Water and Sanitation District.

The motion passed unanimously.

#### Treasurer Quarterly Report

Deputy Treasurer Teri Tanton presented the quarterly Treasurer's Report.

#### Sterling Pointe Condominiums – Amended Final Plat

- PROJECT NAME: Amended Final Plat, Sterling Pointe Condominiums  
APPLICANT: Sterling Pointe, LLC represented by Christina Schaefer and Barb Garrett  
LOCATION: Sterling Pointe Subdivision  
ZONING: Residential District (R)  
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Grand County Master Plan, Subdivision Regulations  
ATTACHMENTS:
- A. Vicinity Map
  - B. Letter of Application and Narrative
  - C. Winter Park Ranch Sixth Filing Final Plat Rec. No. 167324
  - D. Colony at Winter Park Ranch Final Plat Rec. No. 190907
  - E. Sterling Pointe Final Plat Rec. No. 2008009060
  - F. Sterling Pointe, Amended Final Plat
  - G. Topographic Survey
  - H. Conceptual Landscape Plan
  - I. Architectural Footprints and Elevations
  - J. Construction Documents (Civil Engineering)
  - K. Phase III Drainage Reference letter
  - L. Geotechnical Report with Review Letter
  - M. Capacity to serve letters from:
    1. Winter Park Ranch Water and Sanitation
    2. Mountain Parks Electric, Inc.
    3. Comcast
    4. Xcel

N. Title Commitment

O. Letters of Evidence from:

1. Developer
2. Eric Smith Architects, Architect of Record
3. Fairfield and Woods P.C., Attorney of Record
4. Inter-Mountain Engineering, Engineer of Record

P. Site photos.

Q. Plat Notes Existing and Proposed

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: Approval of an Amended Final Plat to remove non-substantial or dated plat notes and adjust restrictive building envelopes.

I. BACKGROUND

a. History:

Sterling Pointe has a long history of replatting for new condominium type development. The original Plat, Winter Park Ranch, Sixth Filing of Recorded October 1979 at Reception No. 167324 created 29 single family lots and two open space tracts.

The second iteration Colony at Winter Park Ranch Recorded February 1982 at Reception No. 190970 contemplated 15 buildings containing 90 total units. Only two of the buildings were constructed, Building 1 within "Parcel E" and Building 2 within "Parcel D." Both previous Plats are shown below.

In 2001, a third iteration came to the County as Ponderosa Park a development utilizing the Colony at Winter Park Ranch Plat to build out the remaining 13 buildings with a height variance request. The developer was contemplating taller buildings to gain more units for some allocated for absorption by 80-90% Average Median Income (AMI) buyers. This project was never approved for a Final Plat.

The most recent iteration Sterling Pointe was approved in 2008 and recorded at Reception No. 2008009060. As part of the replat in 2008, the original roads named Sterling Way and Golden Spike were vacated, rededicated and named Sterling Loop and West Meadow Mile. In 2008-2009 within the Sterling Pointe development 24 condos were built before the economic down turn when the developers stopped making payments to the Construction Deed of Trust. Wells Fargo repossessed the property after putting the developer in default of the loan. The County, in September 2010, also put the developer in Default of the SIA and drew on the Letter of Credit for completion of improvements.

II. STAFF COMMENTS AND ANALYSIS

Sterling Pointe is a condominium project that was platted in 2008 as an infill project where a single family and multi-family project occupying portions of this site were never fully built out.

The Applicant met with Staff in November of last year about updating the Plat with the intentions of starting to build in the coming season. The notes in question (Attachment Q) are not substantial or have been met as a portion of the 2008 Plat.

III. PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed this application during the regularly scheduled meeting April 10, 2019. Staff presented the history and background for this proposed Amended Final Plat. The Applicant was present to speak about the intentions of the proposal and new architecture. One question came from Planning Commission about the existing slab within the middle of the property. The Applicant responded that this would be removed. With no further questions or comments Planning Commission voted to recommend approval.

IV. RECOMMENDATION

Planning Commission unanimously recommended the approval of the Amended Final Plat, Sterling Pointe with the following conditions to be met prior to the recording of the Amended Final Plat.

1. The Applicant is encouraged to contribute to an affordable housing fund with the County.
2. Any proposed monument sign shall have a dedicated easement and comply with 13.3 Sign Standards.
3. The Applicant shall comply with addressing signage as referenced in these provisions (5.8).
4. No additional Impact fees are required with this Amended Final Plat as they have been paid previously.
5. Conveyance to the subdivider Recorded at Reception No. 2017000847 note shall be added to the title (7.3 (2) (b)).
6. GCR 840 shall be added in front of the road names on the Final Plat (7.3 (2) (e)).
7. A two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder (7.3 (2) (m)).
8. A statement of taxes that shows all taxes have been paid shall be submitted (7.3 (2) (p)).
9. An electronic copy in AutoCAD.dwg or AutoCAD.dxf of the Final Plat shall be submitted (7.3 (2) (r)).

10. All recording fees are to be paid by the Applicant.
11. All applicable building and sanitation permits shall be obtained through the County prior to construction.

Architect Joe Kauffman for the project stated that it is very similar to what was approved in 2007.

Upon transfer, a fee would be transferred to the County's affordable housing fund.

Commissioner Manguso moved to approve the Amended Final Plat, Sterling Pointe Condominiums as presented.

The motion passed unanimously.

#### Short Term Rentals – Fire Safety, Septic Systems, and Water

Julie Nessen of Grand County Community Development presented:

##### SAFETY INSPECTIONS:

###### PROPERTY MANAGER'S RESPONSIBILITY:

###### PROS:

Less work to administer program by staff

###### CONS:

Not all owners hire Property Managers (would this become a requirement?)

How would the County determine "APPROVED" Property Managers?

How to verify information (checklist?)

##### FIRE DISTRICT INSPECTIONS:

###### PROS:

Professional assessments (they know what to look for)

Preventative measure (less calls to PM, Owners, Fire or Sheriff)

###### CONS:

Extra cost to owner/manager

Scheduling of inspections

##### WATER & SANITATION VERIFICATION

###### PROS:

Insuring adequate water

Insuring environment is protected

Insuring the health, safety, and well-being of County residents and guests.

###### CONS:

More work for Staff

Possible expense to owner

More work for septic engineers and Water & San Districts

##### DISCLAIMER UPDATE (self-reporting)\*

###### PROS:

No verification process

###### CONS:

Nothing to verify

##### OCCUPANCY:

###### PROS:

Will address other safety concerns

###### CONS:

Fee and tax revenues will be lower

##### Short Term Rental Safety Discussion

##### RECOMMENDATIONS

###### Fire District Inspections

- Could be done independently from our process
- Overall complete inspection
- Proof of Insurance: Documents needed for verification would vary

###### Water and Sanitation verification

- Environmentally responsible and insures the health, safety, and well-being of County residents and guests.



## Occupancy

- May not need to regulate if safety inspections are completed

Kyle Harring owns A & A Septic (aka Grand County Septic) with his wife. Mr. Harring works with the sanitation districts in Summit County to dump waste from septic systems. Mr. Harring suggests that short term rentals pump every two years.

Ms. Nessen stated that all short term rentals in Summit County must pump every three years. Summit County does require inspections.

Tabernash Meadows Water and Sanitation District Manager Tom Yoder stated that other providers are trying to find places to dump from septic systems.

Community Development Director Robert Davis stated that the fire districts agree that there needs to be some kind of inspection with regard to fire safety.

Grand Fire Protection District No. 1 Chief Brad White stated that the fire chiefs believe that the properties need to be inspected. Under the current fire code, the Districts do not have the jurisdiction to inspect. Chief White suggested that the inspection could be made by the insurance company, a home inspector, the fire department, or the management company.

Ms. Nessen would like to see inspections performed on the short term rentals.

Commissioner Manguso stated that the State is responsible for water and wells. Commissioner Manguso stated that the local water commissioners can deal with the water and wells.

The Board discussed the need for an adhoc steering committee to look at the different kind of inspections.

## Public Hearing – Grand County Zoning Amendments, Private Camping, Camping Areas, Special Review Procedure, Definitions

The continued public hearing scheduled to begin at 2:00 p.m. was called to order by Chair Cimino at 2:05 p.m. County Attorney Chris Leahy set the record:

- K Letter of Opposition from Stan Spencer dated March 19, 2019
- L Letter of Opposition from Serena Reed dated March 18, 2019
- M Letter of Opposition from Keith and Denise Grace dated March 18, 2019
- N Interested Parties Memo dated April 18, 2019
- O Grand County Planning Commission Resolution 2019-4-7 Draft
- P Grand County Planning Commission Minutes draft dated April 10, 2019

TO: The Grand County Board of County Commissioners

FROM: Joan Lyons, Planner I

DATE: April 23, 2019

### ATTACHMENTS:

A. Grand County Proposed Zoning Regulations Proposed Amendments

SUBJECT: Grand County Zoning Regulations Proposed Amendments: Private Camping, Camping Areas, and Special Use Permit Review Procedure

## I. DISCUSSION

### a. Background:

After various discussions throughout 2018 before the Planning Commission (October and November), and with members of the community, Staff found it appropriate to propose amendments to the Grand County Zoning Regulations in regards to camping. The proposed amendments adjust the verbiage in existing use permitted by special review from 'camping' to 'camping areas' in the Accommodations, Forestry and Open, Tourist, and Business Districts. Private Camping, previously outlined in these districts as a use permitted by special review, is added as a separate type of camping as a use permitted by special review to alleviate confusion.

For consistency, the proposed amendments also adjust the technical name for the Department of Planning and Zoning to the Community Development Department in Section 11.8, Special Use Permit Procedures. As well, the proposed amendments specify requirements for Special Use Permit public notice in regards to mailings, signage, and the process for permit changes in Section 11.8 Special Use Permit Procedures.

### b. History

The Grand County Zoning Regulations were last changed in regards to camping throughout the County in June of 2014 to allow the use of camping as a non-commercial use on property consisting of 35 acres or more. No other camping changes have been made to the Grand County Zoning Regulations.

Previous Planning Commission meetings (October and November 2018) elaborated on the importance of having allowable uses for private camping stay the same as outlined in Section 11.8 currently. However, to accommodate for the demand of seasonal camping and to not hinder the development of commercial campgrounds, Planning Commission recommended the development of two types of camping; private camping and camping areas.

During the Board of County Commissioners Zoning Amendments Workshop on March 5, 2019, Commissioners explained concern about continuing to allow private camping in the Estate and Residential Districts, as they were under the impression that there were too few of parcels 35 acres or more within these Districts to allow regulation.

Following, during the Board of County Commissioners Zoning Amendments Public Hearing on March 19, 2019, members of the community expressed concern about private camping and proposed changes.

## II. STAFF COMMENT AND ANALYSIS: CAMPING

As much of the Grand County's seasonal tourism includes individuals looking to find campgrounds, camp privately on their property recreationally and during building season, Staff found it pertinent to extend uses of different types of camping. With the help of community members identifying concerns from previous Public Hearings, Staff has amended previous zoning amendment proposals to not only distinguish commercial campgrounds from private camping, but also create of a temporary use permit process for private camping on parcels 35 acres or more in the Accommodations District, Mobile Home District, Tourist District, and Business District. The proposed amendments also allow for private camping as a use permitted provided a property owner abide by other regulations outlined in 11.8(2). All other regulation changes in regard to camping bring County regulations up to state standards.

### Amendment Wording Explanations

#### Section V Accommodations District

##### Uses Permitted by Special Review

###### (1) Camping areas

- In order to accommodate for current and future commercial camping in the Accommodations District, Camping areas are added as a use permitted by special review.

###### (2) Private camping

- In order to allocate for current and future private camping in the Accommodations District, Private camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

#### Section VI Forestry and Open District

##### Uses Permitted

###### (15) Private camping subject to the provisions of Section 11.8, Private Camping

- In order to allocate for current and future private camping in the Forestry and Open District, Private camping is added as a use permitted. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.
- Staff discussed the possibility with community members to require parcels in the Forestry and Open District that are adjacent to Residential District Zoned parcels to go through the Temporary Use Process if seeking to privately camp. Staff also took into consideration that 93% of the parcels in Grand County are zoned Forestry and Open. Because of the nature of complexity of the request, Staff found it appropriate to make this an allowable use.

##### Uses Permitted by Special Review

###### (1) Camping areas

- In order to accommodate for current and future commercial camping in the Forestry and Open District, Camping areas are added as a use permitted by special review.

#### Section VII Mobile Home District

##### Uses Permitted by Special Review

###### (2) Private camping

- In order to allocate for current and future private camping in the Mobile Home District, Private camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

#### Section VIII Tourist District

##### Uses Permitted by Special Review

###### (1) Camping areas

- In order to accommodate for current and future commercial camping in the Tourist District, Camping areas are added as a use permitted by special review.

(2) Private camping

- In order to allocate for current and future private camping in the Tourist District, Private Camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from ‘camping’ in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

Section IX Business District

Uses Permitted by Special Review

(1) Camping areas

- In order to accommodate for current and future commercial camping in the Business District, Camping areas are added as a use permitted by special review.

(2) Private camping

- In order to allocate for current and future private camping in the Business District, Private Camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from ‘camping’ in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

Section XI Uses Permitted by Special Review and Temporary Uses

Section 11.3 Review Procedure

Prior to submittal of a Special Use Permit Application, the applicant is required to have a pre-application meeting with the Community Development Department. This conference will be to discuss the general suitability of the request and specific submittal requirements.

Unless waived by the Board of County Commissioners (BOCC) pursuant to the provisions contained in Section XI, no application for a Special Use Permit shall be scheduled for consideration by the Board of County Commissioners of Grand County until all of the required material is first filed with the Grand County Community Development

Department. The Board of County Commissioners will be guided in their review by the provisions and purposes of these regulations, by the unique conditions of the surrounding neighborhood, and by the countywide need for each use. No use shall be granted under this section without a public hearing being held thereon; notice of which, including a description of the property, the proposed use, and the time and place of hearing, has first been published at least once in a newspaper of general circulation within the area where the property is located and has been mailed to all property owners within five hundred (1000) feet of the proposal, at least twenty (20) days prior to the scheduled hearing in the following manner:

- (1) Publication: Public Notice shall be published at least once in a newspaper of general circulation within Grand County where the property in question is located at least twenty (20) days prior to the scheduled hearing; and
- (2) Mailing: Written notice shall be mailed by certified mail to all property owners within one-thousand (1000) feet of the proposal; and
- (3) Signage: A sign of twenty four by thirty inches (24”x30”) shall be furnished by the Applicant and shall be posted in a location fully visible from the street or county road and no further than twenty-five (10) set back from the road. Photographic proof of the sign shall be provided to the Community Development Department and the sign shall be in the following format:

NOTICE OF (DEVELOPMENT NAME, DATE)

APPLICANT NAME: \_\_\_\_\_

APPLICANT PHONE: \_\_\_\_\_

APPLICANT EMAIL: \_\_\_\_\_

PROPOSED PROJECT: \_\_\_\_\_

\_\_\_\_\_  
LEGAL DESCRIPTION AND ADDRESS: \_\_\_\_\_

Contact the Community Development Department at 970-725-3255 or email [planning@co.grand.co.us](mailto:planning@co.grand.co.us) with questions and concerns. The Planning Commission Agendas and Board of County Commissioner Agendas are available online at [www.co.grand.co.us](http://www.co.grand.co.us)

- (4) The cost of publication, certified mailings and sign shall be paid by the applicant for the Special Use Permit.

Section 11.6 Amendments and Renewal

[1] An Administrative amendment will be considered when there are changes to the original permit, such as but not limited to a change in the name of the Permittee or other minor changes that do not otherwise affect the operation of the permit. An Administrative amendment shall only require an approval by Resolution by the Board of County Commissioners, and shall not require a public hearing or notice as described in Section 11.3.

[2] A Permit Amendment will be considered when there are changes to the original permit, and will be reviewed by the Board of County Commissioners during a public hearing following public notice as described in Section 11.3.

[3] A Permit Renewal will be reviewed by the Board of County Commissioners during a public hearing following public notice as described in Section 11.3

- Proposed changes to the review procedure in 11.3 and 11.6 explain the requirement of public notice to potential Special Use Permit applicants. Not only do the proposed changes explain requirements for notice, but also outlines the burden an applicant incurs. Minute changes have also been added to the review process to make projects in the process of obtaining special use permits more visible to the public and surrounding area.

### Section 11.8 Special Uses

The following provisions are required for the applicable Special Uses as allowed within these regulations:

(1) Camping areas are subject to the following additional provisions:

- (a) Such areas may be occupied only by persons using travel trailers, truck campers and tents for overnight or short duration camping;
- (b) Each space for travel trailers, truck campers and tents shall be at least one thousand five hundred (1,500) square feet in area;
- (c) Each space shall be at least thirty feet (30') in width
- (d) Each camping area shall provide a central water supply and shall have one (1) sewerage system;
- (e) The source, quality, quantity, distribution system, volume and method of storage water and method of collection and treatment of sewage and waste water shall be approved by the Colorado State Department of Public Health;
- (f) No dependent mobile home, travel trailer, truck camper or tent shall be located more than two hundred feet (200') from a service building;
- (g) Provisions shall be made adequate for all weather walkways to each space.

- Proposed changes to camping areas in 11.8(1) move 11.8(1)(h) to 11.8(2). 11.8(2) creates a separate use by special review for private camping. Other proposed changes bring County regulations up to state standards.

(2) Private camping is subject to the following additional provisions:

Purpose: The purpose of this is to provide for the non-commercial use of an individual self-contained recreational vehicle or other camping shelter (such as a tent) on property consisting of 35 acres or more.

1. Private camping is not permitted in a Residential or Estate Zoned District.
2. Private camping in the Business District, Tourist District, Mobile Home District, and Accommodations District is a use permitted by special review must obtain a camping permit. A camping permit is a no-fee Temporary Use Permit issued by the Community Development Department. 11.8(2)(2) does not apply to the Forestry and Open District. In addition to requirements of the Temporary Use Permit, the following requirements apply:

- a. Applications must be submitted at least fourteen (14) days prior to commencement of camping;
  - b. The permit shall be posted on the required address post, visible at all times;
  - c. By applying for a camping permit the applicant(s)/owner(s) authorizes the County to access the parcel(s) to verify compliance.
3. Exemptions: Any seasonal work crews and/or outfitting type business
  4. Compensation: there shall be no compensation to the owner of the parcel involved
  5. Time Limit: the travel trailer, recreational vehicle, camper or other camping shelter may only be used for camping for a period that does not exceed a total of 14 days during any consecutive three months on the same parcel.
  6. Utilities: Utilities are not permitted to be extended to the camping unit.

- The proposed addition of private camping in 11.8(2) takes mostly existing language in 11.8(1)(h) and breaks camping into two different definitions. 11.8(2) creates a separate use by special review for private camping. Other proposed changes require the creation of a Temporary Use Permit to be on file with the County for any camping occurring on parcels zoned Tourist, Business, Accommodations, and Mobile Home. Verbiage regarding Temporary Use Permit for private camping is almost directly taken from Park County's camping regulations.

### Section XX Definitions

Commercial Camping: parcel of land available to and principally used by the public for commercial lodging or camping, where persons can camp, secure tents or cabins, or park trailers for camping and sleeping purposes for a fee.

Private Camping: Temporary, non-commercial lodging by a lot owner or owners without a fee. No tent, trailer, recreational vehicle, or other camping unit may be permanently affixed to the ground.

- The proposed additions of commercial camping and private camping definitions accommodate for the separation of types of camping in the County. Regulation changes also remove the definition of ‘camps’, as the verbiage is vague and causes further confusion of separate camping definitions in 11.8(1) and (2): uses permitted by special review.
- Proposed addition definitions are almost directly taken from Park County and the State of Montana’s camping definitions.

The expanded notification requirements are for every Special Use Permits.

Staff is working on the best way to get legal notices to the public.

If the intensity of the use of a Special Use is to change, Mr. Davis recommended that it be presented to the Board.

Commissioner Manguso moved to continue the Public Hearing to May 7, 2019 at 3:15 p.m.

The motion passed unanimously.

#### Public Hearing – Drowsy Water Ranch, Inc., New Liquor License

The public hearing scheduled to begin at 3:30 p.m. was called to order by Chair Cimino at 3:30 p.m. County Attorney Leahy set the record as follows:

- Exhibit A Application for a Retail Liquor Store (redacted)
- Exhibit B Individual History Records (redacted) for Kenneth Fosha, Randy Sue Fosha, Justin Fosha, Ryan Fosha, and Gretta Fosha
- Exhibit C Diagram of Premise
- Exhibit D Corporation Summary Sheet for Drowsy Water Ranch, Inc.
- Exhibit E Certificate of Good Standing from the Colorado Secretary of State for Drowsy Water Ranch, Inc.
- Exhibit F Business Lease between Fosha Family DWR LLC and Drowsy Water Ranch Inc.
- Exhibit G Aerial Map Showing Liquor Licenses within 2 Mile Radius
- Exhibit H Copy of Fee Checks
- Exhibit I Legal Notice in Middle Park Times
- Exhibit J Proof of Publication in the Middle Park Times on April 11, 2019
- Exhibit K Proof of Posting on Property
- Exhibit L Notification Letter to Applicant
- Exhibit M Sheriff’s Letter

Commissioner Manguso moved to approve the two-mile radius for the Drowsy Water Ranch, Inc. Retail Liquor Store.

To the Grand County Board of County Commissioners:

Kenneth H Fosha, President, Randy Sue Fosha, Secretary/Treasurer, Justin A Fosha, Vice President, Ryan R Fosha, Vice President and Gretta E Fosha, Manager for Drowsy Water Ranch Inc. dba Drowsy Water Ranch Inc. have submitted their application for a new Retail Liquor Store License. Their business is located at 1454 County Rd 219 Granby, Colorado.

There is not any liquor license issued by the County that is within the two mile radius. The Fosha family has met all the requirements set forth by the State and Grand County and have paid all the required fees to the State and Grand County. Sheriff’s letter reflects no adverse actions.

Ms. Rosene recommended that the Board of County Commissioners approve the Drowsy Water Ranch, Inc. Retail Liquor Store License.

Commissioner Manguso moved to approve the Drowsy Water Ranch, Inc. Retail Liquor Store as presented.

The motion passed unanimously.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 3:32 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 7<sup>th</sup> day of May 2019.

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Richard Cimino, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder