

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

May 18, 2021

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

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

Those present recited the Pledge of Allegiance.

Commissioner Cimino moved to approve the Minutes of the May 11, 2021 Board of Commissioners meeting. The motion passed unanimously.

Housing Authority

Commissioner Linke announced the Board is sitting as the Grand County Housing Authority.

Staff has received an application for exemption of an Affordable Housing Transfer Fee of 0.5% of the purchase price that was recorded for Ranches at Devils Thumb located in Grand County. An applicant may request an exemption of the fee if they submit an application and can document that they are exempt based on the criteria as outlined in the Restrictive Covenants that were filed during the planning review process. The following applicant has requested an exemption of the fee based on § 2.1 of the Restrictive Covenants that states, "Transfer by Declarant or "Developer" (i.e. any individual or entity who is in the business of real estate development and purchases an undeveloped Homesite or Homesites within the property for the purpose of constructing a residence thereon to sell to a third party or third parties)". The applicant is considered the "Transferee".

Commissioner Cimino moved to approve the Application for Exemption – Restrictive Covenants for Ranches at Devils Thumb for Brian Lambden, Lot 9, The Ranches at Devils Thumb. The motion passed unanimously.

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

General Public Comments

Grand County Citizen John Riedel represented a group of citizens referred to as Engaged Citizens for a Healthier Grand County. Mr. Riedel stated that the goal of the group is to:

Develop an independent Grand County Board of Health (GCBH) for decision-making, communication, and analysis of community health issues that affect citizens of all ages and lifestyles

The Board agreed to schedule a workshop to discuss the options around an independent Board of Health.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on May 19, 2021, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on May 18, 2021, for payment on May 19, 2021, for the Grand County Housing Authority. The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on May 19, 2021, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the vouchers presented on May 18, 2021, for payment on May 19, 2021, for the Grand County Department of Human Services. The motion passed unanimously.

Commissioner Cimino moved to approve wire payment and vouchers presented on May 18, 2021, for payment on May 19, 2021, for Grand County.
 The motion passed unanimously.

Pandemic and Fire Costs as of 5-18-2021

	COVID-19	East Troublesome Fire		
		Paid	Unbilled but expected	Total Fire
2020 Cares Act/ETFire Reimbursement Allocation	\$ 701,883	\$ 20,388		\$ 20,388
Less:				
2020 Personnel costs	\$ 381,135	\$ 137,487		\$ 137,487
2020 Grand Foundation programs funded	\$ 230,000			\$ -
2020 Rural Health grant	\$ 10,000			\$ -
2020 Other operating costs	\$ 115,852	\$ 254,503	\$ 163,155	\$ 417,658
Total 2020 costs	\$ 736,987	\$ 391,990	\$ 163,155	\$ 555,146
Net 2020 (costs) after reimbursements	(\$ 35,104)	(\$ 371,602)	(\$ 163,155)	(\$ 534,758)
2021 Reimbursements Requested	\$ -	\$ -	\$ -	\$ -
Less:				
2021 Personnel costs	\$ 181,771	\$ -		\$ -
2021 Grand Foundation programs funded	\$ -			\$ -
2021 Rural Health grant	\$ -			\$ -
2021 Other operating costs	\$ 13,531	\$ 3,298		\$ 3,298
Total 2021 costs	\$ 195,302	\$ 3,298	\$ -	\$ 3,298
Net 2021 (costs) after reimbursements	(\$ 195,302)	(\$ 3,298)	\$ -	(\$ 3,298)
Total Costs after reimbursements	(\$ 230,406)	(\$ 374,901)	(\$ 163,155)	(\$ 538,056)

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

Departmental Contracts, Comments, Issue

Commissioner Manguso moved to approve the renewal of the Retail Liquor Store License for Ryan Fosha, Operating Manager of Drowsy Water Ranch as presented.
 The motion passed unanimously.

Commissioner Manguso moved to approve the change in tradename for the Tavern License located at 903 W Agate Avenue, Granby, from Farmhouse GL LLC to Squeaky B's LLC.
 The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2020-12-46, "A RESOLUTION APPROVING THE FINAL PLAT, ELDRIDGE OUTRIGHT EXEMPTION, A REPLAT OF THE HOT SULPHUR SPRINGS-PARSHALL FIRE PROTECTION DISTRICT OUTRIGHT EXEMPTION, SITUATED IN THE NW ¼ OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 78 WEST OF THE 6TH P.M., GRAND COUNTY, COLORADO" and authorize the Chair to sign all applicable documents.
 The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2021-4-34, "A RESOLUTION APPROVING THE AMENDED FINAL PLAT, AMENDED LOT 62A, BLOCK 6, COLUMBINE LAKE BEING A REPLAT OF LOTS 62, AND 63, BLOCK 6, COLUMBINE LAKE AT RECEPTION NO. 110970 PART OF NORTH ½ OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH P.M. COUNTY OF GRAND, STATE OF COLORADO" and authorize the Chair to sign all applicable documents.
 The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2021-4-35, " A RESOLUTION APPROVING THE AMENDED FINAL PLAT LOT 23A, SHEEP MOUNTAIN RIDGE ESTATES BEING A REPLAT OF LOT 23, SHEEP MOUNTAIN RIDGE ESTATES, RECEPTION NO. 2001-002315 PART OF SW ¼ SECTION 9, TOWNSHIP 1 SOUTH, RANGE 76 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO" and authorize the Chair to sign all applicable documents.
 The motion passed unanimously.

Community Development Director Robert Davis discussed the amount of time it takes to review applications.

Commissioner Linke announced the Board is sitting as the Grand County Department of Human Services.

Commissioner Manguso moved to approve the State of Colorado Department of Human Services grant application for the Promoting Safe and Stable Families in the amount of \$41,263 with a County match of \$17,684.

The motion passed unanimously.

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

Commissioner Cimino moved to approve the 2020 Road Rehabilitation Projects Amendment #2 between Grand County and Acord Asphalt, Inc. in the amount of \$192,534.65.

The motion passed unanimously.

Grand County Board of Health

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

Presented by Public Health Director Abbie Baker.

On Friday, the Governor came out with new guidance from the state. The CDC also came up with new guidance.

There are two active cases in Grand County in the last seven days. That puts Grand County below 35 per 100,000 for seven consecutive days.

The current positivity rate is 1.92 percent. There are zero current hospitalizations. There is one outbreak closing today so there will be no active outbreaks and no active hospitalizations.

People are encouraged to maintain six feet from non-household contacts, wash their hands and wear a face covering to reduce spread. Masks are required unless a person can provide evidence of being fully vaccinated. This applies to indoor public spaces.

Masks are encouraged for people two and eleven years old in in-door public spaces. There are no outdoor space requirements.

Masks are required for schools, childcare, correctional or jail facilities, and health care settings regardless of vaccination status except fully vaccinated healthcare and jail residents, staff and visitors make remove masks. Businesses can choose to require masks regardless of vaccine status and can request proof of vaccine status.

Indoor spaces with 500 people or more are required to provide six-foot distance between parties. Exempt are places of worship with associated ceremonies, retail services, and restaurants that can seat less than 500 people in their space.

Ms. Baker stated that children 12 and older are now eligible to receive the Pfizer vaccine. The Pfizer vaccine is available at the City Market and Safeway pharmacies.

Ms. Baker stated that 14,007 people are eligible to receive vaccines in Grand County. With Grand County zip codes, approximately 47 per cent of the population show as fully vaccinated.

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

Manager & Attorney Items

County Manager Moyer stated that 65 percent of the employees have completed the cyber security training. Mr. Moyer recommended that employers get the training done.

Northern Water and Grand County will have a sandbag day on both Friday, May 21 and Saturday May 22.

Commissioner Cimino moved to approve part-time work (up to 20 hours) for 30 days for Alex Taft in Community Development Department. The period of time will be for the month of June.

The motion passed unanimously.

Consent Agenda

Resolution No. 2021-5-9, “APPROVING A CONTRACT BETWEEN THE COLORADO DEPARTMENT OF HUMAN SERVICES, OFFICE OF ECONOMIC SECURITY, AND GRAND COUNTY CONCERNING TALX CORPORATION EMPLOYMENT VERIFICATION SERVICES”

Resolution No. 2021-5-10, “APPROVING AN AMENDMENT TO RESOLUTION NO. 2020-12-11 AND THE CONSTRUCTION CONTRACT BY AND BETWEEN ACORD ASPHALT, INC. AND GRAND COUNTY FOR THE 2020 ROAD REHABILITATION PROJECTS”

Resolution No. 2021-5-11, “APPROVING AND AUTHORIZING THE CHAIR TO SIGN THE GRANT AWARD LETTER FROM THE COLORADO DEPARTMENT OF STATE, ELECTRONIC RECORDING TECHNOLOGY BOARD TO ASSIST WITH THE COUNTY’S ELECTRONIC FILING SYSTEM”

Resolution No. 2021-5-12, “APPROVING AND AUTHORIZING THE CHAIR TO EXECUTE THE AMENDED POLICY STATEMENT TO THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE PROGRAM) – 49 CRF PART 26 POLICY STATEMENT RELATING TO THE GRANBY-GRAND COUNTY AIRPORT AND THE KREMMLING-MCELROY AIRFIELD LIAISON OFFICER”

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

Board Business / Correspondence / Calendar

The Board directed staff to have the County’s lobbyist look at Senate Bill 21-135.

Commissioner Manguso moved to approve the letter of support to Gina Raimondo, Secretary of Commerce, US Department of Commerce in support of Colorado State University, Colorado Broadband Plan and Feasibility Study and authorize the Board to sign.
The motion passed unanimously.

Commissioner Manguso moved to approve the letter to Angela Gee, Boulder District Ranger USDA Forest Service Arapahoe and Roosevelt National Forests and Pawnee National Grassland in support of reopening National Forest Service Road 501.1 “Boulder Wagon Road.

Commissioner Cimino asked that Travis Wright review the letter before sending.
Commissioner Manguso rescinded the motion.

Sheri Boltz opposes opening Rollins Pass. It is an endangered site.

The Board directed staff to draft a letter of support to the Bureau of Land Management with regard to fires.

The Board directed staff to look at licensing versus permitting of short-term rentals.

Fire Recovery Update

Emergency Manager Joel Cochran presented.

RE: Burned home site survey and assessment work plan, schedule and budget

BACKGROUND

On April 13, 2021 the Board of Commissioners provided Emergency Management (EM) direction to pursue the site survey and assessment work plan by engaging with the Southern Baptist Convention Disaster Relief Colorado (SBDR). This group is organized under the direction of Colorado Director Dennis Belz and has experience with site assessment and debris removal after wildfire. The work will be done by credentialed volunteer members and the financial support from Grand County will be for logistics expenses such as fuel, food, consumable supplies, and lodging. At the time of our discussion EM proposed a budget of \$35,000.00 to perform the site assessment work.

The Colorado Director and EM have consensus on a general scope of site assessment work to be performed.

Initial Site Reconnaissance:

- Install individual temporary address signs for each property with a signed ROE. This new sign will assist in the accountability and direct emergency services to proper address;

- Identify septic tank, leach field or sewer system connections on each property, identify whether these items pose a threat to the general public or debris removal crews;
- Identify water connections, water wells to include any electrical sources;
- Identify equipment and material staging area;
- Estimate debris per site, including individual estimates of ash, metal, concrete in measurement of 10yd roll-off containers needed;
- Provide information as required for GIS mapping;
- Photograph each site to identify burned and non-burned items including white goods, retaining walls, basements, chimneys, partial walls, hazardous trees, large vehicles, etc.
- Sketch property boundaries including ash/structure footprints and delineate locations of visible septic tanks, leach fields, water sources, power sources, hazard trees, and any item of imminent threat to anyone on the property. Describe the type of foundation(s), sketch other hardscape and vehicles;
- Sketch and record ash footprints in addition to structures (as examples: vehicles, equipment, ATVs, boats, trailers, recreational vehicles, creek beds, culverts, bridges etc.)

CURRENT SITUATION

EM seeks to obtain authorization from the BOCC for a budget amount of \$35,000.00 to spend judiciously to accomplish the task of site survey and assessments. Grand County would be financially supporting the logistical needs of this work through this budget request.

EM has received a preliminary work schedule from SBDR they will begin work on May 20, 2021 and expect to complete the site assessments on or before May 30, 2021. The work to be accomplished in this period is the site assessments of all current job work orders on file. The total number of job orders is currently at 109.

The importance of completing this work as a first priority is to assist with our evaluation of work to could be eligible for a FEMA – Public Assistance program. EM will identify the best approach for future work keeping close attention on costs and staff availability.

Lodging arrangements for the assessment teams is being arranged with the YMCA Snow Mountain Ranch facility. A deposit and contract for the lodging is being prepared. These contractual obligations are requirements for lodging to be billed to Grand County. The estimate for the lodging is \$6867.00.

As previously stated other logistic support for the work could include fuel, food, consumable supplies, and lodging. We estimate the expenses in addition to lodging will be under \$2000.00.

Total estimated expenses for the work scheduled from May 19 to May 31, 2021 = \$8,867.00

STAFF REQUEST

Respectfully, I am requesting the BOCC and Chairman consider the following two recommendations:

- 1) The BOCC approve and authorize the allocation of a budget in the amount of \$35,000.00 for the purpose of supporting logistics for site survey and assessment work;
- 2) The BOCC approve and authorize the signing of a contract for lodging with the YMCA to support the lodging expenses of the SBDR teams between the dates of May 19 and May 31.

Commissioner Cimino moved to approve and authorize the allocation of a budget in the amount of \$35,000 for the purpose of supporting logistics for site survey and assessment work.

The motion passed unanimously.

Commissioner Cimino moved to approve and authorize the signing of a contract by staff for lodging with the YMCA to support the lodging expenses of the SBDR teams between the dates of May 19 and May 31.

The motion passed unanimously.

Mr. Cochran stated that he received guidance documents from FEMA based on their visit with the Board of Commissioners.

Mr. Cochran stated that he is charged with analyzing the cost of the roll-offs whether the County is supporting them financially locally with the Grand Foundation versus a FEMA program.

Assistant County Manager Micah Benson stated that the landowner letters went out last week.

There are County structures that need to be addressed:

1. Granby Landfill
2. Arch culvert up County Road 21

3. Bridge on County Road 2

The cost of the landfill work is approximately \$260,000. The County Road 21 culvert is approximately \$104,000 and the bridge on County Road 2 is approximately \$115,000.

The Board supports the work at the landfill and to proceed with the County share on County Roads 21 and 2.

Road & Bridge – Summer Maintenance Plan and Landfills

Road and Bridge Superintendent Chris Baer stated the application of magnesium chloride started this week.

Asphalt work will start tomorrow on County Road 48.

General maintenance will be the focus this summer.

Mr. Baer is working to find solutions to repair the existing tarp at the landfill.

Clerk & Recorder – County Sales Tax Collection and Remittance by Non-Profits in Unincorporated Grand County

Clerk and Recorder Sara Rosene presented.

According to state law (CRS 39-26-718), “The following shall be exempt from taxation.... The net proceeds from sales by the charitable organizations of tangible personal property, commodities, or services otherwise subject to tax under this article do not exceed \$45,000 during the preceding calendar year”

This applies to state sales tax.

There has been some interest in exempting non-profits from the collection and remittance of county sales tax. My questions:

1. Do you want to consider waiving the requirement for collection and remittance of sales tax for net proceeds under \$45,000 in a calendar year?
2. If you want to consider, do you want a workshop to consider this?
3. Would an exemption be of the full 1.3 percent of Grand County’s tax?
4. Can the Board make the determine to exempt from taxation by resolution?
5. If the Board considers this, when would it become effective?

Note: In the event the County does this, it affects County sales tax only.

The Board supports the request and directed staff to determine how to make this work with regard to County Sales Tax.

County Road 50 Homeowners Association – 1041 Permit Condition No. 6 Compliance Verification

PROJECT NAME: County Road 50 Homeowners Association - "Condition 6" Compliance Verification
APPLICANT: County Road 50 Owners Association (CR 50 OA) formerly County Road 50 Homeowners Association represented by Dan Thomas
LOCATION: E ½NW¼, Section 23, Township 1 South, Range 76 West of the 6th P.M. 540 GCR 5001 - Approximately 5 miles west of the Town of Fraser
APPLICABLE REGULATIONS: Grand County Master Plan, Zoning Regulations, Grand County Administrative Regulations for Areas and Activities Designated as Matters of State Interest "1041 Regulations"
ZONING: Forestry and Open District - F
STAFF PLANNER: Alexander Taft, LEED Green Associate

I. PURPOSE

The purpose of this request is to change Condition #6 of the County Road Homeowners Association 1041 Permit. This will allow the OA to proceed with finalizing their surface discharge permit with the State.

II. DISCUSSION

On July 11, 2017, a Public Hearing with the Board of County Commissioners was held to consider an amended 1041 Permit. A 1041 Permit was originally granted to CR 50 OA under Permit# 1997-10-1 which was consistent with State Permit CO-4230- discharge to land.

The existing system, which has been deemed non-compliant with water quality requirements by the State, currently discharges to groundwater following effluent monitoring in the lagoons via State Permit COX634016. The new system which has already been constructed, will allow surface water discharge to Crooked Creek after the County 1041 Permit is executed.

Currently, there is a hold on the surface discharge permit. The Applicant would like 1041 Permit approval of the new system before finalizing the surface water discharge permit with the State and decommissioning the lagoons. The applicant has not yet decommissioned the lagoons since the reanalysis of the Preliminary Effluent Limits by the State. The decommissioning process is expected to begin in the summer and fall of 2021 after the 1041 Permit is executed.

The July 2017 Staff Certificate of Recommendation presented during the public hearing required the following as "Condition 6" as approved by the Grand County Planning Commission:

The ratio of low flow of Crooked Creek to the WWTF design flow is 77:7. Crooked Creek is a small tributary and has the characteristics of a natural creek. That is to say, that the waters have not yet been degraded. As well, it appears that the COPHE discharge permit will set the above ratio as the effluent discharge flow volume limit.

Therefore, it is appropriate to impose the following conditions to ensure that limits are being met on a daily basis:

Stream flow monitoring shall be conducted immediately upstream of the discharge location. The Applicant will verify that the effluent discharge flow volume limit (71:1) is being met on a daily basis in relation to actual measured stream flow. Stream flow to discharge flow reports will be provided on a quarterly basis to Grand County and the East Grand Water Quality Board.

Both the stream flow monitoring and effluent discharge meter shall be designed, constructed and maintained to read as accurately as practical and the data collected and compared.

During that July 2017 Public Hearing, the Board of County Commissioners requested that Condition 6 be changed to read:

"An operating and Water Quality Monitoring Plan[t] for the facility shall be approved by the Board of County Commissioners for the Wastewater Treatment Plant's operation."

Former Community Development Director, Bill Gray, met with the Applicant and their consulting engineer to discuss options. The proposed solution to the discharge flow limit (71:1) is to rely on the State discharge monitoring requirements, which are submitted quarterly. Staff feels this still appears to be the most reliable solution because the State discharge permit is also updated every five (5) years.

Staff is requesting, therefore, that the Board of County Commissioners approve the condition for surface discharge monitoring to rely on the State surface discharge monitoring requirements. This approval will be noted in the Final 1041 Permit.

Commissioner Manguso moved to approve County Road 50 Homeowners Association - "Condition 6" Compliance Verification as presented.
The motion passed unanimously.

Board Business – Calendar

Commissioner Linke attended the Bureau of Land Management's Resource Advisory Council.

Calendar

- May 18 National Association of Counties (NACo) Insights Along the Journey of I.T. Automation and Modernization, via Zoom 3 to 4 pm
- May 18 Monthly Check-In with Commissioner of Agriculture Kate Greenberg via Zoom 4 to 5 pm
- May 19 Peak Health Alliance Board Meeting via Zoom from 2 to 4 pm
- May 19 Associated Governments of Northwest Colorado (AGNC) Board (hybrid) Meeting via Zoom and at the Craig Library, 9 am to 1 pm

May 19 Counties & Commissioners Acting Together (CCAT) All-Member Meeting via Zoom 1 to 2:30 pm
May 19 Henderson Community Partnership Panel (CPP) via Zoom 12:30 to 2 pm
May 19 Sun Valley Lake Neighborhood Meeting via Zoom, starting at 5 pm
May 19 Testifying in Support of a Prescription Drug Transparency Bill via Zoom After 1:30 pm
May 20 Colorado Counties, Inc. (CCI) Lunch & Learn “Energy Performance Contracting & Solar Installation” via Zoom noon to 1 pm
May 20 NACo West Region Conference Call via Zoom 2 to 3:30 pm
May 21 CCI Steering Committee Meetings via Zoom 9 am to 4 pm
May 21 Health Insurance Affordability Enterprise Board Go-To Webinar 8 to 10 am
May 24 Board of Health Workshop RE: Operations w/ Public Health Director, as needed, BOCC Meeting Room, Hot Sulphur Springs, starting at 1:30 pm
May 24 CCAT Health Insurance and Affordability Meeting via Zoom 4 to 5 pm
May 24 East Troublesome Fire Community (hybrid) Meeting at River Run Resort and via Zoom starting at 6 pm
May 26-27 Club 20 Bi-Annual Washington, DC Fly-In (Virtual)
May 26 Monthly Legislators Breakfast via Zoom 8 to 10 am
May 26 CCAT Meeting RE Affordable Housing via Zoom 8:30 to 9:30 am
May 26 NACo Workforce Network Focus Group via Zoom 1 to 3 pm
May 26 CCAT Public Health & Human Service Meeting via Zoom 4 to 5 pm
May 26 BLM Northwest Resource Advisory Committee
June 14 Granby Landfill Site Tour at 2 pm

Amended Final Plat, Lots 78 & 79, Block 1, Alpine Acres

PROJECT NAME: Johnson Amended Final Plat
APPLICANT: Stephen “Woody” Johnson
LOCATION: 120 County Road 5212
ZONING: Forestry and Open (F/O)
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Grand County Subdivision Regulations
ATTACHMENTS:

- B. Development Application
- C. Project Narrative
- D. Proposed Amended Final Plat
- E. Alpine Acres Final Plat, recorded December 6th, 1960 at Reception no. 93114
- F. Vicinity and Detail Maps
- G. Warranty Deed, recorded March 27th, 2017 at Reception no. 2017-002240
- H. Ascendant Title Owner’s Policy, dated March 28th, 2017
- I. Ascendant Title Insurance Commitment, dated December 2nd, 2016
- J. Round point Escrow Analysis Statement, dated April 2nd, 2021
- K. Statement of Taxes Due, dated May 14th, 2021

STAFF PLANNER: Jacob Cote, Planner I
REQUEST: Approval of an Amended Final Plat to combine two adjacent and jointly-owned parcels to permit the construction of a garage on the property without encroaching upon required side, front, or rear yards.

PURPOSE OF REQUEST

The Applicant plans to combine the lots so they can construct an attached garage on the property without infringing upon the required side yard setbacks corresponding to the interior lot line upon which the home currently exists. The removal of the interior lot line through this Amended Final Plat would also eliminate the existing non-conformity of the single-family dwelling built atop the interior lot line.

BACKGROUND

Stephen and Jodi Johnson, herein referred to as “Applicant”, have owned Lots 78 & 79, Block 1 of the Alpine Acres subdivision since March 2017 per Warranty Deed recorded at Reception no. 2017-002240. The lot is 0.42 acres large, there is currently a single-family residence built directly atop the interior lot line to be vacated per this proposed Amended Final Plat. The property is currently serviced by well and septic systems.

The Alpine Acres subdivision is located west of Tabernash, south of US Highway 40 on Red Dirt Hill. It was recorded December 6th, 1960 at Reception No. 93114. 140 lots were created on two blocks. 8’ wide utility easements were designated along the side and rear lot lines, but only every other side lot line. This proposed Amended Final Plat involves two parcels adjacent to one another where the separating lot line does not contain

a utility easement, therefore meaning that no utility easements are being vacated through this Amended Final Plat.

HISTORY

The Applicant has owned Lots 78 & 79 of the Alpine Acres subdivision since March 2017 per Warranty Deed recorded at Reception No. 2019-02240. There is presently a 2-story single-family residence on the property constructed in 1991.

A number of Amended Final Plats have been executed in the Alpine Acres subdivision for the purpose of lot combination to eliminate potential encroachments upon required side, front, or rear yards.

STAFF COMMENTS AND ANALYSIS

Grand County Community Development staff in the past permitted construction on top of lot lines when the building permit applicant owned both parcels. This has created difficult situations for current planners, since the two involved lots were never legally combined and the interior lot line—and any corresponding utility easements—were never vacated.

This Amended Final Plat would eliminate non-conformities and clarify the legal status of the Applicant's parcels while ensuring no setbacks are infringed upon. Please note that the parcel lines observed on Parcel Viewer do not exactly coincide with actual lot boundaries. The actual east parcel boundary of the subject lot is directly adjacent to the driveway as viewed on the plat above as opposed to what is shown in Parcel Viewer.

PLANNING COMMISSION RECOMMENDATION

The Grand County Planning Commission heard this Amended Final Plat application at a regularly-scheduled meeting March 10th, 2021. The Planning Commission unanimously recommended approval of the Amended Final Plat, Amended Lot 78A, Block 1, Alpine Acres, being a replat of Lots 78 and 79, Block 1, Alpine Acres. The following conditions shall be met prior to the recording of the Amended Final Plat:

1. The Title of the Amended Final Plat shall be written as recommended in this Certificate of Recommendation.
2. The legal description of the lot shall be amended.
3. The Dedication shall be amended.
4. The Planning Commission Certificate shall be added to the Final Plat as written as recommended in this Certificate of Recommendation.
5. The Commissioner's Certificate shall be amended.
6. An electronic copy of the Final Plat shall be submitted.
7. Notice #1 on the Final Plat shall be amended to reflect accurate zoning for the property: "Forestry and Open", or "F/O".
8. Platted utility easements on the Final Plat shall be shown to be 8' wide along exterior property lines.
9. All recording fees are to be paid by the Applicant.
10. 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.
11. All property taxes for Lots 78 and 79, Block 1, Alpine Acres shall be paid in full prior to recording of the Final Plat.

Commissioner Manguso moved to approve the Amended Final Plat, Lots 78 & 79, Block 1, Alpine Acres as presented.

The motion passed unanimously.

Public Hearing – Linke Agriculture Use Mobile Home Special Use Permit Renewal

The public hearing scheduled to begin at 11:45 a.m. was called to order by Chair Linke at 11:38 am. County Attorney Leahy set the record as follows:

- A. Public Notice, dated April 16, 2021
- B. Proof of Publication Middle Park Times, dated April 30, 2021
- C. Vicinity Map depicting the 750-foot Notification buffer as established by the Grand County GIS
- D. Certified Mailings to all property owners within 750 feet as established by the Grand County GIS
- E. Memorandum from Community Development Department to interested parties dated April 22, 2021
- F. Certificate of Recommendation from Community Development Department to Board of County Commissioners dated May 18, 2021
- G. Agricultural Use Mobile Home Questionnaire, dated February 2, 2021
- H. Vicinity Maps, no date
- I. Board of County Commissioners Resolution No. 1999-10-4, dated October 5, 1999

J. Board of County Commissioners Resolution No. 2014-3-2, dated March 4, 2014

PROJECT NAME: Linke Individual Agricultural Use Mobile Home Special Use Permit
APPLICANT: Edwin H. Linke, Jr. and Ida Lorene Linke
LOCATION: NE¼ of the SW¼ of Section 26 Township 1 North, Range 77 West of the 6th P.M. 1490 GCR 553

APPLICABLE REGULATIONS: Zoning Regulations - Section 11.8, Special Use Permits
STAFF PLANNER: Alexander Taft, LEED Green Associate
REQUEST: Approval of a Special Use Permit Renewal for Linke Individual, Agricultural Use Mobile Home - Public Hearing

I. PURPOSE

The purpose of the Public Hearing is to consider the Special Use Permit Renewal to allow a mobile home being located on the subject property. The mobile home will provide housing for the son of Edwin and Lorene Linke who will assist in the operation of the agricultural use.

II. DISCUSSION

Linke Ranch under the ownership of Eight Mile, LLC under the care of Edwin H. Linke, Jr. and Ida Lorene Linke have requested a Special Use Permit Renewal. This Special Use Permit has been in good standing, with no complaints or additional compliance hearings since it was originally granted in 1999.

The existing mobile home is needed in order to accommodate a family member who also works on the site. This family member helps maintain the agricultural ranch operations year-round. Staff Review of tax assessment history shows an agricultural exemption from 2014 to the current year. As such, Staff is of the opinion that a bona fide agricultural operation exists on the ranch and that the applicant qualifies for this Special Use Permit.

The permit has expired as of March 1, 2019. After several I attempts to contact the current permittee, Staff was finally able to make contact. In other Special Use Permits where renewal was delayed, the County has allowed renewals to be retroactive.

Originally, this permit was approved for one year. There was not a specific length of time specified in the renewal request, therefore, the renewal is subject to a Zoning Amendment as per Section 11.8 (6) (g):

(g) In order to renew the permit, the permit holder must request the renewal in writing and provide a notarized affidavit which states the name(s) of the occupant(s) of the mobile home and his (their) position of employment with the farm or ranch operation. Said information shall be sent to the Community Development Department at least thirty (30) days prior to the permit termination date. The Planning Director shall determine whether the applicant is still in compliance with the original permit. If the applicant is clearly in compliance with the permit requirements, staff shall renew the permit for a period of five (5) years. If the Planning Director determines that the applicant is not in compliance with the original permit, or if the Planning Director receives written complaints concerning the permitted use, staff shall schedule a meeting with the Board of County Commissioners for its determination as to whether the permit shall be renewed.

Staff received a request from the permit holder in writing which has been provided in the BOCC Dropbox. We have not received a notarized affidavit, although we have received a response letter signed on February 9, 2020 from Ed and Lorene Linke attesting to who would reside in the subject mobile home.

Being that this permit has expired and is therefore non-compliant, it needs to be renewed as required by the Grand County Zoning Regulations. The renewal shall be granted for five (5) years, if approved.

III. STAFF RECOMMENDATION

Staff recommends approval of the renewal of the Linke Mobile Home on Agricultural Lands Special Use Permit for a five-year period until March 1, 2024 and requests the Board of County Commissioners waive 1) the notarization requirement in lieu of the signed compliance letter provided by Ed and Lorene Linke signed on February 9, 2020 and 2) the requirement to provide a 24X30 inch public notice sign on the property.

Commissioner Manguso moved to approve Linke Individual Agricultural Use Mobile Home Special Use Permit as presented to March 1, 2024.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Commissioner Cimino moved to convene an Executive Session at 11:42 am 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 Jackson Litigation Deposition request.

The motion passed unanimously.

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

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

The meeting reconvened at 11:54 a.m.

Grand County Housing Authority Board
- Miller's Inn, Purchase Option

Commissioner Linke announced the Board is sitting as the Grand County Housing Authority.

Housing Authority Director Sheena Darland requested that the Board not act on the purchase option at Miller's Inn.

Ms. Darland stated that Miller's Inn is already affordable housing. There is a need for additional units. The purchase price of \$250,000 is a good deal but the money could be leveraged for more units.

The Board would like to tour the property in the near future.

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

There being no further business to come before the Board, the meeting was adjourned at 1:55 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 25th day of May 2021.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder