

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

May 24, 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.

Commissioner Cimino moved to approve the minutes of the Regular Board of Commissioner's meeting of April 26, 2022 as presented.

The motion passed unanimously.

Commissioner Cimino moved to approve the minutes of the Regular Board of Commissioner's meeting of May 3, 2022 as presented.

The motion passed unanimously.

General Public Comments

Mariette McGrath asked citizens to remember the purpose Memorial Day.

Finance

Commissioner Linke moved to authorize County Manager Ed Moyer to sign the request accepting the second payment from the American Rescue Plan.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on May 25, 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 May 24, 2022, for payment on May 25, 2022, for the Grand County Housing Authority.

The motion passed unanimously.

Commissioner Cimino moved to approve the vouchers presented on May 24, 2022, for payment on May 25, 2022, for the Grand County Department of Human Services.

The motion passed unanimously.

Commissioner Cimino moved to approve wire payment and vouchers presented on May 24, 2022, for payment on May 25, 2022, for Grand County.

The motion passed unanimously.

Departmental Comments / Contracts / Issues

Commissioner Cimino moved to approve and authorize the Chair to sign the Northwest Colorado Council of Governments Transfer of Equipment Agreement for 8038 Porta Court Pro+ Respirator Fit Tester with a value of \$12,810.

The motion passed unanimously.

Commissioner Manguso announced the Board is sitting as the Board of Health.

Public Health Director Abbie Baker stated that every year her office presents an annual review of the previous year for Home Care Program. At the time she was to present in 2020, the office was dealing with COVID.

Right now, Ms. Baker is catching up from 2019 to 2021.

For Grand County Home Care, there were no policy updates in 2019. Traditionally, request for new services are providing all day care for adults, memory care, respite care, temporary care for visiting families with home bound, disabled or elderly family members.

The Department did not receive any complaints or have any reportable events. The Department completed all training in areas of mandatory reporting, infection control, disease and emergency procedures, consumer privacy and dignity, food safety, stress reduction and personal safety.

The Department attended trainings for the electronic visit verification system.

The office staff total was 2.61 in 2019 and there were no additional needs at that time.

The unduplicated census report was 21 clients and seven discharges.

There are chart audits performed quarterly. Financial reviews are performed regularly as well as patient satisfaction surveys.

The revenue in 2019 was \$29,868.19 for Medicaid, \$11,285.07 for private pay so the total for the program was \$41,359.51.

The expenditures in 2019 were \$113,265 for personnel and operation expenses were \$133,020. County support in 2019 was \$91,661. They were under budget in 2019 by \$49,381.

The Department implemented the cap check policies.

Most of 2020 was dedicated to COVID. The unduplicated census in 2020 was 23. There were seven discharges and staffing was 3.13 FTE.

2020 Revenue

The Medicaid total for 2020 was \$30,130.96

Private pay total was \$5,137

Voucher program was \$8,017.50

Reassurance calls \$2,720

Total Revenue \$41,220.30

2020 Expenditures

Personnel \$150,278

Operational \$165,080

County support \$119,764

2021

The FTE went to 2.96

There were 24 unduplicated clients and 6 discharges

Revenue in 2021

Medicaid \$23,285

Private Pay \$12,319

Other Federal Revenue \$3,892

Voucher reimbursements \$4,515

Total Revenue \$44,001.88

2021 Expenditures

Personnel \$146,190

Operational \$169,428

County Support \$129,931

Commissioner Cimino moved to enter into the Child Care Consultant Contract and authorize the Chair to sign outside the meeting.

The motion passed unanimously.

Commissioner Cimino moved to approve the Grand County Sheriff entering into the Cooperative Agreement with the U.S. Forest Service in the amount of \$50,000.

The motion passed unanimously.

Commissioner Manguso announced the Board is sitting as the Board of Human Services.

Commissioner Cimino moved to approve the Purchase of Core Services Program Contract between Grand County Department of Human Services and Mountain Family Center for a contract not to exceed \$30,000.

The motion passed unanimously.

Commissioner Cimino moved to approve the Purchase of Core Services Program Contract between Grand County Department of Human Services and Family Tree Inc. for a contract not to exceed \$6,500.

The motion passed unanimously.

Commissioner Cimino moved to approve the Purchase of Core Services Program Contract between Grand County Department of Human Services and Urban Lab for a contract not to exceed \$3,000.

The motion passed unanimously.

Commissioner Cimino moved to approve the Purchase of Core Services Program Contract between Grand County Department of Human Services and Parallel Counseling, LLC for a contract not to exceed \$6,000.

The motion passed unanimously.

Commissioner Cimino moved to approve the Purchase of two Core Services Program Contracts between Grand County Department of Human Services and Diane Baird for one contract period of April 1, 2022 through May 31, 2022 in an amount not to exceed \$6,000 and for a contract period of June 1, 2022 through May 31, 2023 for an amount not to exceed \$6,000.

The motion passed unanimously.

Commissioner Cimino moved to approve the transfer of TANF to Lake County in the amount of \$80,000.

The motion passed unanimously.

Commissioner Manguso announced the Board is sitting as the Board of Commissioners.

Commissioner Cimino moved to authorize DiAnn Butler to sign for the EDA grant.

The motion passed unanimously.

Commissioner Linke moved to authorize the Chair to sign the Funding Agreement for the EDA grant for the County Tourism Revitalization Project for the match money coming from the Tourism Board.

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2019-6-30, "A RESOLUTION APPROVING THE WINTER PARK LIFT OPERATIONS CENTER ON PROPERTY LOCATED AT 350 GRAND COUNTY ROAD 5103, FRASER, COLORADO" and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Manager and Attorney Items

Mr. Moyer stated that the GPS approach for Granby was published by the FAA for the daytime approach and the night approach is anticipated to be published on July 14. The museum are providing certificates for pilots who would like to document the use of the approach.

Commissioner Manguso signed a letter at staff's request on Board of Commissioner letterhead and Mr. Moyer is asking for retroactive approval of the letter. This is the US 40 Safety and Mobility Improvements Project Application. Per the Board's direction, staff was applying for the grant and CDOT wanted the County to be the applicant because it would be more competitive.

CDOT ended up applying on behalf of Grand County. If the grant is awarded, the County will be looking at funding agreements. There are no match requirements for the County.

If the monies are awarded, the funds will be directed to CDOT as the project manager and fiscal agent. The funds are for the safety improvements on Red Dirt Hill, passing lane on US 40 north of Kremmling, passing lane between Steamboat Springs and Craig, Bustang Stops in Milner and Parshall.

Commissioner Cimino moved to approve and authorize the Chair signing the letter to CDOT regarding the US 40 Safety and Mobility Improvements Project grant.

The motion passed unanimously.

Commissioner Linke moved to approve the Services Contract for professional civil engineering with Rocky Mountain Civil Consulting, Inc. beginning June 1, 2022 thru December 31, 2024 subject to annual appropriations.

The motion passed unanimously.

Commissioner Linke attended the Basin Roundtable meeting and he noted that the Grand County Steam Management Plan was approved for recommendation to get funding.

Consent Agenda

Resolution No. 2022-05-14, “APPROVING APPOINTMENT TO THE BOARD OF DIRECTORS OF THE FRASER RIVER VALLEY HOUSING PARTNERSHIP”

Resolution No. 2022-05-15, “WAIVING BUILDING PERMIT FEES FOR CONSTRUCTION OF THE FIRE STATION ON COUNTY ROAD 40”

Resolution No. 2022-05-16, “APPROVING A CONTRACT WITH COLD CREEK EXCAVATION, LLC FOR FAIRGROUNDS SEWER LINE REPLACEMENT AND AUTHORIZING THE COUNTY MANAGER TO SIGN THE CONTRACT”

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

GC Road & Bridge – Asphalt

Road and Bridge Superintendent Chris Baer presented.

A couple of years ago, the Department moved the asphalt capital in with the general maintenance. The 2022 budget of \$2.8 million is for asphalt maintenance and asphalt paving projects.

Mr. Baer went out to bid and Acord came in at \$2.2 million leaving the County roughly \$650,000 in the budget minus minor expenses such as testing the ground, engineering costs, and the purchase of cold mix for general maintenance. Those miscellaneous costs and unforeseen costs, Mr. Baer will allocate \$100,000.

For the remaining \$500,000 (this does not include \$240,000 from the Forest Service for County Road 6), Mr. Baer said there are some options that he is considering such as:

1. Moving the money to next year
2. Extend and do more work on County Road 22
3. Paving the first section of County Road 1 from Highway 9 to the bridge (There will be work on the bridge this year)

Mr. Baer stated that full depth reclamation will be performed on County Road 22 this year. The intent is to repave the first 1.8 miles. The rest will remain gravel until next year or the year after.

The Board agreed to use the \$2.8 million for County Road 22 with three inches of asphalt after full depth reclamation. If it cannot do the entire road, the Board understands the paving will go as far as the money goes.

Homesites at Cougar Ave. Preliminary Plat

PROJECT NAME: Homesites at Cougar Avenue (formerly known as Cougar at the Summit)
APPLICANT: Termat Development, LLC represented by Paul Dalton
LOCATION: Tract L, the Summit at Winter Park Ranch
APPLICABLE REGULATIONS: Zoning Regulations, Subdivision Regulations
ZONING: R – Residential District
ATTACHMENTS:
a) Preliminary Plat
b) Application
c) Vicinity Map
d) Phase III Drainage Study
e) Subsurface Investigation and Engineering Analysis
f) Geotech Study (Soilogic)
g) Traffic Study
h) Opinion of Probable Costs
i) Swale Option (variance)
STAFF PLANNER: Robert C. Davis, AICP, Director
REQUEST: The applicant is proposing a subdivision to create 11 lots ranging from .31 acres (13,503.6 ft²) to .61 acres (26,571.6 ft²) on 4.22 acres of land resulting in a

density of 2.6 units per acre and is requesting a variance from the Road and Bridge grading standards.

√Conditions to be met to satisfy Regulations

I. PROPOSAL

The applicant is proposing an 11 lot subdivision for the construction of single family dwellings. The project is a re-subdivision of Tract L, Summit at Winter Park Ranch. The site is located in the Grand County Urban Growth Area #1. The plan substantially meets the development criteria as required in the Urban Growth Area Plan, which includes Winter Park Ranch and The Summit at Winter Park Ranch Subdivision.

The units will be served by public water and sewer via Winter Park Ranch Water and Sanitation District. Electric service will be supplied by Mountain Parks Electric. These utilities companies were sent the Preliminary Plat for review.

The lots proposed will each require a driveway to access Cougar Ave.

The current owners purchased the parcel in November 2017 recorded at Reception No. 2017009643.

II. BACKGROUND and HISTORY

The initial plat for all of Winter Park Ranch was completed in six filings platted between 1965 and 1980. The Summit at Winter Park Ranch, a re-plat of a portion of the second filing and a portion of the third filing was platted in 1982 and recorded at Reception No. 197823. The historical intent of Summit at Winter Park Ranch was to create a “time-share” resort development.

Sketch Plan

Planning Commission approved the Sketch Plan on May 9, 2018 and the BOCC adopted the Sketch Plan on July 17, 2018. The applicant was granted an extension to Sketch Plan approval through Resolution 2019-7-27 which expired on July 24, 2020. Resolution 2021-6-22 extended the Sketch Plan approval to July 24, 2022.

III. STAFF ANALYSIS

The applicant dedicate open space that will meet the minimum open space as required by Design Standards 2.5(2).

There is an existing trail that will be contained within the open space tract. Throughout the Winter Park Ranch subdivision, an existing trail network connects to the Idle Wild Trail network. The applicant has consulted with Headwaters Trails Alliance (HTA) on existing trails and the possibility of access through this development. A major concern from the Trails representatives were to be able have access to the trail by the General Public, as it is a very popular trail and used quite frequently. The Applicant agreed to provide the language in the Plat to restrict the Property Owners from doing anything to this portion of their property to impede such access.

The site has a grade change between 15 and 20 feet from south to north; the slopes do not exceed 30 percent. While the grade change is significant, staff believes that the lots are buildable as platted. The drainage and soils reports confirm suitable conditions for the proposed development and improvements.

Traffic

Cougar Ave. is a two-lane gravel roadway connecting to Mulligan St. on the east end. Each home site will be accessible from Cougar Ave. via individual driveways. The Average Daily Traffic will increase because of the development to approximately 200 vehicles per day. This is well within the capacity of the roadway. According to the traffic study, the AM and PM peak hour traffic volume are in the single digits and too small to be evaluated meaningfully in terms of level of service (LOS). The LOS is easily rated A.

Any proposed driveways have to be spaced five feet from the property line (Section 4.3.6 Property Line Offset of the Road and Bridge Standards) and according to Section 4.3.4 Intersection Offset of the Road and Bridge Standards:

- Proposed driveways on Local/Low Volume roads shall be separated a minimum of 50' from adjacent driveways and 125' from Local/Low Volume roads.

Variance Request

Because Cougar Avenue is relatively flat and there is not a traditional curb/gutter, a culvert is not able to be placed there. This would be needed to prevent water from overflowing onto Cougar Avenue. Based on the existing conditions of the Cougar Ave roadside ditch (i.e. very flat profile grades), the applicant, the County Engineer and the Road and Bridge Superintendent agreed on the concept of eliminating a culvert and installing a concrete pan at each driveway. This would require a variance.

One continuous concrete pan should be installed for the following reasons:

- Ensures that positive drainage between the driveway concrete pans is maintained
- Hard-surfaced (concrete) drainage swales generally required for grades this flat
- Proposed pans at each driveway will be less susceptible to damage:

Road and Bridge is concerned with having small individual pieces of concrete installed along the County Road ditch as it will be difficult to properly clear and maintain the ditch between the pans without plow blades catching the ends of these pans and causing damage. As such, Staff has reached out to Road and Bridge to inquire about the responsibility to repair the concrete if damaged by plowing.

The Grand County Road and Bridge Standards, Section 3.6.1 Grading; requires that all flow lines shall have a minimum slope of 1%. The applicant proposes a swale option (previously reviewed with Core Consultants), and preliminary grades indicate that the maximum slope they can achieve is 0.25%, based on the amount of existing roadway grade present along the frontage of the property on Cougar Avenue. For this reason, the applicant is requesting a variance of .75% from the 1% minimum requirement.

VI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission at its December 8, 2021 meeting approved the Homesites at Cougar Avenue Preliminary Plat with the 12 conditions outlined in Planning Commission Resolution No. 2021-12-6. VII.

STAFF RECOMMENDATION

Staff recommends approval of the Homesites at Cougar Preliminary Plat with the following conditions to be met prior to Final Plat:

1. Address all engineering design review comments from the County Engineer prior to Final Plat application.
2. There shall be a plat note stating the homes be protected by a fire suppression sprinkler system (NFPA 13D).
3. Produce a plat note that states Open Space is hereby dedicated to the Homeowners Association and the applicant shall form an entity such as an HOA to provide maintenance and upkeep of the open space tract.
4. The Dedication Statement should include language that states: 'That they have caused said real property to be laid out and surveyed as Homesites at Cougar Avenue, Termat Development, LLC hereby dedicate and set apart for use of owners in said subdivision the open space to the Master Homeowners Association of the Homesites at Cougar Avenue.
5. The Applicant shall provide the language on the Plat to restrict the Property Owners from doing anything to the open space portion of their property that would impede access to the existing trail.
6. There shall be a plat note that that states earthen tone colors and materials that blend with the natural environment shall be used on the exterior of all structures, including but not limited to, facades, roofs, doors, and trim.
7. Applicant and the homeowners association are also required to enter into a Water Quality/Wastewater Agreement with the county for the contribution of \$500.00 per lot.
8. The Applicant shall pay all applicable school and emergency impact fees.
9. The applicant shall supply reports containing information on areas with potential radiation hazards, to be included with submittal of the Final Plat.
10. Erosion and drainage control Best Management Practices (BMPs) shall be implemented.
11. The Final Plat shall include the required MPEI easement language included in this Certificate.
12. Planting and revegetation shall be shown in the Landscape Plan and included in the cost estimate.
13. An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.
14. The applicant shall meet all other final plat requirements not specified in this report.

The County will not be responsible for the concrete pan. Mr. Gagnon stated that the variance should be conditioned on final approval of the plans by Tim Gagnon and Chris Baer.

The trail in the subdivision needs to be dedicated to the public.

Commissioner Cimino moved to approve preliminary plat for Homesites at Cougar Avenue (formerly known as Cougar at the Summit) with two additional conditions. The two additional conditions are that language be added that the County will not be responsible for the concrete pan and that it will be conditioned upon engineer and Road and Bridge approval and that the trail is dedicated to the public. The variance as to slope will be approved and it is conditioned upon the approval of the Road and Bridge Superintendent and Engineer. The motion passed unanimously.

Board Business

Commissioner Linke moved to approve and authorize the Board to sign the letter Robin Wilson thanking for accepting the appointment to the Fraser River Valley Housing Partnership Board.

The motion passed unanimously.

Commissioner Linke moved to appoint Marcy Wheatley as the Grand County Treasurer effective May 28, 2022.

The motion passed unanimously.

Commissioner Linke moved to approve Resolution No. 2022-4-15, "A RESOLUTION APPROVING THE YAK OVERLOOK SUBDIVISION EXEMPTION, LOCATED IN A PART OF THE NORTH HALF OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 76 WEST OF THE SIXTH 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. 2022-2-6, "A RESOLUTION APPROVING THE AMENDED FINAL PLAT OF 2-56A, FAIRWAYS AT POLE CREEK SUBDIVISION, BEING A REPLAT OF LOT 2-56, FAIRWAYS AT POLE CREEK SUBDIVISION, LOCATED IN A PART OF THE SW1/4 OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 76 WEST OF THE SIXTH P.M., COUNTY OF GRAND, STATE OF COLORADO" and authorize the Chair to sign applicable documents.

The motion passed unanimously.

Calendar

May 24	Update to the Town of Granby
May 25	Legislator Monthly Breakfast via Zoon, 8 to 10 am
May 25	Peak Health Alliance Board Meeting via Zoon, 2 to 3 pm
May 25	Community Partnership Panel at 10:00 a.m. via Teams
May 26	Associated Governments of Northwest Colorado (AGNC) Legislative Call via Zoom, 8:30 to 9:30 am
May 26	Colorado Counties, Inc. (CCI) 2022 Legislative Debrief via Zoom, 8:30 to 10:30 am
May 30	County Offices CLOSED for the Memorial Day Holiday
May 31-June 2	CCI Summer Conference in Eagle County, All Day
June 2	AGNC Legislative Call via Zoom, 8:30 to 9:30 am
June 6	Winter Park Transit Advisory Committee at WP Town Hall, 4 to 5 pm
June 7	GC BOCC Bi-Annual Update to the Town of Winter Park at WP Town Hall, 3 to 7 pm
June 7	Workshop regarding Subdivision Exemptions
June 9	Utility Coordinating Committee Meeting at Java Lava Café in Granby, 7:30 to 9 am
June 15	Northwest Colorado Council of Governments (NWCCOG) Water Quality / Quantity Committee Meeting in Gunnison County, starting at 9 am
June 16	AGNC Legislative Call via Zoom, 8:30 to 9:30 am
June 16	National Association of Counties (NACo) West Regular Conference Call, 2 to 3:30 pm
June 17	Health Insurance Affordability Enterprise Board Meeting via Zoom, 8 to 10 am

Grand County Ordinance 19 Burn Permits, Penalties Section

The following was read:

ORDINANCE NO.19

AMENDED AND RESTATED ORDINANCE FOR THE REGULATION OF OPEN BURNING IN UNINCORPORATED GRAND COUNTY, COLORADO

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO, THAT:

SECTION 1. TITLE

This Ordinance shall be titled Grand County Open Burning Permit Ordinance.

SECTION 2. AUTHORIZATION

1. Section 30-15-401, et seq. C.R.S. authorizes counties to adopt ordinances for the control or licensing of those matters of purely local concern described in the powers enumerated in that statute;
2. Section 30-15-401(1)(n.5)(II), C.R.S. authorizes counties that have a substantial forested area to develop an Open Burning permit system for the purpose of safely disposing of slash.
3. Pursuant to section 25-7-111(2)(f), C.R.S., the State of Colorado Department of Public Health and Environment (CDPHE) has delegated to Grand County, Colorado, as the air pollution control authority, and designated agent of the State, to exercise and perform such powers and duties of the CDPHE as specified in that delegation, including to issue or deny Open Burning permits and to enforce various air quality and pollution matters as set forth in said delegation.

SECTION 3. PURPOSE/INTENT

The reduction of hazardous fuels on state, county and private land is beneficial to the safety of the general public by reducing the threat of unwanted wildfire and improves the healthy condition of Colorado's forests. An element of hazardous fuels reduction is the disposal of slash created by hazardous fuels treatment. Piling and burning slash is one effective means of slash disposal. The use of fire as a tool for the disposal of unwanted slash is most appropriate when accomplished with consideration of measures that contain the fire within a desired location, minimize smoke emission, mitigate negative impacts to residual live vegetation, and increase the consumption of the unwanted slash.

The purpose of this Ordinance is to provide a permitting system that will (1) allow persons to openly and safely burn slash piles;(2) inform persons of considerations for the appropriate, safe, and effective use of fire as a tool; and (3) reinforce knowledge of local requirements of homeowner associations, fire protection districts, and county ordinances to increase public awareness and protect the public health, safety and welfare.

SECTION 4. APPLICABILITY

This Ordinance shall apply in the unincorporated area of Grand County. This Ordinance does not prevent adoption of additional regulations and ordinances implementing additional fire restrictions under local, state and federal authority that supplement or exceed the restrictions of this Ordinance.

SECTION 5. DEFINITIONS

For the purposes of this Ordinance, the following shall mean:

Air Curtain Destructor (also known as Air Curtain Burners or Air Curtain Incinerators): An Open Burning device that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Devices of this type may be constructed above or below ground and with or without refractory walls and floor. (Air Curtain devices are not conventional combustion devices with the enclosed fireboxes and controlled air technology such as mass burn modular and fluidized bed combustors.)Agricultural

Open Burning: The burning of ground cover vegetation on agricultural land, as defined in section 39-1-102(1.6), C.R.S., for the purpose of preparing the soil for crop production and livestock grazing, weed control, or maintenance of water conveyance structures related to agricultural operations.

Broadcast Burn: The controlled application of fire to wildland fuels in their natural or modified state over a predetermined area. Broadcast Burns do not include the burning of wildland fuels that have been concentrated in piles by manual or mechanical methods.

Extinguished: No visible flame, smoke, or emissions exist.

Fire Weather Zone: Any fire zones within Grand County that have been determined by the National Weather Service based upon elevation and weather patterns associated with the fuels and terrain located within these elevation ranges. These include: Fire Weather Zone 212, above 9000'; Fire Weather Zone 213, below 9000'; Fire Weather Zone 217, above 9000'; and Fire Weather Zone 218, above 9000'.

Open Burn/Open Burning: Fire that a person starts and that is intentionally used for grassland or forest management, including vegetative, habitat or fuel management. Open Burning includes broadcast and pile burning, as well as air curtain burning.

Person: Any individual, association, organization, partnership, firm, corporation, business or other entity recognized by law.

Pile Burning: Burning of vegetative material that has been concentrated by manual or mechanical methods.

Prescribed Burning: The controlled application of fire in accordance with a written prescription for wildland fuels under specified environmental conditions while following appropriate precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land management objectives.

Red Flag Warning: A forecast warning issued by the National Weather Service to inform area firefighting and land use management agencies that conditions are ideal for wildland fire ignition and propagation.

Slash: Woody material consisting of limbs, branches, and stems that are free of dirt. "Slash" does not include tree stumps, roots, or any other material.

Substantial Forested Area: A county that has at least forty-four percent (44%) forest cover as determined by the State Forester appointed pursuant to §23-31-207, C.R.S. Grand County, Colorado is a county with Substantial Forested Area.

Other Definitions: The definitions set forth in CDPHE Regulation 9, 5 CCR 1001-11, are incorporated herein as if fully set forth. Any conflict between the definitions in Regulation 9 and this Ordinance shall be resolved by using the more restrictive definition.

SECTION 6: OPEN BURN PERMIT REQUIRED

No person shall conduct Open Burning on privately owned property within the unincorporated area of Grand County, Colorado, without first having obtained an Open Burn Permit from the Grand County Natural Resources Office.

An Open Burn Permit is not required in the following circumstances:

1. Burning of ground cover vegetation on agricultural land for the purpose of preparing the soil for crop production and livestock grazing, weed control, or maintenance of water conveyance structures related to agricultural operations.

2. Attended outdoor cooking and recreational fires covering a maximum area of three feet in diameter and less than two feet high, that are kindled for the purpose of recreation and/or cooking food, using only clean, dry untreated wood, charcoal, jellied petroleum, or pressurized fuel, which fires are contained by stoves, fireplaces, fire pits (free standing and/or above ground), fire grates, self-contained and enclosed charcoal grills (off the ground), barbecues at private residences, and such fires in a permanent fire pit or grate located on developed picnic grounds or campgrounds.

SECTION 7: PERMIT APPLICATION PROCESS

1. No Open Burning shall be conducted until the appropriate permits are issued.
 - a. For Open Burning on private property: the property owner shall obtain an open burn permit from the Grand County Natural Resources (GCNR).
2. An Open Burn Permit may be denied or revoked at any time if any of the conditions necessary for the issuance of the Permit are not complied with.
3. The Open Burn Permit application must be accompanied by the appropriate fee (if applicable).

SECTION 8: OPEN BURNING REQUIREMENTS

1. Persons with an Open Burn Permit must contact GCNR each day they want to burn.
2. If an Open Burn is to be conducted by someone other than the legal owner of the property, they must be shown on the permit as the Burn Supervisor and must sign the permit as such and as having read and understood all rules and regulations.
3. Open Burn fires must be constantly and directly attended and observed by a competent and non-physically/mentally impaired person. The Open Burn Permit must be in possession of the person attending and observing the Open Burn at all times during the Open Burn.
4. Precautions shall be taken to localize the burning and in no way constitute a fire hazard to persons or property within or adjacent to the area of burning. The granting authority and the employees or agents thereof, in the issuing of a permit, do not assume any responsibility for damage to the person or property of the permittee, or the person or property of any third person.
 5. Items to be burned must be free of rubber, tires, plastics, wire insulation, household rubbish or refuse paper, cardboard, furniture, construction debris, fencing, treated wood, animal parts or carcasses, or any other excessive smoke producing or toxic material.
 6. Local Fire Protection Districts and/or Homeowner/Property Owner Associations may have more restrictive codes, regulations, policies or standards. In those cases, the more restrictive provisions apply.
 7. All permitted Open Burns conducted are required to have three or more inches of snow on the ground around the slash piles, unless an Air Curtain Destructor is used.
 8. The following materials are prohibited from Open Burning under an Open Burn Permit:
 - a. Structures
 - b. Household garbage or food waste
 - c. Commercial business waste
 - d. Construction debris, fencing and furniture
 - e. Animal parts or carcasses
 9. There shall be no permitted Open Burning or Agricultural Burning while a red flag warning is in effect in the fire weather zone of the designated burn.
 10. There shall be no permitted Open Burning or Agricultural Burning during State or County authorized fire restrictions or bans pursuant to section 30-15-401(l)(n.5)(I), C.R.S.

SECTION 9: NOTIFICATION

Persons with respiratory conditions and persons contiguous to the property on which an Open Burn will be conducted who wish to be notified of the date, time and location of an Open Burn may contact GCNR for information and guidance.

SECTION 10: EDUCATION

Information about Air Quality Permits, Open Burning and Open Burning Guidelines may be found at: <https://www.co.grand.co.us/142/Open-Burning> <https://cdphe.colorado.gov/outdoor-burning>

SECTION 11: ENFORCEMENT

1. This Ordinance may be enforced by the Grand County Sheriff's Office.
2. In addition, GCNR and the Grand County Sheriff each have the discretion to immediately suspend or immediately revoke any Open Burning Permit upon a violation of this Ordinance or upon finding it is in the interests of public safety to immediately revoke the permit.

SECTION 12: CIVIL LIABILITY

1. Anyone starting, maintaining, or permitting Open Burning in violation of this Ordinance shall be responsible for any and all costs associated with extinguishing the fire, and for any damages caused as a result of the fire.
2. Any person who violates the terms and conditions of a permit issued under this Ordinance, or who violates this ordinance, and such violation causes a fire that requires response from the local fire protection district or Sheriff's Office responders, must provide restitution to any and all responding agencies. Such restitution shall consist of all costs and expenses incurred by the local fire protection district and Sheriff's Office responders incurred as a result of the fire.

SECTION 13: VIOLATION AND PENALTIES

1. Violation of this Ordinance, or any part thereof, or failure to comply with any terms or conditions of an Open Burn Permit, shall constitute a civil infraction and may be enforced through the penalty assessment procedure set forth in section 16-2-201, C.R.S.
2. The graduated fine schedule for the penalty assessment procedure is:
 - a. Two Hundred Fifty dollars for the first violation.
 - b. Five Hundred dollars for the second violation
 - c. One Thousand dollars for each successive violation
3. Upon conviction thereof, a civil infraction will be punished by a fine of not more than One Thousand Dollars (\$1,000.00) for each separate offense, or the maximum fine allowed per statute, whichever is less, in addition to penalties and surcharges identified in section 30-15-402, C.R.S. The penalty assessment procedure provided in section 16-2-201, C.R.S. is authorized to be followed by any arresting law enforcement officer for any such violation.
4. Any law enforcement officer is authorized to issue citations, summonses and complaints for violations of this Ordinance.
5. In addition to the foregoing penalty procedure, any law enforcement officer is authorized to initiate injunction or abatement proceedings or other appropriate legal action in a district court or other court having jurisdiction against any person who fails to comply with any provision of this Ordinance or any requirement or condition imposed under this Ordinance.

SECTION 14: GENERAL PROVISIONS

1. If any part or parts of this regulation and ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of County Commissioners hereby declares that it would have passed this regulation and ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid
2. If any part of parts of any previous resolution, regulation, or ordinance of the Board is in contradiction to this regulation and ordinance, said part of parts of the previous resolution, regulation, or ordinance be and are hereby repealed, rescinded, and of no further effect or force, without affecting the validity of any other portion or the remainder of the previous resolution, regulation, or ordinance.
3. Where any provision of this regulation or ordinance conflicts with any other provision of this regulation or ordinance, or any law, the more stringent requirement, regulation, restriction or limitation shall apply.

Commissioner Cimino moved to publish the second hearing notice with the hearing to be held on June 7, 2022 at 11:00 a.m.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 11:07 a.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 5th day of July 2022.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder