

MEETING MINUTES  
 GRAND COUNTY BOARD OF COUNTY COMMISSIONERS  
 GRAND COUNTY DEPARTMENT OF SOCIAL SERVICES  
 GRAND COUNTY BOARD OF HEALTH  
 GRAND COUNTY HOUSING AUTHORITY  
 May 26, 2020

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

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

Those present recited the Pledge of Allegiance.

General Public Comments

None

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on May 27, 2020, 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 26, 2020 for payment on May 27, 2020 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 27, 2020, 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 26, 2020, for payment on May 27, 2020, for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Cimino moved to approve the interfund transfers, wire payment and vouchers presented on May 26, 2020, for payment on May 27, 2020 for Grand County.

The motion passed unanimously.

Potential Coronavirus effect to 2020 budget

REVENUES

Sales and Lodging taxes, Building and Short-Term Rental fees, Clerk & Recorder fees, and Highway Users taxes are all expected to be lower than originally budgeted for 2020. Sales taxes are now projected to be only 50% of the budgeted level and Lodging taxes are projected to be 30% of the annual budget. Building permits and Short-Term Rental renewals are projected to be 50% of the original budget amount. Clerk & Recorder fees are projected to be 25% lower than budgeted and Highway User Taxes are projected to be slightly lower than budgeted for 2020. Airport reimbursements for projects are projected to be increased from 95% to 100% of costs.

	Current expected 2020 Budget	
Sales tax	\$ 3,615,000	\$ 7,230,000
Lodging tax	\$ 387,600	\$ 1,292,000
Building permits	\$ 468,350	\$ 936,700
Short-term rental fees	\$ 68,150	\$ 136,300
Clerk & Recorder	\$ 650,000	\$ 800,000
Airport project reimbursements	\$ 4,849,000	\$ 4,624,000
Highway Users tax	\$ 1,909,000	\$ 2,009,000
Total	\$ 11,947,100	\$ 17,028,000

Revenues expected to be down \$5.1 million in 2020

EXPENDITURES in excess of budget per month

	Spent 3/14 thru 5/21	Projected Monthly	Expected Costs thru 6/30
Emergency Operation Center personnel	\$ 144,000	\$ 58,320	\$ 216,900
Grand Foundation Business Grant			
Program & PPE	\$ 130,000	\$ -	\$ 130,000
Isolation facility @ 100k/ mo	\$ 5,000	\$ -	\$ 5,000
County OT (predominately PH & Sheriff thru 5-18)	\$ 9,825	\$ 3,979	\$ 14,798.91

Other Operating expenses	\$ 89,768	\$ 36,356	\$ 135,213.23
Totals	\$ 378,593	\$ 98,655	\$ 501,912

Expenditures expected to higher \$502k  
 Expected effort to 2020 budget (\$5.6 million)

Projected Budget Deficits and Postponed or Eliminated Operations and Projects	
Projected County wide effects to Fund Balance	\$ (5,600,000)
Add back Restricted Funds using restricted fund balance to cover deficits	
Lodging taxes	\$ 904,400
Open Lands, Rivers and Trails	\$ 834,231
Use TABOR emergency reserve for COVID-19 unbudgeted expenditures	\$ 501,912
Less Restricted Funds using surplus to cover costs	
Airports - FFA increased project funding to 100%	\$ (285,000)
Total budget shortfall less restricted funds	\$ (3,644,457)
% Unrestricted fund balance of operating budget	17%

Postponed or Eliminated Operations and Projects	
Hiring freeze projected savings	\$ 500,000
Excess Hire Lag savings over budget	\$ 420,500
Pay plan consultant cancelled	\$ 40,000
Windy Gap pumping plan cancelled	\$ 35,000
Internship program cancelled	\$ 25,000
Total Budget Shortfall less restricted funds and these projects	\$ (2,623,957)
% Unrestricted fund balance of operating budget	22%

Departmental Contracts, Comments, Issues

Commissioner Linke moved to approve the Construction Contract between Grand County Board of Commissioners and Oldcastle SW Group, Inc. dba United Companies in an amount not to exceed \$983,783,491 for asphalt work on County Roads 491, 61 and 610.

The motion passed unanimously.

Commissioner Cimino moved to convene an Executive Session at 8:46 a.m. 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 whether the County can provide General Fund assistance to businesses who have been fined with regard to COVID 19 restrictions.

Present for the meeting is the Board, County Manager, Assistant County Manager, County Attorney, Assistant County Attorney, Finance Director, COVID 19 Incident Commander, and Public Health Nurse.

The motion passed unanimously.

The Board reconvened the meeting at 9:05 a.m.

I, Kristen Manguso, 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.

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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.

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Grand County Board of Health

Incident Commander Brad White stated that there are two new cases. The cases were discovered due to symptoms, not to surveillance testing.

During the surveillance testing, all tests were negative.

Grand County submitted for a variance on May 13. The request for the variance is still in process.

Mr. White stated that the County engaged 10,500+ people with electronic alert. It was a reminder for people to be safe while in the County.

Public Health Director Nurse Brene Belew-Ladue announced that Grand Foundation will be providing PPE for restaurants and businesses.

The Board will hold a workshop to discuss the IMT priorities and objectives at 2:00 p.m. on May 27, 2020 at the Board of Commissioner's meeting room.

#### BOCC Consider paying Fines for Any County Business That Opens in Violation of State Order

The Town of Kremmling will not enforce violations on any business that is in violation of the Governor's order.

County Attorney Chris Leahy stated that there is a Constitutional prohibition against a County paying money directly to a business or to assist a business unless there is a good public policy exception to it.

We cannot pay money directly to a business for this.

#### Manager and Attorney Items

County Manager Kate McIntire presented her weekly update.

Commissioner Cimino stated that the Board and the County Manager received an email from the County Treasurer giving notice that she resigning / retiring effective July 2, 2020.

The Board is working on how to move forward with the appointment of the Treasurer's position.

#### Consent Agenda

Resolution No. 2020-5-8, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MODIFICATION OF GRANT OR AGREEMENT, EXHIBIT A, MODIFICATION 1, TO THE COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN & FINANCIAL PLAN BY AND BETWEEN THE U.S.D.A. FOREST SERVICE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2020-5-9, "A RESOLUTION APPROVING A CONTRIBUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO THE GRAND FOUNDATION'S EMERGENCY SMALL BUSINESS ASSISTANCE GRANT FUND"

Resolution No. 2020-5-10, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE GRANT OFFER ACCEPTANCE FOR FEDERAL ASSISTANCE TO SUPPORT IMPROVEMENTS AT EMILY WARNER FIELD GRANBY-GRAND COUNTY AIRPORT"

Resolution No. 2020-5-11, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF KRISTEN SPRONZ AS A MEMBER OF THE GRAND COUNTY TOURISM BOARD"

Resolution No. 2020-5-12, "A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A LEASE WITH OPTION TO PURCHASE, AGREEMENT TO TERMINATE CONTRACT, AND ERNEST MONEY RELEASE, FOR PROPERTY LOCATED AT 129 BYERS AVE., HOT SULPHUR SPRINGS, CO"

Resolution No. 2020-5-13, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, DBA GRAND COUNTY EMERGENCY MEDICAL SERVICES, TO OPERATE AN AMBULANCE SERVICE WITHIN GRAND COUNTY, COLORADO IN ACCORDANCE WITH GRAND COUNTY RESOLUTION NO. 1977-12-15, 6 CCR 1015-3 AND C.R.S. §25-3.5-301, ET. SEQ., WITH AN EFFECTIVE DATE OF MAY 19, 2020; APPROVING THE ISSUANCE OF AN AMBULANCE SERVICE LICENSE CERTIFICATION AND AMBULANCE PERMITS; AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE THE AMBULANCE PERMITS"

Resolution No. 2020-5-14, "A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR A RIGHT-OF-WAY/TEMPORARY USE PERMIT FOR GRAND COUNTY ROAD 1"

Resolution No. 2020-5-15, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AN MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES DEPARTMENT OF INTERIOR BUREAU OF LAND MANAGEMENT KREMMLING FIELD OFFICE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR USE OF THE CSU EXTENSION HALL FOR CONTINUATION OF OPERATIONS"

Resolution No. 2020-5-16, "A RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN APPLICATION FOR THE COLORADO DIVISION OF CRIMINAL JUSTICE OFFICE OF ADULT AND JUVENILE JUSTICE ASSISTANCE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM GRANT FOR THE PURCHASE OF ESSENTIAL EQUIPMENT AND TO MAINTAIN PRE-COVID-19 STAFFING NUMBERS AND TRAINING OF LAW ENFORCEMENT PERSONNEL"

RESOLUTION NO. 2020-5-17 - A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, WAIVING THE PURCHASE OPTION FOR ALL LOTS WITHIN BLOCK 38, 56, AND 57, PINE AIR ADDITION TO HOT SULPHUR SPRINGS, GRAND COUNTY, COLORADO

Resolution No. 2020-5-18, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO EXECUTE A CORE SERVICES PROGRAM CONTRACT BY AND BETWEEN PLAY THERAPY CONNECTION AND THE BOARD OF HUMAN SERVICES"

Resolution No. 2020-5-19, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AN AWARD OF CONSERVATION TRUST FUND MONIES TO THE TOWN OF WINTER PARK, COLORADO FOR MAINTENANCE OF COUNTY ROAD 80"

Resolution No. 2020-5-20BOH, "A RESOLUTION BY THE GRAND COUNTY BOARD OF PUBLIC HEALTH ENDORSING AND APPROVING ADOPTION OF THE GRAND COUNTY DEPARTMENT OF PUBLIC HEALTH'S LOCAL COVID-19 PANDEMIC SUPPRESSION PLAN AND VARIANCE REQUEST TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR LOCAL AUTHORITY TO IMPLEMENT ALTERNATIVE, LOCALLY INFORMED, PROTECTIONS AND RESTRICTIONS TO STATE COVID-19 PANDEMIC ORDERS"

Commissioner Cimino moved to approve the Consent Agenda.

The motion passed unanimously.

#### Rocky Mountain National Park – Phased Reopening Plan & Timed Entry Permit Proposal

Presentation made by: Park Superintendent Darla Sidles, John Hannon, Transportation Planner, and Kyle Patterson, public information officer.

#### Re-Opening Plan for Rocky Mountain National Park

##### Goal:

- Increase park access while providing the public a reasonable opportunity to comply with health guidelines
- Avoid scenarios where a re-opening visitation surge results in stakeholders inside and outside the park demanding the park to re-close

Re-opening Date: Wednesday, May 27

Phased Plan for reopening that addresses how best to manage visitation

#### Phase 1

Recreational Access and Initial Services -May 27

Metered Park Access

Primary Road Access

Public Restrooms  
Some Parking Areas  
Day Use Hiking  
Shuttle Services  
Wilderness Camping  
Limited Retail  
Weddings  
Tours  
Guide Services

#### Phase 2

Expanding Visitor Services -June 4  
Timed Entry Permit System  
Consider Access to Wild Basin  
Limited Camping  
Limited Retail  
Limited Food Service  
Limited Emergency Medical Services at Alpine Visitor Center  
Access to Trail Ridge Road Corridor –weather and conditions permitting

#### Phase 3

Limited Visitor Centers and Wilderness Office –June 30  
Visitor Centers  
Wilderness Office  
Consider Old Fall River Road Access -weather and conditions permitting  
Consider Opening  
Additional Campsites

#### Phase 4

Reduced Capacity Operating Season  
TBD (may not occur in 2020)  
Additional Visitor Facilities and Services  
Increased Campground Density/Availability

- Another year of record visitation in 2019 with 4.6 million visitors. Visitation for 2019 represents a 44 percent increase since 2012.
- July, the most visited month, experienced a record 976,042 visitors.
- June through July over 1.6 million visitors.
- June through September over 3.2 million visitors.

Goal: Increase park access while providing the public a reasonable opportunity to comply with health guidelines

Proposed strategy -timed entry permit system:

- Enables park visitation levels, pacing, and flow to occur commensurate with the park's safe operational capacity
- Provides an improved visitor experience
- Can collect fees in advance and be able to communicate anticipated visitation levels with community and business partners for their own planning purposes
- Helps to prevent crowding and possible resurgence of virus, causing potential need to close again

Permits would be managed by recreation.gov, with the initial opening phase allocating ~60% of the park's maximum parking capacity (13,500 visitors per day, or 4,800 vehicles). The park will monitor our ability to operate with present health guidelines and adapt the system accordingly.

#### Proposed Timed Entry System

- Provides for advanced daily reservations for private vehicles.
- Includes advance payment of entrance fees.
- 90% on reservations available at release with 10% held for 2 day prior sale. Allows some last-minute planning flexibility.
- Applies to all areas of the park.
- Discourages visitors from coming to the area without reservations.

#### Communications Strategy

- Extensive media outreach
- Social media and park website outreach
- Ongoing work with partners and stakeholders to have consistent messaging to help visitors plan ahead
- Encourage overnight and multi-day visitors to come to the park and help allay their concerns with the level of congestion and crowding tied to day use

Weddings are permitted in the Park by a Special Use Permit. The groups must be groups of 10 people or under. There will be no more than 70 weddings in the Park this year.

The Board agreed to provide a letter of support in order to encourage the opening of the Park.

#### Parcel 2, Filing 2, Byers Peak Ranch – Final Plat

PROJECT NAME: Byers Peak Ranch Filing 2, Parcel 2, (Mill Apartments) Multi-Family Subdivision–Final Plat  
APPLICANT: Byers Peak Properties, LLC represented by Clark Lipscomb  
LOCATION: A parcel of land, being Government Lot 3, Government Lot 4 EXCEPT the Westerly 440 feet thereof, and a portion of the south ½ of Section 19, and the N1/2NE1/4 of Section 30, all in Township 1 South, Range 75 West of the 6th P.M., County of Grand, Colorado.,  
REGULATIONS: Grand County Master Plan, Zoning Regulations, Subdivision Regulations  
ZONING: R –Residential District  
ATTACHMENTS: a) Application  
b) Cover Letter and Project Summary  
c) Vicinity Map  
d) Sketch Plan (Existing Conditions, Existing Zoning, Site Plan and Proposed Buildings: Character Images)  
STAFF PLANNERS: Alexander Taft, LEED Green Associate, Planner and Robert C. Davis, AICP, SMP Director  
REQUEST: The Applicant is proposing a subdivision in order to construct 60-unit subdivision of multi-family on 4.2acres creating a density of 14.4dwelling units per acre and a variance request.

#### I. FINAL PLAT DISCUSSION

The Final Plat represents the subdivision to be developed at Byers Peak Ranch and Byers Peak Properties (the “Applicant”) have submitted their final plat application for Mill Apartments) Multi-Family Subdivision Final Plat.

Byers Peak Properties, LLC represented by Clark Lipscomb is requesting approval of the Final Plat to create the following:

- 60 units in two (2) three story buildings and a club house.
- The type of units proposed include a mixture of twenty-four one bedroom units, twelve two bedroom units with one (1) bath, twelve two bedrooms units with two (2) baths and twelve three bedroom units with two (2) baths.

The total land area is 4.21 acres at a density of 14.4 units an acre. The parking and drive areas comprise 50,052.9 square feet representing 27% of the area.

Filing 2, Parcel 2 commonly referred to as The Mill Apartments is a continuation of the larger proposed development in Byers Peak Ranch. This application represents 4.2 acres of the overall 295.4 acre Byers Peak Ranch site. This Final Plat is a review for 60 units in two (2) three story buildings and a club house on Filing 2, Parcel 2.

The Filing 2 Sketch Plan called for three (3), 3-story buildings and one (1), 2-story building located in on three (3) parcels. A variance was also approved for all four buildings with pitched roofs and heights up to 45 feet by the Board of Adjustment in December 2019.

The Mill Apartments site is bounded by Mill Avenue to the north, an extension of Norgren Road to the west, adjacent to the Union Pacific Railroad to the east and the future remaining phases of Byers Peak Ranch development to the south. This proposal is being presented as a stand-alone plat although much consideration has gone into the master planning concerns relative to drainage, utilities and traffic.

This project is facing CHFA tax credit deadlines approaching on June 1st. The proposed multifamily buildings are also intended to be incentivized with tax credits by the Colorado Housing and Finance Authority “CHFA”, which was awarded in October 2019, helping to provide for low-moderate income housing units. The land use

layout of this project at the northeast portion of the Byers Peak development provides for higher densities near town centers and transportation corridors.

#### Access

Current roadways serving the Mill Apartments include County Road 73 adjacent to the North, as is Mill Avenue within the Town of Fraser. The Site Plan depicts a connection at Norgren to the development and a connection to CR 721 as the second means of ingress/egress. The proposed access gravel road will extend south to connect to CR 721.

The County Engineer discussed concerns relating to the offsets at the Norgren and Mill intersection as traffic volumes increase. Staff had asked the developer to provide access to Norgren from the parking lot and to close the Leonard Lane access. This was done to prevent traffic movements through the parking lot from Leonard Lane. The intersection where the driveway/parking lot entrance (the County Engineer sees it as a parking lot entrance while the developer sees it as a driveway) meets Norgren is roughly 150 feet south of the Mill/Norgren intersection. Based on the traffic volumes in the Byers Peak Ranch Master Traffic Study and the corresponding road classifications, the minimum intersection offset distance from Norgren Road & Mill Ave.(existing) to the proposed Norgren Road & the Parking Lot Access intersection does not meet Table 3.7.3 of the Standards which is interpreted to equal 500 feet, as noted in previous review memo dated December 26, 2019. In addition, it was stated by the County Engineer the Plat shall indicate an 80' public R.O.W. for Norgren Road in order to accommodate the projected future traffic from future development. The developer disagrees with doing this.

One argument is that as the Byers Peak Project builds out with the completion of Filings 1 and 2 and with the projected 4,000 cars/day using that intersection, there could be safety issues with the drive/entrance being 150 away from the Mill/Norgren intersection. There are no current safety concerns however with the present proposal.

A counter argument is that Filings 1 and 2 may never be completed and as such, there would not be any potential traffic issues. The argument also suggest that Norgren could take on another alignment in the future and not provide the best route for north-south traffic. It also assumes that the Fraser Valley Parkway would not exist and traffic would not be able to use that route but use Norgren instead to accommodate north-south traffic movements.

As such, one possible solution is to grant a variance from Section 3.7.3 Horizontal Offset of the Road and Bridge Standards. Variances from the driveway standards shall be reviewed by Grand County Road & Bridge and/or the County Engineer. Staff believes the County Engineer will struggle to approve a variance. Staff is asking, therefore, that the BOCC decided on the variance given need for expedition and the likelihood that the County Engineer will likely disapprove the variance.

#### Parking

The Final Plat Plan shows parking areas adjacent to the multi-family buildings dissected by a 24 foot private drive running north south and east-west throughout the site. The Plat depicts 120 parking spaces on-site and provides standard dimensions as required by both parking standards in Zoning Regulations and R&B Standards. Snow storage locations have been identified in compliance with Section 3.11 of the R&B Standards.

#### Utilities, Water and Sewer

The Town of Fraser stated they have entered into an out of town service agreement with Byers Peak Properties to provide water and sewer service. Pursuant to the terms of that agreement, the developer provides the Town with water and sewer design and engineering information for all connections, related facilities, and easement not less than 60 days prior to construction. Such design and plans shall be in compliance with any Grand County development approvals and all other terms and conditions of the out of town service agreement. Developer may commence construction upon approval of the construction plans by Fraser's engineer and execution of an improvement agreement with the Town of Fraser. Staff has concerns of platting without having approved water/sewer plans from the Town of Fraser. The developer will not be able to start construction until water and sewer plans have been approved.

The master utility plan/report has been provided. The sewer outfall has been changed to go to Elk Creek Drive to the south instead of the Leonard Lane connection due to existing sewer capacity.

1041 Regulations apply to this project. There were discussions of needing a 1041 Permit during the Sketch Plan phase as well as when Filing 1 and Filing 2 were being considered. With the focus now on approving the Final Plat for the Mill Apartments, Community Development felt that a 1041 Permit could be applied for in latter submittals. The County Attorney has since stated that a 1041Permitis required for this project. The 1041 Regulations state that no person may engage in a major extension of a domestic water of sewage treatment system wholly or partially within this County without first obtaining a permit pursuant to these regulations.

Staff recommends that the developer be given 60 days to obtain a 1041 Permit and no building permit will be issued until a 1041 Permit is received.

#### Landscaping and Open Space

A revised landscape plan has been completed by a landscape designer and signed off by a project architect. Maintenance requirements for established plantings (standard details and notes) have been provided. The landscape plan also shows open space of 110,406.8 square feet representing 60% of the total of land covered in this apartment development.

## II.ADDITIONAL ANALYSIS

### Reports, Studies, and Analyses

The documents below have been provided for referral agencies and Staff to verify compliance with any applicable regulations and requirements. The supporting information was submitted as part of the Preliminary Plat and some has been revised based on comments received by Staff:

- Phase III Drainage Study, (January 2020, revised February 2020) prepared by Drexel, Barrell & Co. – master plan drainage concepts for the construction of storm drainage facilities.
- Soils and Foundation Investigation (March 5, 2020), prepared by CTL Thompson, Inc. –identified wetlands areas, mostly not naturally occurring but caused or influenced instead by irrigation and disturbance of the area.
- Traffic Impact Analysis (April 2020) prepared by Felsburg, Holt, and Ullevig. The traffic impact analysis has been updated to reflect specifically build out Filing 1 and 2 and a Master Study for the entire 1,233 unit Sketch Plan is complete and a new Traffic Impact Analysis for the proposed 2,408 acre sketch plan development is under way to be submitted with future filings.
- Stormwater Management Plan (December 2019, revised February 2020) prepared by Drexel, Burrell& Co. –finding of No Risk in all categories of investigation. These analyses and the construction documents which are supported by them have been sent to referral agencies which were reviewed as part of Preliminary Plat.

The most recent document received since the Preliminary Plat approval in April 2020 include the:

- Phase II Master Drainage Report for Byers Peak Ranch (April 17, 2020) prepared by Core Consultants\*
- Memo from County Engineer dated May 4, 2020 regarding Byers Peak Ranch –The Mill-3rdPreliminary Plat Submittal Review

The Master Drainage studies which have been reviewed by JVA Consulting Engineers and drainage concerns have been addressed. The County Engineer's Drainage Report Comments were stated in the above section on Stormwater.

### Cost Estimate Comments

Updated cost estimates have been included, and should include items previously requested, along with incorporating pavement section quantities and topsoil removal quantities as recommended in the Geotech Report (Soils Investigation).

### Town of Fraser and Traffic

The existing neighborhood to the north of the subject site is the Town of Fraser which includes single family homes, community facilities, Town Hall, the Fraser Elementary School and Library, all in an area commonly known as Old Town Fraser. The Town of Fraser provided six (6) comments in its January 9, 2020 letter from the Mayor to the Grand County Board of County Commissioners concerning traffic and utility issues. Traffic and pedestrian impacts to the Old Town, the Eisenhower/US40 intersection and the CR72/US40 intersections are concerns.

To minimize concerns of traffic into Old Town Fraser the Applicant will supply one connection to the north creating a four-way intersection at Norgren and Mill.

The April 2020 Felsburg, Holt and Ullevic Traffic Impact Study identified the following site generated trips for the intersections in question:

Based on the FHU Traffic Study, 'site generated design hour volumes at Eisenhower Drive and CR 72 are anticipated to be within the "minor modification" threshold. Therefore, access permitting actions are not anticipated at this time for the Eisenhower Drive and CR 72 intersections. Development of all planned units within Filing 2 would generate an estimated 25-35 percent of the full buildout trip generation estimates'. If only these trips are considered, none of the US 40 intersections would require access permitting actions at this time as all would lie well below the 20 percent threshold.



Overall traffic volumes along US 40 are expected to increase over the next three years. The April 2020 CDOT Study looked at the Eisenhower/US40 and CR72/US 40 intersections. The Year 2022 Existing plus Committed Interim Condition Scenario reflects the roadway network improvements and developments that are anticipated to be complete by or within year 2022. The peak hour volumes represent the sum of the forecasted background and development-generated volumes. These trips are to be generated from new developments in and around the Fraser/Winter Park area to be complete by or within year 2022.

With regard to the US40/Eisenhower intersection, based on the traffic study, there are approximately 2,000 cars per day heading toward the highway. The Mill Apartments will generate roughly 300 cars per day and a small fraction of that is expected to travel north from the site.

The Year 2022 Existing Plus Committed Interim Condition Scenario projected daily traffic volumes to grow from 14,600 to approximately 24,100 vehicles on the west end of the study corridor and 18,800 vehicles to 30,400 on the east end of the study area.

Other Town comments referred to north-south traffic movement around town, Mill Ave. concerns, construction traffic and annexation. The Town also commented on the need to move traffic north via CR522 and south via CR72 around the Old Town area. Both the Town of Fraser and the County recognize the need to move forward with the development of the Fraser Valley Parkway as a way to help alleviate high traffic volumes on US40 destined for the project site and for traffic heading north from the project site. With regard to comments referring to the narrow width of ROW and lack of sidewalks in Old Town and dedication of additional right of way on Mill Ave., this was not made a condition by the Town of Fraser who currently controls access issues on Mill Ave. With regard to construction traffic, the Developer has indicated that it will be routed away from the town of Fraser and has identified a construction route will be extended from CR721 to the site. In addition, the Town is still encouraging annexation into the Town of Fraser.

The Town of Fraser provided Access Permits to allow curb cuts onto Mill Ave. from Norgren and Leonard Lane. Mill Ave. is a town owned road and as such requires that the Town grant access easements to Mill Ave.

#### More on the CDOT Traffic Study

Grand County and Fraser are partnering with CDOT on the Fraser to CR5 to US40 Capacity and Intersection Study. The Colorado Department of Transportation (CDOT) Region 3 initiated the project to identify a problem statement, establish criteria and define success factors to widen US 40 from two to four general purpose lanes. This included a traffic study that analyzed various alternatives and recommendations for a US 40 corridor-wide preferred alternative to include highway widening and associated intersection improvements. Fraser and Grand County sponsored an additional task to assess the study area with the addition of the proposed Fraser Valley Parkway.

The Fraser Valley Parkway facility is generally proposed to be 0.25 to 0.5 mile west of US 40 and extends between the Kings Crossing Road intersection with US 40 and the Town of Tabernash. The intent of this task was to estimate the potential change in traffic operating conditions on US 40 with a parallel facility in the roadway network and determine if these operational changes suggest the scope of the US 40 preferred alternative could be reduced in magnitude.

There were summer and winter counts taken. July is the highest volume month. Anecdotal evidence suggests Saturday is the peak volume day of the week. Therefore, traffic counts were collected on Saturday July 13, 2019, through Fraser and Grand County. CR 72 has the highest vehicle volumes of any of the cross streets, which is indicative of several factors that result in this being the highest-volume intersection in the study area. The CDOT report also stated winter counts were collected on Saturday, January 18, 2020, to determine if the preferred alternative as developed based on the summer demand would be adequate to accommodate the winter demand. The total volume through the intersection of 1,660 vehicles is 20 percent less than the 2,070 vehicles counted in the summer during this hour. The demand to the north is approximately 55 percent greater than to the south of US 40, which is the same pattern observed in the summer counts.

### III. COMPLIANCE WITH GRAND COUNTY REGULATIONS

Any conditions established with the analysis have been bolded as well as included in the conditions at the end.

#### a. 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 two (2) is relevant to this proposal.

#### Plan Element 3—Development: The Built Environment

As stated in Plan Element 3 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. Visually important lands and the desired rural landscape character is maintained. This proposal minimizes disturbance of the rural and open land character

that residents of Grand County cherish as this proposal is a greenfield infill project adjacent to the Town of Fraser. In this case, architectural design, ingress, egress, connectivity and detention ponds as an amenity will be important design standards to consider.

#### Plan Element 4–Community and Public Facilities

As stated in Plan Element 4 in the Grand County Master Plan, development shall be located near public facility infrastructure. This increases efficiency and benefits existing users by reducing the impacts on outside resources. The parcel in this proposal is surrounded by existing public water and sewer service, electric, and other utilities that make development less impactful. The water and sewer service are the greatest influence in allowing this development to move forward. The proposed units will be served by public water and sewer via Town of Fraser Water and Sanitation District.

#### b. ZONING–Section 4.1 Residential

The property subject to this proposal is within the R -Residential District located within the Fraser Urban Growth Area. The Residential District allows for multi-family dwellings. The proposed use, therefore, is consistent with the zoning regulations.

#### Minimum Lot Area

The minimum lot area for a property that is served by both public water and sewer is 7,000 ft<sup>2</sup>. As part of the Filing 1 proposal and Concept plan provided in April 2019 the minimum lot areas of 2,000 ft<sup>2</sup> were granted a variance through the Subdivision Regulations, Section 8. This proposal complies as the total lot area is 4.21 acres (183,387.6 ft<sup>2</sup>).

#### Front, Rear, and Side Yards

The Residential District requires minimum 30' front yard, 5' side yard and 20' rear yard. Also part of the granted variance, setbacks were reduced to 20' front yard, 0' side yard, 10' rear yard. The applicants' proposal is consistent with all setback requirements.

#### c. 3.1 SURFACE IMPROVEMENTS

Section 3.1(1)-Permanent survey monuments shall be set at all lot corners. Affixed securely to the top of each such monument shall be the Colorado Registration number of the land surveyor responsible for the establishment of said monument.

Section 3.1(2) –Street Paving as discussed in Section 6.4 above is being provided in all locations which will serve traffic from the proposed development.

Section 3.1(3)-Curbs, Gutters and Sidewalks have been considered and reviewed.

Section 3.1(4)-County Road number signs shall be installed at all intersections in the subdivision according to the County Road numbers assigned by the Grand County Road and Bridge Supervisor. Street name signs may also be installed, as approved by the Planning Commission, but must be placed under the road number designation sign required. The developer will be required to install road signs of the size required by the Grand County Road and Bridge Supervisor and in the location required by the Grand County Road and Bridge Supervisor. The developer will be required to install these signs at his expense.

Section 3.1(5)-Planting and revegetation shall be shown in the Landscape Plan. At Final Acceptance, Staff would expect seventy percent (70%) or better of new plantings to be maintained. Staff would recommend that the plan is completed or revised by a licensed Landscape Architect in the State of Colorado. The Plan shall include at a minimum: standard planning and staking details, composition of proposed seed mix and a revised plant list. Trees which were briefly discussed with you which would be acceptable include Colorado blue spruce (*Picea pungens* Cultivars), Chokecherry Clumps (*Prunus Virginiana* 'shubert' or similar, 'Canada Red'), Aspen Clump or Stem, Bristle Cone Pine, Lodgepole Pine. There are no shrubs included on the plan, acceptable varieties include current varieties, willow varieties, Dogwood (yellow or red twig), potentilla varieties, etc.

Section 3.1(6)-There is no existing stumps or combustible material which would cause fire hazards.

#### 3.2 UTILITIES

Section 3.2(1) -A potable water supply shall be provided as per Article II, Section 2.7, (3 & 4)

Section 3.2(3) -Fire Protection -Centralized Water Systems (as defined in Article II, Section 2.7 (4))

Section 2.7 (3) & (4) Water Supply & Central Water Systems

“Water supply systems shall be provided consistent with the standards of the requirements of these Regulations.” More critically, any design requirements of Town of Fraser water utilities shall be followed, but the standards established in these regulations shall be a minimum standard. Water supply systems have not been placed in flood plains, any design requirements of Town of Fraser water utilities shall be followed. The proposed connection is an existing public water system within the Town of Fraser.

Section 2.7 (3) (b)-Other regulations for central water systems are contained in the document: "Grand County Administrative Regulations for Major Extensions of Existing Domestic Water and Sewage Treatment Systems" (document under separate cover, available from Grand County).

Fire protection systems shall be installed consistent with the current Fire Code, the standards listed in the current Subdivision Regulations are less strict than the 2015 IFC.

### 3.3 EMERGENCY SERVICE IMPACT FEES

Below are a portion of the provisions which relate to emergency impact fees for new development. The emergency impact fee for East Grand Fire Protection District was originally adopted in 2001 and has been amended since. The fee is \$483 per residential unit at the time of this report.

(3)Imposition of Impact Fees Any Developer who seeks a Development Approval for a Land Development Activity Requiring Additional Emergency Services is required to pay an Impact Fee in the manner and amount set forth in this Section.

(4)Impact Fee Amount The amount of any Impact Fee to be charged shall be set and revised from time to time by resolution of the Board of County Commissioners. ...

(6)Time for Payment of Impact Fee A Developer requesting approval of a Land Development Activity Requiring Additional Emergency Services shall pay the Impact Fee according to the following timeline, except as otherwise provided in this Section when the total Impact Fee cannot be calculated:

(a) In the case of a planned unit development, subdivision, subdivision exemption or rural land use process approval, at the time of recording of a final plat or plan.

(b)In the case of a building permit for which an Impact Fee has not previously been paid, prior to issuance of the building permit.

This fee shall be paid at the time of recording of the final plat consistent with the provisions highlighted above. The Applicant shall be responsible for the fee, as approved by the Board of County Commissioners, at the time the Final Plat Mylar is submitted for signature and recording.

### 3.4 LANDSCAPING

Below is a direct reference to the provisions from the Subdivision regulations which relate to the Landscape plans, those portions which have been bolded are to add emphasis.

Landscaping/revegetation shall be included in the cost estimate. The objective of a Landscape Plan is to provide a sustainable approach to ensure revegetation of the disturbed site, and to improve aesthetics of the built facilities in a sustainable manner upon completion of a new development. A multi-family development will include landscape features for all open space tracts, and areas disturbed during installation of utilities. The design shall be completed and signed by a Landscape [Architect], Horticulturist, or revegetation specialist (resource specialist, engineer, etc.) approved by the County. The construction cost shall include all features shown in the landscape plan, maintenance requirements for established plantings, and a two-year warranty. All landscaping shall not interfere with the intersection site triangle. The landscaping plan shall be designed anticipating fully mature plantings.

### 3.7 POST CONSTRUCTION

This procedure shall be followed when improvements, which are outlined by the Subdivision Improvements Agreement, are completed to the condition listed in the plans provided by the Applicants engineer and approved by Grand County Consulting Engineer.

#### d. ARTICLE V -DESIGN STANDARDS (MULTI-FAMILY) –Sections 5.1-10

Section 5.1 SCOPE: This application shall comply with the scope of the design standards for Apartment houses, condominiums, townhouses, or conversions to apartment houses and those required by Article II. Section 2.7, Design Standards for drainage, sewer and water, is not duplicated within Article 5 and shall be reviewed as part of this proposal.

With regard to Section 2.7 DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER all of these conditions have been met. On-lot sewage disposal systems are not applicable here. The proposed subdivision will be served by the water and wastewater treatment systems from the Town of Fraser. The construction being proposed is all new construction connecting to public water and wastewater. The Town of Fraser holds a separate agreement with the Applicant to provide these public water and wastewater services. Water line and Wastewater (Sewer) line sizes shall conform to the applicable building code or as a minimum to the following standards, within this code. For compliance with the Design Standards, Section 2.7 approval of water and sewer design by the Town of Fraser pursuant to the Out of Town Service Agreement (TOF OOTSA) is necessary. Staff understands that the provisions within Section 2.7 are at least as strict as those in the Town of Fraser. Section

### 5.2 SPECIAL SITE CONSIDERATIONS:

This property is considered “greenfield land” development site. Greenfield land has been defined as a site where no other development has previously occurred on the property, it has only previously been used agricultural or

open space purposes. There have been no identified flooding hazards, both waterways and wetlands within the proximity of this proposed development exist outside the boundaries of the property.

The proposed development is also adjacent to Union Pacific Railroad Right-of-Way which has been buffered by open space and parking. No nearby drainage channels have been identified on this submittal or historical submittals in the adjacent lots and blocks. The surrounding parcels are of residential use not necessitating a landscape or setback buffer.

Section 5.3 STREETS, ALLEYS AND EASEMENTS: Staff notes, All access roads to apartment houses, condominiums, or townhouses areas shall meet County standards.

For the short-term, it is important for apartment traffic to disperse with not all of the traffic going north and adding to the Eisenhower/US 40 issue. It appears that a majority of traffic as a result of the development will be heading south. As such, a connection to Norgren is important.

All planned and proposed streets bear logical relationship to topography as the development area is generally very low slope.

Streets to be constructed subject to this proposal are show to be aligned at intersections or be offset greater than one hundred thirty-five feet (135'), centerline to centerline. Street Classification and Design Element Criteria: Refer to the Grand County Road and Bridge Standards.

Section 5.4 UTILITY METER INSTALLATIONS AND ACCESSES: Mountain Parks Electric Inc. has been contacted as a Preliminary Plat Review agency. Gang meters are anticipated, accordingly MPEI has provided Language to be added to the plat consistent with the easements and equipment needed to serve this development.

Section 5.5 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS: The Applicant shall provide for open space dedicated to the public that meets the following provision: "The Board of County Commissioners shall require the dedication, reservation or conveyance of areas or sites suitable for purposes such as parks, flood channels, scenic areas and green belts, of sixty percent (60%) of the total of land[i.e., gross land area]covered in the apartment house, condominium, or townhouse area dedication..."

Section 5.6 DESIGN STANDARDS FOR FLOOD HAZARD, FIRE HAZARD, GEOLOGICAL HAZARD AND MINERAL RESOURCE AREAS:

Noted in the recent March 2020 Soils and Foundation investigation there is the presence of ground water at sub surface grades. Construction techniques and installations will need to be adjusted for the existing groundwater and making sure lower levels do not flood because of spring water table levels.

Based on the conclusions most recent study provided, Staff would interpret compliance with the provisions listed in Section 5.6. The most significant item of note provided in the study suggest that Radon in Grand County present in average amounts of 6 pCi/L, safe levels are 4pCi/L and below. Staff recommends that the Applicant install passive depressurization in these buildings and monitor radon levels as standard. The Building Plans shall include provisions for passive depressurization given the county averages 6 pCi/l for Radon.

- The soils report provided and on file with the Grand County Community Development Department references higher than normal radon levels. A radon mitigation system shall be incorporated into the design of any occupied structure constructed in this subdivision.

5.7 SCHOOL LANDS: (1) All subdivisions shall provide for public school sites to serve the proposed subdivision and the future residents thereof and in accordance with these Regulations. When money in lieu of land is recommended by the appropriate Board of Education, the following formula shall be applied:

School Fees Formula Calculation Fees in lieu of land dedication as estimated by Community Development Staff:

60 units

$60 \times .20 = 12$

$12 \times .09 = 1.08$

$1.08 \times \$36,160/\text{acre} = \$39,053$  in school fees.

Total School Fees = \$39,053

Six comps were collected by the Community Development in this calculation to arrive at the \$36,160 per acre price. These six comps were established as being vacant parcels which could be readily developed with at least a single family dwelling.

In lieu of dedication of land areas for public school sites, the County may require the payment of a sum of money not to exceed the fair market value of such sites and land areas at the time of final plat submittal.

- (a) Fair market value shall be determined by mutual agreement between the subdivider and the Board of County Commissioners. In the event of inability of any of the above parties to agree on the fair market value of the sites, an independent party, being a qualified appraiser in the County of Grand, shall be selected by mutual agreement of the disagreeing parties. Said independent party's findings on fair market value of the site shall be final and binding on all parties. A qualified appraiser shall be a member of the Appraisal Institute (MAI) or a member of the Society of Real Estate Appraisers (SRA). The developer shall pay the costs of said appraiser. Staff understands that the Applicant has disagreed with Staff's comps as they relate to the property and calculation of fair market value of this property. The Applicant anticipates having an appraiser involved to negotiate a fair market value pursuant to the code. Although three appraiser have been identified, both the developer and the BOCC has not been agree upon who the appraiser will be.

#### 5.8 ADDRESSING REQUIREMENTS TO ENHANCE 911 EMERGENCY SYSTEM

At Final Plat, the Applicant shall provide proposed addressing. Reflective high visibility signs created by the local fire district shall be placed on the property upon completion of construction. Staff suggests that the addresses are as follows:

Building A: 300 GCR 721 aka Fraser Valley Parkway, Building B: 308 GCR 721 aka Fraser Valley Parkway, Clubhouse: 304 GCR 721 aka Fraser Valley Parkway. An address table shall be included on the Final Plat Mylar.

5.9 SLASH REMOVAL/DISPOSAL Staff notes that there will be not clearing or removal of forest materials will required on the subject property. The property as established above was previously used for agricultural purposes and specifically fields were used for growth and harvesting of hay.

5.10 SOLID FUEL BURNING DEVICES Repealed via Resolution 2016 -7 -34

#### e. ARTICLE VI-IMPROVEMENTS REQUIRED

This application shall comply with the scope of the design standards for Apartment houses, condominiums, townhouses, or conversions to apartment houses and those required by Article II. Section 2.7, Design Standards for drainage, sewer and water, is not duplicated within Article 5 and shall be reviewed as part of this proposal.

Section 6.1 SCOPE: This speaks to improvements required for apartment houses which shall comply with the scope of the design standards for Apartment houses, condominiums, townhouses, or conversions to apartment houses and those required by required by Article III of these Regulations. In addition, the developer and the Planning Commission shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to surrounding areas. Improvements shall be made by the subdivider at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Planning Commission. Security for improvements must be approved by the County Attorney. Letter of Credit must be issued by a Colorado Bank.

#### 6.2 UTILITIES

Drainage has been included in the construction drawings provided with the preliminary plat submittal. Final approved drawings shall be supplied to Staff.

(2) Underground placement of utility lines is required in order to preserve the natural character of the country, unless precluded by topographic conditions.

A note typical to any Grand County subdivision plat shall be added to the plat to this effect:

- All extensions of utility service, such as electric, telecommunications, gas, etc., shall be placed underground.

#### 6.3 EMERGENCY SERVICE IMPACT FEES

Any developer of any subdivision wherein construction of an apartment, condominium or town house is anticipated shall be responsible for payment of an emergency service impact fee. The regulations set forth under Section 3.3 of Article III, shall be applied in the same manner to this type of subdivision as any other type of subdivision. The Applicant will has made a request to the BOCC for a waiver of this fee. The East Grand Fire District is not in favor of waiving the fee.

#### 6.4 IMPROVEMENTS

Off-street parking has been provided and is in compliance with the current Grand County Zoning Regulations and Road and Bridge Standards.

The current proposal includes paving with asphalt for all vehicular surfaces as part of the final development. There is additionally a construction road which will be constructed south of the development used primarily by construction traffic.

Other improvements not specifically mentioned herein but found appropriate and necessary due to unusual conditions have been discussed between Staff and the Applicant and are included as part of this review and recommendation. As referenced in paragraph 5 of this sub-section, prior to the issuance of a final Certificate of

Occupancy by the Grand County Building Division, the developer will be responsible for attaching proper address plaques to each unit.

#### 6.5 GUARANTEE OF COMPLETION

No final plat shall be signed by the Board of County Commissioners until the improvements required by these Subdivision Regulations have been constructed and approved by the appropriate County officials having jurisdiction over such improvements, or until one of the following assurances is given to the Board of County Commissioners for the completion of the required improvements:

A cash deposit in escrow or corporate security bond in an amount sufficient to complete the Improvements plus an additional ten percent (10%) held as warranty security, with provision for payment of said amount to the Board of County Commissioners if developer fails to complete the improvements.

In each new subdivision the subdivider and the Planning Commission shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationships to surrounding areas. Improvements shall be made by the subdivider at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Planning Commission. Security for improvements must be acceptable to the County Attorney. Letter of Credit must be secured by a Colorado Bank. The Applicant(s)/Developer(s) will be responsible for paying all engineering fees associated with any new subdivision. In addition to the initial costs associated with the development the applicant/developer will be responsible for ongoing engineering fees throughout the project (i.e. traffic study reviews, subdivision improvement inspections, etc.).

The Applicant will enter into a Subdivision improvements agreement with Grand County at the recording of the final plat. The applicant has agreed to improvements including drainage, landscaping, parking lot, driveways and sidewalks.

#### SUBDIVISION–Section 7.2–Preliminary Plat

The Preliminary Plat has been submitted and reviewed in compliance with Section 7.2 sub-section (3). Comments from review agencies have been included earlier in this recommendation in conjunction with Design Standards and Required Improvements. The sections below relate to conditions which will directly impact the recorded Plat at the end of the process. Please refer to the analysis section of this report for the County Engineer Comments Memo dated May 4, 2020 for comments on drainage, access and cost estimates.

Section 7.2 (1)-The preliminary plat shall be prepared as follows:

Section 7.2 (1) (a&b)-The design shall conform to the preliminary plat and the statement of requirements and, if desired by the subdivider, may constitute only that portion of the approved preliminary plat which is proposed for immediate recording. The drawing shall be made at a scale of one inch (1") equals one hundred feet (100'), on mylar with other dimensions of twenty-four inches (24") by thirty-six inches (36").

Section 7.2 (2)-The preliminary plat shall contain or be accompanied by the following information:

Section 7.3(2) (a)-Scale, North Arrow, and date are present

The Title shall be corrected as follows: FINAL PLAT BYERS PEAK RANCH, FILING 2, PARCEL 2PART OF THE SOUTHEAST¼, SECTION 19, TOWNSHIP 1SOUTH, RANGE 75WEST, 6TH P.M., COUNTY OF GRAND, COLORADO OWNERSHIP RECORDED AT RECEPTION NO. 2008008822

Section 7.3 (2) (b)-Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the subdivider is recorded. The new legal descriptions shall read as follows: Byers Peak Ranch, Filing 2, Parcel 2

Section 7.3 (2) (c) This Final Plat as proposed complies showing primary control points, or description and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

Section 7.3(2) (d)-Tract boundary lines, easements, residential lot lines and accurate dimensions are shown. All new Rights-of-Way shall be dedicated pursuant to the recorded Plat. Other Rights-of-Way shall be shown including both sides (total width) of those adjacent to the development including UPRR ROW, Mill Ave and Proposed Norgren Street.

Section 7.3(2) (e)-Name of new adjacent Rights-of-Way, shall read: GCR 7211 and GCR 7212 Road and Bridge to confirm GCR #'s.

Section 7.3(2) (f)-Location and dimensions of existing easements and reference to their recording information shall be shown on the Plat.

Section 7.3(2) (g)-Number to identify each lot or site and acreage of each site to nearest 1/100th of an acre shall be provided identifying Filing 2, Parcel 2; Open space tracts, parking tracts, and building foot print areas

Section 7.3 (2) (h)-Purpose for sites, within Filing 2 Parcel 2 which is subject to this plat is for the use of Multi-family residential.

Section 7.3 (2) (i)-Location and description of monuments shall be connected to corners of sections or similar, Final Plat as proposed complies.

Section 7.3(2) (j) -A title commitment dated January 30, 2019, has been submitted. A current title commitment dated within six months of application shall be submitted in compliance with this condition. There is a Lis Pendens on the existing commitment and it is Staff understanding this has been resolved.

Section 7.3(2) (k)-Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

#### DEDICATION

KNOWN ALL MEN BY THESE PRESENTS: That Byers Peak Properties, LLC is the owner of that real property situated in Part of the Southeast Quarter of Section 19, Township 1 south, Range 75 West Grand County, Colorado, more fully described as follows: (surveyed legal description of property)

That he has caused said real property to be laid out and surveyed as, Final Plat, Byers Peak Ranch Filing 1, Amended Parcel 2 and does hereby dedicate and set apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF Byers Peak Properties, LLC, Trustees has caused his name to be hereunto subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ .C. Clark Lipscomb, President

STATE OF COLORADO )ss

COUNTY OF GRAND )

The foregoing instrument was acknowledged before me this \_\_ day of \_\_\_\_, 20\_\_ by Clark Lipscomb, President  
Section 7.3(2) (l)-Certification by a Surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final subdivision plat, to be in substantially the following form:

#### SURVEYOR'S CERTIFICATE

I, Mathew E. Selders, a duly licensed land surveyor in the State of Colorado, do hereby certify that this Plat of Byers Peak Ranch, Filing 2, Parcel 2 truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.

Surveyor's Signature)(Surveyor's stamp and registration number shall appear with this certificate)

Section 7.3(2) (m)-Add the Planning Commission certificate shown below.

#### PLANNING COMMISSION CERTIFICATE

Approved this \_\_ day of \_\_\_\_\_, 20\_\_ by the Grand County Planning Commission, Grand County, Colorado. \_\_\_\_\_ Chairman

Section 7.3(2) (n)-Certification by a qualified professional engineering, designing or planning firm, insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations, as follows:

Section 7.3(2) (o)-A two and one-half by three inch (2-1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.

Section 7.3 (2) (p) -The executed original of the Restrictive Covenants and Articles of Incorporation and Bylaws of any owners' association showing filing of the Articles in the office of the Secretary of State of the State of Colorado. This is not applicable as the proposed multi family is for the purpose of rental units under one ownership and management.

Section 7.3(2) (q)-A vicinity map has been provided and shall remain on the Final Plat.

Section 7.3(2) (r)-The subdivider shall provide:

- (i) Storm drainage plans and related designs, in order to insure proper drainage ways Shall be compliant with Stormwater and Drainage Criteria.
- (ii) Property survey and proof of ownership. Title commitment provides proof of this.
- (iii) Sanitary sewer plans and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems. (Percolation test will be taken on every lot where individual sewage disposal systems are used and the depth of the ground water table will be indicated.)Shall comply with Town of Fraser Service Agreement. No onsite waste water treatment system (OWTS) is proposed in these filings..

Section 7.3 (2) (s)-The subdivider shall provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof. Such provisions may include: This Final Plat shall comply consistent with Design Standards.

Section 7.3 (2) (t)-No subdivision shall be approved until such data, surveys, analyses, studies, plans, and designs as may be required by this section and by the County Planning Commission or the

Board of County Commissioners have been submitted, reviewed and found to meet all sound planning and engineering requirements of the County contained in these Subdivision Regulations. This Final Plat shall comply.

Section 7.3 (2) (u)-Major Activity Notice. Whenever a subdivision or commercial or industrial activity is proposed which will cover five (5) or more acres of land, the governing body of the municipality in which the

activity is proposed shall send notices to the Colorado Land Use Commission and the Board of County Commissioners of Grand County of the proposal prior to approval of any zoning change, subdivision, or building permit application associated with such a proposed activity. Not applicable.

Section 7.3 (2) (v)-Each month the Board of County Commissioners or their appointed representative shall transmit to the Colorado Land Use Commission copies of the notice of filing and a summary of information of such subdivision preliminary plan and plat submitted to them together with a report of each exemption granted by the Board of County Commissioners on such form as may be prescribed by the Colorado Land Use Commission. Not applicable.

Section 7.3 (2) (w) –The A 14" x 18" black-line Mylar(s) with approved addresses and road numbers as required. Addresses shall be placed on the Final Plat Mylar in a table. Addresses will be established as part of Final Plat approval.

Section 7.3 (2) (x) –Statement of taxes due showing current taxes paid shall be submitted prior to recording the Final Plat Mylar.

Section 7.3 (2) (y) -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.

Section 7.3 (3) (a-f) –Section (f)states the County shall require payment of water quality impact fees to be used as identified in (f) 1-12. Because this is an affordable housing project, Grand County is working with the developer on a public/private relationship that would result in cost savings to the project. The developer is encouraged to work with the Grand County Housing Authority to enter into a public private partnership to negotiate fees and or fee waivers.

#### IV. RECOMMENDATION

The Planning Commission unanimously recommended approval of the Byers Peak Ranch Parcel 2 (aka Mill Apartments or Filing 2) Final Plat with conditions. The following lists provide conditions of approval identified by both the Planning Commission and Staff, many of which shall be added as notes or dedications on the plat and resolved in a Final Plat resolution:

1. Staff recommends that the developer be given 60 days to obtain a 1041 Permit. Water and sewer improvements may not begin and no building permit will be issued until a 1041 Permit is received.
2. The developer must provide evidence of securing all licenses, easements (including the easement/license for boring under the railroad near Elk Creek), access Right-Of-Ways and permissions prior to the issuance of a building permit.
3. Address the following drainage concerns prior to Final Plat recording:
  - a. Re-grade drainage channel along Mill Ave. during the site grading to ensure consistent section capacity. Please verify minimum slope, show profile, and specify location of design cross-section used in hydraulic calculation (assumed to be most restrictive section).
  - b. Please discuss the potential impacts to calculated ditch capacity from tail water conditions from deficient drainage infrastructure just downstream as per County Engineers Comments from Memo dated May 4, 2020.
4. Provide a drainage report accounting for flows from proposed road connection to CR 721 and for proposed Norgren Road extension. Also requested is culvert capacity data for the proposed 24" culvert @ Mill Ave. and Norgren Road intersection which does not address 100-year flow capacity, and if the maximum allowable road overtopping depth is met.
5. Provide revisions to the proposed intersection at Mill Ave and Norgren Rd to avoid offsets in the four-way road intersection as per Construction Plan Comments from County Engineer Memo dated May 4, 2020. Staff is asking, therefore, that the BOCC decided on the variance given need for expedition and the likelihood that the County Engineer will likely disapprove the variance.
6. The Final Plat Mylar shall have a table with information pertaining to the open space, the total area of the land to be affected by the apartment, condominium, or townhouse and the tabulation of square acreage in land to be built upon, parking area, open space, driveway; and each is to be stated as percentage of the total area, Section 5.5 and 7.2 (2) (d).
7. Provide a plat note that states open space is to be provided as delineated on the Mill Avenue Apartments Site Development Plan prepared on April 24, 2020 by PWN Architects and Planners, Inc. The open space areas will be restricted to uses allowed in open space on the Final Plat as a plat note.
8. Cost estimates shall be updated to include ALL onsite roadways and drives to connect the proposed development to existing roads. Provide an updated cost estimate and include items previously requested, along with incorporating pavement section quantities and topsoil removal quantities as recommended in the Geotech Report (Soils Investigation).
9. Two (2), 24" x 36" hard copy complete sets of construction drawings, which are versions that are final and have water and sewer improvements approved by the Town of Fraser and all other required site improvements approved by Grand County.



10. Surety shall be provided to the Town of Fraser for any water and sewer improvements required by the Town pursuant to the Town of Fraser Out of Town Service Agreement and therefore excluded from a Subdivision Improvements Agreement with Grand County.
11. The Applicant shall be responsible for the cost of and to be paid in full, the Emergency Impact Fee as approved by the Board of County Commissioners, at the time the Final Plat Mylar is submitted for signature and recording per Section 3.3 (6) (a).
12. The Applicant shall be responsible to pay in full any school impact fees as agreed upon between the Applicant and Board of County Commissioners.
13. An updated title commitment shall be submitted for verification all lot owners are free and clear from all liens and encumbrances except patent reservations and except liens and encumbrances which cannot be extinguished, released, or purchased by the developer, prior to review of the Final Plat by Planning Commission.
14. The Building Plans shall include provisions for passive depressurization given the county averages 6 pCi/l for Radon.
15. Statement by developer platting the property and dedicating easements and any sites for public uses has been provided and amended with recommendations as provided by County Attorney.
16. The Applicant shall enter into a Subdivision Improvement Agreement (SIA) to protect the County interest while completing the required improvements including all on and off site improvements including gas, electric, water, sewer, grading, drainage, streets, parking paving, sidewalks and revegetation.
17. The applicant shall meet all Final Plat requirements.

Mr. Lipscomb stated that because of zoning, the development should not be required to have a 1041 Permit.

Mr. Lipscomb stated the County is requiring a 500-foot intersection separation. They currently have from the center of Mill Avenue to centerline of the parking lot entry, a 175-foot separation. It is very good design. It is a larger distance than on most city blocks.

Mr. Lipscomb would like a variance for all of Filing 2 pertaining to the parking lot entry.

Mr. Lipscomb would like the water quality fee waived in light of the fact that he is using the Fraser Water and Sewer system. The water quality fee appears to relate to sewer system development. Mr. Lipscomb will be paying large tap fees to the Town of Fraser.

Mr. Lipscomb would like the surety waived. The County code states that surety is for public improvements and none of these improvements (except the water system) are public.

Staff is asking for surety for the parking lots. Mr. Lipscomb believes that is not required according to the code.

Mr. Lipscomb asked that staff adopt the cost estimate that was provided last week. That estimate had a 110 percent surety outlined.

The Board agreed to waive the 1041 Permit fees.

Commissioner Cimino moved to approve Parcel 2, Filing 2, Byers Peak Final Plat with all conditions that staff recommended with these changes:

1. Waive the water quality fee
2. Grant variance to parking lot entry
3. Surety or other solution is found for all public improvements
4. School fees be paid based on appraisal
5. Complete 1041 but fees will be waived
6. Building permit fees waived

The motion passed unanimously.

Public Hearing – Shearon-Buchanan Outright Exemption and Right of Way (GCR 408) Vacation – Final Plat

The public hearing scheduled to begin at 11:15 a.m. was called to order by Chair Manguso at 12:10 p.m. Commissioner Manguso read the record as follows:

- A. Application and Project Narrative Letter, dated February 5, 2020
- B. Public Notice Memo to all adjacent property owners from Community Development Department, Planning & Zoning, dated April 17, 2020
- C. List of Mailings property to all adjacent property owners as established by the Grand County GIS

- D. Vicinity Map depicting the notification buffer as established by the Grand County GIS
- E. Certificate of Recommendation dated May 26, 2020
- F. Proposed Amended Final Plat, dated April 17, 2020
- G. Matson Subdivision Exemption Plat, Reception No. 93013415, dated December 29, 1993
- H. Triana Subdivision Exemption Plat, Reception No. 9601023, dated November 20, 1996

PROJECT NAME: Shearon-Buchanan Outright Exemption  
APPLICANT: Mark H. and Bettina A. Shearon; Matthew and Kristen Buchanan  
LOCATION: Tract 1, Matson Subdivision Exemption commonly known as 569 GCR 408  
APPLICABLE REGULATIONS: Grand County Master Plan, Zoning Regulations, Outright Exemption Regulations  
ZONING: F -Forestry and Open District  
ATTACHMENTS: A. Vicinity Map  
B. Application and Narrative Letter  
C. Title Commitment  
D. Proposed Outright Exemption Plat  
E. Matson Subdivision Exemption Final Plat  
F. Triana Subdivision Exemption Final Plat  
STAFF PLANNER: Alexander Taft, LEED Green Associate  
REQUEST: The Applicant is proposing to split their lot to grant an inaccessible portion to a neighboring property Outright Exemption and requests vacation of those portions of ROW identified on the proposed plat.

## I. BACKGROUND

### a. Proposal

Mark H. and Bettina (Tina) A. Shearon own Tract 1, Matson Subdivision Exemption via Warranty Deed recorded at Reception No 2012004531. There is an existing single family residence on the property which was originally built in 1934 according to Assessor records. Matthew and Kristin (Kristi) Buchanan own Tract 1, Tirana Subdivision Exemption directly east of the Shearon's property. The Buchanan's and Shearon's have come to an agreement to transfer a portion of the Shearon's property for the beneficial use of the Buchanan's. Tina Shearon approached Staff about completing this and because these are two separate Subdivision Exemptions Staff recommended an Outright Exemption.

### a. History

Matson Subdivision Exemption was created in December 29, 1993 recorded at Reception 93013415. This Subdivision Exemption created three lots from 40.29 acres. Adjacent to the east, Tirana Subdivision Exemption was created in November 20, 1996 recorded at Reception 96010230. This Subdivision Exemption created three tracts out of 36.6 acres. Both of these Subdivision Exemptions were created from a land division commonly called Shadow Mountain Estates which created 35 or greater acreage parcels which was a subdivision not reviewed by Grand

## II. STAFF ANALYSIS

This proposal was originally presented to during a regular Planning Commission meeting April 8, 2020. During that meeting, Staff and Planning Commission discussed the need for Tract 1, Tirana Subdivision Exemption to also be shown on this proposed plat to prevent the problem of creating a lot without water or access. The Planning Commission agreed to table a decision on the proposed plat until it was revised to show the connection of the proposed Outright Exemption tract with Tract 1, Tirana Subdivision Exemption. This proposal does not add density and is merely transferring a portion of property between owners within two unique Subdivision Exemptions. Proposed Lot 2 has no rights to water or an additional well, and therefore no rights to have a dwelling on it. Its intended use will be for horses and other livestock from the Buchanan's adjacent Tract 1 of Tirana Subdivision Exemption and is being created to avoid the difficulties of trespass onto another property. If approved through this process, there is a need to restrict the ability to have this proposed lot separated from its adjacent parcel in another Subdivision Exemption. Staff feels the Outright Exemption procedure is the proper body of regulations to create this parcel and attach it to another parcel exterior to the boundary of the Matson Subdivision Exemption.

As a note for the record, Staff feels that it would have been proper to exchange the tract of land south of County Road 408 owned by the Shearon's for the tract of land north of County Road 408 owned by the Buchanan's. One complication to completing such a request is that the Shearon's well is located south of the Right-of-Way. Staff also understands that historically the County has not been 'heavy handed' in re-plat requests so long as they comply with current regulations.

## III. PLANNING COMMISSION RECOMMENDATION

This application was originally presented to Planning Commission during their regular meeting scheduled for April 8, 2020. During the April 8 meeting, a recommendation was tabled in order for the Applicant to make adjustments to the proposed plat. The issue was that the plat seemingly created a new parcel or tract from Tract 1, Matson Subdivision Exemption owned by the Shearon's. The intention is to have two (2) resultant parcels, creating no increase in density. During a Special Meeting April 22, 2020, Planning Commission reviewed this application with the edits recommended during the April 8 meeting. Planning Commission asked about and Staff explained some peculiarities pointed out on the vicinity map and included attachments. Planning Commission unanimously recommended the approval of the Shearon-Buchanan Outright Exemption and vacation of those portions of ROW identified on the Proposed Plat with the following conditions to be met:

1. Remove the ensuring statement from the proposed plat as that language has been removed from the most current Outright Exemption Regulations.
2. The "Old" County Road 408 Right-of-Way shall be aligned with the adjacent Laman parcel southern boundary, Section 2.1.
3. Add Resolution 2019-8-6 to the Board of County Commissioners Certificate [3.2 (2) (m)].
4. Statement of taxes due showing current taxes paid for all involved parcels [3.2(2) (s)].
5. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [3.2 (2) (t)].
6. The Applicant shall meet all Plat requirements and such additional information as may be required by the Grand County Board of County Commissioners.
7. A plat note which states: "upon conveyance, Outright Exemption Parcel "A" shall be forever joined with Tract 1, Tirana Subdivision Exemption never to be sold, mortgaged or transferred separately." All legal documents required in conjunction with the final approval of this request are subject to the review and acceptance of the County Attorney.

A woman came forward and stated that her husband and his mother own the property. She read the following letter:

I have asked my wife to read this for me. I am unfortunately unable to be at this hearing due to my work as a physician in Pueblo. I want to request that old County Road 408 remain open as it is. We have no access except that granted by our neighbors. We are planning on building a new cabin that can be used in the summer regularly and with the proper access and cabin upgrades use it in the winter as well.

Our family obtained this cabin many decades ago and have fond memories and anticipate future times as well.

We think keeping the old County Road available will allow access off public roads as the neighbor currently enjoy. Many years ago, my mother with Mr. DiCola had a similar discussion and it was determined by authorities to maintain old County Road to allow us to have access to our property.

I request this be granted or a continuance to allow us to obtain legal console.

Surveyor Tim Shenk stated that they are not proposing to change old County Road 408. A brand new 20-foot wide ingress/egress per this plat is being added. Old County Road 408 is not being changed at all.

This is clean-up work from the old Laman Exemption.

Tina Shearon stated nothing will change access to the property.

Commissioner Cimino moved to approve the Shearon-Buchanan Outright Exemption only and deny the vacation.

The motion passed unanimously.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

Red Hawk Ranch Water & Sanitation District, Special District Service Plan Extension

PROJECT NAME: Red Hawk Ranch Water and Sanitation District –Extension of Special District Service Plan conditions regarding water and wastewater service  
APPLICANT: Red Hawk Ranch Water and Sanitation District represented by Scott Bradley and Jennifer Ivey, ICENOGLE SEAVER POGUE  
LOCATION: Tabernash Area, proposed Red Hawk Ranch Subdivision, Grand County, Colorado  
ZONING: N/A  
APPLICABLE REGULATIONS: Section VII, Red Hawk Ranch Service Plan  
EXHIBITS: BOCC Resolution No. 2012-10-43, Red Hawk Ranch Water & Sanitation District Service Plan and Request for Modification of Service Plan, RHR and TMWSD Extra-territorial service agreement  
STAFF PLANNER: Alexander Taft, LEED Green Associate  
REQUEST: A request to extend term of the approved Red Hawk Ranch Water and Sanitation District Service Plan

I. DISCUSSION

This application is a request for the approval of an extension for the Red Hawk Ranch Water and Sanitation District (“the District”) Service Plan deadline to and including October 31, 2020. This request for an extension is supported by Tabernash Meadows Water and Sanitation District (“TMWSD”) who has negotiated an extraterritorial service agreement for sewer service with the District as of August 20, 2019. The Board of County Commissioners (“BOCC”) approved the Service Plan of Red Hawk Ranch Water and Sanitation District on October 23, 2012, by Resolution No. 2012-10-43. The BOCC’s approval limited the activities of the District to negotiating an agreement with TMWSD for water and wastewater service for the Red Hawk Ranch subdivision. The BOCC approved the previous four (4) extensions of the Service Plan of the District. To maintain consistency with previous requests and approvals, staff is in support of the current request to extend the deadline to October 31, 2020. a. HISTORY Red Hawk Ranch is a proposed 228-unit residential subdivision situated immediately south of Pole Creek Valley. The development is located within the Tabernash Area Urban Growth Boundary. The number of units, lot size, and County Master Plan Policy dictate that the development must be served by adequate public facilities, which in this area of Grand County includes central water and wastewater facilities. In addition, it is located adjacent to the boundary of TMWSD. TMWSD is a special district that was established in 1996 to provide water and wastewater services for residents of Old Town Tabernash and Pole Creek Valley. Red Hawk Ranch is included in its future service area. Most recently, in August of 2019, the Board of County Commissioners voted to administratively extend the deadline of August 31, 2019 for dissolution of the District, to June 2, 2020. This was prompted by an agreement for wastewater service, and discussions are in progress for water service.

b. COMPLIANCE

If no agreement is reached, the District is required to file a petition for dissolution. Early negotiations between the districts was unsuccessful, leading to the request for an extension. Since then, a turnover in the board and general manager at TMWSD has allowed for more amenable progress towards a final agreement. Now, the District is working closely with TMWSD on testing and planning the use of available resources. As a result, the District has asked the County to consider an administrative amendment to their approved Service Plan to extend the term for finalizing a service agreement with TMWSD. The approved Service Plan and C.R.S.32-1-207(1)-(3) address material modifications to County-Approved Service Plans. A material modification of an approved Service Plan is stated to be a change of a basis or essential nature, which includes the following:

- a) Any addition to the types of services provided by the special district;
- b) A decrease in the level of services provided the special district;
- c) A decrease in the financial ability of the district to discharge the existing or proposed indebtedness; or d)

A decrease in the existing or projected need for organized service in the area. It is Staff’s opinion that a change to the term for negotiating a service agreement with TMWSD is not a material modification to the Service Plan. There is not a clear process in the Statute for modifications not considered material in nature. The idea presented by the District for an administrative amendment is warranted. This process, however, should not be a desk amendment by the Community Development Director or his agents. The BOCC, in its approval of the Service Plan, is the entity that established the timeframe for negotiations and the dissolution of the District if no agreement was reached. If the term for negotiation is to be changed, it is therefore Staff’s position that the BOCC needs to grant the extended term to RHRWSD.

Extending the term is appropriate for the following reasons:

- County Master Plan policies supports development in the Tabernash Urban Growth Area.
- Adequate public facilities are provided or nearby to support new development in the area.
- Additional quality housing is needed in Grand County in locations near major transportation routes, water and wastewater facilities, public safety facilities, jobs, and commerce.
- RHRWSD believes they are in a better position both economically and politically to negotiate a service agreement with, or incorporation into, TMWSD for water and sanitary sewer service.
- Successful negotiations between these two Districts could prevent the dissolution of RHRWSD and improve the potential of water and wastewater services being extended to other adjacent areas, such as the Town of Tabernash, EJ Vulgamott Additions to Tabernash, and perhaps even parts of Winter Park Highlands, Grand County Village, and areas around—or in proximity to—these developments.
- A successful negotiation between these Districts would be a real benefit to existing and future Grand County residents.

## II. RECOMMENDATION

It is Staff's recommendation to the Board of County Commissioners to extend the term for negotiation as established by BOCC Resolution No. 2012-10-43. Colorado Revised Statutes allows this extension pursuant to C.R.S.32-1-207. TMWSD Staff and Board, who are in agreeance on the request for an extension, view the extension as a positive step toward future agreements for water and wastewater. Staff recommends an extension from August 31, 2019 to October 31, 2020, to reach a deal for water service. If further negotiations are not successful by the end of the extended term, the District will initiate dissolution in the manner outlined in the approving Resolution (2012-10-43) for the Service Plan.

Commissioner Cimino moved to delay the review and consideration of Red Hawk Ranch Water and Sanitation District Special District Service Plan Extension until October 21, 2020.

Commissioner Cimino struck the motion.

Commissioner Cimino moved to approve the extension of the Red Hawk Ranch Water and Sanitation District until October 21, 2020.

The motion passed unanimously.

### Public Hearing – Wolford Mountain Reservoir Campground Special Use Permit Amendment

The public hearing scheduled to begin at 11:45 a.m. was called to order by Chair Manguso at 12:30 p.m. Alex Taft presented the public record as follows:

- A. Application dated January 27, 2020
- B. Public Notice –Middle Park Times, dated April 17, 2020
- C. Proof of Publication – Middle Park Times, April 24, 2020
- D. Vicinity Maps
- E. List of property owners within the 1,000' notification buffer, as established by the Grand County GIS
- F. Certified Mailings to all property owners within 1,000' as established by the Grand County GIS
- G. Memorandum to property owners within 1,000' as established by Grand county GIS from Community Development Department, Planning & Zoning, dated April 21, 2020
- H. Grand County Board of County Commissioners Resolution No. 2000-6-24 dated
- I. Grand County Board of County Commissioners Resolution No. 2005-9-25 dated
- J. Grand County Board of County Commissioners Resolution No. 2005-11-9 dated
- K. Grand County Board of County Commissioners Resolution No. 2010-9-26 dated September 7, 2010
- L. Grand County Board of County Commissioners Resolution No. 2015-6-69 dated
- M. Certificate of Recommendation dated May 26, 2020
- N. Email from Colorado Department of Transportation, Kandis Aggen dated January 13, 2020

PROJECT NAME: Wolford Mountain Reservoir Campground Special Use Permit  
APPLICANT: Colorado River Water Conservation District represented by Hunter Causey Senior Water Resources Engineer and Andy Mueller, General Manager  
LOCATION: Parts of Section 2, 6, 12, 13, 24, and 25 Township 2 North, Range 81 commonly known as Wolford Mountain Reservoir, approximately six miles north of Kremmling, via U.S. Highway 40  
ZONING: F --Forestry and Open District  
APPLICABLE REGULATIONS: Section VI (6) and XI (11), Grand County Zoning Regulations and Grand County Master Plan

ATTACHMENTS: A. Application with Narrative Letter  
B. Vicinity Map  
C. Resolution 2015-6-69  
D. Draft Special Use Permit (“SUP”) 2020-5-XX

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is requesting approval of an amendment and renewal to the Special Use Permit for transfer to new permittees with substantially the same use for the existing property.

## I. BACKGROUND

### a. HISTORY

Colorado River Water Conservation District represented by Hunter Causey, Senior Water Resources Engineer and Andy Muller, General Manager, herein referred to as the Applicant, are requesting to amend their existing Special Use Permit. The existing permits are consistent with Resolution No. 2015-6-69 for the operation of the camping area. The Special Use Permit dates back to June 6, 1995 being updated throughout the years and expanding the use while maintaining the site. The property subject to this use encompasses approximately 290 acres of which the area owned by the Applicant is comprised of large Metes and Bounds parcels totaling approximately 1700 acres containing the day use areas, concessions, camp grounds, and Wolford Mountain Reservoir. The recreational site is substantially located east of US Highway 40, with only small portions of the reservoir extending west of the Highway, approximately 6 miles north of the Town of Kremmling.

### b. Proposal

The Applicant desires to expand uses existing on the property and provide more water boat storage than is available within the reservoir. There are sixty (60) boat slips available along the shore adjacent to the individual camp sites. The expanded use will be achieved via boat mooring anchors north of the camping, day use and existing boat slips. The overall amount of overnight camping and day use area is remaining the same. Existing land uses as represented in the permit and on previous site plans include:

- Individual camp sites
- Day use areas
- Dry boat storage
- Group use areas

The letter of application provided, as an attachment, a letter sent to the Board of County Commissioners dated November 2017 regarding reduced hours of operation for full use of the site and amenities. As a portion of this request, the Applicant would like permit revisions to reflect that action which has been in practice over the past several years.

## III. Staff Analysis

The Applicant has requested the following amendments to the existing permit:

- Allow for thirty (30) mooring anchors.
- Update permit term to a ‘lifetime of use under current ownership term’.
- Full operation between May 15 and October 15. Over the years the Permit has been amended four (4) times to expand use. The Wolford Reservoir Recreational area has been a significant draw for locals and tourists alike over nearly three decades.

Staff would like to emphasize that the total existence of this permit is nearing twenty five (25) years, following the completion of the Reservoir. It has done so with no violations or notable complaints related to the use. Staff would therefore be in full support of the request to make this a lifetime of use under current ownership permit.

## IV. COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

### A. 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 (1) is relevant to this Special Use Permit proposal. Plan Element 4—Community and Public Facilities The Grand County Master Plan supports Recreational Facilities in Section 4.4 of the Master Plan. The Plan only briefly points to providing various recreational activities for the benefit of county residents and traveling public. Especially consistent with the current times we are facing, these outdoor recreational activities give additional opportunities to outdoor enthusiasts while keeping safe and healthy. Plan Element 6 –Economic Base The Grand County Master Plan makes direct reference to Wolford Reservoir as a recreational amenity in the county: “Re-evaluate lands currently zoned forestry/open to ensure that sufficient and appropriately located lands are available to meet the needs of rural population centers and moderately-sized tourism related development (e.g. Blue Valley

Acres and Wolford Reservoir area)”The Town of Kremmling is the biggest support center from the Reservoir and campground. Staff believes the Town of Kremmling would benefit from any expansion as it is advantageous to their business within the town.

#### B. ZONING REGULATIONS

Section VI (6) Forestry and Open District allow the consideration of both Commercial Camping and camp grounds approved by Resolution 2019-5-27 recorded at Reception # 2019006706as a use under special review consistent with 11.8 (1). (1)Commercial camping is designed for temporary living quarters and it is the intent of these provisions to ensure that the occupancy space within a campground will not be perpetuated beyond the time limits set forth in these regulations. No recreational camping vehicle, tent or similar shelter shall be allowed to occupy space within the campground for periods exceeding one-hundred fifty (150) days, unless otherwise approved by the Board of County Commissioners. Commercial Camping is subject to the following additional provisions:(a)Such areas may be occupied only by persons using mobile homes, travel trailers, truck campers and tents for overnight or short duration camping;

The camping limit for this campground has been fourteen (14) days. Staff feels that this is appropriate and has been established throughout the life of this use. It was previously referenced that, “District staff occasionally have requests to extend this limit and have dealt with those requests by allowing visitors to move to another site”. Staff is supportive of this as it is consistent with other public campgrounds on US Forest Service lands.(b)Each space for travel trailers, truck campers and tents shall be at least one thousand five hundred (1500) square feet in area;

The campground is in compliance with this requirement.(c)Each space shall be at least thirty feet (30') in width; The campground is in compliance with this requirement.(d)Each camping area shall provide a central water supply and shall have one (1) sewerage system; A central water supply is provided via trucked in water from a treated public supply. Due to the size of this campground, there are several septic systems to serve different areas of the facility. Previous recommendations reference, “A variance was granted for the requirement of one sewerage system with the original permit and it remains appropriate,” currently Staff would agree.(e)The source, quality, quantity, distribution system, volume and method of storage of water and the method of collection and treatment of sewage and wastewater shall be approved by the Colorado State Department of Public Health; Staff has had conversations with both the Applicant and Colorado Department of Public Health and Environment on this topic. The water supply is in compliance with State Regulation 11 under the jurisdiction of Colorado Department of Public Health and Environment. The system is appropriate for the use and total occupancy.(f)No dependent mobile home, travel trailer, truck camper or tent shall be located more than two hundred feet (200') from a service building; The previous Special Use Permit granted a variance from this requirement. Staff believes that this variance is still appropriate, as most campsites beyond the 200' limit are self-contained units.(g)Provisions shall be made for adequate all weather walkways to each space. The campground is in compliance with this requirement, walkways are compacted dirt and gravel.

#### IV. STAFF RECOMMENDATION

Staff recommends approval of this application for the Wolford Mountain Reservoir Campground Special Use Permit with the following conditions:

1. Allow for thirty (30) mooring anchors.
2. Update permit term to a ‘lifetime of use under current ownership term’.
3. Full operation between May 15 and October 15.Please refer to the BOCC Dropbox for the draft SUP as attached for reference.

Commissioner Linke moved to approve the Wolford Mountain Reservoir Campground Special Use Permit with conditions presented.

The motion passed unanimously.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

#### Board Business

Commissioner Cimino moved to approve and sign the letter to Andy Hayes thanking for excellence in service in Emergency Medical Services.

The motion passed unanimously.

Commissioner Cimino moved to approve and sign the letter to Logan Price thanking for excellence in service in Emergency Medical Services.

The motion passed unanimously.

Commissioner Cimino would like to discuss a “degallagher” ballot question and term limits for County elected officials.

- May 27 Commissioner Cimino is meeting with EMS Chief Robert Good at 1:00 p.m.
- May 27 The Board will host the Legislative Breakfast via WebEx
- May 27 Board of Health Workshop for IMT Priorities at 2:00 p.m.
- May 28 AGNC call meeting
- May 29 Club 20 meeting at 9:00 a.m. in Grand Junction (Commissioner Linke)
- June 3 All hands meeting at 9:00 a.m. (All three commissioners)
- June 4 The Board will attend a Granby Highlands Trails Easement Project Workshop at the Granby Town Hall from 2:00 p.m. to 3:30 p.m.

Commissioner Linke attended the Rural Workforce Development meeting.

There being no further business to come before the Board, the meeting was adjourned at 1:26 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 9<sup>th</sup> day of June 2020.

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Kristen Manguso, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder