

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

June 18, 2019

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

Also Present: County Clerk and Recorder Sara L. Rosene
County Manager Kate McIntire
Interim County Manager Ed Moyer
County Attorney Chris Leahy

Those present recited the Pledge of Allegiance.

Commissioner Linke moved to approve the Meeting Minutes of June 11, 2019, of the Board of Commissioners as presented.

The motion passed unanimously.

General Public Comments

District Attorney for the 14th Judicial District Brett Barkey has resigned his position and he introduced Governor Polis' designate Matt Karzan.

Mr. Barkey understands from the Division of Local Government that Grand County's population will increase one percent and Moffat County will go down. With that change, Grand County will pay a greater amount and Moffat County will go down.

Mr. Karzan stated that he does not expect any unpleasant financial surprises. Mr. Karzan stated that internally the biggest challenge is to manage digital records.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on June 19, 2019, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the checks presented on June 18, 2019 for payment on June 19, 2018 for the Grand County Housing Authority.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on June 19, 2019, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the vouchers presented on June 18, 2019, for payment on June 19, 2019 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Linke moved to approve the wires payment and vouchers transfers presented on June 18, 2019, for payment on June 19, 2019 for Grand County.

The motion passed unanimously.

Departmental Contracts, Comments, Issues

Road and Bridge Superintendent Chris Baer stated that he received additional request for gravel. Mr. Baer asked how the Board would like to know how to handle the requests.

Headwaters Trail Alliance and the Forest Service have both asked for gravel for projects. The total cost for the requests is approximately \$2,500 for the 12 loads requested. HTA asked for 10 loads and the Forest Service asked for two loads.

The Board agreed to provide the requested two loads to the Forest Service.

Commissioner Manguso moved to approve Resolution No. 2019-6-9, "A RESOLUTION AUTHORIZING THE GRAND COUNTY TREASURER TO DISBURSE FUNDS FROM THE ACCOUNT 'PAYMENT IN LIEU OF EAST GRAND SCHOOL LAND'" in the amount of \$1,209.25.

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign the Contract Routing Form. The Contract is to repair the unleaded fuel line at Granby Fuel site.

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign the lease between Grand County and Grand Lake Fire for the lease for the fire station in the amount of \$10,800 as presented.

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign the Colorado Youth Continuum Agreement (Senate Bill 94) between Grand County and the 14th Judicial District as presented by Kelly Friesen.

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign the Colorado Youth Continuum Agreement (Senate Bill 94) between Grand County and Moffat County as presented by Kelly Friesen.

The motion passed unanimously.

Lease for animal shelter.

Commissioner Manguso moved to approve the Lease between Grand County and the Alice Marie Nordloh Family Protection Trust and the Snyder Ranch for \$1 per year for the animal shelter.

The motion passed unanimously.

Emergency Manager Tara Gourdin presented a high water update.

Assistant County Manager Ed Moyer provided the Board with documents with regard to the close out of the 2018 Pavement Maintenance Project. Most of the work was completed last year except the final striping that was finished in the last week.

The documents that need to be approved and signed are:

1. Required determination for project closeout
2. FAA Form 5100-129 Construction Project Final Acceptance
3. FAA Form 5100-131 Equipment and Construction Contracts
4. FAA Form 5100-132 Project Plan and Specs
5. FAA Form 5100-134 Selection of Consultants

Commissioner Manguso moved to approve and authorize the Chair to sign the Project Close Out documents as described by the Assistant County Manager.

The motion passed unanimously

Commissioner Linke moved to approve the Hotel and Restaurant Liquor License with Optional Premises renewal for Grand Lake Metropolitan Recreation District doing business as Grand Lake Golf Course located 1415 County Road 48, Grand Lake as presented.

The motion passed unanimously.

Commissioner Linke moved to approve the Tavern Liquor License for Ranch Operations, Inc., doing business as C Lazy U Ranch renewal as presented.

The motion passed unanimously.

Commissioner Manguso moved to change the Agenda and move Board Business to 9:20 a.m. and the Water Protection Update at 10:30 and Manager and Attorney items at 11:00 a.m.

The motion passed unanimously.

Commissioner Cimino met with Peak Health Alliance and Summit County to discuss changing the County's health insurance to Peak in 2020. With a change, Grand County could unbundle by brokering pharmacy, medical administrator, stop loss insurance, and the network administration.

Commissioner Cimino stated that he would like to have authorization to spend up to \$5,000 for upfront work. With this possible change, Commissioner Cimino would like employees have the same coverage as the currently have.

The Board agreed to continue considering this option and expend up to \$5,000 to explore the options.

Commissioners Linke and Cimino attended the BLM Resource Advisory Committee meeting.

Commissioners Manguso and Cimino attended the QQ meeting in Carbondale.

June 20 Builders Association meeting at Granby Ranch Base Camp at 5:30 p.m. – Commissioners Manguso and Cimino
June 20 & 21 Four-basin Roundtable in Grand Junction – Commissioner Linke
June 21 Club 20 Chair Update call at 1:00 p.m. – Commissioner Linke
June 29 4th Annual Universal Health Conference for Colorado in Denver – Commissioner Cimino

Consent Agenda

Resolution No. 2019-6-3, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A COOPERATIVE LAW ENFORCEMENT AGREEMENT AND EXHIBIT A, ANNUAL OPERATING PLAN & FINANCIAL PLAN, BY AND BETWEEN THE U.S.D.A., FOREST SERVICE AND THE GRAND COUNTY SHERIFF'S OFFICE"

Resolution No. 2019-6-4, "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 BITS N SPURS GYMKHANA"

Resolution No. 2019-6-5, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND AUTHORIZING THE GRAND COUNTY HOUSING AUTHORITY OPERATIONS MANAGER TO SUBMIT AN APPLICATION TO THE COLORADO DIVISION OF HOUSING FOR A SINGLE FAMILY OWNER OCCUPIED REHABILITATION REVOLVING LOAN FUND"

Resolution No. 2019HA-6-6, "A RESOLUTION APPROVING AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, TO EXECUTE A RENEWAL APPLICATION FOR NOT-FOR-PROFIT RISK PROTECTOR INSURANCE FOR THE HOUSING AUTHORITY OF THE COUNTY OF GRAND"

Resolution No. 2019-6-7, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF WILL MACDONALD AS A DISTRICT I REPRESENTATIVE TO THE GRAND COUNTY PLANNING COMMISSION"

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Public Hearing – Highway 40 LLC dba Bonfire Cannabis, Renewal of Retail Marijuana Store

The public hearing scheduled to begin at 10:15 a.m. was called to order by Chair Cimino at 10:15 a.m. County Attorney Chris Leahy set the record as follows:

Exhibit A Cover Letter
Exhibit B State Renewal Applications
Exhibit C Trade Name Registration
Exhibit D Certificate of Good Standing from Colorado Secretary of State
Exhibit E Entity Documents

Exhibit F	Documents Showing Legal Possession
Exhibit G	Diagram of Premise
Exhibit H	Financial Documents (Notes, Security Notes, Financial Obligations, Funding Sources)
Exhibit I	Copies of Inspections, Violations, Orders to Show Cause, Summary Suspensions, Administrative Holds
Exhibit J	Current Colorado Sales Tax Licenses and Colorado Retail Marijuana License Bond
Exhibit K	Security Plan, Burglar Alarm and Contract
Exhibit L	N/A - not needed for renewals
Exhibit M	County Submitted Fees
Exhibit N	Grand County Marijuana Business License Application, Memorandum of Understanding, Owners and Managers Form, Affidavit of Lawful Presence
Exhibit O	Grand County Department of Community Development Marijuana License Review
Exhibit P	Letter from Applicant regarding Previous Marijuana Licenses
Exhibit Q	Supplemental Information Provided to the State
Exhibit R	State of Colorado Marijuana Licenses
Exhibit S	1000 Foot Buffer Map and Land Use within 1000 Foot Buffer
Exhibit T	Map of 2-Mile Radius - the "Neighborhood"
Exhibit U	Grand County Assessor's Property Record and Schedule Number
Exhibit V	Proof that Property Taxes Are Paid
Exhibit W	Applicants Marijuana Management Plan
Exhibit X	Marijuana License Applications and Badges for Current Employees
Exhibit Y	Notifications
Exhibit Z	Public Comments - None

Commissioner Linke moved to set the neighborhood for the license at two-mile radius as recommended by Clerk and Recorder Sara Rosene.

The motion passed unanimously.

To: Grand County Board of County Commissioners
From: Sara L. Rosene, Grand County Clerk and Recorder
Date: June 18, 2019
Re: Retail Marijuana Store (the term "retail marijuana" is commonly known as "recreational marijuana")
Applicant: Highway 40 LLC dba Bonfire Cannabis Dane Casterson, Owner
Location: 8 County Road 821 Tabernash, CO
Lot A, McKnight Outright Exemption
Zone District: Business
Applicable
Regulations: Ordinance 18
Request: The Applicant is requesting renewal of a County Retail Marijuana Store License

Discussion:

Grand County Board of County Commissioners passed Ordinance 18 to exercise the authority of the County of Grand to allow state licensed marijuana establishments to exist in unincorporated Grand County in accordance with applicable state laws and regulations as well as the additional local licensing requirements and other restrictions. This regulation and ordinance is adopted pursuant to constitutional and statutory authority as well as the county's authority under its police power in order to preserve the public health, safety, and general welfare.

The applicant for this Retail Marijuana Store is Highway 40, LLC dba Bonfire Cannabis. Dane Casterson is the owner of the business. The location is 8 County Road 821, Tabernash, CO 80478. The building is owned by Tabernash Properties, LLC. The lease to Highway 40 LLC dba Bonfire Cannabis lease ends March 31, 2031.

During the review process, the County Clerk's Office makes courtesy notification to all landowners, taxing districts, hospitals, and towns within 500 of the proposed license location.

After the final review, the Clerk and Recorder schedules a public hearing to be heard by the Board of County Commissioners.

Compliance with Grand County Resolution No. 2014-1-26 and Ordinance #14 and Ordinance #14-1 and Resolution No. 2018-2-2 and Ordinance 18

"Retail Marijuana Store" has the same meaning as defined in section 16(2)(n) of article XVIII of the state constitution. "Retail marijuana store" means any entity licensed to purchase marijuana from marijuana

cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.”

Section 5 – Application

County application:

A. Cover Letter

Complete

B. State Application

Complete

C. Trade Name Registration

Complete

D. Certificate of Good Standing from Colorado Secretary of State

Complete

E. Entity Documents

Complete

F. Documents showing legal possession

Complete

G. Diagram of Premise

Complete

H. Financial Documents (Notes, Security Notes, Financial Obligations, Funding Sources)

Complete

I. Copies of Inspections, Violations, Orders to Show Cause, Summary Suspensions, Administrative Holds

Complete

J. Current Colorado Sales Tax Licenses and Colorado Retail Marijuana License Bond

Complete

K. Security Plan, Burglar Alarm and Contract

Complete

L. County Fees Submitted to the State

N/A

M. County Submitted Fees

Complete

N. Grand County Marijuana Business License Application, Memorandum of Understanding, Owners and Managers Form Affidavit of Lawful Presence

Complete

O. Grand County Department of Community Development Marijuana License Review

Complete with CO

P. Letter from Applicant regarding previous Marijuana License

Complete

Q. Supplemental information provided to the state

Complete

R. State of Colorado Marijuana Licenses

Complete

S. 1000 Foot Buffer Map and Land Use within 1000 foot buffer

Complete

T. Map of 2-mile radius – the “Neighborhood”

Complete

U. Grand County Assessor’s Property Record and Schedule Number

Complete

V. Proof that property taxes are paid

Complete

W. Applicants Marijuana Management Plan

Complete

X. Marijuana License Applications and Badges for current employees

Complete – Personal information not available for public hearing file

Y. Notifications

Complete

Classes of licensing authorized

1. Retail marijuana stores may operate only in the Business or Tourist zones within unincorporated Grand County.

Section 7 – Schedule Hearing and Notice

(a) Upon receipt of a complete application for a marijuana establishment, the Clerk and Recorder shall schedule a public hearing before the Board of County Commissioners not less than thirty days from the date of the application and shall post and publish the public notice thereof not less than ten days prior to such hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made and by publication in a newspaper of general circulation.

On June 21, 2018 the applicant made application to the Board of County Commissioners. Publication in the Middle Times was on March 14, 2019 and posting was completed on March 11, 2019.

(b) Notice given by posting shall include a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of the hearing, and the name and address of the applicant, such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a corporation, association, or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary, and manager or other managing officers.

Signs posted are in compliance with this section. A postcard notification was made to all landowners within 1,000 feet of the proposed location. Notification was made by email to all individuals on the interested party list. The complete file is posted on the County's website.

Notification was made to Department of Planning and Zoning (Community Development), Grand County Sheriff's Department, and East Grand Fire Protection District.

Section 8 – Public Hearing

(a) At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and to cross-examine witnesses. As used in this section, "party of interest" means any of the following:

- a. The applicant;
- b. An adult resident of the neighborhood under consideration;
- c. The owner or manager of a business located in the neighborhood under consideration;
- d. An authorized representative of a registered neighborhood organization that encompasses all or part of the neighborhood under consideration; or
- e. The Board of County Commissioners

(b) As used in this section, the term "neighborhood" shall have the same meaning as the Board of County Commissioners utilizes for purposes of issuance of liquor licenses.

(c) The Board of County Commissioners has authority to refuse to issue any marijuana establishment license for good cause, subject to judicial review pursuant to C.R.C.P. 106. For purposes of this subsection (c), the term "good cause" means:

1. The applicant has violated, does not meet, or has failed to comply with any of the terms conditions, or provisions of the Colorado Retail and/or Medical Marijuana Code or any rule or regulation promulgated pursuant thereto, or this regulation and ordinance or any rule or regulation promulgated pursuant to this regulation and ordinance;
2. With respect to second or additional retail or medical marijuana establishment license applied for by the same applicant, the Board of County Commissioners shall consider the effect on competition of the granting or disapproving of additional license to such licensee, and no application for a second or additional license that would have effect or restraining competition shall be approved.
3. Evidence that the issuance of the license will adversely impact the health, welfare or public safety of the neighborhood in which the marijuana establishment is proposed to be located.

(d) Before entering any decision approving or denying the application, the Board of County Commissioners shall consider, except where this regulation and ordinance specifically provides otherwise, the facts and evidence adduced as a result of public hearing required by this section, and any other pertinent matters affecting the qualifications of the applicant for the conduct of business as a marijuana establishment.

(e) The Board of County Commissioners shall also consider:

1. The reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrance, or otherwise; and
2. The number and availability of other marijuana establishments in or near the neighborhood under consideration; and

3. Whether the issuance of such license would result in or add to an undue concentration of marijuana establishments and, as a result, require the use of additional law enforcement resources.

(f) Any decision of the Board of County Commissioners approving or denying an application shall be in writing stating the reasons therefor, within thirty days after the date of the public hearing, and a copy of such decision shall be sent by certified mail to the applicant at the address shown in the application and to the state licensing authority.

Section 9. Licensing requirements – Provisions applicable to all licenses

In addition to those requirements of the Colorado Medical and/or Retail Marijuana Codes the following shall be required of all licenses:

(a) Notice of applications to departments and agencies. Upon receipt of an application for any class of local license, the Clerk and Recorder shall give notice of the application to the Department of Planning and Zoning and the Grand County Sheriff's Department, and the Local Fire District. Any applicant for a license under this regulation and ordinance shall obtain any and all necessary permits, licenses, and other regulatory approvals from the other affected county departments and agencies prior to the issuance of a license under this regulation and ordinance.

Notification was made to Department of Planning and Zoning (Community Development), Grand County Sheriff's Department, and East Grand Fire Protection District.

(b) Background checks and determination of good character and state residency. Prior to the issuance of any local license, the Board of County Commissioners shall make a finding and determine as to the good moral character of the applicant and compliance with state residency requirements in accordance with the standards and procedures set forth in the Colorado Retail Marijuana Code and/or the Colorado Medical Marijuana Code. In so doing, the Board may incorporate any findings as to good character and residency previously made by the state licensing authority, and shall not be required to perform a criminal background check if the state licensing authority has already performed a criminal background check on the applicant.

A background check for the initial application was performed by the State of Colorado.

(c) Area maps. All applications for marijuana establishment submitted pursuant to this regulation and ordinance shall include an area map drawn to scale indicating land uses of other properties within a 1,000-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school, church or child care establishment, to any other marijuana establishments, or to any alcohol or drug treatment facility.

The applicant has submitted a map and referenced Assessor's property records showing the land uses within 1,000 of the proposed location. The applicant states that there are no alcohol or drug treatment facilities, child care establishments, schools or churches within 1000 feet of the proposed location. In addition, the applicant has provided a map showing the 2-mile radius around the property.

(d) Additional prohibited locations. No retail or medical marijuana license shall be issued for the following locations:

(1) Within one thousand (1,000) feet of any school, child care establishment, alcohol or drug treatment facility or church, with the distance computed by direct measurement in a straight line from the nearest property line of the land use for the school, child care facility, alcohol or drug treatment facility, or church to the nearest portion of the building in which the marijuana establishment is located.

(e) Off-site delivery of product by licensee prohibited. All sales and distribution of retail or medical marijuana by a licensed marijuana establishment shall occur only upon the licensed premise, and the licensee shall be strictly prohibited from delivering retail or medical marijuana to any person at any other location.

(f) Signs and advertising.

(1) Any person or premises licensed as a marijuana establishment shall comply with all county ordinances and regulations regulating signs and advertising. In addition, no licensed marijuana establishment shall use any advertising material that is misleading, deceptive, or false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, is designed to appeal to minors.

(2) Except as otherwise provided in this subsection (2), it shall be unlawful for any person licensed under this regulation and ordinance or any other person to advertise any marijuana product anywhere in the county where the advertisement is visible to members of the public from any street, sidewalk, park or other public place,

including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the Grand County Zoning Regulations; any sign mounted on a vehicle; any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. The prohibition set forth in this paragraph (2) shall not apply to:

(a) Any sign located on the same zoned lot as a marijuana establishment which exists solely for the purpose of identifying the location of the marijuana establishment and which otherwise complies with the Grand County Zoning Regulations and any other applicable county laws and regulations; or

(b) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the county; or

(c) Advertising which is purely incidental to sponsorship of a charitable event by a marijuana establishment.

Comments

The Grand County Clerk and Recorder has received all documentation required by Grand County Resolution Nos. 2013-12-25, 2014-1-26 and Ordinance No. 14, Ordinance No. 14-1, and Ordinance No. 18. The fees required by law and statute have been remitted.

All standard language and conditions of the Grand County Resolution Nos. 2013-12-25, 2014-1-26 and Ordinance No. 14, Ordinance No. 14-1 and Ordinance No. 18 shall be made part of any approved license.

If, after taking testimony at the public hearing, the Board of Commissioners approves the license, the Clerk and Recorder recommends that a license be issued to the applicant.

Commissioner Cimino asked for and received no public comments.

Commissioner Linke moved to approve the renewal of the Retail Marijuana Store License for Highway 40, LLC doing business as Bonfire Cannabis as presented by Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

Water Protection Update

Assistant County Manager Ed Moyer and Water Quality Specialist Katherine Morris presented.

Mr. Moyer stated that through the Windy Gap Firming Project IGA, Grand County is allowed to pump Windy Gap water and store in Granby Reservoir. Last year Grand County pumped 1,000 acre feet and paid for that pumping. In the Colorado River Cooperative Agreement upon permitting Denver Water will provide \$1 million to Grand County to pay for the pumping in the future.

Given the outlook for a cool wet summer, Windy Gap will turn one pump on tomorrow. Grand County has been asked if it wants to pump water this year. Mr. Moyer recommends that Grand County not pump this year. This is the first year that Grand County will see a 50 percent of the unused Middle Park water that was pumped last year come to Grand County as of August 1. We could see a release of 750-acre feet in August and another 400 – 500 acre feet in September.

The Board agrees that Grand County should not pump this year.

Colorado River Headwaters Connectivity Project NEPA Watershed Plan

- McMillan Jacobs- Draft Watershed Plan EA completed. Target EA Public Notice in August.
- NW contracted AECOM to complete additional NRCS required work/evaluations: dam safety standards, dam breach assessment, sediment transport analysis / HEC-RAS model and possible updated flood hydrology of the CO and Fraser basins above WGap.
- These unforeseen NRCS requirement delayed the EA schedule by 6-8 weeks. Evaluation will be incorporated into the draft Watershed Plan - EA. Target date for the EA FONSI is late 2019 and worse case scenario March 2020.

- Overall Delay justifies a 6th Year Project Extension request, plus recent Farm Bill streamlined extension process.

Project Final design-build RFP

- Goal is to publish RFP in July. NW to contract with a design engineer prior to issuance of a ROD and FONSI with NRCS approval.

Water Court Case

- Municipal Subdistrict sent final offer to downstream property owner. Mediation set for late July.

Fundraising (\$2M remaining):

- USACE 2019 Continuing Authorities Program (CAP) funding.
 - CAP team finalizing Federal Interest Determination (value and feasibility)
 - CAP must follow NRCS timeline.
 - NRCS authorization needed to co-mingle Federal funds and amend RCPP Agreements. If approved, project components may need to be split (Res. Mod. vs. Channel)
 - Must make decision on CAP funding in early July 2019, AFTER updated project cost estimated are provided (end of June).
- Grand County discussing grant opportunities with GOCO. Project Tour July 11.

Project Schedule

- Next Meeting – April 24 with CPW and Partners in Summit Co.
 - Updates to Design/Construction Schedules, as \$1M of the CPW Habitat Project must be completed as in-kind with the completion of the Colorado River Headwaters Connectivity Project (Construction 2021 and 2022).

1177 Colorado River Basin Roundtable

Last Meeting – May 15

- Grants Approved:
 - Learning By Doing – Hammond Ditch fish screen/Fraser River diversion fish passage - \$27K request
 - Paul Bruchez working with UCRWG on N.Fork SMP community engagement and grant.
- Four West Slope Basin Roundtables – Joint Meeting: June 20 (Colorado, Gunnison, Southwest and Yampa-White-Green)
 - Drought Contingency Plan Overview
 - Phase II Risk Study Update / Q&A
 - Demand Mgmt. Workgroup Updates – CWCB, Roundtables
 - IBCC Demand Management Initiative
 - Colorado Water Bank Workgroup Update
 - Colorado Water Plan Funding

CDPHE Standards Update

- Blake Beyea, Standards Unit Manager, Water Quality Control Division (WQCD) has asked for postponement of the November 12, 2019 molybdenum standards hearing. Continuation of the 2017 hearing was based on the WQCD waiting for the Agency for Toxic Substances and Disease Registry to finalize its toxicological assessment for molybdenum, but that has not yet happened.
- Climax is hosting another stakeholder meeting on June 26, 2019 at CDPHE to discuss the status of its work related to the molybdenum standard revision.

GC Mutual Ditch & Reservoir Company

- GCMDRC continues to work with CWCB and Colorado Water Trust on the Substitute Water Supply Plan as legal instrument for Pilot Project (2020 implementation).
- Creates additional in-stream flows in Fraser River for environmental water and other uses (R&B Op's for example).
- Accomplished by Denver Water diverting and using GCMDRC stored shared in Meadow Creek Res., then retiming and delivering same amount of water to upper Fraser River via the Moffat or Vasquez Collection System (Clinton delivery points).
- Team coordinating with Grand County Irrigated Land Company attorney and engineer to finalize CU and Net Depletion engineering. GCILC will need to formally approve Pilot Project.
- GCMDRC responsible for Net Depletions (lagged returns, etc.).
- Once approved by GCILC, GCMDRC will make formal application to CWCB; requires two Board Meetings for approval, including public notice and State Engineer approval.
- CWCB Program: 3 in 10 year Program
- Potential ISF compensation. Could be used to pay for engineering and leverage needed funding for Vail Ditch improvements to benefit all shareholder and GCILC.

Lease of Additional GCILC Shares –

- GCMDRC may lease additional shares in the GCILC.
- GCMDRC would sublease the shares.

- A portion of the subleased shares could be put to beneficial use on three County owned properties adjacent to the KGNB airport (that the County has historically leased for summer grazing), subject to an executed County lease agreement.
- In summary, these shares could ultimately help with the Pilot Project and the mission of GCMDRC.

www.gcwin.org

- Revised membership fee structure developed to be inclusive of towns, nonprofits, and individuals.
- Collaboration with ROMO on of Point Park Day—a program that’s been educating Grand County elementary students for more than 30 years!
- Collaboration with River District on State of the River meeting.
- Booth at Headwater’s Trails Alliance’s Colorado Public Lands Day celebration at the new Headwaters Center.
- Watershed Week and Bug Week dates for fall school programs confirmed.
- Begin sending weekly secchi data to Northern, and stream temp data to Learning by Doing.

Grand Lake Adaptive Management (GLAM)

C-BT System Considerations

- Reservoir Status
- O&M
- Climate Outlook
- System Objectives
 - Conserve Colorado River Water – no unnecessary spill
 - Meet demands for C-BT water, notably on the Big Thompson River, where it is generally met by just-in-time delivery from the west slope
 - Generate Clean Hydropower with Available Water – including east slope skim
 - Create the greatest suite of public benefits from the CBT (derived from above actions plus recreation, scenic attractions of west slope features, excess capacity contracts, etc.)

Scenario 1: one week SETTling period

- Aggressively divert through Adams Tunnel to ensure no loss of water supply potential (i.e. no Granby spill).
- Capture available east slope priority water.
- Provide a week-long SETTling period in Grand Lake with minimal, but positive flows from Grand Lake to Shadow Mountain Reservoir near the end of the west slope runoff hydrograph.
- Use the remaining Granby Lake storage capacity for east slope skim operations.
- After the setting period, divert to position east slope reservoirs for 2020, to generate hydropower during high-value summer months and to keep Shadow Mountain Reservoir cool. Diversions through Adams Tunnel will accommodate any east slope skim opportunities and follow a pattern balancing total diversion volume, hydropower value, and maintenance activity. Diversion flows will be large Tuesday through Saturday and reduced Sunday and Monday for algae treatment in the Charles Hansen Feeder Canal.

Scenario 2: one week FLUSHING period

- Aggressively divert through Adams Tunnel to ensure no loss of water supply potential (i.e. no Granby spill).
- Capture available east slope priority water.
- Provide a week-long FLUSHING period in Grand Lake by minimizing diversions through the Adams Tunnel near the end of the west slope runoff hydrograph.
- Use the remaining Granby Lake storage capacity for east slope skim operations.
- After the one week flushing period, divert to position east slope reservoirs for 2020, to generate hydropower during high-value summer months and to keep Shadow Mountain Reservoir cool. Diversions through Adams Tunnel will accommodate any east slope skim opportunities and follow a pattern to maximize hydropower value through weekday/weekend variation. Diversion flows will be large Monday through Friday (~500 cfs) and reduced Saturday and Sunday (261 cfs). One weekend will take exception to this rule, enabling an extended period of pumping to Carter Lake.

GLAM Model Runs

- Scenario 1: Settling
- Scenario 2: Flushing
- 2009 **H**ydro: late peak
- 2017 **H**ydro: earlier peak
- 2009 **M**et: cooler & earlier precipitation
- 2007 **M**et: warmer & later precipitation

June 11, 2019 Reclamation Operational Plan

- Try for settling period July 1- July 15, maintain 40 cfs toward Shadow Mountain Reservoir in channel during this time. This sounds more like scenario 1.
- After conclusion of settling period, Adams Tunnel diversions averaging 500 cfs Tuesday – Saturday, 300 cfs Sunday, 355 cfs Monday with the exception of weekend of 8/20, when pumping will stay at 500 cfs. This looks more like scenario 2.

USBR

- Met request to maintain 40 cfs in channel rather than 30.
- Responded to requests for extending settling period.
- Conducted some additional modeling.
- Is reserving shortened interval of pulse pumping as a later tool if needed.
- Did not model a year following Standard Operating Protocol (no clarity considerations) for comparison. Maybe next year?
- Did not propose alternatives that would meet goal qualifiers.

www.grandcountyLearningbydoing.org

Management & Technical Committee Meeting May 16

- 2018 Macroinvertebrate RFP Approved
- Hammond Ditch Fish Screen / Fraser River Diversion (to accommodate fish passage)
 - Received 3 Proposals; higher priced than expected.
 - \$27K Roundtable Grant Approved.

Monitoring Subcommittee

- Sediment RFP out for approval.

Operations Subcommittee

- Tables of years recommended flushing flows have been met are being developed.
- Weekly calls underway.

Moffat Firming

- Federal Energy Regulatory Commission (FERC) Permit Order Amendment to the Gross Reservoir Hydro Permit.
 - FERC issued Final EA with a Finding of No Significant Impact (FONSI).
 - EA was published.
 - Order pending issuance.
- Boulder County 1041 Permit-
 - Lawsuit: Denver Water file suit appealing Boulder County 1041 permit decision.
 - Denver Water intended to submit 1041 Permit Application, pending court decision.
 - Boulder County declined to accept 1041 Application until court ruling.
- Enviro lawsuit filed December 19, 2019: NEPA and ESA challenge against USACE and USF&WS contesting the Final EIS - Purpose & Need and issuance of the 404 Permit.
 - No update

Gross Reservoir Expansion 41.8 KAF currently

- Raise Dam 131 Ft. to add 77KAF - accommodate current needs, growth projections, system flexibility.
- City of Boulder and Lafayette 5,000 AF environmental pool to enhance stream flow on 17 miles of South Boulder Creek, including stream restoration.

Permitting or Construction is contingent on negotiated Grand County / CRCA Implementation Triggers:

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

Operation Roundup

- Citizens Advisory Committee received letter dated Feb. 8, 2019 from Denver Board of Water Commissioners deciding not to implement round-up program.

- In lieu, Denver Water recommends the CAC make recommendations to prioritize 2019 Programs and ratepayer funding for:
 - Learning By Doing Projects, WaterSense Challenge Program and Watershed/Forest Health Programs
- Rich Newton is gathering Letters of Support from Counties and Towns within the 3 Basins.

UPRR

- Call from permits section manager—discussed concerns.

Wild and Scenic Stakeholders Group

W&S SG Governance Committee – Next Meeting June 21 in Glenwood

- Fishing and Floatboating ORV Indicator confidence intervals (cont.)
- Use of Resource Guides in SG Plan discussion (cont.)— West Slope to ensure consistency with the previous 2015 MOU and does not limit County 1041 Permit Powers.
- Approval of 2018 Annual Report and Monitoring Report
- West Slope coordinated on review and edits of the CoopMeasures ORV Protective Measures, including Grand County/Glenwood RICD.

Windy Gap Firming Project (WGFP)

WGFP Lawsuit

- Understand that the Judge ruled on administrative record and its now finalized.
- Grand County, River District, and other West Slope partners could be requested to weigh in on importance of WGFP IGA and negotiated enhancements.

WGFP 1041 Permit conditions:

- Staff meeting with Municipal Subdistrict to review their most recent response to address Conditions 22 and 30 and discussions from the last April 17 meeting.

Commissioner Manguso moved to convene an Executive Session at 11:35 a.m. pursuant to CRS 24-6-402(4)(e) to determine positions relative to matters subject to negotiations, developing strategy for negotiations and instructing negotiators; and CRS 24-6-402(4)(b) for conference with attorney for the purpose of receiving legal advice on specific legal questions, RE: Colorado River Cooperative Agreement and Windy Gap Firming Project. Present at for the Executive Session is the Board, County Manager, Assistant County Manager, County Attorney, Attorney Barbara Green, Attorney David Taussig, and Grand County Water Quality Specialist.

The motion passed unanimously.

The Executive Session ended at 12:19 p.m.

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

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

I, Richard Cimino, hereby attest that the minutes of this executive session were recorded in accordance with CRS 24-6-402 and confined to the topic authorized for discussion in the executive session.

Commissioner Manguso moved that Grand County joins an amicus brief for the Windy Gap Firming Project. Grand County will be joining the River District and NWCCOG 208.

The motion passed unanimously.

Public Hearing – board of Health, Public Health Quarterly Update

The public hearing scheduled to begin at 1:00 p.m. was called to order by Chair Cimino at 1:00 p.m. County Attorney Leahy set the record as follows:

Exhibit A Power Point presentation

Grand County Public Health, Home Care and Senior Nutrition Director Brene Belew-LaDue introduced Erin Fisher with Alpine Area Agency on Aging.

Ms. Fisher presented the Aging Well Plan for Grand County.

Ms. Fisher stated that on February 12, 2019, Ms. Belew-LaDue presented information on her budget and was asked the role of County government and how to move forward and what is the role of Mom's Meals.

The population of older adults (65 years old and older) in Grand County is growing. It is projected to double in the next decade. Right now, 17 percent of the population is 65 and older which is 2,500 people. Of that, almost 600 people are 85 and older.

A little less than one-fifth of the Grand County population is over the age of 65. The State Demographer's Office projects that the population in the older bracket will grow 75 to 120 percent in the next 10 years.

Grand County has one of the highest growth projections for older adults in the state.

In a recent study, 100 percent of the respondents in Grand County stated that their community is an excellent or good place to live. Only 47 percent of the respondents stated that Grand County was an excellent or good place to retire.

The paid and unpaid economic contribution of older adults in Grand County is \$101 million.

Last fall, Colorado became an age friendly state. This was done to empower people of all ages to enjoy, safe, and independent lives.

Aging in place is feasible in Grand County. Senior Nutrition does not live in a vacuum. It is the totality of wrap around services in several core areas that impact the outcomes of nutrition program and the general ability to age in place.

For each element or focus area in the Aging Well Plan, a vision was established.

Vision Statement: Residents of all ages in Grand County will have access to information and resources that address their wants and needs to success age in place.

Transportation is a vital part of the plan. Its vision statement is: Residents in Grand County will have access to transportation and multi-model options that serve their needs.

Socialization is extremely important. People have an equal risk of dying from loneliness as to smoking 15 cigarettes per day and obesity. Lonely people have a 29 percent higher risk of heart disease and a 32 per cent higher risk of stroke.

Vision Statement for socialization: Grand County will provide information on and support access to intergenerational activities, a wide range of programs that supports physical and mental health, and opportunities for people of all ages to interact regularly with members of their community.

Next steps:

Ms. Fisher stated that to address the growing older adult population in Grand County, the County needs to support the Aging Well Plan, continue funding the Senior Nutrition Program, and help them to collaborate to create a senior resource position.

Ms. Belew-LaDue stated that they have served 6,800 meals between Kremmling and Granby. There are three meal days per week – Monday, Tuesday, and Thursday.

Ms. Belew-LaDue stated that one out of ten older adults are unsure as to where they will get their next meal.

Ms. Belew-LaDue stated that she is working on lowering the cost of administration of the meal program.

Commissioner Manguso noted that this meeting was on the agenda as a public hearing and it is not a public hearing.

Chief Security Officer Update

Update presented by Information Systems Director and CISO Kirk Magnusson.

Concerns, Issues & Updates

- Security
- Domain –Consolidate and simplify 2 domains into one
- Network –Firewall and segmentation
- User Education –Two products being considered
 - KnowBe4 vs Wombat
- Technology use policies
- Physical - Door access and video surveillance

Projects

- 2019 –Acclaim Upgrade –Clerk & Recorder’s Office
 - In testing and validation phase -ongoing
- 2019 –Incode Upgrade –Finance Department
 - In configuration and setup phase -vendor efforts ongoing
- 2019 eForce Servers –Sheriff’s Office
 - Project on-deck
- 2019 Stratus Replacement –Capital Budget Item
 - Likely to move from Citrix to VMWare-Horizons
 - Phased approach –Utilize Citrix until resources moved to new domain
- 2019 Video Surveillance –Clerk & Recorder & County-wide
 - 2019 –address C&R immediate needs –capacity and elections
 - Goal –consistent platform and integrator for future County needs
- 2019 Laserfiche Upgrade –Upgraded may 2019
 - Next step -Plan/Evaluate future upgrade path and options (Avante)
 - Website Refresh –Initial design meeting June 13th. Awaiting Story Board

Other topics

- Wireless Communications
 - Verizon –142 lines
 - Federal contract expires July 2019
 - Moved to ValuePointcontract
 - Assessing First Responders to move to priority status

Fiber Connectivity Concepts

- Granby Point-To-Point Fiber
 - Connects EMS and road & Bridge directly to network
 - Eliminates VPN appliances
 - Reduces cost of phone service
 - Unification of phone system
 - Cost effective way to upgrade obsolete ESI phone systems
- EOC
 - Connects EOC directly to network
 - Enables potential geo-dispersed backup solution
 - Increases speed and reliability
 - Eliminates VPN appliance
 - Reduces cost of phone service to R&B shop
 - Unification of phone systems

Support Tickets

January 1, 2019 through March 7, 2019

- 681 Support Tickets this quarter
- 615 generated through support@co.grand.co.us e-mail
- 46 via Requestor Portal
- 20 Generated by help desk technicians
- Tech I and Tech II field most tickets, escalating as necessary
- Tech I and Sys Admin sharing load until vacancy is filled

Strategic Plan

- Broadband

- Middle Park Health willing to host Meet-Me Centers(MMC) in Granby and Kremmling –possibly Fraser
 - Equipment Costs per Meet-Me Center -\$63,000
 - DOLA Grant will fund \$25,500 of each Meet-Me Center
 - Monthly Recurring Costs (MRC) per Met-Me Center -\$6,000
 - MMC Host responsible for:
 - Initial Costs and MRC
 - MMC access and support
 - Selling broadband to interested parties to offset expense
 - Grand County potentially a customer to MPH
 - Active participation in regional THOR project
 - Cost-savings potential

County Manager Update

County Manager Kate McIntire presented her weekly update.

Public Hearing – Winter Park Lift Operations Center Special Use Permit

The public hearing scheduled to begin at 2:30 p.m. was called to order by Chair Cimino at 2:30 p.m. County Attorney Chris Leahy set the record as follows:

- A. Application for a Special Use Permit dated February 14, 2019
- B. List of Adjacent Property Owners within 1,000 feet dated May 29, 2019
- C. Map of property of owners within 1,000 feet as determined by GIS dated May 29, 2019
- D. Memorandum from Community Development Department to interested parties dated May 29, 2019
- E. Proof of Publication in Winter Park Times dated, May 23, 2019
- F. Public Review Sheet dated April 18, 2019 without signatures
- G. Amended site plan drawing dated, April 16, 2019
- H. Special Use Permit Draft, dated June 18, 2019
- I. Community Development Certificate of Record, dated June 18, 2019
- J. Community Development Staff Power Point Presentation, dated June 18, 2019
- K. Board of County Commission Resolution Number 2002-4-38
- L. Winter Park Resort Public Transit Transportation Plan
- M. Owner Questioner for Phase I Environmental Size Assessment ASTM 1527M13

- PROJECT NAME:** Winter Park Lift Operations Center Special Use Permit
APPLICANT: Town of Winter Park represented by Gerry Vernon
LOCATION: 12 acres of a parcel in the W ½ of Section 13, Township 1 South, Range 76 West of the 6th P.M., Grand County, Colorado commonly known as 350 County Road 5103
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. Proposed Site Plan
 - D. Zoning Map
 - E. Draft Special Use Permit (“SUP”) 2019 - 6 - XX**STAFF PLANNER:** Alexander Taft, LEED Green Associate
REQUEST: The Applicant is requesting approval a Special Use Permit that allows for the indoor storage of Public Transit equipment and minor maintenance.

I. BACKGROUND **a. HISTORY**

The 35 acre property is located north of County Road 5, surrounded by vacant Denver Water Board Property, a gravel mining operation, a proposed solar utility facility, and a single family dwelling with a dog sled business. The County, through a Purchase and Sale Agreement, was deeded the land in 2002.

A lifetime Special Use Permit as Recorded at Reception No. 2002007063 for the current Grand County Road and Bridge Maintenance Facility is the primary use on the property. The 35 acre site contains a 10,230 ft² facility constructed in 2002-2003 under Building Permit # B02-0481. The building and 10 acre site that contains the current Road and Bridge Facility was designated for expansion over time to accommodate the growth of

Grand County. It mainly contains maintenance but was designed for the possible expansion of an apartment occupancy for search and rescue operations to use as on call basis.

In 2015, the Town of Winter Park and Winter Park Resort agreed to a Memorandum of Understanding (“MOU”) pursuant to Town of Winter Park Resolution No. 1481 to establish bus service called The Lift as a publicly-owned transit service. Formerly, private transit service was linked to serve the Town, HOA’s, and the Winter Park Resort primarily in the winter months during ski season. The service created was also enabled, in part, with the Colorado Department of Transportation 5311 grant funds for all aspects of operating public transit services. The Town adopted a Transit Service Plan that looked at sustainability of costs for the Town to serve the public and grow service within the resort community.

There is a 3,500 ft² existing facility that is adjacent to Winter Park Resort, just north of the Old Town parking lot. The existing facility includes space for three offices, a maintenance shop with two service bays, a bus wash bay and a small parts room. Storage of busses is outside, along with an above ground fuel container. With the inclement weather and cold conditions in Grand County, busses are plugged into heaters from across the lot.

a. PROPOSAL

Town of Winter Park, proposes to use this site for bus storage, operations, and maintenance. The primary use would be indoor storage of vehicles, maintenance of vehicles, and additional space for personnel operations. Winter Park Lift Transit Staff occupying the site will have a limited number of employees, and trips to and from the facility are minimized to those during shift changes for efficiency.

The Lift Operations Center will house the transit fleet, fleet maintenance, fueling station, and employee parking. The building will have a well and septic for water and sanitation. Augmented water supply is included in this application with reference to case 03-CW-96, **a State granted well permit shall be included with any building permit application.**

The site plan included in the proposal contemplates a 75,000 ft² operations building for over flow storage, employee parking, and a fuel station to occupy the 12 acre site that will be leased to the Town of Winter Park by the county. This site has been identified because it is not encumbered by Mineral Rights and not hinder future expansion of the existing Road and Bridge facility.

This proposal is reliant on grant dollars from CDOT, Federal Transit Authority, and other funds from the Town of Winter Park and Fraser. Namely the grants being considered include: FTA Section 5339(b): Bus & Bus Facilities, a capital grant via CDOT SB267 funding, and FTA Section 5339(c): Low or No Emission Vehicle Program. The application criteria for these grants have not yet been released or will be released between the publishing of this certificate and the Planning Commission meeting.

I. STAFF ANALYSIS

After further discussion following the May 8, 2019 Planning Commission meeting, Winter Park has decided to move forward with Option Three for the proposed site plan. This site plan greatly reduces the visual and light impacts of the facility.

County Staff strongly encourages an Intergovernmental Agreement (IGA) with Grand County to share use of the existing Grand County Road and Bridge facility for maintenance and fueling. If this was accomplished, the location of buildings and circulation could be better oriented so that visual impact is reduced further and foot print may be minimized.

The site is a part of an emergent light industrial area in the County. Surrounding uses include, Grand County Road and Bridge Operations Facility, Grand County gravel mining operations, a proposed 1.0MW Solar Array public utility facility, Mountain Parks Electric Substation, and a single family residence with a dog sled touring business. The Martin’s, who run the dog sled touring business, currently have access to a dedicated trail network within Denver Water Board property to the East of the site that is accessed through this County owned parcel. The Martin’s residence is also most impacted by the facility’s noise, traffic, operations since it is right next door.

In the Transition Plan presented to the Town of Winter Park Town Council, in 2015, a projection was created looking at a ten year time span. The projection appears to show that the capacity of the system for that period can be supported with current or very minor increases in fleet size. The current operation is run with 18 vehicles, the new facility has space for 24. The facility has been designed to accommodate its 20 year growth projections of ridership

The Town of Winter Park has hired JVA Consulting Engineers to complete the engineering on this project, they have submitted a schematic site analysis that provides an overview of site conditions. The County Consulting Engineer and East Grand Fire Protection District No. 4 have been contacted to be review agencies. Construction drawings when complete will also require approval by the County Consulting Engineer.

An agreement between Winter Park and Grand County is noted in Board of Commissioner meeting minutes to provide for this facility. Furthermore, it is supported by the Grand County Master Plan, so that public transit can help connect to a broader resident population.

Although a schematic level site plan has been submitted, Staff recommends moving this request forward to better demonstrate the County is in support of using the subject site. Moving this forward will also benefit the Applicant's request for additional federal state funds for this project. Staff anticipates a Final Site Plan to be selected after determinations have been made by Winter Park Public Works and other entities regarding the sharing of facilities at and near the subject property.

The County has represented its flexibility in sharing services through an IGA for fuel and maintenance operations which could reduce the space needed for buildings on site. Also discussed previously with the Solar Utility Facility SUP, an Outright Exemption could be a possible option if all other options are exhausted and unachievable. The County and Town of Winter Park as well as other governmental agencies are working through options that mitigate or eliminate the impact to the residential neighbors.

This facility is sorely needed in order to avoid the costly and deleterious effects of having to leave a substantial portion of the bus fleet outside in winter elements.

II. 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 two (2) is relevant to this Special Use Permit proposal.

Plan Element 5 – Transportation

The Master Plan supports a regional transportation network that accommodates residents and visitors alike. This may also help link to a multi-modal transportation hub in the future with this location being adjacent to the Fraser to Granby recreational trail. The location implies expansion of the system further north and west into the center of the county. The Black Line which has on-call service to Granby, could be more easily accessed and connected.

Plan Element 6 – Economic Base

The Lift supports Fraser, Winter Park, and Granby within its transit route. The current facility holds the fleet of 26 buses but mostly outdoors. Some of these routes include a call and ride for disabled passengers. The call and ride service is a first of its kind in a Colorado Rural and Resort community. The Lift supports a staff of 18 full time and 47 part-time and seasonal employees. The transit service helps to keep employees in the County to earn sufficient wages.

B. ZONING REGULATIONS

Review of this request for a Special Use Permit requires the Planning Commission and the Board of County Commissioners to consider the provisions of: (1) Sections 11.2, review criteria applicable to all special uses that are considered by the County and (2) 11.8(10), criteria that is specific to construction businesses, heavy equipment storage areas and earth-moving businesses:

11.2 CONDITIONS AND GUARANTEES

Prior to the granting of any special use, the Planning Commission may recommend and the County Board *shall stipulate such conditions and restrictions, upon the establishment, location, construction, maintenance and operations of the special use as are deemed necessary for the protection of the public health, safety and welfare*[emphasis added]. Any Special Use Permit granted by the Board of County Commissioners may incorporate such conditions as it deems necessary to require compliance with the standards for issuing permits as set forth in this Section XI.

Staff is reviewing this application under Grand County Zoning Regulations ("GCZR") **11.8 (10) – Construction businesses, heavy equipment storage areas and earth-moving businesses** provided the following conditions can be met.

- (a) *The equipment storage areas can be adequately screened from public highways and adjacent lands.*

The facility is directly adjacent to County Road 5 also known as 4 Bar 4 Road. Screening is provided by evergreens and a four to six foot (4'-6') high landscape berm inside the property boundaries. The Applicant is encouraged to transplant existing evergreens as viable. A source of augmented water will be required to water new plantings for support during establishment. The berm to the west side of the site is proposed to prevent light trespass from bus traffic and provide a visual buffer. All site lighting shall be fixtures that reduce glare

onto other properties and are dark sky compliant. The buildings are metal sided with stone accents, all surface materials will be colored in earthen tones. Option Three provides for an eight foot screening wall located near the western property boundary.

(b) Truck traffic to and from such use shall not create hazards to Residential and Tourist areas.

Access to the site will be from County Road 5 then to Highway 40. County Road 5 is paved from its connection northwest of Fraser to west of Tabernash at the base of Red Dirt Hill.

(c) Truck traffic to and from such use shall not unduly damage public road.

The Applicant shall comply. Traffic created by this use is projected to increase access to County Road 5 westbound by 24 percent. A new State Highway Access Permit will be required, and shall be obtained prior to construction of the new facility. Furthermore, the access from County Road 5 will require a right hand turn lane with one-hundred foot (100') of storage pursuant to State Highway Access Code.

(d) The use shall not create offsite negative impacts such as water pollution, noise, dust, glare and odor.

The Applicant shall comply. The proposed storage buses used in the local transit operation is the primary use of the site. Fuel tank storage shall be compliant with regulations from State Department of Labor/oil inspection division (7 CCR 1101-15). To reduce visual impacts staff recommends that the southern property boundary shall be revegetated with both a native grass mix and a native wild flower mix.

These conditions are to be addressed by submitting fifteen (15) copies of the following items:

(e) A narrative statement describing the operation

This application complies with this provision.

(f) A site plan drawn to scale showing man-made structures, surface water drainage and access routes in the immediate area.

A site plan has been provided showing the connection to the County Road and this application complies with this provision. As referenced above and in the application, the primary travel route is along paved surface of County Road 5 to connect to US Highway 40. Surface water drainage shall be mapped and storage areas shall be identified in a final site plan. The site plan shall also follow Section 14.4 of Grand County Zoning Regulations for minimum parking and circulation requirements. The Applicant provided three (3) site plan options (see below) and is working with the County to sharing facilities, i.e., fueling and vehicle maintenance. A final site plan will be presented with completed engineering studies during the building permit application process.

(a) A vicinity map.

Staff has acquired a vicinity map that covers a two mile radius. This application complies with this provision.

(b) A screening plan.

Staff has determined that the options screening on site is sufficient for the purposes of this Special Use Permit Application. There are development pressures that require some flexibility and options within this plan. There are currently several trees that could easily be transplanted. The Applicant shall continue forest management on site as needed and plant trees to maintain the screening as standing dead is removed.

III. PLANNING COMMISSION

During the May 8th, 2019 Planning Commission meeting discussion surrounded the impacts on the neighboring properties. If this proposal is approved the parcel owned by Jeff and Tracie Martin directly adjacent to the proposal will be surrounded by light industrial uses and greatly impacted by this development. They currently run a dog sled touring business where they access an easement within Denver Water Board property through the proposed Winter Park Transit facility site. The specific issues identified during the meeting were as follows:

- Access through the property for Winter Park Dog Sled Rides.
- Mitigation circulation in and out of the site
- Location and constraints of leased property
- Relocation of Fuel onsite

The Planning Commission recommends the Final Site Plan shall include space for trail access through the property.

III. STAFF RECOMMENDATION

Staff recommends approval of the Winter Park Lift Bus Barn Operations Center Special Use Permit with the following conditions:

- 1) The Applicant shall supply a list of equipment to be stored onsite.
- 2) The Applicant shall demonstrate adequate indoor space for bays, maintenance and repair, parts storage, shop equipment, and utility requirements.
- 3) A State granted well permit shall be included with any building permit application.
- 4) A berm along the west property boundary to prevent light trespass from bus traffic and provide a special and visual buffer.
- 5) A source of augmented water will be required to water new plantings for support during establishment.
- 6) The southern property boundary shall be revegetated with both a native grass mix and a native wild flower mix.
- 7) No outdoor storage mechanical implements or vehicles shall occur within one hundred feet (100') the western property boundary.
- 8) A Final Site Plan shall be submitted that references minimum buffering, parking.
- 9) Review by the County Consulting Engineer and East Grand Fire Protection District No. 4.
- 10) The Final Site Plan shall include space for trail access through the property.
- 11) The following requirements shall be made a part of the Special Use Permit (Exhibit E):
- 12) The Permittee is required to keep a current lease on file with the Community Development Department.
- 13) The permit shall be for the lifetime, as the amortization of the facility will increase as the transit network grows.
- 14) The Town of Winter Park continue to work with outside agencies to synergize use of the site that will prove beneficial use.
- 15) The following Special Use Permit sections shall include: Hours of operation, Equipment and Materials Storage, Equipment Maintenance, Other Uses, and Off-site impacts.
- 16) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:
 - Control of Site
 - Noxious Weed Control
 - Screening
 - Site Maintenance
 - Rehabilitation of Site
 - Storage of Abandoned Equipment
 - Compliance with County, State and Federal Regulations
 - Limitation of Liability
 - Alteration of Terms and Conditions
 - Access and Right to Enter Site
 - Assignability
 - Binding Contract
 - Financial Security
 - Abandonment
 - Violation of Terms and Conditions
 - Termination.

Gerry Vernon, Capital Projects Manager for Winter Park, stated that a building this size will have an impact and the Town has tried to mitigate.

Commissioner Cimino asked how the Town anticipates water usage from washing the buses.

Mr. Vernon stated that any bus washing will lean toward recycling.

Jeff Martin is the property owner adjacent to the property. He has been living property for 19 years. This area is becoming more industrialized. A family residence no longer fits into the neighborhood.

Mr. Martin is concerned over the property value of his property with this 7,500 square-foot building.

Mr. Martin is concerned over light, sound, air quality and water quality. In the request is an operating bay that will be used 21 hours per day.

As a family with children, Mr. Martin believes that the facility is not an appropriate neighbor for them.

Mr. Martin is seeking buyers that might have an interest in his property as an industrial site.

With regard to access, Mr. Martin stated that the only access should be County Roads 5101 and 5103.

Casey Fitzpatrick lives to the south of the property. Ms. Fitzpatrick stated that she is not opposed to this. It is important for the growth of the community. Mr. Fitzpatrick is concerned over the fuel station. In checking the EPA web page, there is a violation with the current location of the Lift.

Ms. Fitzpatrick stated that the Lift has reported that it will be moving to electric in two years. She would like the fuel station to be withheld at this site with the anticipation of the electric buses.

Ms. Fitzpatrick stated that she would like to have scrubbers required on the vents of the building.

Jeff Rule lives to the south of the subject property. Mr. Rule is not opposed to the facility. Mr. Rule believes that there can be a better fit and better plan. Mr. Rule has a well very near to the subject property and he is concerned over water quality. With regard to access, Mr. Rule believes that the buses should not be using County Road 5.

Road and Bridge Superintendent Chris Baer stated that appropriate access points need to be addressed.

Beth Rule is one of the people that have been knocked off her bike by a dump truck on that road. She would like to see a good access put into place. Ms. Rule is sad for the Martins and what they have lost.

The Board agreed that it will require access from County Roads 5101 and 5103. Michael Cook, Transit Manager for the Lift expressed concern for the condition of County Roads 5101 and 5103.

Commissioner Cimino stated that he would like to require scrubbers on the venting.

Keith Riesberg, Manager for the Town of Winter Park stated that with regard to access, the work on County Road 5103 may make the project cost prohibitive. The funding sources are limited.

As far as the shared fuel islands, no sharing agreement is in place at this time. The Town is working to get the Special Use Permit first. It was noted that the busses run red diesel.

Commissioner Cimino stated that there will be specific language in the permit regarding single access and a desire for a single fuel system.

Commissioner Manguso moved to approve the Winter Park Lift Operations Center Special Use Permit with listed conditions requiring access off of County Road 5103 only, air scrubbers on the air vents, and add condition that strongly encourages a single fuel system shared between the County and the Lift.

Discussion: Commissioner Cimino stated he would like the County to have a seat on the Transit Advisory Committee. Mr. Riesberg stated that entities that provide funding to the Transit Authority are the entities on the Board. Mr. Riesberg believes that conversation needs to take place outside the Special Use Permit hearing.

The motion passed unanimously.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

Lease Agreement – Winter Park Lift Operations Center

County Attorney Leahy stated he can negotiate the lease agreement with the Town. If the County is going to lease the property to the Town at a value of \$10 per year, that would be value toward the project that could be used for grants and a possible seat on the Transit Board.

The other items for consideration may be the paving of County Road 5103 and access points for the Martins.

Public Hearing – Mountain Madness Inc. Special Use Permit Amendment and Renewal

The public hearing scheduled to begin at 3:45 p.m. was called to order by Chair Cimino at 3:45 p.m. County Attorney Chris Leahy set the record with the following exhibits:

- A. Letter of Application, dated April 16th, 2019
- B. Application Narrative Letter, dated April 16, 2019
- C. List of adjacent property owners as determined by GIS within 1,000 feet dated May 29, 2019
- D. Map of adjacent property owners as determined by GIS within 1,000 feet dated May 29, 2019
- E. Memorandum from Community Development Department to interested parties dated May 29, 2019
- F. Public Notice dated March 16, 2019
- G. Proof of Publication in the Winter Park Times dated May 23, 2019
- H. Vicinity Map
- I. Public Review Sheet dated June 18, 2019 without signatures
- J. Board of County Commissioners Resolution 2010-2-55
- K. Certificate of Recommendation from Community Development dated June 18, 2019
- L. Title Commitment Number 0301811-C dated January 18, 2019
- M. Munro Outright Exemption Plat Recorded at reception Number 200700812
- N. Community Development Staff Power Point Presentation dated June 18, 2019

Commissioner Linke stated that he is a neighbor to this property. Commissioner Linke has no concern as a neighbor. He has no financial interest in this property or this permit.

PROJECT NAME: Clyncke Excavation Inc. (Formerly Mountain Madness) Special Use Permit

APPLICANT: Aaron and Melissa Clyncke

LOCATION: Munro Outright Exemption, Formerly Lot 3, Bentley Estates Subdivision Exemption; 19.639 acres located in the SE ¼ of the SE ¼ of Section 24, Township 1 North, Range 77 West of the 6th P.M., Grand County, Colorado commonly known as 350 County Road 5103

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. Draft Special Use Permit ("SUP") 2019 - 6 - XX

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is requesting approval 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

Clyncke Excavation Inc., represented by Aaron and Melissa Clyncke, the Applicant, is requesting to renew and amend existing Special Use Permit No. 2010-5-22. The parcel subject to this proposal is on a 19.639 acre parcel of land known as the Munro Outright Exemption. The site is located approximately 1 mile west of US Highway 40 on County Road 55.

Munro Outright Exemption Recorded at Reception No. 2007008192, created a lot suitable for the operation of this construction and heavy equipment storage business. Formerly Lot 3 of Bentley Estates Subdivision Exemption, which would only allow for a single family residence on the property, the request for a construction and heavy equipment storage business was non-compliant with the platted lot. During the Special Use Permit request, the property was replatted to expand the allowable use. It shall be noted that, if any residence shall be constructed on the property a household use well permit shall be issued prior to issuance of a building permit.

The existing Special Use Permit allows for the operation of an excavation and earth moving business, inside storage and maintenance of equipment, outside storage equipment as listed on the permit, storage of materials on site and provides unlimited employee vehicles on site.

a. PROPOSAL

The Applicant desires to continue the beneficial use of the property, as the operation has been previously over the last 14 years. When the opportunity arose to purchase the land and acquire the business, the Applicant felt that this was a good fit for them. Aaron and Melissa, the future owners of the land, and owners of Clyncke Excavation Inc. have long been in the construction business.

IV. STAFF ANALYSIS

Staff believes that under provision 5 (M) "non-transferable" of the current Special Use Permit this transfer is possible. Staff shall revise the new Special Use Permit to read "Assignability" with the same provisions.

V. COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS
C. 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 6 – Economic Base

Clyncke Excavation Inc. supports construction needs throughout the County as it grows. The business helps to keep employees in the County. It provides a greater option of business providing service for some redundancy should other excavation companies disappear or relocate. Excavation business are needed for the continued growth of second homes within the market. Construction costs already maintaining near \$250 per square foot, should those costs rise the market of second homes which helps support the recreation and tourism economy that drives Grand County could stall.

D. ZONING REGULATIONS

Section VI (6) Forestry and Open District allow the consideration of construction businesses, heavy equipment storage areas and earth-moving businesses as a use under special review. This permit has been issued under the most recent amended Section 11.8(10), criteria that is specific to construction businesses, heavy equipment storage areas and earth-moving businesses. Staff has not received any complaints or grievances from neighbors related to this permit.

VI. STAFF RECOMMENDATION

Staff recommends approval of this application for the Clyncke Excavation Inc. Special Use Permit with the following conditions:

17) The renewed permit shall be for a lifetime under current ownership.

The following requirements shall be made a part of the Special Use Permit (Exhibit C):

18) The following Special Use Permit sections shall include: Hours of operation, Equipment and Materials Storage, Equipment Maintenance, Other Uses, and Off-site impacts.

19) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:

- Control of Site
- Noxious Weed Control
- Screening
- Site Maintenance
- Rehabilitation of Site
- Storage of Abandoned Equipment
- Compliance with County, State and Federal Regulations
- Limitation of Liability
- Alteration of Terms and Conditions
- Access and Right to Enter Site
- Assignability
- Binding Contract
- Financial Security
- Abandonment
- Violation of Terms and Conditions
- Termination.

Commissioner Manguso moved to approve the Special Use Permit Amendment and Renewal for Mountain Madness, Inc. as presented.

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2019-6-8, “A RESOLUTION APPROVING THE RENEWAL AND AMENDMENTS TO THE CLYNCKE EXCAVATION SPECIAL USE PERMIT, FORMERLY MOUNTAIN MADNESS LOCATED ON THE MUNRO OUTRIGHT EXEMPTION IN THE SE¼ OF THE SE¼ OF SECTION 24, T1N, R77W OF THE 6TH P.M., GRAND COUNTY, COLORADO”

The motion passed unanimously.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

Manager and Attorney Items

County Manager Kate McIntire completed a draft grant application related to a collaborative process and planning grant for Open Land Rivers and Trails Fund. The OLRT Board had a meeting yesterday and reviewed the draft application and the Board recommended support of the grant application to the Board of Commissioners.

As part of the grant application, GOCO requires a letter of support from the Board of Commissioners. The OLRT Board would also like to get letters of support from the six towns and will get a letter of support from the OLRT Board.

The rationale for the grant is to bring in an independent facilitator to bring together all the stakeholders from around Grand County to talk about Open Lands Rivers and Trails funding and how the grant funding could be used to positively impact the community. It will not change the resolution that was used to create Open Rivers Lands and Trails. The intent is to get all the stakeholders and beneficiaries together on determining on how the funds could be used and create more opportunity for connectivity and collaboration around planning.

The Board agreed with moving forward with the grant application and supports using \$50,000 of the OLRT funds as a match.

Commissioner Manguso moved to support the planning grant from GOCO for an Open Land Rivers and Trails Planning Grant, apply for the planning grant, and authorize the cost share out of the administrative fund of OLRT in the amount of \$50,000. The Board authorizes signature of the grant application.

The motion passed unanimously.

Rocky Mountain National Park Update

Darla Sidles, Superintendent of Rocky Mountain National Park, presented an update on Rocky Mountain National Park.

Housing is a very big problem for employees of Rocky Mountain National Park. Public Information Officer for Rocky Mountain National Park Kyle Patterson stated that they have seen an increase in visitors. There has been a 42 percent increase in visitation since 2012. Rocky Mountain National Park is in the top five most visited parks in the Country.

The top visitation days are mostly in September. The high creates a concern over limited Park resources.

The paving preservation project will be taking place this year on Trail Ridge Road this summer.

Rocky Mountain National Park staff have been working with the Town of Grand Lake and the developers at Grand Lake Lodge.

RMNP staff is working with agencies on Grand Lake clarity.

Work is being performed on the East Shore Trail.

Colorado State Forest Service Update on Annual Forest Health and Projects

Supervisory Forester Zach Ware from the Granby Field Office and Lead Forester Ryan McNertney came to present an update.

Mr. Ware stated that aerial detection program flies 40 million acres across the state. It is the cheapest way to gather data as far as forest health goes.

Within Grand County, Mountain Pine Beetle have impacted zero acres in 2018. They expect that to be the same in 2019.

Spruce beetle is the highest impact statewide. There are some spruce beetle in the Grand Lake area.

Mr. McNertney is the lead for the Good Neighbor Authority Agreement with the US Forest Service and the BLM. The Good Neighbor Authority Agreement allows the state Forestry Agency to do work on Federal lands on their behalf.

The State Forest Service received a grant in conjunction with Denver Water to do five landowner projects along the Denver Water Board 128 for around 385 acres.

There is a project with the YMCA and the Forest Service for about 70 acres.

They are doing a thinning project with the Henderson Mill.

Commissioner Manguso moved to convene an Executive Session at 5:02 p.m., pursuant to CRS 24-6-402, Sections (4)(e)(I), (4)(a), and (4)(b) – to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; for the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; And for Legal Advice (if needed) RE: Facility Needs

The motion passed unanimously.

The Executive Session ended at 5:26 p.m.

I, Richard Cimino, hereby attest that the minutes of this executive session were recorded in accordance with CRS 24-6-402 and confined to the topic authorized for discussion in the executive session.

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

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

There being no further business to come before the Board, the meeting was adjourned at 5:26 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 25th day of June 2019.

Richard Cimino, Chair

Attest:

Sara L. Rosene, Clerk and Recorder