

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

July 13, 2021

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

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

Those present recited the Pledge of Allegiance.

Commissioner Manguso moved to approve the minutes of the Regular Meeting of the Board of Commissioners of July 6, 2021.

The motion passed unanimously.

Commissioner Manguso moved to approve the minutes of the Regular Meeting of the Board of Commissioners of July 22, 2021.

The motion passed unanimously.

Commissioner Manguso moved to approve the minutes of the Regular Meeting of the Board of Commissioners of July 15, 2021.

The motion passed unanimously.

Employee Recognition

Shane Schmuck	Road & Bridge	2 years
Tyson Dearduff	Community Development	2 years
Robert Rauch	Sheriff's Office	3 years
Ronald Brynoff	Road & Bridge	7 years
Pat Pryor	Fairgrounds / Flying Heels	13 years
Karla Whitacre	EMS	13 years
Katherine Morris	Water Protection	14 years
Ken Clark	Road & Bridge	14 years
Kristen Manguso	Board of Commissioners	14 years
Tamra Russell	EMS	19 years
Russ Bateman	Road & Bridge	25 years
Kelly Friesen	Juvenile Services	25 years

General Public Comments

Citizen Mariette McGrath stated that she is concerned that Public Health is not using informed consent for 12 to 17-year olds for the COVID-19 vaccines. She asked that the make the informed consent for 12 to 17-year olds be completed.

Hot Sulphur Springs Mayor Robert McVay read the following letter:

July 12, 2021

Dear Commissioners Cimino, Linke & Manguso;

The Town of Hot Sulphur Springs experienced an accident on US Highway 40 within Town Limits on Tuesday July 6, 2021 at approximately 9:30am. This letter is to address the Town's concerns over how the accident response was handled.

The Town of Hot Sulphur Springs currently has four full-time employees and the Town Board of Trustees is proud of how fast they were able to get traffic controlled and away from the accident scene. One employee immediately got traffic flagged off of Highway 40, one employee was able to stop traffic on County Road 20 (Parshall Divide) and two employees helped keep traffic moving from Aspen Street to Grand Avenue and back to Highway 40 east bound. They were at these stations for over five hours in the sun with no water relief or chance for even a bathroom break. At no time and I stress absolutely no time, was there ANY communication from State or County entities. There was NOT one single phone call to Public Works or Town Hall to notify anyone of this hazardous spill. There was NOT any communication from Grand County Office of

Emergency Management. If the GC OEM director was driving around in a vehicle on scene, he made NO point to reach out to any to any of staff. At NO point did the Grand County Sheriff's Department reach out to assist staff during traffic control, the only contact was to let staff know that one commissioner was to be allowed access to County Road 20.

The Town of Hot Sulphur Springs Board of Trustees is disappointed on the lack of coordination between Town, County and State entities in the event of an emergency. What needs to be done to make this change happen, another committee meeting?

County Manager Ed Moyer stated the Office of Emergency Management and the Sheriff's Office has been working on improving the notification process.

Regan Lofgreen expressed his opposition to the Fraser Valley Parkway.

Finance Department

Finance Director Curtis Lange stated that he applied for and received additional CARE Act money.

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on July 14, 2021, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on July 13, 2021, for payment on July 14, 2021, for the Grand County Housing Authority.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on July 14, 2021, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the vouchers presented on July 13, 2021, for payment on July 14, 2021, for the Grand County Department of Human Services.

The motion passed unanimously.

Commissioner Cimino moved to approve wire payment, vouchers, and interfund transfers presented on July 13, 2021, for payment on July 14, 2021, for Grand County.

The motion passed unanimously.

Pandemic and Fire Costs as of 7/13/2021

	COVID-19	East Troublesome Fire		
		Paid	Unbilled but expected	Total Fire
2020 Cares Act/ETFire Reimbursement Allocation	\$ 701,883	\$ 20,388		\$ 20,388
Less:				
2020 Personnel costs	\$ 381,135	\$ 256,050		\$ 256,050
2020 Grand Foundation programs funded	\$ 230,000			\$ -
2020 Rural Health grant	\$ 10,000			\$ -
2020 Other operating costs	\$ 115,852	\$ 254,503	\$ 44,592	\$ 299,095
Total 2020 costs	\$ 736,987	\$ 510,553	\$ 44,592	\$ 555,146
Net 2020 (costs) after reimbursements	(\$ 35,104)	(\$ 490,165)	(\$ 44,592)	(\$ 534,758)
2021 Reimbursements Requested	\$ -	\$ 9,000	\$ -	\$ 9,000
Less:				
2021 Personnel costs	\$ 233,340	\$ -		\$ -
2021 Grand Foundation programs funded	\$ -			\$ -
2021 Rural Health grant	\$ -			\$ -
2021 Other operating costs	\$ 15,165	\$ 25,650		\$ 25,650
Total 2021 costs	\$ 248,505	\$ 25,650	\$ -	\$ 25,650
Net 2021 (costs) after reimbursements	(\$ 248,505)	(\$ 16,650)	\$ -	(\$ 16,650)
Total Costs after reimbursements	(\$ 283,609)	(\$ 506,815)	(\$ 44,592)	(\$ 551,408)

Unrestricted Fund Balance calculation	
2020 Operating Revenues	\$ 27,100,000
2020 Operating Expenditures	\$ 21,176,000
2020 Unrestricted Fund Balance	\$ 10,760,000
% of Operating Revenues	40%
% of Operating Expenses	51%

Departmental Contracts, Comments, Issue

Clerk and Recorder Sara Rosene presented the County Clerk's monthly report for the month of June.

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

Commissioner Manguso moved to approve and authorize the Chair to sign the Purchase of Core Service Program Contract between Grand County Board of Human Services and Mountain Family Center from June 1, 2021 through May 31, 2022 in an amount not to exceed \$30,000.

The motion passed unanimously.

Commissioner Cimino moved to approve and authorize the Chair to sign the Purchase of Core Service Program Contract between Grand County Board of Human Services and Slopeside Counseling, LLC from June 1, 2021 through May 31, 2022 in an amount not to exceed \$6,000.

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign the Purchase of Core Service Program Contract between Grand County Board of Human Services and Melissa Gledhill, LPC, RPT, MA from June 1, 2021 through May 31, 2022 in an amount not to exceed \$4,000.

The motion passed unanimously.

Commissioner Cimino moved to approve and authorize the Chair to sign the Purchase of Core Service Program Contract between Grand County Board of Human Services and Kelly Norris Counseling & Psychotherapy, LLC from June 1, 2021 through May 31, 2022 in an amount not to exceed \$5,000

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign the Intergovernmental Agreement Northwest Colorado Regional Collaborative Shared Regional Eligibility Technician between Board of County Commissioners of Grand and Jackson Counties sitting as the Board of Social Services, Board of County Commissioners of Garfield County sitting as the Board of Social Services, Board of County Commissioners of Board of County Commissioners of Pitkin County sitting as the Board of Social Services, Board of County Commissioners of Board of County Commissioners of Eagle County sitting as the Board of Social Services, Board of County Commissioners of Board of County Commissioners of Routt County sitting as the Board of Social Services from July 1, 2021 through December 31, 2021 in an amount of \$5,962.68.

The motion passed unanimously.

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

Commissioner Manguso moved to approve and authorize the Chair to sign the Services Contract between Grand County and PR Studio, LLC a/k/a Project Resource Studio to develop marketing materials for drought preparedness in the amount of \$10,000 from July 1, 2021 to December 31, 2021.

The motion passed unanimously.

Sheriff Schroetlin recommended that the County remain in Stage 2 Fire Restrictions. The Board concurred.

Treasurer's Report

County Treasurer Frank DeLay presented the monthly Treasurer's report.

Mr. DeLay stated that Grand County received funds for people who lost their homes in the fire.

Commissioner Cimino moved to authorize the Treasurer to publish the Semi-Annual Treasurer's Report. The motion passed unanimously.

Assessor Report – Total Assessed Value of All Taxable Property

Grand County Appraiser Larry Banman provided the Board with the Total Assessed Value of All Taxable Property.

Mr. Banman provide the list of individuals who protested as well as the personnel property no declaration provided.

The actual value for 2020 was \$8,537,425,790 and 2021 actual value is \$10,262,012,670. The assessed value for 2020 was \$895,588,620 and the assessed value for 2021 is \$1,042,644,590.

Mr. Moyer stated that the Cameo call is coming on. Mr. Moyer is keeping an eye on the temperatures on the Colorado River between Williams Fork and Windy Gap. Mr. Moyer is also look at an exchange to possibly release the 5412 water prior to August 1.

Consent Agenda

Resolution No. 2021-7-5, “APPROVING CONTRACT CHANGE ORDER NO. 4 TO THE AGREEMENT BY AND BETWEEN OLDCASTLE SW GROUP, INC. DBA UNITED COMPANIES AND GRAND COUNTY FOR PROJECT A.I.P. NO. 3-08-0034-017-2020 AT KREMMLING MCELROY FIELD”

Resolution No. 2021HA-7-6, “APPROVING AND AUTHORIZING THE EXECUTION OF THE FOURTH AMENDMENT TO THE AFFORDABLE HOUSING RESTRICTIVE COVENANT AND AGREEMENT BETWEEN TEVERBAUGH-HEATON ENTERPRISES, INC. AND THE GRAND COUNTY HOUSING AUTHORITY”

Resolution No. 2021HA-7-7, “AUTHORIZING THE CHAIR TO EXECUTE A SUBORDINATION AGREEMENT CONCERNING REAL PROPERTY LOCATED AT 516 EAST SPRUCE, GRANBY, COLORADO”

Resolution No. 2021-7-8, “APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN GRAND COUNTY AND REACH OUT AND READ COLORADO”

Resolution No. 2021-7-9, “APPROVING AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH SONORAN INSTITUTE FOR SERVICES RELATED TO DEVELOPING DROUGHT PREPAREDNESS PLAN COMMUNICATION TOOLS”

Resolution No. 2021-7-10, “OPENING THE 2021 COUNTY BOARD OF EQUALIZATION HEARINGS AS OF JULY 1, 2021 AND CONTINUING THE HEARINGS AS NEEDED, AND APPROVING THE APPOINTMENT OF REFEREES TO HEAR THE 2021 BOARD OF EQUALIZATION APPEALS”

Resolution No. 2021-7-11, “APPROVING AND AUTHORIZING EXECUTION OF A NOTICE OF AWARD AND AGREEMENT WITH KIEWIT INFRASTRUCTURE CO. FOR TAXILANE PROJECT AIP NO. 3-08-0075-014-2021 AT EMILY WARNER FIELD/GRANBY – GRAND COUNTY AIRPORT”

Resolution No. 2021-7-12, “APPROVING CONTRACT AMENDMENT #3 TO THE TASK ORDER CONTRACT BETWEEN THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND GRAND COUNTY FOR EMERGENCY PREPAREDNESS ACTIVITIES

Resolution No. 2021-7-13, “APPROVING A REQUEST FOR REIMBURSEMENT FROM THE USDA, NATURAL RESOURCES CONSERVATION SERVICE (NRCS), PURSUANT TO THE GRANT AWARD AND AGREEMENT (PROJECT 5085) RELATED TO EMERGENCY WATERSHED PROTECTION MEASURES”

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

Board Business / Correspondence / Calendar

The Board agreed that there needs to be a process for memorials. Staff will work on the process based on a request to provide a memorial to Lurline Underbrink Curran.

Commissioner Manguso attended UCC.
All three commissioners attended the Mayor and Managers meeting.
Commissioner Linke attended the Club 20 policy meetings.

Calendar

July 13	Granby Board of Trustees Meeting at the Granby Town Hall, 4:30 to 6 pm
July 14	Drought Stakeholders Meeting via Zoom, starting at 10 am
July 14	Opioid Summit via Zoom, starting at 1 pm
July 14	Middle Park Water Conservancy District Meeting at the Kremmling Town Hall, starting at 1 pm
July 15	Colorado Geographic Advisory Board Meeting via Zoom, 8 to 11 am

- July 15 National Association of Counties (NACo) West Region Conference Call 2 to 3:30 pm
- July 15 Peak Health Alliance Executive Committee Meeting via Zoom, 2 to 3 pm
- July 15 Commissioner Cimino Meeting with R.D. Sewald of Sewald Hanfling Construction Company via Zoom, 3:30 to 5 pm
- July 16-19 NACo Annual Conference in Austin Texas
- July 20 Commissioner Linke Wolf Technical Committee Conference Call 9 am to 4:30 pm
- July 20 Associated Governments of Northwest Colorado (AGNC) Meeting in Hayden 9 am to 1:30 pm
- July 21 BOCC Bi-Annual Update to the Town of Kremmling at the Kremmling Town Hall, starting at 6 pm
- July 22-23 Club 20 Summer Policy Committee Meeting at Northwestern Community College in Craig
- July 26 Emergency Watershed Protection Program Town Hall Meeting at the Heckert Pavilion, Grand Lake Town Square, 5:30 to 7:30 pm

Fire Recovery Update

Emergency Manager Joel Cochran presented.

The Southern Baptist group completed 28 jobs. The concrete has been swept. There are 14 jobs that are in process. It is expected to finish those jobs in July pending the movement of roll-off dumpsters. There are 16 jobs still on hold.

Recovery Manager Alyssa Ingles reported on tree removal. The main priority are trees along maintained county roads. The Colorado State Forest Service performed a site visit to help identify which trees need to be removed. The first project is County Road 408.

Water Quality Specialist Kathryn Morris presented.

Ms. Morris reported that seeding and mulching projects on private land can happen in areas of moderate to high soil burn severity on 20 to 60 percent slopes.

Watershed Recovery
Coordinator Position

- 4 applications under review: 3 are local; 2 from companies, 2 from individuals.

East Troublesome Fire Emergency Watershed Protection (EWP)

- Area A
 - West Portal debris boom installed <https://www.northernwater.org/Home/News/994eef3f-62a1-486d-a50d-f586ee8be037>
 - Booms under construction in Willow Creek Reservoir
 - Seeding and mulching of 2,600 acres begins this week
- Area B
 - Drowsy Water & Smith Creek designs underway
 - Met with BLM to initiate permitting & development of agreements

Town Hall Public Meeting Scheduled

- Who: Property owners in the identified areas of concern (Area A and Area B). Town Hall is open to the public.
- When: 5:30-7:30 p.m., Monday, July 26
- Where: Heckert Pavilion in Town Square Park, 1025 Grand Ave., Grand Lake
- Why: To provide fire recovery updates and answer questions about the EWP Program

Public Hearing – Special Use Permit for Byers Peak Properties, LLC Mobile Concrete Plant

The public hearing scheduled for 10:45 a.m. was called to order by Chair Linke at 10:45 a.m. County Attorney Leahy set the record as follows:

- A. Public Review Sheet.
- B. Development Application, April 28th, 2021.
- C. Cornerstone Concrete Batch Plant - Full Narrative, Dated June 4th, 2021.
- D. Parcels Legal Description.
- E. Public Notice- Middle Park Times Dated June 11th, 2021.
- F. Proof of Publication- Middle Park Times Dated June 17th, 2021.
- G. Vicinity Map depicting the 1000 Foot Notification buffer as established by the Grand County GIS.
- H. Certified Mailings to all Property owners within 1000 Feet as established by the Grand County GIS.
- I. Site plan.
- J. Memorandum, Dated May 21st, 2021.

- K. Certificate of Recommendation, Dated June 9th, 2021.
- L. Rustler 12 Portable Dry Mix Cement Plant Specifications.
- M. CDPHE overview of Colorado air Regulations for: Surface Mining Operations, Concrete Batch Plants & Hot Mix Asphalt Plants.
- N. Air Pollution Emissions Notice (APEN) Concrete Batch Plant Form APCD-224.
- O. Guide to Air Quality Permitting for Concrete Batch Plants by the University of Texas at Austin School of Law Environmental Clinic.
- P. Cornerstone Mobile Concrete Batch Plant Traffic Assessment

PROJECT NAME: Cornerstone Holdings Concrete Batch Plant Special Use Permit

APPLICANT: Clark Lipscomb

LOCATION: 300 GCR 721

APPLICABLE

REGULATIONS: Grand County Zoning Regulations Section VI, Section 11.8 Special Use Permits, Grand County Master Plan

ZONING: Forestry & Open / Residential Districts (Split Zoned)

ATTACHMENTS:

A. Application and Narrative Letter/Project Summary

B. Legal Description

C. Site Plan

D. Rustler 12 Portable Dry Mix Cement Plant Specifications

E. Town of Fraser Response and Comments 6-30-21

F. Overview of Colorado Air Regulations for Surface Mining Operations, Concrete Batch Plants and Hot Mix Asphalt Plants

G. Concrete Batch Plant APEN Form APCD –224(Air Pollution Emission Notice and Application for Construction Permit)

H. Guide to Air Quality Permitting for Concrete Batch Plant

I. Planning Commission Staff Certificate

STAFF: Taylor Schlueter, Planner I and Robert C. Davis, AICP, SMP, Director

REQUEST: The Applicant is requesting a Special Use Permit for a mobile concrete batch plant.

APPLICATION NARRATIVE

Cornerstone Winter Park Holdings LLC, otherwise known as the ‘Applicant’, has purchased a CMI Rustler 12 mobile concrete plant for the purposes of producing concrete for the local building industry. The proposed site is zoned Forest/Open and is located east of the Colorado Adventure Park Tubing Hill. The Applicant says the area has been utilized for material stock piling and staging. The plant is a self-contained plant as specified in the attached brochure. It is screened from site with a large topsoil berm that the applicant says will continue to increase in size over the next several years with development of Byers Peak Ranch Filings 1 and 2. The plant is centrally located to all of Grand Park’s current construction projects and was purchased to supplement concrete needs given the challenges associated with concrete production in Grand County since Mountain Parks Concrete closed around two years ago. The Applicant says that permanent power was extended to the plant in March of this year so a generator is not necessary to operate the plant.

The plant will use three primary materials to make concrete: sand, gravel, and cement. The applicant states the three primary products will be purchased off site and delivered to the plant as necessary. This plant is a small mobile batch plant not designed for large scale concrete production like the Peak Materials facility or the now out-of-operation Mountain Parks Concrete plant. The source of water to be utilized is the down gradient pond.

Access to the site is from GCR 721(owned by the Town of Fraser)through the secondary parking lot of the Colorado Adventure Park on the existing gravel roads to the site as shown on the site plan.

STAFF ANALYSIS

The study titled, Guide to Air Quality Permitting for Concrete Batch Plant, by the University of Texas at Austin states many communities suffer from pollution caused by concrete batch plants and reports that particulate emissions (PM) coat homes and cars and cause respiratory problems. The largest concerns associated with concrete batch plants are effects on traffic, air quality and water runoff.

A typical concrete batch plant mixes water, cement, sand or gravel in batches mixed in a drum to create concrete. The transferring of aggregate into the silos, to the trucks, mixers, and etc. causes particulate matter emissions. Air quality and traffic impacts have to be understood and mitigated while also planning for the economic needs of the county. Staff understands the high demand for concrete in the county and endeavors to ensure the balance of concerns are being considered.

Traffic Impacts

Discussion concerning the proposed plant have centered around the impact of additional traffic, information on projected traffic, directional volumes, a CDOT Access Control Study and a Traffic Control Plan. The Applicant, however, does not anticipate any substantial traffic increase associated with the proposed mobile concrete batch plant and states much of the concrete produced are destined for construction projects within a five-mile radius of the concrete plant. The Applicant added that his plant will not be producing additional concrete truck trips already using the roads. He emphasized to the Planning Commission that its primary area of service is intended to be within a five-mile radius of the Town of Fraser and because of that, there would be even less impacts on the roads than trucks coming from other counties.

According to the applicant, given the finite number of concrete jobs in this area, the traffic associated with concrete trucks will remain the same but may be destined for different locations. With the primary purpose being to serve the Cornerstone related projects, the Applicant projects traffic to be less on US 40 than if trucks were coming from Peak or Mountain Parks Concrete when the plant is in use. Estimated concrete needs in Grand County are around 60,000 cubic yards per year according to the applicant. Mountain Parks Concrete served a significant portion of this cubic yardage and since closing, those concrete trucks are sourced from other locations, moving the concrete traffic trips, but not increasing them. Given the very small scale of this mobile concrete plant, a small number of trips will be rerouted but the Applicant anticipates no meaningful change in concrete traffic will occur given the finite demand.

If there is no anticipated increase in traffic trips, a CDOT access permit may not be required. The applicant represented there would be no increase in traffic and it was felt that if truck trip numbers remain small, the limited number of concrete truck trips may not come close to the projected 20% increase of the existing traffic at US 40 and GCR 721 which would trigger a traffic study. The Applicant believes concrete deliveries to Cornerstone related jobs west of US 40 will not result in any traffic on US 40.

The Planning Commission recommended that no trucks should be traversing roads in Old Town Fraser and should avoid Norgren and not use Eisenhower access to or from US 40 and that truck traffic should be limited to the use on CR 72 and CR 721 when accessing US 40 except if there was a local delivery. The Planning Commission also recommended that in the event of observed high trip totals on US 40 or local streets, the Applicant may be required to readdress traffic impacts.

Although the Planning Commission did not immediately agree that a traffic study was needed, they did recommend that all required state and local permit requirements be adhered to prior to issuance of the SUP.

However, immediately following the June 9 Planning Commission hearing, CDOT required the applicant to provide a traffic impact study. CDOT reiterated if the batch plant wasn't in the original overall traffic study for Byers Peak Ranch, then they would need to do an addendum to the traffic study to see what the impacts to the highway are. The applicant received this directive and staff understands the applicant's engineer is working on a traffic study.

Staff also received comments from the Town of Fraser in letters dated June 30 and July 7, 2021. The June 30, 2021 letter stated a need to require a traffic study from the applicant to insure impacts on US 40, CR 72 and CR 721 are examined and that public safety of vehicular traffic, pedestrians and bicyclist are considered. The emphasis being there needs to be an analysis of impacts prior to any go ahead decision to operate the plant. Other requirements include:

- Providing documentation for a legal water source, the source of the water supply and an estimate of the anticipated water demand and consumptive use of the project.
- Access point evaluation at US 40, CR72 and CR721 will be required
- Trucks are to only access the site through CR72 and 721.

Grand County will continue to work with the Town of Fraser on any maintenance agreement, any SUP renewals or amendments or relevant issues that would impact the Town of Fraser.

Staff has not yet received projected traffic numbers, or an analysis of directional distribution or projections of traffic on US 40, but the Applicant states that a report is expected within the next week.

Air Quality

The Applicant felt no permits related to air quality will be required for this self-contained mobile concrete plant, which is said to produce no dust from its contained cement silo and dust collection system. He added, when necessary, dust control on the access roads from GCR 721 to the site and any necessary on site will be handled with watering and/or magnesium chloride.

Based on the CDPHE Guidance Document titled, Overview of Colorado Air Regulations for Surface Mining Operations, Concrete Batch Plants and Hot Mix Asphalt Plants, the applicant may be required to obtain a permit. The Guidance states:

Surface mining operations, concrete batch plants, and hot mix asphalt plants commonly emit particulate matter, including total suspended particulates [TSP] and particulates with a diameter of 10 microns or less [PM10]. Particulate matter is emitted from processes such as conveying, screening, crushing, stockpiling, storing, and hauling materials. Dryers fired with natural gas, oil, propane, or diesel, may also emit TSP, PM10, carbon monoxide and nitrogen oxides. Dryers may emit VOCs or sulfur oxides depending on the type of fuel used.

The applicant will have to report any air emissions through the submission of an Air Pollution Emission Notice (APEN). If emissions are above permitting thresholds, the applicant will have to apply for an air permit prior to operation of the unit.

A concrete batch facility APEN may include boilers, silos, control equipment such as bag filters and filter socks, and transfer points such as sand and aggregate. It could also include sand and aggregate transfer to elevated bins, cement unloading to elevated storage silos, weigh hopper loading, mixer loading and truck loading. The Planning Commission recommends the applicant clarify and identify equipment to be contained within this proposed operation.

Concrete batch plants can be permitted as either fixed or portable plants. When portable plants are moved, a Notice of Relocation must be submitted to the Division at least 10 days prior to the relocation.

Hours of Operation

The hours of operation are proposed to be 7am to 7pm, Monday through Saturday as necessary. The applicant verified they would need to have trucks rolling by 7 am. The applicant stated, 'that will not always happen obviously, but we need to be able to do that to accommodate concrete pours and timing. The plant does not make any noise so that really should not matter when it is fired up if they have an early pour to make'. Similar operations in the county have been approved for limited start times in order to avoid early morning noise nuisances. The applicant shall verify that no operations, including starting or moving trucks, idling of trucks, movement of materials, startup of the plant, etc. will occur before the 7am start time.

Other State Permits

As the materials are purchased off-site and not mined at the site, the Applicant anticipates that no DMRS permit will be required for the operation of this mobile concrete plant. It will not be utilizing sand and gravel products produced on site in any concrete to be sold off site. No commercial gravel pit operation is proposed at the site.

Only DOT certified concrete trucks will be utilized to deliver concrete from the mobile concrete plant, consistent with all area concrete plants.

The site itself is located in a grade separated location that will drain to the drainage pond shown on the site plan. The applicant states no erosion will leave the site and the pond acts as a secondary containment back up, were any erosion to occur from the site.

The Planning Commission recommends the applicant must provide verification that water rights of the pond is permitted for the requested use. The Applicant did agree to provide a Stormwater Management Plan. The Planning Commission added that all conditions contained within the Stormwater Management Plan must be complied with.

ADDITIONAL STAFF CONSIDERATIONS

Although the importance of having a traffic study completed prior to operation of the plant was not emphasized, the Planning Commission recommended conditional approval to the project with stipulations that certain studies be in hand prior to the issuance of a SUP. This would mean that a traffic study, air quality or APEN submission and findings with regard to the use of the pond are all required.

The Town of Fraser owns CR 72 and CR721, is concerned for the safety of its residents and visitors and has say over the use of those roads. The applicant makes a case that a traffic study is not needed because the volume of traffic will be low and the trip lengths will be short. Nevertheless, not having traffic study results at the approval stage echoes CDOT's concern of needing an analysis of traffic prior to operation in order to prevent any safety and operational issues before they occur.

With regard to air quality, the applicant will have to report any air emissions through the submission of an Air Pollution Emission Notice (APEN) which was not part of the staff recommendation to the Planning Commission.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended conditional approval of the Cornerstone Holdings Mobile Batch Plant Special Use Permit with the conditions to be met prior to issuance of a SUP as outlined and amended in the staff recommendation.

STAFF RECOMMENDATION

The traffic impact study, an APENS permit or any other required air quality permit, or stormwater plan has not been received by staff at the time of the Public Hearing deadline, nor have they been received for comment by CDOT, the Town of Fraser, and the County Engineer. Without these critical items, staff cannot make a proper analysis of the proposed impacts to determine the sufficiency of these conditions or whether additional conditions need to be added.

Unless the public hearing is requested by the applicant to be continued, staff must recommend denial of the proposed SUP for the concrete batch plant.

However, should the BOCC wish to approve this SUP, any approval shall contain the following conditions to be met before issuance of the permit. Since the conditions have changed, the amended staff recommendation provides new conditions identified in bold. Some Planning Commission items have been stricken in light of the new requirements:

- 1.)The SUP will be granted for a term of five years with an option to review.
- 2.)The applicant will clarify and identify equipment to be contained within this proposed operation.
- 3.)The applicant should state in writing that there are no anticipated increases of traffic on US40.
- 3.) A traffic study shall be provided to CDOT, Town of Fraser, and Grand County for review. Results of this study may require further restriction on truck trip counts and hours of operation.
- 4.)The routing of trucks will be required to avoid Norgren and should not filter through the Old Town neighborhood of the Town of Fraser except if there is a direct concrete job located within the Town of Fraser.
- 5.)In addition to the traffic impact study, the Applicant must comply with all local and state permits provided prior to issuance of the SUP(use standard requirements of the SUP).
 - a. Applicant will have to report any air emissions through the submission of an Air Pollution Emission Notice (APEN)before the issuance of this SUP. In the event it is found that particulate matters exceed CDPHE requirements, the applicant will comply with all state requirements prior to operation of the plant.
 - b. Applicant must meet all requirements of the Town of Fraser as outlined in the June 30, 2021 letter from the Town of Fraser.
 - c. The applicant must comply with requirements for a Stormwater Management Plan.
- 6.)The applicant must provide verification that water rights of the pond is permitted for the requested use.
- 7.)The applicant must provide approvals received from the state Division of Water Resources for the use of the pond.
- 8.)No sky-lining of equipment or structures shall be allowed. This shall be made a condition of this Special Use Permit.
- 9.)All signage shall be permitted and comply with the requirements outlined within the Grand County Zoning Regulations. If lighting is proposed, a detailed lighting plan shall be provided.
- 10.)The applicant is required to submit a Stormwater Management Plan prior to the issuance of this SUP. All conditions contained within the Stormwater Management Plan must be complied with.
- 11.)Permittee shall be responsible for controlling and maintaining the site in attractive condition at all times. No junk or other debris shall be allowed to accumulate on the site.
- 12.)Hours of operation shall be Monday through Saturday, 7 am to 7 pm.
- 13.)In the event of observed high trip totals on US 40 or local streets, the Applicant may be required to readdress traffic impacts.
- 14.)The applicant shall provide verification of all concerns outlined in the June 30 letter from the Town of Fraser before the issuance of any SUP.
- 15.)No trucks will access US 40 from Eisenhower Drive in Fraser. All trips accessing US 40 will be routed through GCR 721 and to the intersection of GCR 72, and will use GCR 72 to access US 40 except if there is a direct concrete job located within the Town of Fraser.
- 16.)Applicant will provide an on-site wash-out area for the cleaning of the concrete trucks.
- 17.)Applicant will abide by standard SUP air pollution inversion language.
- 18.)Verification of all Town of Fraser requirements as outlined in the June 30, 2021 letter, will be presented to Grand County prior to the issuance of a SUP.
- 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

- 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
- Abandonment
- Violation of Terms and Conditions
- Termination

Louise Powers who lives at 18 County Road 731 stated that this will be west of the tubing hill. The Certificate indicates that it will be east of the tubing hill.

Ms. Powers wondered who would be checking on air quality. As far as hours of operation, there is a lot more traffic on Saturday. This additional traffic will be an issue.

Ms. Powers asked about the lighting. The tubing hill next door has a lot of lights. The lights at the tubing hill are not facing down.

If this is approved, it needs to be for one year only.

Graham Powers who lives at 18 County Road 731 is concerned about wastewater violations.

Kent Whitmer appeared on behalf of Gold Medal Ranch. Gold Medal Ranch owns the west half of Byers Peak Ranch. Mr. Whitmer's client is concerned over the 2010 water right and whether it allows this type of use.

Mr. Whitmer encouraged that a hard look be taken at the water rights. There needs to be enough capacity in the pond to color the water whether it is free river or through an administrative exchange to make sure there is enough water to do what is contemplated by the applicant.

Mr. Whitmer is concerned how the water gets to the pond. Whether it is administrative exchange or free river or in priority diversion, it has to go across the Gold Medal Ranch property. There are easements in place that allow the conveyance of water. There is an express easement from 1974 that allows the conveyance of water. There is a qualifier in the easement agreement that the easements are not to be used for semi-commercial or commercial use. This is a commercial use.

Mr. Whitmer stated that unless his client consents, the use cannot be changed. His client has not consented to the change.

Mr. Whitmer stated that adequate screening of the property must be provided. The screening that is in place is not adequate.

Mr. Whitmer would like these items adequately addressed or have the application denied.

Cassie Fitzpatrick lives at 1209 County Road 5 noted that there are a lot of concerns. There needs to be very strict guidelines on this project.

Ed Cannon, Fraser Town Manager, stated there are concerns over the traffic review. Mr. Cannon wants to make sure that all conditions are met and verified before issuing the SUP.

Mr. Cannon asked that any damage to the road be addressed. Mr. Cannon stated that if the permit is approved, the Town of Fraser would like the permit issued for one year only.

Ready Yarbrough lives on County Road 50 near the Young Life camp. Ms. Yarbrough stated that the neighbors are concerned over the traffic and the water.

Jane Mather lives at 451 Muse Drive in Fraser. Ms. Mather does not believe the batch plant should be placed at this location. Ms. Mather is concerned for air quality, water quality, and noise quality.

Ms. Mather stated that concrete plants are not allowed in a residential land.

Ms. Mather provided some additional information that were added to exhibits.

- Exhibit Q Photos of Cornerstone Batch Plat from Fraser Valley Parkway CR 721 by Jane Mather on July 11, 2021
- Exhibit R Concrete Batch Plant APEN Form APCD-224

Mr. Lipscomb stated he lives close to the plant and will make sure that it runs correctly.

Mr. Lipscomb stated that the plant is a new state-of-the-art plant.

Commissioner Cimino moved to continue the public hearing Special Use Permit for Byers Peak Properties, LLC Mobile Concrete Plant to August 3, 2021 at 1:00 p.m.
The motion passed unanimously.

Wireless Research Center – GC Broadband Workforce Development center, Revised Request

The WRC is a non-profit 501c3 organization in the town of Wake Forest, North Carolina. The essence of the center is socio-economic and technical. The WRC was formed in 2010.

This is designed to benefit existing businesses.

The WRC is requesting \$60,000 from Grand County. This will be used to apply for the EDA grant.

Commissioner Cimino supports this request.

Commissioner Manguso applauds the idea but is not willing to spend taxpayer dollars for it.

Commissioner Linke supports this request.

Commissioner Cimino moved to approve request from the Wireless Resource Center for a Services Contract in an amount not to exceed \$60,000.

Discussion: Commissioner Manguso believes this is a good idea. Commissioner Manguso believes this should go through the Grand Foundation. Commissioner Manguso noted that tax dollars should not go into a private start up.

Commissioner Cimino aye

Commissioner Manguso no

Commissioner Linke aye

The motion passed

GCR 522 (History, Cultural Survey, Permit, and Next Steps)

Commissioner Linke noted that this road is sometimes referred to as the Fraser Valley Parkway. The road would be a two-lane gravel road. This is to be for local traffic. It is not an alternative to Highway 40.

County Engineer Tim Gagnon presented.

The Master Plan identified the need for an additional route between Tabernash and Winter Park.

The Corps of Engineers required the County to complete a cultural survey between County Road 50 and County Road 73. The cultural survey must be complete by the end of 2021 or the County will risk losing its wetland permit.

The traffic count in 1998 on County Road 5 on the northwest side was about 400 cars per day in July. County Road 5221 by Tabernash had 80 cars per day.

There were four traffic studies in the Fraser Valley and all recommended an alternate route for local traffic.

Comments by Mr. Gagnon:

County Road 522 is planned with varying degrees of design and where the road is.

County Road 522 is not alternative to Highway 40 going to other destinations. It is for local traffic.

County Road 522 was never intended to be funded by the county.

All the development that is taking place in the Byers Peak Ranch area. The future development shows 8,600 cars per day.

Fraser Valley conclusions:

1. The initial traffic analysis and conclusions developed 20 years ago in the Fraser Valley Master Road Plan are still pertinent today.
2. The justification and needs for the County Road 522 extensions in the original permit are still valid.
3. Plan development adjunct to County Road 522 extension have been recently submitted to the County showing an even greater need.
4. The County made progress in the early 2000s and drove the County Road 522 corridor in a positive direction. Much of the opportunities were because of the land development that was taking place.
5. There is a lot of land development along the County Road 522 corridor.

Recommendations

1. Complete second phase of the cultural survey from County Road 50 to County Road 73 as required to meet the extension deadline.
2. Spearhead the progression of the corridor by working with local agencies to properly plan.
3. Implement strategies to secure more road right-of-way from County Road 73 to County Road 50.

Commissioner Manguso moved to authorize the expenditure of up to \$6,000 for Task Order 2, Field Inventory for County Road 522.

The motion passed unanimously.

Graham Powers stated that he will work with the County to all access for a cultural survey.

There being no further business to come before the Board, the meeting was adjourned at 4:38 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 13th day of July 2021.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder