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 July 16, 2019, of the Board of County Commissioners.

The motion passed unanimously.

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

Commissioner Manguso moved to authorize the Chair to sign and two members of the Board to wire a down payment assistance loan in the amount of $6,600 for John Robert Schirado and Kaitlyn Michelle Schirado as presented by Sheena Darland.

The motion passed unanimously.

Commissioner Cimino would like the Board to consider a having a series of workshops with:
1. Housing Authority Director regarding a goals and process discussion
2. Housing Authority Director, Board of Housing Authority, and representatives from the incorporated towns to discuss goals and find a strategy that might work for the towns
3. Housing Authority Director, Board of Housing Authority, town representatives, citizens, and employers

After these meetings, there may be a consideration to move toward a multi-jurisdictional housing authority.

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

Departmental Contracts, Comments, Issues

Richard Liberali stated that after six years of hard work, the Grand County Sheriff’s Office has received police officer mental health grant.

County Clerk and Recorder Sara Rosene presented the Clerk Revenue for June 2019.

Commissioner Linke moved to approve the renewal of the Hotel and Restaurant Liquor License for Indian Peaks Marina Restaurant LLC as presented by the Clerk and Recorder.

The motion passed unanimously.

Commissioner Manguso moved to authorize Chair Cimino to electrically sign the Work Order with Colorado Interactive to allow connectivity with the Clerk and Recorder’s real estate record search program.

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign a $34,400 Contract for noxious weed control on all CDOT highways throughout Grand County.

The motion passed unanimously.

Commissioner Manguso moved to approve the Cooperative Forest Service Agreement between Grand County and the USDA Forest Service Region 2 as presented by Ed Moyer. This authorizes the Chair to sign and if necessary, a stamped signature be placed on Page 2 on the revised agreement.

The motion passed unanimously.
Commissioner Manguso moved to approve Resolution No. 2019-7-18, “A RESOLUTION APPROVING THE PETITION AND SETTING A PUBLIC HEARING PURSUANT TO SECTION 30-20-507, C.R.S., REGARDING THE SUNSET RIDGE, COUNTY OF GRAND, STATE OF COLORADO PUBLIC IMPROVEMENT DISTRICT”

The motion passed unanimously.

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

Commissioner Linke moved to approve the Core Services Plan requesting state approval as presented by Human Services Director Deb Ruttenberg.

The motion passed unanimously.

Commissioner Linke moved to approve the Core Service Contract between Grand County and Kristyn Roe in an amount not to exceed $6,000 without prior approval Human Services Director Deb Ruttenberg.

The motion passed unanimously.

Commissioner Linke moved to approve the Cooperative Agreement between Grand County Human Services and the Colorado State Patrol outlining the responsibilities of the Colorado State Patrol regarding cases of child abuse and neglect Human Services Director Deb Ruttenberg.

The motion passed unanimously.

Commissioner Linke moved to approve the Intergovernmental Agreement between Grand, Garfield, Rio Blanco, Pitkin, Eagle, Moffat, Routt, Summit, Lake, and Jackson Counties to allow Garfield County to house a rooming eligibility technician Human Services Director Deb Ruttenberg.

The motion passed unanimously.

Commissioner Linke moved to approve the IGA Contract between Grand County and the Colorado Department of Human Services for Grand and Jackson Counties to promote safety and stability Incredible Years Program and the Caring Dads program in an amount up to $40,000 Human Services Director Deb Ruttenberg.

The motion passed unanimously.

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

Manager & Attorney Items

County Manager McIntire stated that staff received a request for five to six loads of gravel from the Headwaters Trail Alliance for the Fraser to Granby Trail between the YMCA and Tabernash. The County holds an easement and has provided gravel for the trail.

The Board gave direction for Road and Bridge to provide five or six truckloads of gravel for the Fraser to Granby Trail and fit into the schedule.

County Manager Kate McIntire presented her weekly update.

Consent Agenda

Resolution No. 2019HA-7-10, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, APPROVING AN EXEMPTION FROM THE AFFORDABLE HOUSING TRANSFER FEE OF THE RESTRICTIVE COVENANTS, COYOTE CREEK AT WINTER PARK SUBDIVISION, GRAND COUNTY, COLORADO”

Resolution No. 2019-7-11, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN GRAND FUTURES PREVENTION COALITION AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR SERVICES TO SUPPORT A YOUTH ADVISOR PROGRAM”
Resolution No. 2019-7-12, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE PURCHASE OF A REFRIGERATOR AND A FREEZER FOR THE GRANBY SENIOR NUTRITION CENTER”


Resolution No. 2019-7-14, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING OUT-OF-STATE TRAVEL FOR THE GRAND COUNTY DEPARTMENT OF ROAD OF BRIDGE”


Resolution No. 2019-7-16, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE TOWN OF FRASER, COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING ROAD IMPROVEMENTS TO U.S. 40”

Resolution No. 2019-7-17, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AN AMENDMENT TO RESOLUTION NO. 2019-1-3 AND THEREBY SETTING A REGULAR MEETING OF THE BOARD ON JULY 30, 2019”

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Board Business/Correspondence/Calendar

Commissioner Linke participated in a Club 20 Leadership Conference Call. Commissioner Linke attended the Elected Officials meeting. Commissioner Linke also attended the Medical Directors meeting.

Commissioner Linke stated that he met with some people who live on Country Road 5. There was a discussion of property rights and trespass. The people at the meeting agreed to shoot and blow up things between 10 a.m. to 7:00 p.m. only.

Following are Commissioner Linke’s notes from the meeting:

Ultimately it was a good visit. These folks feel their rights are being infringed upon. There were about 11 people who attended the meeting on Saturday – families, friends, neighbors, spouses, wives, veterans – and they support what is currently going on. I started the conversation by asking to hear their side; stating that there had been a lot more complaints recently regarding the noise, explosions, shooting, etc. They confirmed that at times, earlier this summer, there was. These are our rights, doing nothing illegal, not even the tannerite use. They have to deal with trespassers all the time. Examples include someone driving right through their property to drop a TV, and frequently people hiking through, creating trails, thinking it’s public land.

I also asked them if anyone ever personally asked any of them to stop the noise or shooting. They cited a couple of rare examples where that has happened in the last 20+ years. With all that being said, they agreed to voluntarily restrict shooting and tannerite use between 10 am – 7 pm every day. That seems fair. Dennis Johnson is offended that he always gets the blame, because it’s not just him. Dennis hasn’t shot any firearms for over two months and when he did, it was only a 410 shotgun, that he shot at a fox that was raiding his chickens. He doesn’t necessarily like the tannerite noise either, but he can’t control what anyone else does on their property. If he continues to get accused he will start using tannerite more often.
So limiting their usage, despite them not breaking any laws, seems like a good compromise. The BOCC will write a thank you letter acknowledging their personal property rights and let them know the county supports them contacting the Grand County Sheriff if anyone violates their rights.

The Board attended a Needs Assessment Workshop.

Commissioner Linke attended the Basin Roundtable.

Commissioners Linke and Cimino attended the Trout Unlimited Banquet.

Calendar

July 24-26  Colorado Health Symposium in Keystone – Commissioner Cimino
July 25  Club 20 Policy meetings – Commissioner Linke
July 29  Water Workshop – Board of Commissioners meeting room at 1:00 p.m.
July 30  Special Meeting of the Board of Commissioner’s meeting

County Manager McIntire stated that the Board had a workshop regarding the Needs Assessment. The main focus of the workshop was to talk about the detention facility and the Sheriff’s Office.

The Board is leaning toward new construction instead of remodel based on research performed by the consultants.

Pitoniak Outright Exemption

PROJECT NAME:  Pitoniak Outright Exemption
APPLICANT:  Larry E. and Jane E. Pitoniak
LOCATION:  A part of N ½ SE ¼ of Section 23, T3N, R76 W, a Metes & Bounds parcel of 0.17 acres, and Lot 7 Block 2, Eggert Subdivision commonly known as 70 County Road 4455

APPLICABLE REGULATIONS:  Master Plan, Zoning Regulations, Outright Exemption Regulations
ZONING:  M – Mobile Home District
ATTACHMENTS:
A. Vicinity Map
B. Application and Narrative Letter
C. Title Commitment
D. Proposed Outright Exemption Plat
E. Metes & bounds parcel Deed
F. Eggert Subdivision Plat Reception No. 50167

STAFF PLANNER:  Alexander Taft, LEED Green Associate
REQUEST:  The Applicant is proposing a boundary line adjustment with the adjacent legal Metes and Bounds parcel through an Outright Exemption.

I. BACKGROUND
a. Proposal
Larry Pitoniak, hereafter referred to as “the Applicant,” purchased property by Warranty Deed on February 28, 2012, recorded at Reception No. 2012001631. The Applicant approached the County with the request to create a larger lot to construct an addition onto the existing cabin which is currently approximately five hundred square feet (500ft²). The subject lots in this application consist of a vacant Metes & Bounds Parcels adjacent to a parcel within an existing subdivision.

b. History
The Applicant’s Metes & Bounds parcel of .17 acres was created on September 15, 1972 by Warranty Deed Recorded in Book 190, Page 447. The lot has remained vacant through several ownership changes. The Applicants have owned their property since 2012. It is the northern lot of the subject two (2) lots in this request (see map). Eggert Subdivision was created on September 14, 1938 at Reception No. 50167 by Herman Carl Eggert. The Eggert Subdivision Plat created 2 blocks with 22 lots in approximately 9.25 acres.

II. STAFF ANALYSIS
This proposed Outright Exemption combines two non-conforming lots of record. Lot 7, Block 2 Eggert Subdivision contains a log cabin that the assessor shows as built in 1938 on a .21 acre lot this lot is requested to be combined with the .17 acre Metes and Bounds lot.
The combination of these two lots create a single lot of 17,148 ft² that will comply with the minimum requirement for a lot (15,000 ft²) served by public sewage and will allow for buildable area of typical construction today.

III. PLANNING COMMISSION RECOMMENDATION

During the regular Planning Commission meeting scheduled for July 12, 2019 this application was reviewed. Planning Commission requested that Staff clarify the use of the Outright Exemption instead of Amended Final Plat. Staff explained that one of the parcels was a Metes and Bounds parcel triggering the use of these regulations because Amended Final Plats are not for exterior boundary adjustments. Further discussion was had about the Mobile Home District Zoning which was explained to be very similar to Residential District but allowing for individual mobile homes on a parcel.

Planning Commission unanimously recommended the approval of the Pitoniak Outright Exemption with the following conditions as presented by Staff to be met:

1. The Title of the Plat shall be corrected as shown above [3.2 (2) (a)].
2. Existing 20’ easement along the eastern property boundary as shown on the Eggert Subdivision Plat Recorded at Reception No. 50167 [3.2 (2) (f)].
3. Adjacent property owners shall be correctly identified [3.2 (2) (g)].
4. A draft Quit Claim Deed shall be supplied for review by the County Attorney and recorded with the Amended Final Plat [3.2 (2) (j)].
5. The Applicant shall comply with current County Onsite Wastewater Treatment System regulations.
6. Statement of taxes due showing current taxes paid [3.2(2) (s)].
7. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [3.2 (2) (t)].
8. Impact fees shall be paid at time of building permit [2.5 (1-2)].
9. The Applicant shall meet all Plat requirements and such additional information as may be required by the Grand County Board of County Commissioners.

All legal documents required in conjunction with the final approval of this request are subject to the review and acceptance of the County Attorney.

Commissioner Manguso moved to approve the Pitoniak Outright Exemption as presented with conditions with the exception of number. Exception number 8 is to be removed.

The motion passed unanimously.

Public Hearing – Amended Final Plat, Lots 23, 24 & 25; Gorewood First Filing Subdivision Lot Line & Utility Easement Vacations

The public hearing scheduled to begin at 11:00 a.m. was called to order by Chair Cimino at 11:00 a.m. County Attorney Leahy set the record as follows with the following Exhibits:

A Letter of Application, May 21, 2019
B Vicinity Map depicting the 250-foot notification buffer as established by the Grand County GIS system
C Certified mailings to all property owners within 250 feet as established by the Grand County GIS system
D Memo to all property owners within 250 feet dated June 27, 2019
E Public review sheets without signatures
F Certificate of Recommendation from Grand County Community Development dated July 23, 2019
G Site map
H Letter from Skip and Nancy Meier dated July 4, 2019
I Letter from H.J. Erker dated July 8, 2019
J Letter from Steve Miller dated July 9, 2019

PROJECT NAME: Amended Final Plat, Lots 23, 24 and 35, Gorewood First Filing
APPLICANT: Arthur and Michelle Lohrenge, Christopher Linsmayer, and Beth McCann
LOCATION: Lots 23, 24, and 35, Gorewood First Filing, 160 and 242 County Road 1452 (Lost Lodge Road) and 3645 County Road 14S (Golden Trail)
ZONING: Forestry and Open (F)
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Grand County Master Plan, Subdivision Regulations
ATTACHMENTS: A. Vicinity Map
I. DISCUSSION
a. Background:
Christopher Linsmayer and Beth McCann are owners of Lot 35 (see map on next page), Gorewood First Filing, transferred via Warranty Deed recorded at Reception No. 2005001947. Arthur Lohrengel and Michelle Lohrengel are the owners of Lots 23 and 24, Gorewood First Filing, transferred via Special Warranty Deed recorded at Reception No. 2013009415. Together, the Lohrengels, Christopher Linsmayer, and Beth McCann are the Applicants (the “Applicants”) of this Amended Final Plat. Christopher Linsmayer applied for a building permit in 2011 under B11-005 to build a cabin and received a variance for a septic system through Resolution No. 2010-12-39, recorded at Reception No. 2010010201.

Following a fire in 2016, the Applicants were alerted that the cabin encroached on Arthur and Michelle Lohrengel’s property. In early 2017, Christopher Linsmayer was prompted by Community Development Staff to request a Final Inspection on his building permit. However, many non-traditional and non-compliant construction techniques lead to failure of the Final Inspection and a request for Linsmayer to go to the Board of Appeals. Due to the historical lack of need for a Board, Linsmayer was directed to proceed with an Amended Final Plat in order to alleviate the property boundary encroachment.

b. History:
Gorewood First Filing was platted in 1970 and contains approximately 36 lots in 373.801 acres with average lot sizes of roughly 10.38 acres or 452,152.8 ft2. Utility easements of ten (10) feet exist adjacent to all side and rear lot lines within this subdivision. Lots within Gorewood First Filing require a well and septic systems. Electric is provided by overhead power lines adjacent to County Road 14S and 1452, but not within the proposed easement vacation. Right-Of-Way is provided by County Road 14 through Grand River Ranch, Recorded at Reception No. 2004015371.

II. STAFF COMMENTS AND ANALYSIS
It is Staff’s opinion that the land area is a suitable area for constructing a home on Amended Lot 23A. Staff believes that the proposal is consistent with keeping low density where there are not public water or sewer services. The vacation of the interior lot line easements will not eliminate access for adjacent property owners. The intention of this vacation is to better connect the lots to optimize the buildable area and cure encroachment.

While Staff cannot require the Applicants to final existing building permits with a final inspection as a condition for the Amended Final Plat being recorded, it is strongly encouraged that the Applicants do so to alleviate other concerns with existing permits.

III. PLANNING COMMISSION REVIEW
During the regular Planning Commission meeting on July 10, 2019, the Commissioners reviewed this application. Commissioners required reassurance that the Amended Final Plat would meet setback requirements. Staff explained that application would alleviate encroachment issues and would meet setback requirements. Other Commissioners asked about land transactions and if the transaction was valid without a Recorded Amended Final Plat. Staff reminded the Planning Commission that the land transaction would not be done legally without the Amended Final Plat being approved by the Board of County Commissioners.

Planning Commission recommended approval of the Amended Final Plat for Amended Lot 23A and 35A, Gorewood First Filing with the following conditions to be met prior to the recording of the Amended Final Plat:
1. A statement of taxes that shows all taxes have been paid shall be submitted (4.3 (2) (u)).
2. An electronic copy of the Final Plat shall be submitted (4.3 (2) (y)).
3. All recording fees are to be paid by the Applicant.
4. All applicable building and sanitation permits shall be obtained through the County prior to construction.
5. Draft Quit Claim Deeds to amend legal description of the lots shall be submitted for review by the County Attorney’s Office and Recorded with the Amended Final Plat.
6. A 24”x36” mylar shall be submitted and all corrections shall be made prior to Recording (4.3(1)(a)) (4.3(2)(g-h))(4.3(2)(e)).
7. A surveyor’s certificate shall be submitted (4.3(2)(l)).

Commissioner Manguso moved to approve the Amended Final Plat, Lots 23A and 35A, Gorewood First Filing, with all conditions and the added condition that this will not be recorded until there is a Letter of Occupancy issued by the Building Department for the existing home on the property and that will be included as an exhibit to the resolution.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Paul Bruchez – Update on Colorado Water Conservation Board (CWCB) Board Meeting: Interbasin Compact Committee (IBCC) and Demand Management Work Groups.

Mr. Bruchez stated that last week was a joint CWCB and IBCC meeting.

The Demand Management Study has been an ongoing study for about four years. After each risk assessment is completed, it is determined that more detailed analysis is necessary. There is a need to avoid compact deficit looking at both the balancing tier and power production.

The 3,525 is the critical balancing tier. It is believed there is a 39 percent chance of dropping below the 82.5 million acre feet. It will be argued whether we really owe 75 million acre feet on a 10-year running average or whether it is 82.5 million.

The Roundtable has had a Demand Management workgroup up and running for about seven months. The local basin and the River District have been on the front edge of Demand Management.

Information on Demand Management can be found on www.ColoradoBasinRoundtable.org.

Mr. Bruchez stated that Lake Mead is a storage facility. Now the drought contingency plans have been signed, there are different levels of water that can be taken at different inflows. Renegotiation of the 2007 interim guidelines is just beginning. Those expire is 2026. From an upper basin/lower basin stand point, what happens in 2026 will be very critical.

Community Development – Process Improvements

Community Development Robert Davis stated that Grand County is in the midst of a housing boom.

In 2018, the Zoning window was opened. There are more staff working on zoning issues.

Mr. Davis provided the Board with a flow chart of how items are processed through building and planning.

Mr. Davis stated that staff is setting up Accela to help with building permits.

With the improvements that have been made to this point, Mr. Davis projects the savings of 375 to 450 hours per month.

Ms. McIntire stated that there is a direct tie between the increase in fees and the improvements that have been made.

Mr. Davis is recommending the addition of two fulltime staff.

The Board agreed with staying with Accela and is supportive of another FTE.
Community Development Intern Presentation and Vacant Lot Analysis – Ryan Forster

Mr. Forster has been working in the field of urban and regional planning. Mr. Forster is going to San Hose State for a masters in urban and regional planning. Mr. Forster felt that learning pertinent Colorado laws and regulations was important to make it clear that he could adapt to different situations.

Grand County requires 60 percent open space for multi-family in comparison with Mesa County who requires 20 percent, Gunnison County who requires 30 percent, and Jackson and Pitkin Counties who require 1,200 square feet per dwelling unit. Grand County has a very high open space requirement for multi-family development.

Mr. Forster stated that the County may want to consider payment in lieu for affordable housing of some of the open space.

Mr. Forster stated that according to the County GIS, there are roughly 2,000 vacant lots in the County. In East Grand County, there are 1,298 vacant lots and of those vacant lots 91 percent are buildable. There are 1,266 people that at the current density could be added to West Grand County.

GC Assessor – Personal Property, Furniture & Fixtures, STRs – BOCC Sitting as the Grand County Board of Equalization

County Assessor Tom Weydert stated that he receive no personal property protests. Yesterday was the deadline for postmarks. At this time, no personal property protests have been received.

There being no further business to come before the Board, the meeting was adjourned at 4:11 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 30th day of July 2019.

_______________________________
Richard Cimino, Chair

Attest:

Sara L. Rosene, Clerk and Recorder