

**GRAND COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA**

February 27, 2007

- 8:30 a.m. Approval of Board Minutes from Previous Week
- 8:35 a.m. General Public - Comments / Issues
- 8:45 a.m. Board Business / Correspondence / Calendar
- 9:30 a.m. Manager and Attorney Items
- 10:00 a.m. BREAK
- 10:15 a.m. Finance Director
- 10:30 a.m. **Public Hearing** - Mountain Parks Concrete, Inc. Special Use Permit Renewal, Parshall Pit
- 10:45 a.m. **Public Hearing** - Hester's Log & Lumber Special Use Permit Renewal
- 11:15 a.m. Ranch Creek Ranch Subdivision Lot 5, 2nd Amended Building Envelope
- 11:30 a.m. Ponderosa Park Subdivision - Sketch Plan
- 11:45 a.m. P&Z Matters

LUNCH

**Soup Luncheon in Commissioners Office with
Department Heads: Noakes, Johnson, Belew-Ladue, Dill**

- 1:30 p.m. **Public Hearing** - Summit at Winter Park Ranch Utility Bridle Vacate - Tracts D. E. & F.
- 2:15 p.m. Forest Service, Brad Orr - Draft Motor Vehicle Use Map for the Sulphur District

MINUTES OF A REGULAR BOARD OF COMMISSIONERS MEETING GRAND COUNTY, COLORADO

James L. Newberry, Chairman – Commissioner District 1; Nancy Stuart – Commissioner District 2; Gary Bumgarner – Commissioner District 3; Lurline Underbrink Curran, County Manager; Anthony J. DiCola, County Attorney; and Sara L. Rosene, County Clerk and Recorder, absent; Candice Siefken, Chief Deputy County Clerk and Recorder

February 27, 2007

The regular Board of Commissioners meeting was called to order at 8:30 a.m.

Board Business/Correspondence/Calendar

Department heads present for the Board's business portion of the meeting were Jennifer Murray, Scott Penson, Deb Campbell, and Scott Berger.

Those present recited the Pledge of Allegiance.

Commissioner Stuart moved to approve the minutes of the regular Board of County Commissioners meeting held on February 20, 2007.

The motion passed unanimously.

Jeff Perry, West Grand Superintendent, appeared before the Board to discuss a GOCO grant.

Mr. Perry stated that the grant will be used to create an outdoor recreational facility which will include tennis courts, a playground, and an exploratory park. He asked if the County would consider sponsoring the grant since the School District can't. He noted that the Mayor of Kremmling refused to sign the papers even though the Town Council unanimously voted to sponsor the grant.

Mr. Perry stated that the IGA states that the School District will assume primary responsibility and will be responsible for all maintenance and repairs of the facilities. He added that the County will own the property for the next 25 years.

County Manager Underbrink Curran suggested that the Deed to the property contain an automatic reverter clause. She reminded the Board that the grant money is State money and will affect the County's TABOR allocation.

Commissioner Stuart moved to approve a partnership with the West Grand School District for a GOCO grant for the West Grand exploratory park and authorize the Chairman to sign all applicable documents. She added that a clause will be added that the land will automatically revert to the West Grand School District at the end of 25 years.

Discussion: Commissioner Bumgarner stated that he would like it on the record that he is a member of the West Grand Board of Education.

The motion passed unanimously.

Jennifer Murray presented a document for noxious weed control.

Commissioner Stuart moved to approve the Contract between the Middle Park Habitat Partnership Program and Grand County in the amount of \$15,000.

The motion passed unanimously.

The Board reviewed a memo requesting out-of-state travel for Amy Sidener, with Natural Resources. **(A copy of the document was not made available for the public meeting file.)** She would like to attend the Regional NRCS meeting in Montana.

Commissioner Bumgarner moved to approve out-of-state travel for Amy Sidener, with Natural Resources.

The motion passed unanimously.

Commissioner Bumgarner moved to authorize the Board to sign a letter to the Granby Town Trustees requesting a waiver of fees.

The motion passed unanimously.

Commissioner Bumgarner moved to authorize the Board to sign a letter to Bill Wachholtz thanking him for his services.

The motion passed unanimously.

Commissioner Bumgarner moved to authorize the Board to sign a letter to Joe Pandey, with Mountain Parks Electric, regarding the Mountain Parks Electric building in Kremmling.

The motion passed unanimously.

The Board reviewed a letter from the County Manager to the Tabernash Meadows Water and Sanitation District regarding the transfer of one tap to the District.

Chairman Newberry asked if the County had received a response to its inquiry on the Granby Fire Station. County Manager Underbrink Curran replied that she sent a letter expressing interest. She hasn't received an official decision from the Fire Department. She will contact Dave Boyes.

Commissioner Bumgarner moved to extend the County's benefit package to the employees of the Grand County Housing Authority until the end of March.

Discussion: Chairman Newberry asked Commissioner Bumgarner to rescind his motion. Chairman Newberry would like to speak with the County's representative on the Housing Authority.

Commissioner Bumgarner agreed and stated that he would like to rescind his motion.

Commissioner Stuart presented a letter from the Indian Peaks Charter School thanking for the Board for its block grant.

Commissioner Stuart presented an email from Jude Dwyer with regard to Tourism Board appointments.

Commissioner Stuart moved to appoint Tim Ondahl as trustee, representing the central area of District 2, to the Grand County Library District.

The motion passed unanimously.

Commissioner Stuart moved to reappoint Ingrid Karlstrom and Gary Salberg to the Grand County Planning Commission.

The motion passed unanimously.

Commissioner Stuart moved to reappoint Tim Moreland to the Grand County Board of Adjustment.

The motion passed unanimously.

Commissioner Stuart moved to reappoint DiAnn Butler and Sheri Shelton to the Tourism Board for District 1.

The motion passed unanimously.

Commissioner Stuart moved to reappoint Sheri Southoff and Glenn McCoy to the Health Advisory Board.

The motion passed unanimously.

Commissioner Bumgarner moved to reappoint Lisa Palmer to the Cooperative Extension Advisory Board.

The motion passed unanimously.

Commissioner Stuart moved to reappoint Jean Miller to the Grand County Preservation Board.

The motion passed unanimously.

Commissioner Stuart presented a memo from Susan Kirkpatrick, with the Department of Local Affairs, with regard to the County’s 10-year capital infrastructure needs.

Clerk and Recorder Rosene provided the Board with a printout of the fees collected by the Clerk and Recorder during the month of January 2007.

The following is all or part of Ms. Rosene’s information as it was provided by staff for inclusion in the minutes of the meeting held on February 27, 2007.

	January	Cumulative
Real Estate Recording	\$ 25,310.00	\$ 25,310.00
Documentary Fee	\$ 5,337.26	\$ 5,337.26
Elections - Reimbursement	\$ 8,805.47	\$ 8,805.47
Motor Vehicle - Confidential Request	\$ -	\$ -
Mining Claims	\$ -	\$ -
Motor Vehicle – Copies	\$ 50.25	\$ 50.25
Recording – Copies	\$ 8,074.75	\$ 8,074.75
Registrar	\$ 405.00	\$ 405.00
Election Confidential Request	\$ -	\$ -
Marriage License - County Fee	\$ 84.00	\$ 84.00
Campaign and Political Finance	\$ -	\$ -
Liquor License	\$ 125.00	\$ 125.00
Deposit Plat - Clerk Retain	\$ 280.00	\$ 280.00
Deposit Plat - Surveyor	\$ 280.00	\$ 280.00
Clerk Hire (\$1, \$2 & General)	\$ 3,710.00	\$ 3,710.00
Clerk Hire (\$1.50)	\$ 2,557.50	\$ 2,557.50
Clerk Hire (\$2.50)	\$ 3,680.00	\$ 3,680.00
Permits (County)	\$ 51.20	\$ 51.20
Titles/Duplicates/Vehicle ID	\$ 1,654.00	\$ 1,654.00
Special Purpose	\$ 1,040.50	\$ 1,040.50
Ownership Tax	\$ 198,215.82	\$ 198,215.82
SMM 2%	\$ 13,380.63	\$ 13,380.63
Vehicle 2%	\$ 348.58	\$ 348.58
Lien Extensions	\$ -	\$ -
Chattels	\$ 1,585.00	\$ 1,585.00
Duplicate Registrations/Inquires	\$ 56.70	\$ 56.70
Short Check/VIN	\$ 700.00	\$ 700.00
Vendor Fee Retained (Sales & Use)	\$ 1,138.43	\$ 1,138.43
Postage	\$ -	\$ -
Insurance Fee	\$ 236.50	\$ 236.50
Mailing Fee	\$ 6.21	\$ 6.21
County Sales Tax	\$ 890.17	\$ 890.17

Driver License - County	\$ -	\$ -
Refund fee	\$ 20.00	\$ 20.00
e-Recording Fee	\$ 1,144.00	\$ 1,144.00
POST Fee – County	\$ 18.27	\$ 18.27
GIS fees	\$ -	\$ -
Birth Certificate – State	\$ 70.00	\$ 70.00
Marriage License - State Fee	\$ 36.00	\$ 36.00
State License Fees	\$ 62,049.22	\$ 62,049.22
State Permits	\$ 1,040.23	\$ 1,040.23
State Title/Duplicates/Vehicle ID	\$ 1,265.70	\$ 1,265.70
State Special Purpose	\$ 1,043.20	\$ 1,043.20
State Sales Tax	\$ 13,940.96	\$ 13,940.96
Driver License – State	\$ -	\$ -
Granby Use Tax	\$ 11,598.28	\$ 11,598.28
Grand Lake Use Tax	\$ 3,189.14	\$ 3,189.14
Fraser Use Tax	\$ 2,932.30	\$ 2,932.30
Kremmling Sales Tax	\$ 297.73	\$ 297.73
Winter Park Sales Tax	\$ 169.17	\$ 169.17
Hot Sulphur Springs Sales Tax	\$ -	\$ -

{End of Ms. Rosene’s Information}

Chairman Newberry presented a letter from Donald Neumann, with the Grand Lake Area Chamber of Commerce, asking for help with the Snow Shoot event at the Winding River Resort. Chris Baer, with Road and Bridge, will be looking at the site.

Chairman Newberry asked about the YMCA’s request for a conservation easement. County Attorney DiCola stated that he would like to talk about the matter during an executive session. He added that he asked the County Manager to talk to the Board about what he told the attorney for the YMCA.

The Board reviewed a memo from the County Manager asking for a supplemental for Road and Bridge.

The following is all or part of Ms. Underbrink Curran’s Memo to the Board as it was presented at the meeting held on February 27, 2007.

When we hired the additional person for the Department of Natural Resources, we knew that we had money through Title 3 to fund this position, equipment, and training, and moved ahead accordingly. It has now come to my attention that in the budget cycle, we allocated \$95,000 of the Title 3 money to magnesium chloride and \$25,000 to tree removal. I apologize for not remembering this decision. Regardless, R&B needs the \$95,000 for its mag chloride work, and I am therefore asking you for a \$95,000 supplemental from sales tax fund balances and transfer to R&B to fund mag chloride.

{End of Ms. Underbrink Curran’s Memo}

Commissioner Bumgarner moved to go ahead and follow the Manager’s recommendation.

Discussion: Chairman Newberry verified that the County Manager’s recommendation was for a supplemental in the amount of \$95,000.

The motion passed unanimously.

The Board reviewed a memo from the County Manager questioning whether the Board will be using hearing officers this year for Board of Equalization cases. Chairman Newberry stated that he would like to talk to the Assessor’s Office.

The Board reviewed a letter that the County Manager sent to Travis Vallin, Aeronautics Director of the State Aeronautics Board, with regard to the proposal to overhaul the funding of the Federal Aviation Administration and airport programs.

The following is all or part of Road and Bridge's weekly reports as they were provided by staff for inclusion in the minutes of the meeting held on February 27, 2007.

ROAD & BRIDGE;

District One – Maintenance of Condition (MOC). Frozen culvert thawing. Continue to work on second floor of Fraser Valley R&B office area.

District Two – MOC. Continue with assistance at the Granby Landfill building. Haul containers from Longmont to Granby and HSS to support temporary storage for departments moving. Haul snow from Granby shop area to airport pit.

District Three – MOC. Thaw frozen culverts.

District Four – MOC. Traffic count CR10/396. Equipment maintenance. Install dump valves on four of water trucks. Complete testing of John Deere 644 loader versus Cat 950.

LANDFILLS;

Kremmling – operations normal.

Granby – Building work ongoing. Scale operation in effect. Have contacted local paper (Larry) to work up article on landfill operations/improvement. Stated he would get with Mike Miendl to get this going.

Requested G&H Engineering do conceptual drawing for relocation of Granby landfill CR402 relocation upgrade and shared access with Jolovich Ranch Creek Ranch access. This request triggered by CDOT proposing overlay of CO Highway 125 in 2008. They would like to pave apron of existing CR402. We have been trying to solve this roads problems (steep grade, narrowness). This may be the solution with BOCC/CDOT approval.

CRUSHER;

Personnel were very pleased with the appreciation letter from the BOCC on their recent award from the "Sentinels of Safety".

Filled crusher vacancy with "Shorty" Lemon from Kremmling.

Finishing up with annual maintenance on all crushing and screening equipment.

Met with John & Trista Jennings regarding baseball and softball field mix. They are asking Grand County to haul and screen existing material and remix with field additives and sand. This would be recommended at the Kremmling airport Pit site to alleviate asking for a SUP at the ball fields. They are asking that the material be back hauled to the ball fields. This would take five belly dumps one day each way. This entire operation is dependent on BOCC approval and the Jennings are to propose it to the BOCC.

I have requested that Bill Underbrink be the onsite supervisor representing Road & Bridge and their tasks for the courthouse demolition.

COURTHOUSE;

- Will haul two 8' X 40' seagoing containers from Longmont (Brekke Storage) to support movement of departments to temporary storage.
- Have G&H Engineering doing a conceptual drawing for the north side of the courthouse for parking when the construction stage of the third floor is completed.
- Todd Fincken, project manager for the courthouse and R&B personnel met to understand most of the time sensitive tasks and responsibilities.

FAIRGROUNDS;

- Meeting with Flying Heels users scheduled for 6:30pm on March 12th @ R&B.
- Will check on suspected sprinkler system at FH arena prior to this meeting.
- District Four will install new skylight at pig barn in Kremmling weather permitting.
- The new BBQ pit for the Kremmling fairgrounds is being designed and permit issued by Scott Penson, Building Department. Dimensions/measurements were provided by Bill Underbrink. Jeremy Butler will build in his off time. R&B and I will assist when we can.

- R&B is going to look for an extendable platform to purchase to service the arena lights plus high reaching spots on various buildings we maintain. Currently we have to pay Francois Tucker and his crew 500 dollars each time we have to replace a bulb or redirect the lights.
It is our intention to purchase (with BOCC approval) a good used machine with reaches to 40 feet.

ADMINISTRATIVE;

Requesting the County Manager to request out of state travel for Amy Sidener of Division of Natural Resources to attend a regional meeting of NRCS. She will be traveling by POV and just requests wages while she attends this meeting.

TRAINING;

USFS Class A sawyer class should be complete midweek (weather permitting). This will provide Grand County with twelve certified class A sawyers from all four R&B districts and DNR.

NATURAL RESOURCES; (See Attached)

Natural Resources Division

Weekly Update

Week of February 26 thru March 2, 2007

1. Estimate approximately 100 piles burned last week and weekend due to the snow and windy weather.
2. Final touches to the Grand County Noxious Weed Management Plan for the BOCC to review. Public Hearing is next week on March 6.
3. Getting up to speed on the Blue River Management Plan – may be attending next stakeholders meeting in March.
4. Getting up to speed with the Shadow Mountain Drawdown and results.
5. Start assisting with the BLM grant for the Upper Fraser Valley CWPP.
6. Amy is attending a 3 day Colorado Forest Collaborations Workshop in Glenwood to get a better understanding of forest issues Grand is undergoing. Duane will go for 2 days.
7. Duane will start working on a ROW Hazard Tree Removal Plan.
8. Getting safety equipment on the trucks

{End of Staff's Reports }

February 27	Eisenhower sculpture presentation party at the Grand Mountain Bank in Fraser at 6:00 p.m.
February 28	Meeting with Search and Rescue at 7:00 p.m. at the East Grand Fire Station to discuss the location of a facility in the Grand Lake area Rural Health Financial Committee meeting at 8:30 a.m.
March 1	Flying Heels Arena meeting at Road and Bridge in Granby at 6:30 p.m. Meeting with John Nichols at EMS in Granby at 4:00 p.m. Meeting at the Capitol regarding the underground project at the Henderson mine from 3:15 p.m. to 4:30 p.m. Source Water Assessment and Protection Project meeting at 2:30 p.m. at Centennial Hall in Steamboat Springs Joint meeting of the Board of Directors of the Colorado River Water Conservation District and the Colorado River Water Conservation District, acting by and through its Colorado River Water Projects Enterprise, at 12:00 p.m. via conference call Meeting with Robert Johnson, head of the Bureau of Reclamation, in Washington, D.C. at 4:00 p.m.
March 2	Source water assessment and protection project regional protection planning meeting at 9:00 a.m. at the Steamboat County Commissioners' hearing room Meeting with the Grand Lake Chamber and Road and Bridge at 10:00 a.m. to discuss a plowing issue
March 5	Meeting with the Kremmling Town Board at 7:00 p.m. Quality of life needs assessment at the Granby Town Hall at 9:00 a.m.
March 6	Meeting with the Winter Park Town Board
March 7	Leadership meeting at 7:30 a.m. in Fraser

March 12 Grand County community health assessment meeting at 8:30 a.m. at the Hot Sulphur Springs Community Church

March 13 Green Mountain Pumpback Study Management Committee meeting in Summit County at 1:00 p.m.

March 14 Meeting with the water attorneys in Denver at 9:00 a.m.

March 21 Meeting with Fred Ore at 1:00 p.m.
Meeting with the irrigators at 10:00 a.m. at the Extension Hall

March 22 NWCCOG second home study presentation at 11:00 a.m. in Silverthorne

April 4 Grand County Firefighters meeting at 7:00 p.m. at the Hot Sulphur Springs Fire Station

April 19 Colorado Big Thompson Technical Advisory Committee meeting

April 27 Grand Beginnings' Children's Fair

Manager and Attorney Items

County Manager Underbrink Curran asked for a motion for the Chairman to execute a Memorandum of Understanding between Grand County and the Grand County Water Information Network for the County's \$10,000 contribution in 2007. She noted that the County is one of several contributors, water quality funds will be used, and the money was budgeted for 2007.

Commissioner Bumgarner moved to contribute \$10,000 to the Grand County Water Information Network.

The motion passed unanimously.

Commissioner Stuart moved to approve three contracts between Qwest and Grand County for telephone service.

The motion passed unanimously.

Ms. Underbrink Curran noted that the County has been coordinating with Larry Banman with regard to updates and information on the County's business. She stated that she provided the Board with a draft of the information for the newspaper and would like some input. **(A copy of the document was not made available for the public meeting file.)**

Ms. Underbrink Curran stated that the Board received a memo from Todd Ficken with regard to the heating and cooling system for the courthouse project. **(A copy of the document was not made available for the public meeting file.)** She noted that Mr. Ficken would like verification from the Board so that he can move forward.

County Manager Underbrink Curran stated that the moving of the Accounting offices will be completed this weekend. Juvenile Services will be moved the weekend of March 10, 2007. The courts were moved last week. Ms. Underbrink Curran stated that she has ordered two storage containers. One will be used for HTA and Natural Resources, and the other one will be for the Sheriff.

Ms. Underbrink Curran stated that the hazardous investigations were done last week on the buildings that will be torn down for the courthouse project. Once the County receives the reports, Mr. Ficken will coordinate with Road and Bridge Superintendent Haynes.

Chairman Newberry questioned the use of the courtesy vehicles at the airports. It was brought to his attention that people are using the courtesy vehicles for hunting and other uses. County Manager Underbrink Curran noted that other airports treat the courtesy vehicle similar to a rental vehicle and require a copy of a drivers license, proof of insurance, etc.

County Attorney DiCola stated, at 9:50 a.m., that he would like an executive session to discuss the pending YMCA BAA case and future Phelps Dodge hearings regarding its Notice of Valuation and the Board of Equalization.

County Manager Underbrink Curran cited Section 24-6-402 2(d.5)(I)(B), CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions.

Commissioner Stuart stated, “I would make that motion.”

The motion passed unanimously.

I, Jack DiCola, 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, James L. Newberry, hereby attest that the portion of the executive session during which no minutes were taken was confirmed to a topic authorized for discussion in an executive session.

At the direction of the Board, no minutes were taken during any part of the executive session.

Commissioner Bumgarner moved to reconvene the regular meeting at 10:05 a.m.

The motion passed unanimously.

Commissioner Bumgarner moved to direct the County Attorney to write and send a letter to the YMCA of the Rockies with the instructions that the Board gave.

Discussion: Chairman Newberry clarified that the County Attorney will inform the YMCA that the Board will withhold support of the conservation easement until after the County sees how the appeal of the tax exemption case factors into a conservation easement.

The motion passed unanimously.

Finance Director

Scott Berger, Finance Director, presented the Warrant Register and Expenditure List to be paid on February 28, 2007, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Bumgarner moved to approve and sign the warrants to be paid on February 28, 2007.

The motion passed unanimously.

Mr. Berger presented a corrected Public Notice for warrants presented on February 20, 2007, and paid on February 21, 2007.

Commissioner Stuart moved to approve the corrected Public Notice for February 20, 2007

The motion passed unanimously.

Attorney Items

Commissioner Stuart moved to approve Resolution No. 2007-2-23, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND TO EXECUTE A CONSTRUCTION CONTRACT BY AND BETWEEN GRANBY HEATING & SHEET METAL, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND FOR INSTALLATION OF A FLUE VENT SYSTEM IN THE GRANBY LANDFILL MAINTENANCE BUILDING.”

The motion passed unanimously.

Commissioner Stuart moved to approve Resolution No. 2007-2-24, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND TO EXECUTE A SOFTWARE LICENSE AND MAINTENANCE AGREEMENT BETWEEN CAROLINA SOFTWARE, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND FOR THE WASTEWORX COMPUTER PROGRAM.”

The motion passed unanimously.

Planning and Zoning Matters

Commissioner Stuart moved to approve Resolution No. 2003-9-54, “A RESOLUTION APPROVING THE RE-ZONING OF A 37 ACRE PARCEL FROM FOUR SEPARATE ZONING DISTRICTS (BUSINESS, ACCOMMODATIONS, FORESTRY AND OPEN, AND RESIDENTIAL) TO ONE ZONE, BUSINESS DISTRICT LOCATED IN THE FORMER KLEIN’S RV PARK, EAST OF GRANBY AT 62101 U.S. HIGHWAY 40, BEING IN THE N ½ NE ¼ OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 76 WEST OF THE 6TH P.M., GRAND COUNTY, COLORADO AND DIRECTING THE GRAND COUNTY SURVEYOR TO CHANGE THE ZONING MAPS TO REFLECT THE NEW ZONING.”

The motion passed unanimously.

Commissioner Stuart moved to approve Resolution No. 2004-1-38, “A RESOLUTION ACCEPTING A CERTIFICATE OF DEPOSIT FROM THE COMMUNITY FIRST NATIONAL BANK, P.O. BOX 826, FRASER COLORADO, NO. 3233A, AS WARRANTY SECURITY FOR THE MOOSE RUN SUBDIVISION.”

The motion passed unanimously.

Commissioner Stuart moved to approve Resolution No. 2004-3-36, “A RESOLUTION APPROVING THE WEST-CENTRAL ALIGNMENT AS THE PREFERRED ALIGNMENT OF CR 522 (FRASER VALLEY PARKWAY) ROAD ALIGNMENT BETWEEN CR 5 and CR 73.”

The motion passed unanimously.

Commissioner Stuart moved to approve Resolution No. 2004-3-37, “A RESOLUTION APPROVING THE CONTRACT BETWEEN THE BOARD OF COUNTY COMMISSIONS AND DUCKLES CONSTRUCTION COMPANY FOR \$395,260.00 AND AUTHORIZING THE CHAIRMAN TO SIGN THE CONSTRUCTION CONTRACT FOR \$395,260.00.”

The motion passed unanimously.

Commissioner Stuart moved to approve Resolution No. 2004-7-47, “A RESOLUTION APPROVING A SERVICE CONTRACT NOT TO EXCEED \$5,000.00 WITH J.V.A. STRUCTURAL ENGINEERING AND AUTHORIZING THE CHAIRMAN TO EXECUTE THE SERVICE CONTRACT FOR TO ANALYZE THE KICKING HORSE LODGES, PHASE 2 PUMP STATION CONSTRUCTION AND COMPLETION OF THE SUBDIVISION IMPROVEMENTS.”

The motion passed unanimously.

Commissioner Stuart moved to approve Resolution No. 2005-9-44, “A RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO PROVIDE TECHNICAL ASSISTANCE TO THE WINTER PARK WEST WATER AND SANITATION DISTRICT IN DESIGN AND ANALYSIS FOR COUNTY ROAD IMPROVEMENTS RELATED TO A PROPOSED SPECIAL DISTRICT AMENDMENT.”

The motion passed unanimously.

Commissioner Stuart moved to approve Resolution No. 2005-6-48, “A RESOLUTION APPROVING THE GRAND COUNTY BOARD OF COUNTY COMMISSIONERS TO SIGN AN AGREEMENT WITH THE DENVER WATER DEPARTMENT TO ALLOW JAMES ENTERPRISES INC. TO CONDUCT AN ARCHEOLOGICAL ASSESSMENT ALONG GRAND COUNTY ROAD 33.”

The motion passed unanimously.

Mountain Park Concrete Special Use Permit Renewal

The public hearing scheduled for 10:30 a.m. was called to order at 10:30 a.m. County Attorney DiCola set the record.

The following is all or part of staff’s List of Exhibits and Certificate of Recommendation to the Board as they were provided by staff for inclusion in the minutes of the meeting held on February 27, 2007.

- A. Letter of Application, dated January 18, 2007
- B. Public Notice – Middle Park Times and Sky Hi News, dated January 25, 2007
- C. Proof of Publication – Middle Park Times, dated January 30, 2007
- D. Proof of Publication – Sky Hi News, dated February 1, 2007
- E. Vicinity Map depicting the 500 foot Notification buffer as established by the Grand County GIS system
- F. Certified Mailings to all property owners within 500 feet as established by the Grand County GIS system
- G. Public Review Sheets (with signatures)
 - 1. Pat Shaw – 2/28/07
- H. Letter from Department of Planning and Zoning to Joe Docheff, Mountain Parks Concrete, Inc. notifying of Public Hearing date and time, dated January 16, 2007
- I. Grand County Board of County Commissioners Resolution No. 2004-5-23
- J. Aerial Map of Mountain Park Concrete, Inc. Pit
- K. Photographs of Mountain Park Concrete, Inc. Pit Site
- L. Certificate of Recommendation, dated February 27, 2007, recommending approval

RE: Mountain Park Concrete, Inc, Special Use Permit Renewal
APPLICANT: Mountain Park Concrete, Inc, Represented by Joe Docheff (the ‘Applicant’)
LOCATION: Section 31, T1N, R78W, 6th P.M., Grand County, Colorado, Adjacent to Grand County Road 3, east of Williams Fork Reservoir.
STAFF CONTACT: Amy Pemberton
REQUEST: The Applicant is requesting approval of a renewal of a Special Use Permit for operating a gravel pit, Mountain Park Concrete, Inc, on 9.95 acre parcel.

DISCUSSION

The Applicant was issued a Special Use Permit for a gravel pit operation on April 13, 1999, (Resolution # 1999-5-5) by the Grand County Board of County Commissioners. The permit has been renewed on May 1, 2002, for a three (3) year term under resolution #2002-5-42 and again on May 18, 2004 for a three year term under resolution #2004-5-23. The 9.95 acre site is located just east of Williams Fork Reservoir, and Grand County Road 3, south U.S. 40. Staff notified the applicant the permit expired on January 1, 2007. On January 18, 2007, staff received notification for request of renewal of the Mountain Parks Concrete, INC Permit (Resolution 2004-5-23).

The site is permitted for the following uses and equipment:

- a. Three (3) rock crushers and (1) screening plant.
- b. One (1) portable asphalt plant.
- c. One (1) Concrete Batch plant, with a capacity not to exceed twelve (12) years per charger as well as additional equipment as normally necessary for a concrete processing plant.
- d. One (1) wash plant with a capacity of 50-100 tons per hour, using water at a rate of 300-400 gallons per minute (gpm) and washing 20,000 to 40,000 tons of aggregate material per year.
- e. One (1) scale house.
- f. One (1) office trailer.

- g. One (1) portable toilet.
- h. Two (2) loaders.
- i. Two (2) dozers.
- j. One (1) scraper.
- k. Such additional equipment as is normally necessary for a gravel extraction operation of the size contemplated by the above listed equipment shall be allowed to operate within the area. However, no substantial alteration in the manner of operation shall be allowed by Permittee, without first obtaining a permit from the Grand County Board of County Commissioners. Specifically, Permittee shall not be allowed to include any additional equipment without first obtaining a permit authorizing such expansion of its operation.

The gravel pit operation is permitted by the Division of Minerals and Geology under Permit # M-98-034; the Permittee is in compliance with that permit. The Applicant has a valid Stormwater Discharge Permit # COG-500000, for operation of Facility # COG-501153, through August 2007. This permit will need to be updated in August 2007 and valid through at least the period that the Applicant is requesting a renewal. The Applicant has a lease agreement for the said operation on the 9.95 acre tract with Loch-N-Vale, LLC, valid through December 31, 2013. The Applicant requested renewal of their Special Use Permit in writing on January 18, 2007. The plant will be operational this year. They will be crushing on site and probably washing. They will not be permitted to wash until they provide the proof of change in water use under item 3 in the Special Use Permit. They have agreed to organize the equipment. They stated that there maybe merit to stockpiling material on the inside of the berm; also to provide a screen. Staff completed an inspection of the site on February 20, 2007. It was determined that the Permittee was in compliance with the Special Use Permit conditions identified in Resolution #2004-5-23.

- ✓ The applicant will need to provide a valid Stormwater Discharge Permit through at least the term of the renewal period.

STAFF COMMENT

Public notification has been made for the request to renew the Special Use Permit completed. Public notice was published once in the Middle Park Times, on January 30, 2007 and Sky High News on February 1, 2007. Public notice to the landowners within 500- feet was made through certified mailing. Staff has received one public comment from Pat Show on 2/8/07, on the operation or the request to renew. (Resolution # 1999-5-5 specifically states that this permit shall be reviewed every three (3) year)

STAFF RECOMMENDATION

Staff recommends approval of the renewal of the Mountain Park Concrete, Inc. Special Use Permit, with the following four (4) conditions:

1. The current legal description is incorrect. Replace with correct legal for the 9.95 acre area.
2. This Special Use Permit shall be valid for a three (3) year period, from February 2007 through February 2010.
3. That all standard terms and conditions applied to Special Use Permits be applied to this request.
4. The Applicant provides, in August 2007, an updated valid Stormwater Discharge Permit # COG-500000, for operation of Facility # COG-501153, which is currently only valid through August 2007.

{End of Staff's List and Certificate}

Amy Pemberton and Joe Docheff appeared before the Board.

Mr. Docheff presented a copy of the Combination Deed and a receipt from Planning and Zoning for the recording of the Combination Deed.

County Attorney DiCola marked the Combination Deed and receipt as Exhibit M.

Mr. Docheff stated that the Stormwater Discharge Permit will be renewed.

Mr. Docheff questioned staff's Condition 3. He stated that he would like notice of any new conditions. County Attorney DiCola verified that Condition 3 deals with boilerplate conditions. Staff will review any conditions specific to Mr. Docheff's Special Use Permit with him.

Chairman Newberry asked for public comments.

Ted Pratt stated that he would like to speak on behalf of Thompson Properties and Flintstone Gravel and Trucking. He stated that he is in support of this operation. His Special Use Permit required proof of commercial water for dust control. He wondered if all pits in the County will have that same requirement.

Mr. Docheff stated that the State determines whether water is necessary as mitigation for dust during the APENS Permit evaluation. He stated that the State had determined that the dust mitigation had been taken care of within the crushing operation itself.

Mr. Pratt stated that the State did not require water for dust control in his pit. The County's Special Use Permit required water for dust control. He wondered if all pits in the County would have to provide commercial water or if his pit was singled out.

County Manager Underbrink Curran stated that the County has standard conditions that are applicable to all Permits. Some of Mr. Pratt's requirements were based on trying to mitigate the neighbors' concerns. She noted that the boilerplate conditions are all the same.

County Attorney DiCola stated that the boilerplate conditions are a work in progress based on issues that arise.

Mr. Pratt stated that it isn't possible to crush without dust unless the work is being done in the early spring or in the rain.

Chairman Newberry verified that there are differences between Mr. Docheff's Permit and Mr. Pratt's. He stated that the Board reviews each Permit on a case by case basis. Having identical conditions on all Permits would take away the County's flexibility in dealing with off-site impacts and the different locations of the pits.

County Manager Underbrink Curran stated that Mr. Docheff can't do anything until he provides proof of water for washing. If there is a dust problem, Mr. Docheff's operation will have to shut down until he can provide proof of water for dust control.

Mr. Docheff verified for the Board that there is an acceleration lane. He noted that paving the lane was not required.

Commissioner Bumgarner asked if the berm was required for screening. Mr. Docheff replied that the berm was required for screening. However, to have a berm tall enough to screen the property would restrict the visibility for trucks pulling in and out of pit. He added that it was originally determined that a berm tall enough to screen the bottom of the pit from the county road would be sufficient.

Commissioner Bumgarner asked about hours of operation. He noted that his own gravel pit was recently required to have hours of operation. Planning Director Campbell replied that the Permit should have the hours of operation as 7:00 a.m. to 7:00 p.m. the same as the other Permits.

Mr. Docheff questioned the time restrictions. He noted that he has a water clarifying machine for washing gravel which needs to run continuously. Planning Director Campbell replied that the hours of operation are for the processing and moving of materials. Maintenance of equipment will be allowed outside of the hours of operation, but reclamation work will not. County Manager Underbrink Curran added that the piece of equipment which needs to run continuously needs to be specified in the Special Use Permit. The applicant has advised the Board of the special requirements for that specific piece of equipment. Unless there is a complaint, that specific piece of equipment will not be restricted by the hours of operation.

Mr. Docheff wondered if he would be able to bring in a light plant for equipment maintenance. County Manager Underbrink Curran suggested that Mr. Docheff inform Planning ahead of time.

Chairman Newberry explained that there will be language in the Special Use Permit which will allow Mr. Docheff to work outside of the hours of operation in the case of an emergency with the proper notification to staff.

Commissioner Bumgarner moved to approve the Mountain Park Concrete Special Use Permit with the stipulations as amended.

Discussion: Chairman Newberry asked Commissioner Bumgarner to amend his motion to state that the guidelines for the proposed 7:00 a.m. to 7:00 p.m. hours of operation and the boilerplate language included in other gravel pit Special Use Permits will be added to the resolution.

Commissioner Bumgarner agreed with the amendment.

Chairman Newberry asked if staff and the applicant were comfortable with the berm. Planning Director Campbell replied that this will be the fourth time that this Permit has been renewed. The berm had previously been accepted. She noted that she talked to Mr. Docheff about stockpiling material to help screen the site rather than creating another berm.

The motion passed unanimously.

Chairman Newberry asked for a motion to close the public hearing.

Commissioner Stuart stated, "So moved."

The motion passed unanimously.

Hesters Log and Lumber Special Use Permit Renewal

The public hearing scheduled for 10:45 a.m. was called to order at 11:00 a.m. Assistant County Attorney Vidergar set the record.

The following is all or part of staff's List of Exhibits and Certificate of Recommendation to the Board as they were provided by staff for inclusion in the minutes of the meeting held on February 27, 2007.

- A. Letter of Application
- B. Public Notice – Middle Park Times and Sky Hi News, dated January 25, 2007
- C. Proof of Publication – Middle Park Times, dated January 30, 2007
- D. Proof of Publication – Sky Hi News, dated February 1, 2007
- E. Vicinity Map depicting the 500 foot Notification buffer as established by the Grand County GIS system
- F. Certified Mailings to all property owners within 500 feet as established by the Grand County GIS system
- G. Public Review Sheets (without signatures)
- H. Letter from Department of Planning and Zoning to Hester's Log and Lumber, Kent and Cindy Hester notifying of Public Hearing date and time, dated February 1, 2007
- I. Grand County Board of County Commissioners Resolution No. 2001-12-29
- J. Photos of Hester's Log and Lumber site
- K. Certificate of Recommendation, dated February 27, 2007, recommending approval

RE: Hester Log and Lumber Special Use Permit Renewal

Applicant: Kent and Cindy Hester

Location: 10 acres, part of Parcel II, Bob West Subdivision, Sec. 28 and 29, T1N R80W, Grand County, Colorado

Staff Contact: Irene Cooke

Request: The Applicants are requesting renewal of Special Use Permit (Res. 2001-12-29) for operation of a log and lumber business in the Forestry and Open Zone District on Hwy. 9 near Kremmling.

DISCUSSION

Kent and Cindy Hester, (Applicants), are requesting renewal of their special use permit (Res. 2001-12-29) which allows operation of a log and lumber business on their property located on Colorado State Highway 9 approximately four miles south of the Town of Kremmling. The special use permit was originally issued to Steve Culbreath by Res. 1985-1-12. It was transferred to the Hesters by Res. 1998-12-20 and renewed by Res. 2001-12-29. Although the Hester's property is approximately 36 acres, the area of the permit site is ten (10) acres, as shown on the attached map.

The Department of Planning and Zoning has received no complaints about this operation during the term of the last permit renewal (2001-2006).

STANDARD SPECIAL USE PERMIT CONDITIONS

Grand County Department of Planning and Zoning has developed standard conditions that are recommended for all special use permits. Those include:

- Days and Times of Operation
- Emergencies and Special Projects
- Truck Traffic
- Traffic Safety
- Damage to County Road
- Warning Signs
- Storage of Junk and Abandoned Vehicles
- Compliance with State Regulations
- Rehabilitation of Site
- Limitation of Liability
- Alteration of Terms and Conditions
- Compliance with County, State and Federal Regulations
- Off-Site Impacts
- Binding Contract
- Right to Enter Site
- Lighting
- Skylining Equipment
- Best Management Practices
- Violation of Terms and Conditions
- Termination
- Not Transferable

The existing permit does not include days and times of operation. Staff recommends that days and times of operation when the business is open to the public should be Monday through Friday 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to noon.

- ✓ The renewed permit will be valid for a five (5)-year period. Days and hours of operation when the business is open to the public shall be Monday through Friday 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to noon.

In addition to the hours of full operation listed above, Staff believes that it is reasonable to allow the Permittee additional hours for maintenance of equipment, as this activity has no off-site impacts.

- ✓ Maintenance of equipment shall be allowed during daylight hours, but no later than 7:00 p.m. and no earlier than 7:00 a.m., Monday through Saturday.

STAFF RECOMMENDATIONS

Staff recommends approval of the Hester Log and Lumber Special Use Permit Renewal for a period consistent with the existing permit, i.e., five (5) years, with an expiration date of December 31, 2012, with the following four conditions:

1. Conditions recommended in this Certificate, all terms and conditions of the current permit, Resolution No. 2001-12-29, and standard Grand County special use permit terms and conditions shall be included in the renewed permit.

2. Include the following condition in the renewed permit: “All debris and items not necessary for the operation of the permitted activity shall be removed and the site shall be organized presenting an attractive appearance.”
3. The renewed permit will be valid for a five (5)-year period. Days and hours of operation when the business is open to the public shall be Monday through Friday 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to noon.
4. Maintenance of equipment shall be allowed during daylight hours, but no later than 7:00 p.m. and no earlier than 7:00 a.m., Monday through Saturday.

{End of Staff’s List and Certificate}

Irene Cooke and Kent Hester appeared before the Board.

Ms. Cooke noted that hours of operation have been added to this Permit in order to be consistent with the other Permits in the County.

Mr. Hester stated that he is fine with the hours of operation. He noted that the posted business hours for customers are from 8:00 a.m. to 5:00 p.m. Monday through Friday in the winter. The first weekend in May they are also open from 8:00 a.m. to 12:00 p.m. on Saturdays. He noted that the hours are somewhat flexible. He added that Saturdays are generally used for maintenance.

Mr. Hester stated that he is planning on constructing a 40’x100’ steel building on the property. Part of it would be used for the mill and part of it would be leased out. Mr. Hester asked if heating the building with a central boiler fired with wood would be a problem. Chairman Newberry replied that the Board has dealt with some boilers that haven’t gone through all of the emissions tests. The Board is trying to set up a process with the Building Department in which staff would be able to make a recommendation to the Board. Chairman Newberry stated that the County will work with Mr. Hester on the matter.

Chairman Newberry asked for public comments.

Commissioner Stuart verified that Mr. Hester is agreeable to the hours of operation.

Commissioner Bumgarner moved to approve the Hester Log and Lumber Special Use Permit deleting Condition 3 in the recommendations and changing Condition 4 to state, “Hours of operation shall be allowed during daylight hours, but no later than 7:00 p.m. and no earlier than 7:00 a.m., Monday through Saturday.”

The motion passed unanimously.

Commissioner Bumgarner moved to close the public hearing.

The motion passed unanimously.

Ranch Creek Ranch Subdivision Lot 5 Second Amended Building Envelope

The following is all or part of staff’s Certificate of Recommendation to the Board as it was provided by staff for inclusion in the minutes of the meeting held on February 27, 2007.

RE: Second Amended Building Envelope, Lot 5, Ranch Creek Ranch Subdivision
APPLICANT: Thomas J. Hilb. And Monica Grannis, represented by Monica Grannis
LOCATION: Ranch Creek Ranch Lot 5, Parcel #158721120003
STAFF CONTACT: Amy Pemberton
REQUEST: Applicant is requesting to amend the building envelope on Lot 5, Ranch Creek Ranch Subdivision back to the original building envelope.

BACKGROUND:

Mr. & Mrs. Grannis (‘the applicant’) is current owner of Lot No. 5 (Parcel No. 158721120003). Lot No. 5 is approximately 3.269 acres.

The Board of County Commissioners amended the original building envelope in December 13, 2005, under Resolution 2005-12-70.

The applicant is requesting the building envelope be changed to its original plat building envelope. (Final Plat Reception No. 2005-002770). The relocation of back to the original building envelope will allow the applicant to take advantage of the site topography and to utilize the relatively flat area close to the south boundary of the property. This will then require less site grading/site disturbance, and better use of the existing topography.

The current 22, 500 sq. ft. building envelope is located towards the north boundary. The Applicant is seeking to relocate the building envelope sixty (60 feet to the south) back to the ‘original’ location. There will be no change in the building area.

Letters in support of the request have been received from the Ranch Creek Ranch Homeowner’s Association, and the owners of lot nos. 6 and 2.

STAFF RECOMMENDATION

Staff recommends that the Grand County Board of County Commissioners approve the request to amend the building envelop, Lot no. 5, Ranch Creek Ranch with the following one (1) condition.

1. Provide the acreage for Lot no. 5 on the final amended building envelope.

{End of Staff’s Certificate }

Amy Pemberton appeared before the Board.

The Board reviewed an email from Monica Grannis agreeing with staff’s condition.

Chairman Newberry asked how this relates to and affects the Reserve at Elk Horn Ridge. He was told that this property is next to the Reserve. Planning Director Campbell stated that staff is dealing with an amended building envelope. She noted that staff reviewed the matter with regard to setbacks. Ms. Campbell added that the surveyor performing the work at the Reserve is the same one performing this work.

Commissioner Stuart moved to approve the second amended building envelope for Lot 5 of the Ranch Creek Ranch Subdivision.

The motion passed unanimously.

Board Business

County Manager Underbrink Curran stated that she just received a letter of resignation from Sheri Shelton.

Commissioner Stuart moved to rescind her previous motion to reappoint Sheri Shelton to the Tourism Board.

The motion passed unanimously.

Planning and Zoning Matters

Commissioner Stuart moved to approve Resolution No. 2006-10-35, “A RESOLUTION APPROVING THE AMENDED FINAL PLAT OF THE COYOTE CREEK AT WINTER PARK SUBDIVISION, LOTS 23 AND 24, LOCATED IN SECTION 2, T1S, R76W OF THE 6TH P.M., GRAND COUNTY, COLORADO” and authorize the Chairman to sign the plat.

The motion passed unanimously.

Commissioner Bumgarner moved to approve Resolution No. 2007-2-25, “A RESOLUTION GRANTING RENEWAL OF THE DIAMOND SIX D RANCHES SPECIAL USE PERMIT FOR A MOBILE HOME

BEING LOCATED IN W ½ , NORTHWEST ¼ OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 80 WEST OF THE 6TH P.M. GRAND COUNTY, COLORADO.”

The motion passed unanimously.

Commissioner Bumgarner moved to approve Resolution No. 2007-2-26, “A RESOLUTION APPROVING PRELIMINARY ACCEPTANCE FOR THE PHASE 1- COYOTE CREEK AT WINTER PARK SUBDIVISION IMPROVEMENTS (SANITARY SEWER, STORM SEWER, WATER, GAS, PHONE, CABLE AND SITE GRADING), APPROVING PARTIAL PRELIMINARY ACCEPTANCE (EROSION CONTROL AND ROADS) PHASE 1 – COYOTE CREEK AT WINTER PARK, ACCEPTING THE PHASE 1 – COYOTE CREEK AT WINTER PARK SUBDIVISION FIRST AMENDED SUBDIVISION IMPROVEMENTS AGREEMENT, ACCEPTING A LETTER OF CREDIT NO. 1006, MILLENNIUM BANK, PO BOX 2499, FRASER, CO FOR \$65,000.00 FOR THE REMAINING PHASE 1 – COYOTE CREEK AT WINTER PARK SUBDIVISION IMPROVEMENTS, A LETTER OF CREDIT NO. 1007 FOR \$81,223.00 MILLENNIUM BANK, PO BOX 2499, FRASER, CO FOR PHASE 1 COYOTE CREEK AT WINTER PARK WARRANTY SECURITY, APPROVING THE REMOVAL OF A PLAT RESTRICTION FOR LOT/UNITS SALES ASSOCIATED WITH PHASE 1, COYOTE CREEK AT WINTER PARK SUBDIVISION, AND CONTINUATION OF THE PLAT RESTRICTION FOR SALES OF LOTS/UNITS WITH PHASES 2 AND 3, COYOTE CREEK AT WINTER PARK SUBDIVISION AT RECEPTION NO. 2006-003279 COYOTE CREEK AT WINTER PARK SUBDIVISION, AND AMENDED FINAL PLAT, LOTS 23 AND 24 RECORDED AT RECEPTION NO. 2006-10-35” and authorize the Chairman to sign all applicable documents.

The motion passed unanimously.

Commissioner Bumgarner moved to approve Resolution No. 2007-1-39, “A RESOLUTION APPROVING THE AMENDED FINAL PLAT FOR WINTER PARK HIGHLANDS, UNIT 1, LOTS 125 AND 126, RECEPTION NO. 109677, GRAND COUNTY, COLORADO” and authorize the Chairman to sign all applicable documents.

The motion passed unanimously.

The Board reviewed staff’s weekly report. **(A copy of the document was not made available for inclusion in the minutes of the meeting.)**

Planning Director Campbell provided the Board with a copy of an article titled “Proforma 101 Getting Familiar with a Basic Tool of Real Estate Analysis” from the Winter 2007 issue of the Planning Commissioners Journal and a copy of an article titled “Practice Affordable Housing” from the December 2006 issue of ZoningPractice.

Ponderosa Park Condominiums Sketch Plan

The following is all or part of staff’s Certificate of Recommendation to the Board as it was provided by staff for inclusion in the minutes of the meeting held on February 27, 2007.

RE: Ponderosa Park Condominiums, Sketch Plan Application
APPLICANT: Wintergreen Homes, represented by Art Kleinstein, C.S.C, C.A., and prepared by Scott Nunnery, ESA
LOCATION: N ½ Section 20 T1S, R75W of the 6th P.M., Grand County, Colorado, located at the Colony at Winter Park Ranch, The Colony (Reception No. 190907), Formerly the Sixth Filing of Winter Park Ranch
STAFF CONTACT: Debra Campbell
REQUEST: The Applicant is requesting Sketch Plan approval of Ponderosa Park Condominiums, which proposes the construction of either a 158 or 164 multi-family developments. The lower unit number includes a clubhouse in the approximate location of a six-unit (6) unit building.

The new development will incorporate two existing buildings (twelve units).

DISCUSSION

The four properties being considered for development, Nos. 158720114001-4 are owned by Ponder L.L.C., under contract to purchase by the Applicant. The properties have been platted twice under the Grand County Subdivision Regulations:

October 4, 1979, Winter Park Ranch, Sixth Filing (Reception no. 167324),

February 2, 1982, Colony at Winter Park (Reception No. 190907).

The Applicant is requesting Sketch Plan approval to construct either a 158 or 164 multi-family development, depending on construction of a clubhouse. The lower unit number includes a clubhouse in place of a six (6) unit building. The new development will incorporate two existing buildings with twelve (12) units, and associated surface parking as part of the final development plan. The development will be served by extension of existing services for public water, public sanitary sewer and dry utilities (electric, gas, cable). Two existing roads bisect the property, CR 8403 (Sterling Way) and CR 840 (Meadow Mile).

The property was acquired through a legal settlement (Reception 2001-006746). It obligates Ponder LLC, its assignees, successors, or assigns to the following development improvements and/or operation commitments:

1. A clubhouse and related facilities that shall be completed no later than eighteen months after commencement of the first condominium building.
2. Street improvements completed in accordance to Grand County Road and Bridge Standards to Golden Spike as specified in court settlement documents (Exhibit "L") on or before issuance of the certificate of occupancy for the twenty-fourth condominium unit to be constructed.

Excerpts from the settlement are included as exhibits, and include the site plan that was approved as part of that settlement. That order states that all *"plats, maps, declaration and restriction covenants.....which in any way affect the Ponderosa Park land, including but not limited to the Sixth Filing Plat, Colony Plat, Correction Plat, Building 2 Plat and the Colony Declaration....shall be and hereby are revoked and rescinded"*.

- Meet with County staff to review obligations prior to submittal of the preliminary plat, address item nos. 1 and 4 above if the clubhouse is not included.
- Meet with County staff to identify how the obligations will be met as part of the draft Covenants submitted with the Preliminary Plat, including concurrent vacation of the Colony at Winter Park (Reception No. 190907) and Winter Park Ranch, Sixth Filing (Reception No. 167324).
- Meet with County staff prior to submittal of the Preliminary Plat to review conveyance of existing right-of-ways as part of concurrent vacation of the Colony at Winter Park (Reception No. 190907) and Winter Park Ranch, Sixth Filing (Reception No. 167324).

The Settlement agreement goes on further to *"approve" a plan for development of the Ponderosa park Land ("referred to as "Site Plan") with the "final configuration an features of such Site plan shall be subject to the approval of Grand County and shall be subject to the approval of Grand County and shall be subject to such modifications and amendment which shall occur during the final processing of the Site Plan, and in accordance with the Grand County land use regulations."*

Staff has reviewed the application's compliance with the Grand County Subdivision Regulations, Master Plan, Zoning Regulations, Grand County Road and Bridge Standards and Grand County Stormwater Design Criteria to evaluate its technical merits to availability of utilities, site access, and the apparent suitability of the site for the proposed multi-family subdivision.

PLANNING COMMISSION

The Planning Commission reviewed the application on February 14, 2007.

For the record, staff would like to state that the adjacent landowner, Mr. Mark Hanna spoke to the Planning Commission regarding his concern with the proposed site plan, location of the private drive, and density. Mr. Hanna explained that he had intentionally sited his property so that his units overlooked what he thought was open space. Mr. Hanna admitted that he did not review the court ordered settlement (site plan included with

documents recorded at reception no. 2001-006746). Mr. Kleinstein noted that he had met with Mark Hanna, developer of adjacent property regarding his concern with the site plan, and location of open space.

Mr. Thomson removed himself from the discussion, stating that he had been working with the client. He physically removed himself from the table, and sat in the audience for this discussion.

Several members of the Planning Commission discussed Mr. Hanna's options, but agreed that the recorded site plan does not indicate open space as Mr. Hanna believed. They hoped that the two neighbors could work out a mutually beneficial arrangement, but acknowledged that Mr. Kleinstien is not obligated to any specific location of open space.

Blaine expressed concern with the cumulative off-site impacts, particularly with traffic and drainage. He also stated that he did not agree with the proposed site plan, in particular, the private perimeter roads.

Sue, and Lisa had not comments. Ingrid appreciates the Applicant's interest in working with the neighboring developer to resolve his concerns.

Gary stated he would appreciate if Mr. Kleinstien would work with Mr. Hanna, and notes that there may be a potential variance that could assist with resolution of this issue. Gary also noted that the applicant must "solidify the County Engineer's concerns with traffic, and off-site impacts" in the next submittal.

Vice Chairman Salberg asked for a motion. Ingrid Karlstrom made the motion to recommend approval of the Ponderosa Park Sketch Plan; it was seconded by Sue Volk. The motion was unanimously approved by the votes of the following members: Sally Blea, Lisa Palmer, Blaine Gulbranson, Ingrid Karlstrom, and Sue Volk.

STAFF COMMENTS

Construction Cost Estimate: A comprehensive construction cost estimate, including, but not limited to, all site improvements for roads, drainage, landscape, wet utilities (water and sewer), dry utilities (gas, telephone, electric and cable) soil/erosion control, forest management, landscape, revegetation, sign plan, and wildfire mitigation be provided with the preliminary plat.

- Provide a construction cost estimate for the proposed subdivision improvements with the Preliminary Plat submittal, include a phasing plan that incorporates the requirements all components of the settlement agreement.

Grand County has enacted air quality regulations that limit one (1) approved solid fuel burning device is allowed per multi-family building. The applicant has not identified if a solid fuel burning device will be constructed in the clubhouse.

- Add a note to the preliminary plat that solid fuel burning devices will not be allowed in individual residential units in the Ponderosa Park Condominium Subdivision.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners approval of the Ponderosa Park Condominiums Sketch Plan with no conditions.

Staff had identified twenty-two (22) advisory comments that are to be addressed prior to or with submittal of the Preliminary Plat.

1. Meet with County staff to:

i. Review obligations prior to submittal of the preliminary plat, address item nos. 1 and 4 above if the clubhouse is not included.

ii. Identify how the obligations will be met as part of the draft Covenants submitted with the Preliminary Plat, including concurrent vacation of the Colony at Winter Park (Reception No. 190907) and Winter Park Ranch, Sixth Filing (Reception No. 167324).

iii. Review conveyance of existing right-of-ways as part of concurrent vacation of the Colony at Winter Park (Reception No. 190907) and Winter Park Ranch, Sixth Filing (Reception No. 167324).

2. Identify the tract acreage as part of the preliminary plat, and provide a draft warranty deed as part for transfer to the Homeowner's Association.
3. Provide for both internal trails and external connections to existing trail systems as part of the preliminary plat submittal.
4. Provide architectural floor plans of the typically buildings to confirm the unit configuration and total unit numbers as part of the preliminary plat submittal.
5. Add the following plat notes to the Preliminary Plat.
 - i. Buildings and building envelopes shall be placed away from ridges to protect view sheds.
 - ii. Exterior lighting shall be minimized. It shall be directed to subtly illuminate functional areas. Fixtures shall be hooded, and located below the eave lines. Design specifications of all planned exterior lighting shall be submitted with the building permit and shall be subject to approval by Grand County.
 - iii. All windows shall be low emissivity glass for the purpose of reducing exterior glare. Window specifications shall be submitted with any application for a building permit, subject to the approval of Grand County.
 - iv. Earthen tone colors and materials that blend with the natural environment are to be used on but not limited to exterior surfaces such as siding, roofs, doors, and trim.
 - v. All utilities and their extensions shall be placed underground to preserve the natural, rural character of Grand County, Colorado.
 - vi. A site plan will be required with the building permit application, showing setback requirements, limits of soil disturbance, vegetation removal.
 - vii. Site specific soils investigation and recommendations regarding engineered foundation design are required with the submittal of the building permit for the clubhouse and the residential buildings.
 - viii. Wildfire mitigation is required in conjunction with each structure built and must be in place prior to issuance of any letter of occupancy by the Grand County Building Department. Compliance with the Wildfire Hazard Review and Mitigation Plan, dated _____, is mandatory.
 - ix. Grand County has various regulations regarding disposal of slash. The owners of lots in this subdivision shall be required to consult with the Grand County Department of Natural Resources prior to disposal of slash and shall be required to comply with applicable rules and regulations regarding disposal of slash.
 - x. A radon mitigation system is to be incorporated into the design of any occupied structure constructed in this subdivision.
 - xi. Solid fuel burning devices will not be allowed in individual residential units in the Ponderosa Park Condominium Subdivision.
6. Provide details for site grading, soil/erosion control, and engineered drainage plans with the Preliminary Plat.
7. The applicant shall meet with representatives from Comcast, Excel Energy, Mountain Parks Electric, Qwest, and Winter Park West Water and Sanitation District to review the proposed development and construction schedule prior to preliminary plat submittal; confirmation is to be provided from that meeting.
8. Provide proof of adequate water and availability of sewer service with the Preliminary Plat submittal.
9. The applicant shall validate the wetland conditions on the lot as part of preliminary plat submittal. If present, a wetlands determination shall be provided.

10. Show existing utilities, utility easements and public rights-of-ways on the Preliminary Plat.
11. Provide an erosion control/sedimentation plan, specific to the property and which conforms to the Northwest Colorado Region Council of Government's 208 Water Quality Standard with the preliminary plan submittal.
12. Provide a storm water discharge permit and storm water management plan with the Preliminary Plat.
13. Provide a site specific soils report that is based on the building location, type and infrastructure for this development plan signed and stamped by a registered engineer is required with the Preliminary Plat submittal.
14. Provide two (2) ft contours to at the Preliminary Plat.
15. Provide a wildfire Hazard Review and Mitigation Plan with the preliminary plat submittal, including costs for implementation.
16. Provide a Landscape Plan, including planting details (planting type, sizes, and watering requirements), a re-vegetation plan and a construction cost estimate with the Preliminary Plat.
17. Analyze the snow storage requirements and provide information as part of the preliminary plat submittal; include calculations for storage requirements and snow storage plan.
18. Provide a geotechnical that includes a site specific evaluation of site geological conditions to be submitted with the preliminary plat.
19. Change Golden Spike to West Meadow Mile for CR 840 on the preliminary plat.
20. Meet with the County Engineer and Director of Planning to
 - I. Address his concerns in the February 5, 2007 memorandum prior to initiation of the preliminary plat engineering analysis, to ensure compliance with the Grand County Road & Bridge Standards, and the Grand County Storm Drainage Design and Criteria Manual with the preliminary plat submittal.
21. Provide a construction cost estimate for the proposed subdivision improvements with the Preliminary Plat submittal, include a phasing plan that incorporates the requirements all components of the settlement agreement.
22. Meet all requirements of Grand County Subdivision Regulations, Section 7.2,

{End of Staff's Certificate }

Deb Campbell, Art Kleinstein, and Scott Nunnery appeared before the Board.

Mr. Kleinstein stated that he is meeting with the County Engineer and Mr. Hanna today.

Mr. Kleinstein informed the Board that he is going to acquire the property in two weeks. He is committed to the process and will work through staff's comments. He doesn't believe there are any issues that can't be resolved.

Mr. Kleinstein stated that he entered into an agreement with the Colony with regard to the clubhouse. He will need to take that agreement to the courts.

Mr. Kleinstein added that he met with the architectural control committee and doesn't have any issues.

Chairman Newberry asked for public comments.

Mark Hanna, with Porcupine Ridge, stated that the plat of the Colony, and the Assessor's records, showed open space. The homes in Porcupine Ridge were situated based on the belief that the area was open space. Mr. Hanna stated that they didn't read the court's Order to know that the Colony and the plat don't exist anymore. He stated that seeing this proposal was devastating. These homes will be right under the homes in Porcupine

Ridge that they thought bordered open space. He added that an additional 90 vehicles along the main road will also have a great impact on his development. Mr. Hanna stated that he has met with Mr. Kleinstein, and Mr. Kleinstein has stated that he will work with him on softening the impacts that this project will have on Porcupine Ridge.

Mr. Hanna questioned the County's interest in maintaining the interior roads of a private development. He believes it would be in the County's best interest to vacate the county roads when the Colony is vacated. Chairman Newberry replied that not all county roads are County-maintained.

Chairman Newberry stated that he doesn't see anything about bridle easements and trails. He asked if those went away with the court settlement. If they did, Chairman Newberry would like to see some kind of trails connection between the two developments.

Commissioner Bumgarner moved to approve the Ponderosa Park Condominiums Sketch Plan.

Discussion: County Manager Underbrink Curran asked if it was the Board's intent to direct the developer to work with the adjacent developer in order to form a better overall plan for the area. She believes the Commissioners will want to see some effort to that effect when the matter comes back at the preliminary plat stage. The County tries to make developments compatible with each other.

Chairman Newberry stated that he believes there is a feeling of cooperation between the two developers. He noted that the Board will look favorably upon the two developers working together.

County Manager Underbrink Curran noted that the Commissioners are the stewards of land use development. The Board has the ultimate decision on whether the developments are being handled properly. While the Board is encouraging the developers to work together at this time, the Board could require that the developers work together in the future.

Mr. Kleinstein stated that he has been acting in good faith. He is closing on the property in two weeks with the assumption that he is complying with the County's regulations.

County Manager Underbrink Curran noted that a sketch plan is basically just an idea for a development.

The motion passed unanimously.

Board Business

Commissioner Bumgarner moved to authorize the Chairman to sign a letter to the Routt County Commissioners and the Moffat County Commissioners regarding an Intergovernmental Agreement for Senate Bill 94 services.

The motion passed unanimously.

Summit at Winter Park Ranch Utility and Bridle Easement Vacation - Tracts D, E, and F

The public hearing scheduled to begin at 1:30 p.m. was called to order at 1:30 p.m. County Attorney DiCola set the record.

The following is all or part of staff's List of Exhibits and Certificate of Recommendation to the Board as they were provided by staff for inclusion in the minutes of the meeting held on February 27, 2007.

- A. Letter of Application, dated January 26, 2007
- B. Public Notice – Winter Park Manifest and Sky Hi News, dated January 18, 2007
- C. Proof of Publication – Winter Park Manifest, dated January 24, 2007
- D. Proof of Publication – Sky Hi News, dated January 25, 2007
- E. Vicinity Map depicting the 500 foot Notification buffer as established by the Grand County GIS system

- F. Certified Mailings to all property owners within 500 feet as established by the Grand County GIS system
- G. Public Review Sheets (with signatures)
 - 1. Samantha Thompson – 1/26/07
 - 2. Brian Lence – 1/26/07
 - 3. Steve Roschner – 1/29/07
 - 4. Jim DeAngelo – 1/29/07
 - 5. Kevin Murphy – 1/30/07
 - 6. Kevin Bayer – 1/30/07
 - 7. Michelle Gowen – 1/30/07 and 2/6/07
 - 8. Mike Miles – 1/31/07
 - 9. Maryanne Grosword – 1/31/07
 - 10. Corin Woods – 1/31/07
 - 11. Robert London – 2/1/07
 - 12. Mike Miles – 2/1/07
 - 13. Gary Billet, Mountain Parks Electric - 2/1/07
 - 14. John Scholler – 2/2/07
 - 15. Inga Alland – 2/2/07
 - 16. John Pearce – 2/2/07
 - 17. Janie Glos – 2/6/04 & 2/14/07
 - 18. Sandra Pits – 2/8/07
 - 19. Martin Cameron – 2/8/07
 - 20. Joe Bogus - 2/8/07
 - 21. Ima Storm – 2/20/07
 - 22. Joy Jamison – 2/20/07
- H. Letter from Department of Planning and Zoning to Silverleaf Resorts, Inc., Michael Brown notifying of Public Hearing date and time, dated January 25, 2007
- I. Arial Photo of Pinnacles @ Winter Park Ranch, Tracts D-G, Summit at Winter Park Ranch
- J. Grand County Planning Commission Resolution and Voting Resolution No. 2005-1-2
- K. E-mail from Andrea Madison to Debra Campbell, dated February 20, 2007
- L. E-mail from John Sevier to Debra Campbell, dated January 14, 2007
- M. E-mail from Gary W. Billet, Mountain Parks Electric to Debra Campbell, dated February 1, 2007
- N. E-mail from Debra Campbell to Gary Billet, dated February 1, 2007
- O. E-mail from Debra Campbell to Robert London, MD, dated February 5, 2007
- P. Letter from John and Keri Schuller to Grand County Department of Planning and Zoning, dated February 9, 2007
- Q. E-mail from Janie Glos to Debra Campbell, dated February 9, 2007
- R. E-mail from Janie Glos to Debra Campbell, dated February 12, 2007
- S. E-mail from John C. Althoff to Debra Campbell, dated February 13, 2007
- T. E-mail from Janie Glos to Debra Campbell, dated February 14, 2007
- U. E-mail from Janie Glos to Debra Campbell, dated February 15, 2007
- V. Letter from David and Carol Kitts to Grand County Planning and Zoning, dated February 16, 2007
- W. E-mail from Janie Glos to Debra Campbell, dated February 16, 2007
- X. Letter from Tara Jamison and Jim Jamison to Debra Campbell, Grand County Planning and Zoning, dated February 21, 2007
- Y. E-mail from Jean Wolter to Janie Glos and Debra Campbell, dated February 20, 2007
- Z. Certificate of Recommendation, dated February 27, 2007, recommending approval

RE: Utility and Bridle Easements Vacation Request, Interior Lot Lines, Summit at Winter Park Ranch, Tracts D, E, and F, Final Plat, Reception # 197823)

APPLICANT: Silverleaf Resorts, Inc, Represented by Michael Brown, and prepared by Ross Lamberson (Cascade Engineering)

LOCATION: Summit at Winter Park Ranch, Tracts D, E, and F, located in the SE Section 21, T1S, R75W of the 6th PM, Grand County, Colorado

CONTACT: Debra Campbell

REQUEST: The applicant is requesting a vacation of the ten (10) ft. utility and Bridle Easement Vacation, interior lot lines for Tracts D, E, and F, Summit at

Winter Park Ranch (Reception # 197823) as part of the platting process for a re-subdivision for the Pinnacles at Winter Park Ranch Subdivision.

DISCUSSION

The property was originally platted November 1, 1982 as the Summit at Winter Park Ranch, (Reception # 197823). The plat included a ten foot utility and bridle easement around the tract boundary noted on the detail (Sheet 1), and a pedestrian/ski trail (Sheet 2). The dedication, shown on Sheet 2 dedicates both easements to the public as stated: *“do hereby dedicate and set apart all the streets, alleys, and other public ways and hereby dedicate that portion of said real property which is indicated as easement on this plat”*. The Board of County Commissioners has acted on the vacation of utility and bridle easements in Winter Park Ranch on several previous occasions, using the same process used in other similar vacations within the county.

The Applicants are under contract to purchase the following Summit Trail at Winter Park properties to develop into a fractional ownership multi-family development: Tract D @ 3.265 acres (Parcel # 158721208013), Tract E @ 1.729 acres (Parcel # 158721208013), Tract F @ 3.714 acres (Parcel # 158721208014), and Tract G @ 6.494 acres (Parcel # 1587212099011). The properties are currently owned by Summit at Winter Park Land Co. LLC. The development will be constructed in a multi- phase project, and includes thirteen (13), three-story buildings, a clubhouse and associated support facilities (surface parking, dumpsters, etc).

The applicant is required to vacate two easements; a ten (10) ft utility and bridle easement located along the tract interior lot lines and the ski easement (located between tracts E and F with no width specified) platted with the Summit at Winter Park Ranch Final Plat to site the proposed building, parking and utilities for the proposed Pinnacles at Winter Park Ranch Subdivision. The proposed pedestrian access through the Pinnacles at Winter Park Ranch Subdivision includes two trails. One is located approximately at boundary of tracts E and F, and another along the eastern edge of tract F. The relocated trails will be six (6) ft. wide.

STAFF COMMENTS

A majority of the comments received as a result of the certified mailing for the utility vacate request is focused on the development, Pinnacles at Winter Park Ranch Subdivision. Staff has received many questions regarding the zoning requirements, and what specifically is allowed.

The Board has reviewed, and approved two of the three submittals for that land development application, as summarized below.

Sketch Plan

Planning Commission Review	9/13/06 (Resolution 2006-9-6)
BOCC Review	10/17/06 (No Resolution for Sketch)

Preliminary Plat

Planning Commission	1/10/07 (Resolution no. 2007-1-1)
Board of County Commission	1/23/07 (No Resolution Required)

Final Plat

Planning Commission	2/14/07 (PC to sign Resolution 3/14/07)
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This property is located in the Residential Zone District. The Grand County Zoning Regulations (Section IV) state that the purpose of the Residential Zone District, pursuant to Section IV of the Zoning Regulations, is to *“provide for multi-family residential use”*.

Furthermore, the Grand County Zoning Regulations define a multi-family dwellings as being a *“building, or portion thereof, designed for or occupied by one or more families living independently of each other”*. Grand County’s land use regulations do not distinguish between the types of multi-family development options allowed in the Residential Zone District; however, the regulations do not prohibit time-share or fractional-ownership developments.

The Applicant intends to market the units as time-share ownership.

The recording of the resolution must be completed prior to recording of the plat, Pinnacles at Winter Park Ranch Subdivision.

- The resolution recording the utility and bridle easements vacation must be completed prior to recording of the Pinnacles at Winter Park Ranch Subdivision Final Plat.

RECOMMENDATION

Staff recommends that the Grand County Board of County Commissioners approve the request to vacate the utility and bridle easement for the interior lots lines of tracts D, E, and F with one condition.

1. The resolution recording the utility and bridle easements vacation must be completed prior to recording of the Pinnacles at Winter Park Ranch Subdivision Final Plat.

{End of Staff's List and Certificate }

Deb Campbell, Michael Brown, and Ross Lamberson appeared before the Board.

Chairman Newberry verified that there aren't existing utilities in the easements.

Mr. Brown stated that he is trying to vacate the existing easements between three of the four tracts he has under contract to purchase. The new plat will show the easements where the utilities are actually located and will show three separate easements for the trails system.

Mr. Brown stated that he met with homeowners on February 14, 2007. The homeowners expressed two concerns. The main concern was the trails system. Mr. Brown stated that he has tried to link even more of the existing social trails with the easements. He noted that some of the social trails shown on his proposed drawing will have to be created. He noted that the proposed trails share some common areas with the current social trails. The second concern was the beetle-killed trees. Mr. Brown stated that he received a survey last year which showed that over 1,800 trees have been killed by the beetles. He stated that he is committed to dealing with the matter.

Chairman Newberry asked if the matter of the beetle-killed trees relates to the vacation of the easements. He informed Mr. Brown that by discussing another matter, he will be opening the entire project up for discussion. He added that the entire project will be discussed during the meeting for the decision on the final plat.

Mr. Brown stated that he didn't need to address the beetle-killed trees with the Board at this time.

Chairman Newberry reminded everyone that the public hearing is to discuss the possible vacation of the utility easements and bridle paths.

Mr. Brown stated that there is a sentence in staff's Certificate which states, "The Applicant intends to market the units as time-share ownership." He asked that it state "time-share occupancy."

Chairman Newberry asked Mr. Brown if his request relates to the vacation of the utility easements and bridle paths. County Attorney DiCola added that the way the property is described in staff's Certificate isn't binding. The hearing is being held to discuss the vacation of easements for a development on the property.

Mr. Brown withdrew his request to change the language in staff's Certificate.

Chairman Newberry asked for public comments. He reminded everyone that the public hearing is being held to discuss the vacation of bridle paths and utility easements. He added that there will be a chance to discuss other concerns at the final plat hearing.

Janie Glos stated that she lives on Lot 8 of Winter Park Ranch Third Filing. She is within the 500-foot notification zone. She stated that she would like to present a petition, signed by the residents of Winter Park Ranch Third Filing. She stated that there are three reasons why the homeowners are opposing the vacation. First is that all the single-family residences located in Winter Park Ranch have always abided by the utility and bridle easements. She doesn't believe that Silverleaf Resorts should receive preferential treatment regarding the easements. Second is that the original plat in 1982 was designed with easements between each lot. Ms. Glos stated that the easements created green space between the lots which added to the overall look and feel of the neighborhood and encouraged wildlife habitation. Vacating the easements will create a solid line of buildings

and parking lots and will discourage wildlife from occupying the area. Third is that the proposed layout of the development has taken the areas that are not suitable for buildings or parking lots and made them part of the required open space. All the open space is combined together rather than spread throughout the project. Ms. Glos stated that the goal of the 60 percent open space requirement is to maintain open space and encourage wildlife habitation. She believes vacation of the easements is not consistent with the goal of the 60 percent open space rule.

Ms. Glos asked the Board to consider the residents of Winter Park Ranch and their love for nature and wildlife.

County Attorney DiCola added Ms. Glos's documents to the record as Exhibit AA.

County Attorney DiCola read the Covenants for Winter Park Ranch. It is his opinion that the easements are reserved for anybody that received their property within the Summit at Winter Park Ranch who was in Mr. Hogan's chain of title. Mr. DiCola stated that he believes, when Winter Park Ranch was platted, that the bridle paths were designed for horses and were essentially walkways through the property.

Planning Director Campbell noted that the applicant had discussed vacating and rerouting Cramner in an attempt to help with the alignment. The applicant then chose to stay within the existing tracts and leave Cramner where it is. Ms. Campbell stated that the applicant has used topography, Road and Bridge standards, and the stormwater drainage standards to develop the site.

Becky Rand, homeowner on Mulligan in Winter Park Ranch, stated that she lives outside of the 500-foot notification area. She stated that the new trails are located between parking lots and buildings. She stated that she doubts the trails will even exist six months out of year due to the snow. She asked what kind of trail is being proposed and whether or not it would be considered open space.

Mr. Brown stated that the proposed trail will not be open space. He noted that a portion of the trail will be on a sidewalk, and the snow will be removed in the winter. He added that a homeowner suggested the idea at the meeting on February 14, 2007, as a way to link the existing trails.

Planning Director Campbell verified that a paved trail can't be considered open space.

Ms. Rand stated that the main prize given to people who look at the timeshares is a day pass to the clubhouse, the pool, and the trails system. She wondered if all those people will be able to use the trails in order to access the rest of Winter Park Ranch. Chairman Newberry replied that once a trail is opened to the public, no one can differentiate who can use the trail and who can't.

Ms. Rand stated that the setbacks in this development are not adequate. She would like to meet prior to the meeting regarding the final plat. She stated that there are various issues that need to be addressed. Ms. Rand added that there are many homeowners who aren't in the 500-foot notification area that don't know about this proposal.

Mr. Brown noted that they are not making changes to the bridle easements outside of the property.

County Attorney DiCola stated that this property is part of the Summit at Winter Park Ranch. It is not part of Winter Park Ranch. He stated that he can't find a connection between the Summit at Winter Park Ranch and Winter Park Ranch. It may be possible that the homeowners in the Summit at Winter Park Ranch can't use the paths in Winter Park Ranch and visa versa. He suggested that the applicant needs to consider that, while they are asking the County to vacate the public's interest in the bridle paths and easements, there may be someone else other than the public who has an interest in the bridle paths and easements.

County Attorney DiCola reminded the audience that everyone always has the right to comment on a development adjacent to their property at the final plat stage.

Gary Bozliniski stated that he lives on Cramner. He informed the Board that he frequently uses cross-country skis and snowshoes on the trails. He does not want the trail cleared of snow. He asked that the easements be located somewhere else. Mr. Bozliniski stated that many people use the easements year-round.

Chairman Newberry verified that the homeowners are using social trails and not the bridle path and utility easements.

County Attorney DiCola stated that social trails fall under the McIntyre requirement.

Planning Director Campbell stated that she contacted John Sevier with the Fraser Valley Partnership for Trails. He was agreeable as long as a pathway crosses the property.

Commissioner Stuart stated that the social trails currently being used are actually a trespass issue. The social trails are not in the easements.

Ms. Rand stated that bridle paths and utility easements should mean something and shouldn't be vacated.

Chairman Newberry noted that the developer is offering trails. Those trails just don't happen to be in the same location as the current social trails.

Planning Director Campbell verified that the developer hasn't changed anything around the perimeter of the property.

Ms. Glos asked if she would have to go through the same vacation procedure if she purchased two lots side by side. Commissioner Stuart replied that she would and that it would require actually building over the lot line. Planning Director Campbell added that she would have to go through the utility vacate process. She noted that it is a very common process.

Jim Jamison stated that he has lived on Cramner for 30 years and has used the trails system for those 30 years. He noted that the existing trails have signs naming them and showing where they go.

Mr. Jamison asked when trails become public domain. County Attorney DiCola explained that prescriptive easement and adverse possession mean the same thing. The Supreme Court ruled that a governmental entity has to have done something to put the owner on notice that the public claims the right-of-way. The court was not specific on what "something" was. It could mean installing a culvert or signs or performing maintenance.

Mr. Jamison stated that the trails are used by people year-round and by horses in the summer. He added that the trails are also game trails. Vacating the easements will be doing away with that and will change the general nature of the area. Mr. Jamison stated that the County's Zoning Regulations were designed to protect the existing character of the area.

Mr. Jamison stated that, when he purchased his property, he had to deal with the setbacks of having a trail beside his house. He didn't ask that the trail be vacated. The trail by his house is maintained by the homeowners association and connects with the other trails in the area.

County Attorney DiCola stated that Winter Park Ranch has platted bridle trails just like this. He verified that bridle paths are generally located on top of other utility easements.

Ms. Rand asked County Attorney DiCola if the easements could be grandfathered under the McIntyre decision and was told that they could not.

County Attorney DiCola confirmed that the Covenants for the Winter Park Ranch Third Filing have the same language with regard to bridle trails.

Tara Jamison stated that she is a resident on Cramner and is outside of the notification area. She asked about the proposed eastern trail going through the holding ponds. Mr. Brown explained that the drawing is incorrect. The trail does not go through the pond.

Ms. Jamison stated that she lives on the major thoroughfare that will take the increase in traffic. She would like another hearing to discuss issues before the final plat submittal.

Chairman Newberry stated that the final plat will be heard during a public meeting. People can attend and voice their comments and concerns. He added that when the Board hears evidence outside of a public meeting, it makes it difficult to make sure that everyone is treated fairly.

County Manager Underbrink Curran suggested that the Board direct staff to have a work session with the developer and interested parties.

David Latey stated that he lives on Hughes. He would like to show his support for the vacation of the bridle easements and utility easements. He noted that his background is in civil engineering and that he has been involved in several multi-family developments. Vacating easements is a necessary process in order for developments like this to occur. He noted that the property has been zoned for a development like this for many years. He doesn't see any reason why the bridle paths and utility easements shouldn't be vacated. He believes the developer has done a good job with the proposed trails.

Ms. Glos asked Mr. Latey if he works for Silverleaf. Mr. Latey replied that his employer, Cascade Engineering, is a consultant for Silverleaf.

Ross Lamberson stated that he works for Cascade Engineering, the civil engineer for Silverleaf. He stated that he owns the house in which Mr. Latey currently resides and would like to address the Board as a homeowner. He lived in the house for three years and used the trails during that time. Mr. Lamberson stated that Winter Park Ranch has bridle easements that were put in place when it was platted. He stated that he has never seen a horse in Winter Park Ranch and doesn't believe that the bridle easements are relevant to the subdivision any longer.

Mr. Lamberson stated that the development is somewhat self-contained. The setback on Buildings 6 and 7 are at least 30 or 40 feet which is more than is required. He believes that this development looks very similar to what it would look like if someone else were doing the project.

County Attorney DiCola stated that Winter Park Ranch was subdivided by Winter Park Ranch Inc. Mark Hogan was an officer of Winter Park Ranch Inc. Mr. DiCola stated that the Covenants for both Winter Park Ranch Third Filing and the Summit at Winter Park dedicate the perimeter trails for walking and bridle trails.

Ms. Rand stated that the development wouldn't be similar with another developer. New developments have garages. This proposal only has parking spaces.

Brian Lence stated that he is a homeowner on Lot 9. He believes this proposal will impact his property through depreciation. Mr. Lence asked if the trails were going to be lighted and was told that they were not. Mr. Lence stated that he is concerned about the density where Buildings 6 and 7 are pushed back to the interior lot line.

Planning Director Campbell verified that the bridle path and utility easements are stacked on top of each other, not side by side.

Ron Glos, resident on Hughes, asked for a technical definition for open space. County Manager Underbrink Curran replied that the definition is in the County's regulations.

Commissioner Stuart asked about the distance on the trail through Tract F and was told that it was 6 feet. Commissioner Stuart then asked the distance between the buildings and was told 25 to 30 feet.

Commissioner Stuart verified that the property was platted as multi-family. Planning Director Campbell clarified that the area is zoned Residential, which allows single-family and multi-family uses.

Commissioner Bumgarner asked why the southern trail wasn't placed behind the buildings instead of on the sidewalk. Mr. Brown replied that the trail was located on the sidewalk based on the suggestion of one of the homeowners. He added that the proposed trail approximates the location of the current social trail. Mr. Brown stated that he would be willing to discuss rerouting of the trail at a follow-up meeting with the homeowners.

Ms. Glos asked who made the suggestion with regard to the trail. She added that she didn't remember the conversation at the meeting on February 14, 2007. Mr. Brown replied that Chuck made the suggestion.

Commissioner Bumgarner asked the difference in distance between the existing trails and the proposed trails. Planning Director Campbell replied that she believes the length is similar. Mr. Brown stated that the proposed north and south trails don't currently exist. He also believes that the current and proposal trails are essentially the same distance in length.

Commissioner Stuart verified that the social trails are trespass trails since the real trails go along the perimeter of the lot lines. Planning Director Campbell agreed.

Mr. Glos stated that the proposed trails will discourage animals from being in the neighborhood.

County Attorney DiCola stated that the applicants are making a limited request. They are asking for a vacation. The Board does not need to make a decision on whether the other trails are valid or not.

County Manager Underbrink Curran read the definition of open space from the County's regulations.

Chairman Newberry asked Mr. Brown what would happen to the development if the easements between Tracts D and E remained. Mr. Brown replied that, if those easements were left in the current location, the development would lose 12 units. The current development with 138 units and all of the restrictions already makes proceeding with the development marginal. He doesn't believe that the development would move forward if they lost 12 units. Planning Director Campbell agreed that they would lose Building 2.

County Manager Underbrink Curran asked if the Board was directing staff to have a workshop with the developer and interested parties.

County Attorney DiCola reminded the Board that final plat approval is a quasi judicial hearing.

County Attorney DiCola suggested that someone in the audience obtain copies of the plats, Covenants, and other various documents to see about the connection and dedication of the trails.

Ms. Jamison stated that she would like someone from Road and Bridge at the work session. She is concerned about the traffic. She doesn't believe the traffic study is realistic. County Attorney DiCola suggested that she might want to get her own expert if that is the case.

County Manager Underbrink Curran suggested that the Board might require the County Engineer to be at the work session. He will be able to explain the County's regulations and requirements as far as traffic counts.

County Attorney DiCola informed Ms. Jamison that the County Engineer and Road and Bridge staff will not have opinions on the traffic counts. They will only be able to discuss the regulations and how they relate to traffic counts.

Ms. Rand stated that she is concerned about the water. County Attorney DiCola replied that the water is an issue for the Winter Park West Water and Sanitation District. Planning Director Campbell added that the County requires proof of water and sanitation. County Manager Underbrink Curran further added that the District is governed by the homeowners. If a special district states that it has the ability to serve a development, the County doesn't question the District.

Chairman Newberry informed the audience that there are "interested party" lists that they can be included on for notification.

Chairman Newberry stated that the developer has heard a lot of issues. The Board is concerned about those issues. He told Mr. Brown that he can ask the Board to make a decision right now, or he can extend the matter until after he meets with the homeowners.

Mr. Brown stated that he would like the Board to make a decision on the vacation of the utility and bridle easements. He stated that he wants to be a good neighbor and to have a good development. He will commit to meeting with the homeowners before final plat approval. He stated that he wants everyone to know that, if the development goes through, they can always call him.

County Attorney DiCola stated that the Board has several options. The Commissioners can deny the matter, approve the matter, take the matter under advisement, or table the matter to a date certain.

County Manager Underbrink Curran noted that the matter is scheduled for final plat on March 6, 2007, at 2:30 p.m. She wondered if that would be a good time for the workshop. The final plat could be heard on March 20, 2007, or March 27, 2007.

County Attorney DiCola wondered about the developer's contractual obligations and if the delay would cause problems. Mr. Brown replied that waiting until March 27, 2007, would cause problems.

Commissioner Bumgarner moved to continue the public hearing until March 13, 2007, at 11:30 a.m. He further added that he would like to ask the developer to meet with the concerned parties, the County Engineer, and Planning's staff. He suggested that Winter Park West Water and Sanitation District be invited to the meeting.

Discussion: County Manager Underbrink Curran noted that the continuation will be for this hearing and the final plat hearing.

Planning Director Campbell stated that the workshop will be held March 6, 2007, at 2:30 p.m. at a location to be determined. She will contact all interested parties on the sign in sheet with the location.

County Manager Underbrink Curran verified that the motion is to continue the public hearing until March 13, 2007, at 11:30 a.m. The final plat will also be continued until March 13, 2007. The workshop will be held March 6, 2007, at 2:30 p.m. at a location to be determined.

The motion passed unanimously.

Mr. Brown provided the Board with copies of an email from the homeowners. **(A copy of the document was not made available for the public meeting file.)**

Planning and Zoning Matters

Commissioner Stuart moved to approve Resolution No. 2007-2-27, "A RESOLUTION APPROVING THE COCHRAN OUTRIGHT EXEMPTION FINAL PLAT, LOCATED IN W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 28, TOWNSHIP 2 NORTH, RANGE 76 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO" and authorize the Chairman to sign the plat.

The motion passed unanimously.

Commissioner Bumgarner moved to approve Resolution No. 2006-10-36, "A RESOLUTION APPROVING THE TRILLIUM TOWNHOMES FINAL PLAT, LOCATED IN THE NE $\frac{1}{4}$ OF SECTION 20, T1S, R75W OF THE 6TH P.M., GRAND COUNTY, COLORADO, ACCEPTING A SUBDIVISION IMPROVEMENTS AGREEMENT AND A WATER QUALITY AGREEMENT FOR SAID SUBDIVISION, AND ACCEPTING A CHECK FOR \$1992.24 TO HOLD IN ESCROW WITHOUT INTEREST FOR IMPROVEMENTS TO GCR 8" and authorize the Chairman to sign all applicable documents.

The motion passed unanimously.

Forest Service Discussion

Three representatives from the Forest Service appeared before the Board.

The Board reviewed a document regarding implementation of the Sulphur Ranger District's Travel Management Rule.

Commissioner Bumgarner asked about the Mountain Metal Mashers. He was informed that a Forest Service representative will meet with the members of the club in order to discuss the proposal.

The Board reviewed draft maps of the National Forest system roads and trails. **(Copies of the maps were not made available for the public meeting file.)**

The Board was informed that the Forest Service is working on a Recreational Facility Master Plan. The process is occurring nationally. The Forest Service will talk to the Board before making any decisions.

The Board reviewed a map titled “Blue Ridge, Proposed Action – Habitat Mgt., Salvage, and Fuels.” **(A copy of the document was not made available for the public meeting file.)**

Board Business

Commissioner Stuart moved to authorize the Board to sign the letter to Robert Johnson, with the Bureau of Reclamation, regarding the proposed transfer of water scheduling for the Colorado Big Thompson Project from the Bureau of Reclamation to the Northern Colorado Water Conservancy District.

The motion passed unanimously.

There being no further business to come before the Board, the regular meeting was adjourned at 3:50 p.m. Minutes were taken and prepared by Candice Siefken, Chief Deputy County Clerk and Recorder. Approved this _____ day of March 2007.

James L. Newberry, Chairman

ATTEST:

Sara L. Rosene
Grand County Clerk and Recorder

[NOTE: UNLESS OTHERWISE NOTED, ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE ON FILE AND MAY BE REVIEWED IN THE CLERK AND RECORDER’S OFFICE.]