

# MINUTES OF A SPECIAL PERMIT AUTHORITY 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; Sara L. Rosene, County Clerk and Recorder, absent; and Candice Siefken, Chief Deputy County Clerk and Recorder

May 22, 2007

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## Orvis Shorefox Off-Site Parallel Mains 1041 Permit

The public hearing scheduled to begin at 10:30 a.m. was called to order by Chairman Newberry at 10:30 a.m. County Manager Underbrink Curran 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 May 22, 2007.

- A. Letter of Application, dated April 2007
- B. Public Notice – Sky Hi News, dated March 28, 2007
- C. Proof of Publication – Sky Hi News, dated April 19, 2007
- D. Vicinity Map depicting the 500 foot Notification buffer as established by the Grand County GIS system
- E. Certified Mailings to all property owners within 500 feet as established by the Grand County GIS system
- F. Public Review Sheets (with signatures)
  - 1. Alice Nordloh – 4/26/07
  - 2. Owner, Liberty Auto – 4/30/07
- G. Letter from Department of Planning and Zoning to Shorefox Development LLC notifying of Public Hearing date and time, dated April 19, 2007
- H. Aerial Map of Shorefox Development, LLC
- I. Site Map with legal description from Tim Shenk Land Survey, dated March 23, 2007
- J. Grand County Planning Commission Resolution No. 2007-1-4
- K. Grand County Planning Commission Resolution No. 2007-5-2
- L. Opinion of Probable Costs Detailed Estimate, dated February 7, 2007
- M. Crossing and Longitudinal Pipeline Encroachment Agreement from Union Pacific Railroad
- N. Exerpt - Shorefox Lift Station and Off-site Parallel Force Mains Technical Specifications
- O. E-mail from Andrew Poirot to David Foss, dated March 22, 2007
- P. Letter from CNL Income Corporation, Jimmy Yu, Vice President, to Kent Kuster CDPHE, dated March 26, 2007
- Q. Letter from Denver Water, Geri Barela, Manager of Real Estate, dated April 17, 2007
- R. E-mail from Nick Meizi, Environmental Engineer, Corps of Engineers, Frisco Regulatory Office, to Debra Campbell, dated April 23, 2007
- S. E-mail from David Foss to Paul Gilbert and Debra Campbell, dated April 26, 2007
- T. Letter from Rothberg, Tamburini and Winsor, Inc. to Debra Campbell, P.E., Director of Planning & Zoning, dated May 2, 2007
- U. Letter from Rotherberg, Tamburini and Winsor, Inc. to Debra Campbell, P.E., dated May 10, 2007
- V. E-mail from Dave Foss to Paul Gilbert and Debra Campbell, dated May 18, 2007
- W. Certificate of Recommendation, dated May 22, 2007, recommending approval

RE: 1041 Permit  
APPLICANT: Shorefox Development L.L.C, represented by Jeff Martin, and prepared by Dave Foss, Wright Water Engineers  
LOCATION: NW 1/4, SE 1/4, Section 25, T2N, R77W, of the 6th P.M.,  
County of Grand, State of Colorado  
STAFF CONTACT: Debra Campbell  
REQUEST: The Applicant is requesting approval of a 1041 permit to allow the construction of two sanitary sewer force mains, required to extend the Granby Sanitation District's collection system to the Shorefox Development LLC parcel.

#### DISCUSSION:

The two small diameter parallel force mains (4- in and 6- inc) will transport wastewater flows, from e Shorefox development to the regional wastewater treatment facilities owned and operated by Granby Sanitation District (District).

The development's wastewater is collected in a lift station located in the Town of Granby. A total of 8,400 l.f. of pipe will be installed to connect from the Shorefox property to the existing Granby Sanitation District's collection system located in unincorporated Grand County. Approximately 5, 200 l.f. is located in unincorporated Grand County, and requires permitting. Two force mains are being use to meet both low and build-out flow conditions. The 4-in. diameter force main will be carry initial flows, and to serve as an "emergency backup" under full build-out. The 6- in. diameter force main will carry the build out wastewater flow.

The District has adequate treatment capacity to treat the waste generated from Shorefox Development LLC property. The hydraulic and organic loading projected from the Shorefox development at build out will contribute 15% to both hydraulic and organic loadings. Upon acceptance of construction, the force main infrastructure will be owned, operated and maintained by the District.

#### COMPLIANCE WITH MASTER PLAN:

One of the goals of the Master Plan is to "*improve the quality of new development and minimizing its impact*". The proposal to extend the wastewater collection system is in support of the future development identified in the District's Master Plan. Short term impacts to water quality, related to development, can be mitigated through the use of best management practices for storm water and soil erosion control of the construction site.

Another goal of the Grand County Master Plan is to "*ensure the all development is served by adequate infrastructure*". New development at Shorefox served by the force mains will be totally within the Town of Granby. The Applicant selected the most environmental sensitive alternative (minimal impact to wetlands). The two force mains will provide a wastewater conveyance system from the proposed Shorefox development, to the regional wastewater treatment facility in support of this goal.

The application is in compliance with the Grand County Master Plan.

#### COMPLIANCE: GRAND COUNTY ADMINISTRATIVE REGULATIONS FOR AREAS AND ACTIVITIES DESIGNATED AS MATTERS OF STATE INTEREST, CHAPTER 4, MAJOR EXTENSIONS OF EX. SEWAGE TREATMENT SYSTEM:

Staff analyzed the applicant's submission under Chapter 4, Grand County Administrative Regulations for Areas and Activities Designated as Matters of State Interest. Staff believes that the applicant's purpose and intent for the extension of the wastewater collection system to:

- (1) "*Insure that anticipated growth and development that may occur as a result of the major extension of the sewage collection system can be accommodated within the finance and environmental capacity of the development area and source developments are to sustain such growth and development.*"
- (2) "*Insure the planned and orderly land use development that may occur as a result of major extension of the sewage collection systems within the developed area and source development area.*"
- (3) "*Will allow the use of land on the basis of the financial and environmental impact thereof on the community or surrounding area within the District's service area boundary.*"

An existing sanitary sewer system is defined as "*any modification of any extension or existing main collector sewer lines or any increase in capacity of existing main sewer lines or any extensions to service a population of twenty (20) or more people or the equivalent there of in other uses*". Staff has determined that the proposed modifications extend the existing sewer to serve a population of twenty (20) or more people. Staffs analysis followed the criteria of Section 4-306.

(a) Major extensions of the District's collection system shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the development area and source development area to sustain such growth and development.

The permitted infrastructure will serve the Shorefox Development. The Shorefox Development is a year-round recreational based community located on property bordered on the east by US Highways 34 and south by US Highway 40. An aerial is provided to that identifies the existing site in relation to the boundaries of unincorporated Grand County, Town of Granby, and the Granby Sanitation District. Development will include 600 residential units, 100 commercial accommodation units, and 25,000 SF commercial spaces.

(b) The proposed development does not conflict with an approved local master plan or other applicable regional, state or federal land use or water plan;

Local Planning: The proposed project will allow the Applicant to connect to the Granby Sanitation District, which provides treatment services for the Town of Granby. A service area map of the district is provided. The plant operates under a permit from the Colorado Department of Public Health and Environment (CDPHE) # CDPS CO—0020699, valid through July 31, 2010.

Regional Planning: The application must comply with regional water quality standards set forth the Northwest Colorado Council of Governments. Their staff has recommended approval of the site application, and indicates that it is consistent with the adopted *208 Regional Water Quality Management Plan (9/14/05)*. The project's site application has been reviewed by the CDPHE, following the State of Colorado's planning policy, Regulation No. 22.

Federal Regulations: The U.S. EPA has the jurisdiction to regulate wastewater collection under the Clean Water Act. It has delegated primacy for that review to the CDPHE.

(c) The proposed development does not adversely affect either surface or sub-surface water rights of upstream or downstream users within the development area and source development area:

There is no direct discharge from the proposed project. The project will contribute, through connection to the District, to the Fraser River. The District's effluent is permitted by the Colorado Department of Public Health and Environment (CDPHE) # CDPS CO—0020699. There is no anticipated change to this permit as a result of the proposed project. Upgrades reviewed and approved under the Granby Sanitation District PER # 2006-5-3 allow this discharge.

The proposed improvements should not impact groundwater discharge either in the short term or long term. The Applicant requires a storm water management and erosion control plan as part of the construction documents. (Refer to the excerpt of Technical Specifications, Sections 00300, 01563 and 01566).

- Provide a copy of the storm water management and erosion control plan prior to construction.

(d) Adequate water supplies as determined by the Colorado Department of Health are available for efficient operational needs:

There is no proposed change to water use as a result of the project; Staff believes that this is not applicable.

(e) Existing domestic sewage collection and treatment systems servicing the area must be at or near operational capacity:

There is no existing infrastructure on or adjacent to the Shorefox Development LLC property. The proposed project was considered as part of the recent Granby Sanitation District improvements to plant capacity (PER# 2006-5-3).

(f) Existing domestic collection and sewage treatment facilities servicing the area must be at or greater than eighty percent (80%) of operational capacity:

There is no service for wastewater collection at the existing parcel; the project requires approximately 8,400 L.F. of pipe to connect to the existing Granby Sanitation District's collection system. The current plant modifications will enable to District to treat projected hydraulic and organic loadings for the designated service area.

(g) The scope and nature of the proposed development will not compete with existing water and sewage services or create duplicate services:

Granby Sanitation District is the regional sewage treatment facility. The Granby Wastewater Treatment facility is located at the southwest edge of the Town of Granby, Colorado, in unincorporated Grand County. The Granby Sanitation District was formed in 1954. The initial wastewater treatment facility was constructed in 1955, and began operation on January 1, 1956. Additional federal funding was provided for upgrades over the last few decades.

It is the designated treatment plant for the Granby area under the 208 Regional Wastewater Quality Management Plan.

This project will provide the connection into the existing 24- inch interceptor, part of the Granby Sanitation District’s collection system. The Granby Sanitation District signed as the regional wastewater provider for the CDPHE Site Application (1/10/07). The Grand County Planning Commission also approved the CDPHE Site Application (1/10/07).

(h) Age of existing water and sewage systems, operational efficiency, and state of repair or level of treatment is such that replacement is warranted:

As stated previously, the force mains are required to provide a connection between the Shorefox development and the Granby Sanitation District’s collection system. The District’s collection and treatment plant were constructed in 1955, and became operational in 1956. The system has been expanded several times 1980, 1986, and in 2006 (PER # 2006-5-3). The District has adequate treatment capacity to accept and treat the waste generated from the Orvis Shorefox development. The District’s current capital improvement program is to upgrade facilities to manage and treat higher hydraulic and organic loadings for a twenty year design period. These improvements are to complete by the end of 2007, and will increase hydraulic and organic treatment capabilities to 2.0 mgd and 4,170 lbs. BOD<sub>5</sub> respectively. The hydraulic and organic loading projected from the Shorefox development at build out will contribute approximately 15% to both the hydraulic and organic loadings.

(i) Area and community development and population trends demonstrate clearly a need for such development:

The basis of design presented in the application is summarized below.

Area	1,553 acres
Build Out Single Family Equivalents (SFE) (Based on 1 SFE @ 3.5 capita)	700 SFE
Anticipated Build out	7 years (no specific date provided)

The Granby Sanitation District has recently completed a Service Area Master Plan that estimates a growth rate of 7.5% within their boundaries. The Town of Granby, is experiencing a significant growth in second home owners, the Town of Granby has annexed 6,752 acres over the last five years. All of the annexed properties are to be served by the District.

Service obligations for Shorefox Development, LLC and the Granby Sanitation District have been finalized as part of the Pre-Inclusion agreement. As stated previously, the projected hydraulic and organic loading from the Shorefox development will contribute 15% to both the hydraulic and organic loadings at build out.

(j) Existing facilities cannot be upgraded or expanded to meet waste discharge permit conditions of the Colorado Water Quality Control Commission.

There is no existing sanitary sewer collection system in the Shorefox development. The project is required to transport wastewater to the existing Granby Sanitation District’s interceptor.

(k) Appropriate easements can be obtained for any associated collector or distribution system that will serve existing and proposed needs:

The force mains will be installed across two utilities, and require easements to access across right-of-ways from the Colorado Department of Transportation (CDOT) and the Union Pacific Railroad (UPRR). The Applicant has initiated discussions with CDOT for the “Utility Special Use Permit”. The permit is expected to be finalized later this summer.

- Provide an executed copy of the “CDOT Utility Special Use Permit” prior to construction. All conditions of that permit will become a condition of the Shorefox Development LLC 1041 permit.

The Applicant has initiated the process for crossing the Union Pacific Railroad (UPRR) right of way. The “Crossing & Longitudinal Pipeline Encroachment Agreement” is being negotiated between mile post 76.7 to 77.7. A copy of the draft is provided.

- Provide an executed copy of the “Crossing & Longitudinal Pipeline Encroachment Agreement” prior to construction. All conditions of that permit will become a condition of the Shorefox Development LLC 1041 permit.

(l) Such development will not encourage strip development or leapfrog development: The current boundaries of the Town of Granby and unincorporated Grand County in this area are not linear. The area is essentially completely development. The installation of the force mains will provide service to an area currently not “sewered”. The force mains will only serve the Shorefox Development; connections will not be approved to the force mains. An existing land use map is provided; no land use impacts are expected as a result of the construction of the force mains.

(m) The benefits of the proposed development outweigh the losses of any natural resources or agricultural lands rendered unavailable as a result of the proposed development:

Although the historic use of the Shorefox Development has been ranching, the application indicates that the “underlying soils on the property have sever or very sever limitation that make them unsuitable for cultivation”. The further state that the “cold climate and short growing season typical of Granby County preclude the use of the soils”.

(n) The proposed development will not decrease the quality of peripheral or downstream surface or subsurface water quality resources below that designated by the Colorado Water Quality Control Commission as established on January 15, 1974, and effective June 19, 1974:

The Shorefox Development property is bisected by the Colorado River, and is east of the confluence of the Colorado and Fraser Rivers. The project will have no effect on water quality or water use of either river. The force mains will cross one irrigation ditch (Griffith Ditch). Construction details provide both short term and long term construction impacts.

(o) The proposed development or its associated collection or distribution system will not be subject to potential natural hazards:

According to the Applicant, the project will not “increase the potential for natural hazards nor will existing natural hazards hind the placement and operation of the Wastewater Treatment Plant expansion”.

(p) The proposed development or its associated collector or distribution system or new service areas will not violate federal or state air quality standards:

Dust generated as part of the construction project may have limited short term impacts on air quality. A permit is not required according to the Air Quality Control Division of the Colorado Department of Public Health and Environment since the construction (i.e. disturbed) site is less than 25 acres in total impacted area, and the project is less than one year duration.

(q) The proposed development or its associated collector or distribution system will not significantly deteriorate the following:

Aquatic Habitats: The District’s Engineer indicates that there is no impact to aquatic habitat (Section 4.4). However, staff is concerned with short-term impacts from the proposed construction due to the close proximity to the Fraser River. As stated previously, the contractor is required to provide a storm water and erosion control plan. The appropriate technical specifications are included with the staff recommendation as an exhibit. The Engineer can not predict if a dewatering permit will be required for installation of the force mains. The contractor has been assigned the responsibility for the permitting, if actual conditions require the permit as part of the bid documents. The construction work effort for permitting is identified in the technical specifications sections provided with this memorandum.

- Provide a copy of a CDPHE Temporary Dewatering permit if required due to actual on-site conditions encountered during installation of the force main.

Marshlands or Wetlands: The Applicant’s Engineer considered and eliminate any impact to marshlands/wetlands as part of the initial design phase. The final alignment was select to avoid these areas. A copy of the US Army Corps of Engineer’s 404 permit is included with the application. There is no impact on wetland or marshland areas. Additional direction regarding mitigation is provided in Technical Specification Sections 01568, 02140 and 00300.

Groundwater Discharge Areas: As stated previously, the proposed improvements should not impact groundwater discharge areas.

Steeply Sloping or unstable terrain: The existing site is essentially flat. Site information provided from the Soil Conservation Service data indicate that the soils are fine gravelly sand loam, with a 0-3% slope. Runoff is predicted to be slow, and erosion potential slight. Permeability is rapid. There is no increase to the potential of natural hazards, or will existing hazards affect that construction of the force mains.

Forests and Woodlands: Not applicable. There are no standing trees.

Critical Wildlife Habitat (Big Game Migratory Routes, Calving Grounds, Migratory ponds, Nesting Areas and the habitats of rare and endangered species): The area disturbed by the project is a narrow strip, adjacent to active state highway, and railroad corridors. There is no evidence that critical habitat will be impacted.

Public Outdoor Recreation Areas: Again, the area disturbed by the project is a narrow strip, adjacent to active state highway, and railroad corridors. There are no site specific “designated public outdoor recreation areas” in the parcel.

Unique areas of Geologic, historic or archeological significance: Site disturbance will be limited to areas of previous site disturbance. The application indicates that there is no known unique area of geologic importance.

The proposed development or its associated collector or distribution system will not significantly degrade existing natural scenic characteristics, create blight or cause other nuisance factors such as excessive noise or obnoxious odors: There will be short term impact on visual quality due to construction activities during installation of the force mains. Construction specifications require in-place restoration (i.e. return to current conditions). There are no long term visual impacts since the force main will be installed underground. A building permit is not required for the installation of underground infrastructure. Staff does not believe that a landscape plan is required. Re-vegetation/reseeding details have been provided as part of the construction details.

Transportation Corridors: A segment of the force mains bisect and parallel US Highway 40. Temporary traffic control will be installed during construction in the CDOT right-of-way. CDOT will mandate design and construction criteria within their right-of-way. As stated previously, the permitted will provide an executed copy of the “CDOT Utility Special Use Permit” prior to construction. All conditions of that permit will become a condition of the Shorefox Development LLC 1041 permit.

The force mains will cross under Union Pacific Railroad right of way. As stated previously, the permitte will provide an executed copy of the “Crossing & Longitudinal Pipeline Encroachment Agreement” prior to construction. All conditions of that permit will become a condition of the Shorefox Development LLC 1041 permit.

(s) The proposed development or its associated collection or distribution system will not create an undue financial burden on existing or future residents with the development area and source development area. The cost of securing an adequate supply of water for existing and future needs of the residents shall be considered in determining whether an "undue financial burden" will result;

Shorefox Development LLC is responsible for all costs associate d with construction of the infrastructure required to convey wastewater to the Granby Sanitation District’s collection system, as agreed to under the Pre-Inclusion Agreement. In addition, the applicant is required to pay an inclusion fee of \$1,000/SFE served. Furthermore, Shorefox LLC (or its property owners) are required to pay the same tap fees as all other users within the Granby Sanitation District. That fee is currently \$6,500/SFE, and is subject to change by the District.

The Application contains a copy of the Engineer’s Opinion of probable cost, estimated at \$720,000.00.

The applicant has provided information regarding the structure of the construction loan agreement between CNL Income Corp. and Shorefox Development LLC. The Applicant states (Section 6.2, Debt Retirement Schedule) that Shorefox Development, LLC will pay for all improvements and their ability to do so is attested to by CNL Income Corp. in a letter dated March 26, 2007. However, the application also states that a Metropolitan District has been formed to provide financing.

Further discussion with applicant indicates that the Metro District may, or may not, reimburse Shorefox Development LLC. A reimbursement, through issuance of bonds, would transfer the responsibility for repayment of debt to the property owners. The Applicant has provided a copy of the Shorefox Metropolitan

District Nos. 1 and 2 Service Plan. This information addressed questions raised regarding the project financing, and requirements for a debt retirement schedule. This document identifies a potential mill levy of up to 55 mils.

(t) The development site of a proposed major extension of an existing sewage treatment system is not subject to significant risk from earthquakes, floods, fires or other disasters with could cause a system operational breakdown:

The project is outside of the post development Colorado River 100- year flood plain (Refer to application, Figure 4).

(u) Any proposed domestic water treatment and distribution system is capable of providing water meeting the requirement of the Colorado Department of Health;

This is not applicable.

*In conclusion, Staff has reviewed the application made by the Granby Sanitation District under Grand County Administrative Regulations for Areas and Activities Designated as Matters of State Interest § 4-4-306. Staff believes that the application will be in compliance with the regulations for a major extension of existing Granby Sanitation District wastewater treatment system on once all the conditions noted above are met.*

#### COMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS

Section VI: Use: The development covers property that is zoned Forestry and Open unincorporated Grand County. According to the Grand County Zoning Regulations, Section VI, the purpose of the Forestry and Open Zone District is to protect lands suitable for agricultural and related uses including uses related to forestry, mining and recreation after additional permitting. Staff believes that this is an appropriate use in this zone district. Pipelines that convey less than 15 cfs are a use by right, pursuant to VI.(6.1)(9). Both the 4- in and 6- in force mains conveys significantly less than 15 cfs. Pipelines for municipal use are excluded as consideration as a structure; therefore, there is no requirement to review “setback” compliance.

The application is in compliance with the Grand County Zoning Regulations.

COMPLIANCE WITH GC ROAD AND BRIDGE STANDARDS: Construction of the force main does not require a utility cut to a Grand County road. Review is not applicable.

#### REVIEWING AGENCIES

An opportunity to review and provide comment on the application was provided to Rothberg Tamburini & Winsor (RTW, acting as the County Engineer), Northwest Colorado Council of Governments, Colorado Department of Public Health and Environment, Town of Granby, Granby Sanitation District, and Union Pacific Railroad. Review comments have been received by Granby Sanitation District (4/17/07), USACOE (4/23/07), DWD (4/17/07), CDPHE (3/22/07) and RTW (5/2/07).

The Granby Sanitation District supports approval of the Shorefox Development LLC 1041 permit for installation of two force mains with the condition that the permittee negotiates and approves “Crossing & Longitudinal Pipeline Encroachment Agreement” prior to construction permit with the appropriate parties. As discussed previously, this will be a condition of the 1041 permit.

The USACOE letter states that there will not be any adverse direct or indirect impacts to the waters of the US. The DWD letter states that they have no objection to the project. The CDPHE letter addressed issues related to the lift station, which is not being analyzed or permitted as part of the Applicant’s 1041 permit request.

The Applicant has addressed comments raised by Mr. Paul Gilbert raised in his May 2, 2007 review letter.

#### GRAND COUNTY PLANNING COMMISSION

The Grand County Planning Commission approved the CDPHE Site Application for the proposed force mains on January 10, 2007. A copy of the resolution is attached. The proposed lift station was included with the CPDHE Site Application’ however, the lift station is not included in the 1041 permit since it is located entirely within the Town of Granby. The Grand County Planning Commission approved the Shorefox Development LLC 1041 application on May 9, 2007. Commissioner Ed Moyer recused himself as a commission member due to a conflict of interest as the applicant. Ed Moyer representing Orvis Shorefox Development was present as the applicant.

Ingrid Karlstrom wanted clarification as to the routing of the pipe. She wanted to know if it needed to cross the highway and route under the railroad tracts. She also was interested with the update on the project funding. Ed Moyer responded to her that the project funding update has already been forwarded to Paul Gilbert. This would be costing Orvis Shorefox approximately \$720,000.00 in a \$40 million project.

Lisa Palmer asked whether it would be a big deal to cross under the railroad tracts. Deb Campbell responded that Orvis Shorefox would work with the railroad to secure a contract for the land under the railroad. Not a big deal – just money and contracts involved.

George Edwards wanted to make sure Granby Sanitation had the capabilities to service the Shorefox Subdivision. Deb Campbell responded George that Granby Sanitation went through the expansion last year. They have been paying for the expansion by accessing a fee of \$1,000.00 per single family dwelling through bonds.

A motion was made by Sue Volk to approve the Orvis Shorefox 1041 permit application with staff's conditions. The motion was seconded by Lisa Palmer. Commissioners Palmer, Volk, Karlstrom, Edwards and Blea voted to approve. The motion passed; the chair did not vote. A copy of the Planning Commission's approval is summarized in Resolution 2007-5-3. A copy is attached.

#### PUBLIC NOTICE

A Public Hearing has been scheduled on May 22, 2007 , at 10:30 am in the Commissioners Meeting Room, Grand County Courthouse, 308 Byers Avenue, Hot Sulphur Springs, Colorado. Public Notice was published one (1) time in the Wednesday, April 19, 2006 issue of the Sky Hi News.

Certified mailings were sent to notify all land owners within 500- ft. of the District's parcel, interested parties, and local/state/federal agencies. Staff has requested reimbursement of \$207.90 for the 45 certified mailings (@\$4.62/letter) sent out as part of the public notification process. This has been requested and paid by other Special Districts.

- Provide Grand County Department of Planning and Zoning with a check for \$207.90 to cover certified mailings to adjacent landowners.

#### STAFF COMMENTS

The applicant has paid the 1041 application fee. The permit was reviewed for technical compliance by Rothberg Tamburini and Winsor, acting as a Technical Expert to Grand County. The applicant is responsible for the review costs.

- Provide Grand County Department of Planning and Zoning with a check to cover the technical review by RTW (\$787.50).

Proof that the final project has been approved by CDPHE, and that it is constructed in compliance with the approved construction documents is a standard requirement for a 1041 permit. The applicant shall provide the following:

- Construction plans and specifications must be approved by CDPHE prior to commencement of construction. All construction change orders that vary from the approved design must be approved by the CDPHE.
- Permit approval will expire one (1) year from the date of the permit approval if construction of the project has not commenced. Construction is defined as entering into a contract for the physical placement of equipment, piping, and erection of a building, and/or earthwork that is part of the proposed wastewater treatment improvements.
- Provide the Engineer's Statement of Conformance with As-Built documentation upon completion of construction.

The standard requirements for all Grand County permit holders will be added to the 1041 permit.

- All standard Grand County Conditions shall be made a part of the permit; including but are not limited to the following:
  - Site restoration upon termination of use.
  - Compliance with all applicable local, state and federal regulations.
  - Permit amendments.
  - Termination.
  - Right to enter site.

- Storage of Junk and Abandoned Equipment.
- Noise and Dust.

#### STAFF RECOMMENDATIONS

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Staff compliments the Applicant and their Engineer on a complete application. Staff recommends that the Grand County Board of County Commissioners approve the Shorefox Development LLC 1041 permit with the following ten (10) conditions pursuant to Grand County Administrative Regulations For Areas And Activities Designated As Matters Of State Interest, Chapter 4:

Two (2) Conditions to be met prior to BOCC signature of the Permit:

1. Provide Grand County Department of Planning and Zoning with a check for \$207.90 to cover certified mailings to adjacent landowners.
2. Provide Grand County Department of Planning and Zoning with a check to cover the technical review by RTW (\$787.50).

Eight (8) Conditions will be made part of the Shorefox Development LLC 1041 Permit:

1. Provide a copy of the storm water management and erosion control plan prior to construction.
2. Provide an executed copy of the “CDOT Utility Special Use Permit” prior to construction. All conditions of that permit will become a condition of the Shorefox Development LLC 1041 permit.
3. Provide an executed copy of the “Crossing & Longitudinal Pipeline Encroachment Agreement” prior to construction. All conditions of that permit will become a condition of the Shorefox Development LLC 1041 permit.
4. Provide a copy of a CDPHE Temporary Dewatering permit if required due to actual on-site conditions encountered during installation of the force main.
5. Construction plans and specifications must be approved by CDPHE prior to commencement of construction. All construction change orders that vary from the approved design must be approved by the CDPHE.
6. Permit approval will expire one (1) year from the date of the permit approval if construction of the project has not commenced. Construction is defined as entering into a contract for the physical placement of equipment, piping, and erection of a building, and/or earthwork that is part of the proposed wastewater treatment improvements.
7. Provide the Engineer’s Statement of Conformance with As-Built documentation upon completion of construction.
8. All standard Grand County Conditions shall be made a part of the permit; including but are not limited to the following:
  - Site restoration upon termination of use.
  - Compliance with all applicable local, state and federal regulations.
  - Permit amendments.
  - Termination.
  - Right to enter site.
  - Storage of Junk and Abandoned Equipment.
  - Noise and Dust.

{End of Staff’s List and Certificate}

Deb Campbell and Jeff Martin appeared before the Board.

Planning Director Campbell stated that she has been contacted by both the town of Granby and the Granby Sanitation District supporting her recommendation.

Ms. Campbell noted that there is a typographical error on page 9 of her Certificate of Recommendation. The words “Granby Sanitation District” should be changed to “Shorefox Development” in the section which currently reads:

(u) Any proposed domestic water treatment and distribution system is capable of providing water meeting the requirement of the Colorado Department of Health;

This is not applicable.

*In conclusion, Staff has reviewed the application made by the Granby Sanitation District under Grand County Administrative Regulations for Areas and Activities Designated as Matters of State Interest § 4-4-306. Staff believes that the application will be in compliance with the regulations for a major extension of existing Granby Sanitation District wastewater treatment system on once all the conditions noted above are met.*

County Manager Underbrink Curran stated that a correction to staff's Certificate will be added to the record as Exhibit X.

Ms. Campbell noted that the two conditions listed under "Conditions to be met prior to BOCC signature of the Permit" have been met. There are eight remaining conditions.

Chairman Newberry asked for public comments and received none.

Mr. Martin noted that their annexation agreement with the town includes the obligation to provide a new sewer main for the west end businesses. The town is going to acquire the easements.

Planning Director Campbell stated that the lift station was upgraded two years ago with the expectation of adding the west end businesses.

Commissioner Stuart moved to approve the 1041 Permit to allow construction of two sanitary sewer force mains, required to extend the Granby Sanitation District's collection system to the Shorefox Development LLC's parcel with staff's conditions and accepting the correction to page 9, section u of staff's Certificate.

The motion passed unanimously.

Chairman Newberry stated that he would entertain a motion to close the public hearing.

Commissioner Stuart stated, "So moved."

The motion passed unanimously.

There being no further business to come before the Board, the regular meeting was reconvened. Minutes were taken and prepared by Candice Siefken, Chief Deputy County Clerk and Recorder. Approved this \_\_\_\_\_ day of June 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.]**