

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

January 9, 2018

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

Also Present: Clerk and Recorder Sara Rosene
County Attorney Alan Hassler
County Manager Lee Staab
Finance Director Curtis Lange

Those present recited the Pledge of Allegiance.

Commissioner Cimino moved to approve the minutes of the Board of Commissioners meeting of January 2, 2018, as presented.

The motion passed unanimously.

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

Commissioner Cimino moved to authorize the Chair to sign the Statement of Dissolution of Delinquent Entity for Fox Run Apartments, LLLP allowing for the Grand County Housing Authority to file the Dissolution with the Colorado Secretary of State's Office

The motion passed unanimously.

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

Departmental Comments, Contracts, Issues

Commissioner Linke announced that the Board is sitting as the Grand County Board of Human Services

Commissioner Manguso moved to approve the Purchase of Core Services Program Contract between Grand County Department of Human Services and Wiz-Quiz for urinalysis testing in an amount not to exceed \$2,000.

The motion passed unanimously.

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

Commissioner Manguso moved to approve and authorize the Chair to sign the Grant Award Letter between Grand County Board of County Commissioners and the Department of Public Safety, Division of Criminal Justice in the amount of \$19,000 as presented by Under Sheriff Wayne Schafer.

The motion passed unanimously.

Commissioner Cimino moved to approve and authorize the Chair to sign the Services Contract between Grand County Board of County Commissioners and 911 Solutions Inc. in an amount not to exceed \$15,390 as presented by Under Sheriff Wayne Schafer.

The motion passed unanimously.

Commissioner Manguso moved to approve the Intergovernmental Agreement for Inmate Housing and Transportation between Grand County and Routt County as presented by Sheriff Brett Schroetlin.

Discussion: The cost to Grand County is \$52.50 per day per inmate. Sheriff Schroetlin stated that he is turning the cost into the insurance company.

The motion passed unanimously.

Commissioner Cimino moved to approve the Intergovernmental Agreement for the provisions of Sheriff Deputy Personnel in relation to inmate housing and transportation between Grand County and Routt County as presented by Sheriff Brett Schroetlin.

Discussion: Sheriff Schroetlin reported that deputies are staying in Routt County between shifts.

The motion passed unanimously.

Commissioner Manguso moved to approve and sign the Contract between the Town of Grand Lake and the Board of County Commissioners and the Grand County Sheriff of Grand County, Colorado for law enforcement services in the amount of \$133,980.

The motion passed unanimously.

Commissioner Manguso moved to approve renewal of the Hotel and Restaurant Liquor License for David Pratt, President/Manager of Bull Moose Management, Inc. dba Mustachio's on the Lake as presented by Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Manager and Attorney Items

Resolution No. 2018-1-12, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AND ACCEPT A CDPHE "DESIGNATION OF AUTHORIZED AGENCY TO GRAND COUNTY FOR LIMITED PILE BURNING PERMITTING"

Resolution No. 2018-1-13, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A GRANT AND COOPERATIVE AGREEMENT, SUPPLEMENT NUMBER 4 BETWEEN THE BUREAU OF LAND MANAGEMENT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING NOXIOUS WEED MANAGEMENT"

Resolution No. 2018-1-14, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN XDATA CORPORATION AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR A DATA BACKUP AND RECOVERY SYSTEM"

Resolution No. 2018-1-15, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND TO EXECUTE A TASK ORDER CONTRACT, ROUTING NO. 18 FEFA 106758, BY AND BETWEEN THE STATE OF COLORADO, DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR PUBLIC HEALTH SERVICES"

Resolution No. 2018-1-16, "A RESOLUTION APPROVING THE ANNUAL CERTIFICATION OF THE COUNTY ROAD SYSTEM, APPROVING THE 2018 COUNTY ROAD SUPERVISOR'S REPORT, AND APPROVING THE SUBMITTAL OF THE 2017 HIGHWAY USER TAX FUND REPORT TO THE STATE DEPARTMENT OF HIGHWAYS, INCLUDING AN APPROPRIATE MAP SHOWING ALL COUNTY PRIMARY, SECONDARY AND NON-COUNTY MAINTAINED ROADS, SAID MAP BEING HEREINAFTER DESIGNATED THE OFFICIAL COUNTY ROAD MAP FOR GRAND COUNTY FOR 2018 PURSUANT TO C.R.S. §43-2-120"

Resolution No. 2018-1-17, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN J & M UNLIMITED INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE CAPTURE AND REMOVAL OF NUISANCE BEAVERS FROM COUNTY ROAD RIGHTS-OF-WAY"

Resolution No. 2018-1-18, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN KRISTINA CONSULTING GROUP, LLC DBA KCG DRUG ALCOHOL SOLUTIONS AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR DRUG AND ALCOHOL TESTING SERVICES"

Resolution No. 2018-1-19, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A GRANBY-GRAND COUNTY AIRPORT HANGAR LEASE AGREEMENT BY AND

BETWEEN INDEPENDENCE ENTERPRISES LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2018-1-20, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE WAIVER OF THE USE FEES FOR THE USE OF CSU EXTENSION HALL AND MIDDLE PARK FAIRGROUNDS & ARENA BY THE COLORADO DEPARTMENT OF TRANSPORTATION”

Resolution No. 2018-1-21, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ACCEPTING THE FEE SCHEDULES AND CONTINUED ENGAGEMENT OF SULLIVAN GREEN SEAVY, LLC AND WHITE & JANKOWSKI LLP AS SPECIAL COUNSELS FOR ENVIRONMENTAL AND/OR WATER RIGHTS MATTERS ON AN AS-NEEDED BASIS”

Resolution No. 2017-12-59, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN HARRIS LOCAL GOVERNMENT SOLUTIONS AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PROVISION AND INSTALLATION OF AN ACCLAIM SOFTWARE LICENSE”

Resolution No. 2017-12-60, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN HARRIS LOCAL GOVERNMENT SOLUTIONS AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PROVISION AND INSTALLATION OF AN ECOMMERCE SOFTWARE LICENSE”

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Commissioner Manguso moved to approve the Services Contract between Fountainhead Consulting, LLC and Grand County for general administration services, grant administration services, and outreach for the Open Lands and Trails Advisory Committee in the amount of \$65.00 per hour in an amount not to exceed \$40,000.

Discussion: The Open Lands Rivers and Trails Advisory Committee will encourage people to apply for grants. Information regarding the grants will be available in the newspapers, on the County website, and through the towns.

The motion passed unanimously.

Commissioner Cimino moved to appoint Commissioner Manguso as the Representative the Northwest Colorado Council of Governments with Commissioner Cimino as the alternate.

The motion passed unanimously.

Commissioner Manguso moved to approve the following letter to Senator Michael Bennett:

The Board of County Commissioners wishes to express our support for removing the property known as Trail River Ranch, including the historic Little Buckaroo Barn, from potential Wilderness in Rocky Mountain National Park (RMNP). The property includes many significant and operational facilities, including the ranch house, cabins and several outbuildings that are utilized by the National Park Service (NPS) for education programming and are important assets to RMNP, Friends of the Trail River Ranch, Town of Grand Lake and especially the visitors of the RMNP and the ranch.

Removing the property and facilities from potential Wilderness will allow the National Park Service to continue its’ educational programming on the property, while preserving the ability to efficiently manage and maintain the property when necessary.

The motion passed unanimously.

Commissioner Manguso moved to authorize the County Manager to sign the Facilities Use Fee Waiver for Middle Park Stockgrowers Association for use on January 19, 2018.

The motion passed unanimously.

County Manager Lee Staab presented his weekly update.

Board Business

- January 3 Commissioner Cimino attended and presented at the Rural Health Network meeting and spoke about the one geographic rating in Colorado proposed legislation
- January 5 Commissioner Linke participated in the marijuana conference call that was set up by Pueblo County
- January 8 Commissioner Manguso attended the Council on Aging meeting

Calendar

- January 10 Commissioner Linke will attend the Northwest Development Workforce Board at 10:00 a.m.
- January 11 Commissioner Manguso will attend the UCC meeting in Hot Sulphur Springs at 7:30 a.m.
- January 12 Commissioner Linke will attend the Club 20 Executive Committee meeting in Grand Junction at 10:00 a.m.
- January 15 All three Board members will attend an Elected Officials Lunch at Mavericks at 1:00 p.m.

Treasurer's Report

County Treasurer Christina Whitmer presented the monthly Treasurer's Report. The total amount of interest income in 2018 was \$263,000.

Grand County Semi – Annual Treasurer's Report

Commissioner Manguso moved to authorize the Treasurer to publish the semi-annual report.

The motion passed unanimously.

Board Business

Bob Florquist asked the Board to provide an EMS crew for the Vintage Snowmobile Races in Grand Lake. Mr. Florquist requested that the crew be on call from 9:00 a.m. to 4:00 p.m.

Commissioner Manguso moved to approve the fee waiver request for the Vintage Snowmobile Race in Grand Lake on the condition that there are crews available at that time.

The motion passed unanimously.

County Manager / Road & Bridge – Snow Removal Procedures

County Manager Staab stated that there has been some questions about the snow removal plan in Grand County. Mr. Staab stated that staff has tried to capture where the snow removal routes are within the County and the length of the routes.

The routes and the conditions needed to prompt plowing will be on the County website.

Staff will work with the towns and with law enforcement who have eyes on the ground to report snow conditions to the County.

Public Hearing – Consider the Adoption Ordinance No. 18, Regulating Marijuana

The public hearing scheduled to begin at 11:00 a.m. was called to order by Chair Linke at 11:00 a.m. County Attorney Hassler set the record.

- Exhibit A Public Notice – Notice of Public Hearing – Middle Park Times, December 28, 2017
- Exhibit B Public Notice of proposed Ordinance – Middle Park Times, December 28, 2017
- Exhibit C Proof of Publication – Notice of Public Hearing and Proposed Ordinance – Middle Park Times, January 2, 2018
- Exhibit D Proposed Ordinance 18 as introduced

- Exhibit D2 Proposed Ordinance 18 as signed
- Exhibit E Resolution No. 2017-12-48 Resolution Authorizing Publication in the Middle Park Times
- Exhibit F Public review Sheets (no signatures)
- Exhibit G Public Comment
- Exhibit H Board of County Commissioner Agenda January 9, 2018

Written public comments were included:

- Exhibit I-1 David Michel
- Exhibit I-2 Mary Entrican

Commissioner Cimino moved to approve Proposed Ordinance 18, “AN ORDINANCE OF THE COUNTY OF GRAND, STATE OF COLORADO, GOVERNING THE LICENSING, LOCATION, AND OPERATION OF RETAIL MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA ESTABLISHMENTS, ESTABLISHING TYPE OF LICENSES, FEES FOR LICENSES, APPOINTING THE GRAND COUNTY CLERK AND RECORDER TO ADMINISTER THE LICENSING PROCEDURE, ESTABLISHING CIVIL PROCEDURES AND SANCTIONS, AND ESTABLISHING CRIMINAL PENALTIES FOR VIOLATION THEREOF, AND REPEALING ORDINANCE NUMBER 14, ORDINANCE NUMBER 14-1, ORDINANCE NUMBER 17, AND ORDINANCE NUMBER 17-1, AND PROVIDING THAT LICENSES CURRENTLY ISSUED SHALL REMAIN IN EFFECT UNTIL EXPIRATION”

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Board Business

Commissioner Manguso moved to enter into an Executive Session pursuant to CRS §24-6-402(4)(b) at 11:25 a.m. for conference with attorney for the purpose of receiving legal advice on specific legal questions regarding work in progress.

The motion passed unanimously.

Commissioner Cimino moved to exit the Executive Session at 11:55 a.m.

The motion passed unanimously.

County Attorney Hassler certified that the content of the discussion conducted during the executive session was solely matters regarding attorney/client relationship on the topic of ongoing representation. No part of the executive session was recorded.

Public Hearing – TM Fencing, LLC Special Use Permit (Samuelson Property)

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

- A. Letter of Application, dated September 18th, 2017
- B. Public Notice -Dated December, 6, 2017
- C. Proof of Publication- Middle Park Times, dated December 14th, 2017
- D. Vicinity Map depicting the 750 foot Notification buffer as established by the Grand County GIS system
- E. Certified Mailings to all property owners within 750 feet as established by the Grand County GIS system
- F. Public Review Sheets with and without signatures
- G. Memo from Department of Planning & Zoning dated December 11th, 2017
- H. Vicinity Map
- I. Staff Report for the Board of County Commissioners, Dated January 9th, 2018
- J. Samuelson's Ranch- Site Photos & Maps
- K. Resolution No. 1999-8-5, Right To Farm
- L. Grand County F-Forestry and Open District Regulations
- M. Letter from Grand County Community Development: Notice of Zoning Violations and Orders to Cease and Desist, dated September 27th, 2017
- N. Letter from Grand County Community Development: Grand County Zoning Regulation Code Determination letter, dated July 18th, 2017

- O. Letter from Grand County Community Development: Cancelled meeting due to postponement of Planning Commission Meeting
- P. Email from Steve Allen, dated November 7th, 2017
- Q. Email from Laurie Mooney, dated November 7th, 2017
- R. Letter from Lindsey England, dated November 7th, 2017
- S. Letter from Tim Thurston, dated October 16th, 2017
- T. Email from Nick Meyer, dated November 7th, 2017
- U. Email from Marily Macdonald, dated November 7th, 2017
- V. Email from Katie & Dennis Soles, dated November 7th, 2017
- W. Letter from Sheep Mountain Ridge Estates Homeowners Association, Inc, c/o Paul Larkin, President, dated June 12th, 2017
- X. Letter to "Our Honorable County Officials" published in the July 22nd, 2017 edition of the Sky Hi Daily News written by Lindsey England
- Y. Email from Abbey Leigh Arabie, dated November 7th, 2017
- Z. Email from Nate Richards, dated June 11th, 2017
- AA. Letter from Derek Valenciano, dated November 7th, 2017
- BB. Email from Elle and Jordan Ennis, dated November 7th, 2017
- CC. Email from Bev Perina, dated November 8th, 2017
- DD. Letter from Raven T. Sutton, dated November 7th, 2017
- EE. Letter from Twila Soles, dated November 7th, 2017
- FF. Letter from Georgia Noriyuki, dated October 27th, 2017
- GG. Letter from Georgia Noriyuki, dated October 24th, 2017
- HH. Email from Steven Paulk, dated November 6th, 2017
- II. Letter from Charles & Evelyn Adams, dated November 7th, 2017
- JJ. Email from Georgia Noriyuki, dated November 6th, 2017
- KK. Letter from Georgia Noriyuki, dated November 16th, 2017
- LL. Email from Ronda Dorchester, dated May 31st, 2017
- MM. Letter from Richard Jansing and Patricia Kemper-Jansing, date unknown
- NN. Letter from Justin Klomp, Shelly Klomp, Spencer Klomp, Payton Klomp, and Chloe Klomp, dated October 18th, 2016
- OO. Letter from Babs Waldman, date unknown
- PP. Email from Chris Koerner, dated May 23rd, 2017
- QQ. Email from Bruce Luberski, dated May 23rd, 2016
- RR. Letter from Drew & Lark McCoy, date unknown
- SS. Letter from Stagecoach Meadows HOA, dated October 28th, 2016
- TT. Email from Michel T Williams, dated May 23rd, 2017
- UU. Letter from Drew & Lark McCoy, dated June 4th, 2017 letter from Pole Creek Preserve Homeowners Association, dated October 21st, 2016
- VV. Email from Richard Bortz, dated September 14th, 2016
- WW. Email from Abbey Leigh Arabie, dated February 16th, 2017
- XX. Letter from Charlie Henry, President of Pole Creek Preserve HOA, dated August, 14th, 2017
- YY. Emails from Ron and Susan Anderson, dated August 8th, 2017 & July 3rd, 2017
- ZZ. Email from Paul A Larkin, dated August 30th, 2017 also attached Letter from Sheep Mountain Ridge Estates Homeowners Association, Inc & c/o Paul Larkin, President, dated June 12th, 2017
- AAA. Letter from Jim Swanson, dated October 11th, 2017
- BBB. Email from Chris Ruske, dated November 7th, 2017
- CCC. Letter from Stagecoach Meadows HOA, Board of Directors, dated May 19th, 2017
- DDD. Letter from Drew & Lark McCoy, dated September 28th, 2016
- EEE. Email from Paul A Larkin, dated October 24th, 2017 along with Letter from Sheep Mountain Ridge Estates Homeowners Association, Inc. c/o Paul Larkin, President
- FFF. Letter from Pole Creek Preserve Homeowners Association c/o Charles Henry, President, dated October 12st, 2016
- GGG. Letter from Lew M. Harstead of Johnson & Repucci, LLP Attorneys At Law, dated January 5th, 2017 along with 153 page Exhibit

APPLICATION: Special Use Permit (SUP) for a Fencing/Construction Business
APPLICANT: TM Fencing LLC. Ehren Samuelson and Jonas Pearson, and Richard and Cathy Samuelson

LEGAL

DESCRIPTION: SE1/4SW1/4, Section 10. Township 1 South. Range 76 West of the 6th P.M.
LOCATION: 756 GCR 519 -Approximately 1 1/2 miles southwest of the GCR 5/GCR 519
ZONE DISTRICT: F – Forestry and Open District
AREA: 40 acres
STAFF CONTACT: Tom Leatherwood, Leatherwood co.grand.co.us, 870-725-3128
ATTACHMENTS: See Exhibit List and Exhibits Attached

PLANNING COMMISSION RECOMMENDATION

8 November 2017

Unanimous Vote to Recommend Approval by BOCC.

- Subject to the conditions set forth below.

TM Fencing LLC

TM Fencing began operating at the property in 2006 and became a registered business with the State of Colorado in 2008. The company's primary function is fence construction and installation, and includes custom design fencing, commercial fencing, residential fencing and low impact logging services.

A construction business is permitted in the F-Forestry and Open District with the application for and granting of a special use permit (SUP).

The principal characteristics of the business include the following:

- Designs and constructs, custom, horse and farm, buck and pole, smooth wire, split rail, barbed wire, and chain link fencing, gates and entryways, and low maintenance logging.
- The logging component of the business mitigates the county's lodge pole pine beetle infestation - with recycling and reuse of trees (pine beetle trees, forest management, and wildfire mitigation).
- Wood-Mizer LT15 Sawmill to produce specialty fencing products
- Metal and other similar material fabrication for custom fencing products.
- Storage of equipment and materials.
- All fencing products are assembled off-site at each individual customer's property.
- Approximately 10 employees.
- Hours of Operation: 9:00 am to 7:30 pm.
- Private road access from GCR 519.
- A registered business in good standing with the State of Colorado.
- The business has been in operation on the property for the past II years.

Zoning Violation

The fencing-construction business has been in violation of County Zoning Regulations since it opened in 2006. A SUP is required. Complaints to the County came nearly 9 years later. This is definitely a frustrating circumstance for all involved. Significant time and money has been invested in this business, which provides employment for ten persons, but the growth and evolution of the business at this location is now creating impacts to neighboring properties and impacts others' enjoyment of their property.

As presented to the County, the SUP application by TM Fencing LLC for the proposed fencing-construction business, on its own, acknowledged none of its impacts and offered no solutions to any of the impacts that were identified in this report and by other residents in the immediate area. In fact, the SUP application is the result of pressure from surrounding residents and subsequently from county staff, and not from the voluntary initiative of the applicant. Furthermore, the attorney for the applicant continues to represent that all the current uses on the property are allowed by right and do not require special use permits.

PERMITTED USES ON THE SAMUELSON PROPERTY

1. This SUP application applies only to TM Fencing.
2. Staff has determined that the following uses on the property are allowed by right:
 - a. The buildings associated with the Samuelson family residence.
 - b. Agricultural uses such as haying, graving and raising livestock.
 - c. A commercial or private riding stable.
 - d. A horse clinic that provides education, lessons to youth and others about horses and ranching - services that are easily associated with a commercial or private riding stable.
3. The following USB on the property is allowed as a home occupation:
 - a. Samuelson Outfitters.
4. Colorado Hemp Company LLC. July 18, 2017. Grand County Zoning Regulation Code Determination Letter regarding uses permitted pursuant to F-Forestry and Open District 756 GCR 518 SE1/4 SW1/4, Section 10, Township 1, Range 76 West of the 6th P.M., County of Grand, State of Colorado.
 - a. The Community Development Department issued a determination letter to clarify that a SUP is required for both the construction-fencing business and for a commercial greenhouse. The June 14 staff report for the postponed hearing stated: "We are processing this as a commercial greenhouse because it is being operated by an entity other than the property owner. If, Richard and Cathy Samuelson were to be shareholders in this company then this USB could be considered an accessory USB and building."
- "Accessory buildings and uses, may include....storage and sale of crops, vegetables, plants and flowers produced on the premises." 13.1 (2) (e)
 - b. The Community Development department has subsequently received confirmation that Colorado Hemp Company LLC is jointly owned by Jonas Pearson (48%), Catherine Samuelson (5%), Ehren Samuelson

(44%), and Richard Samuelson (5%). For this reason, the SUP recommended by the Planning Commission relates only to the fencing- construction business.

c. Two additional comments regarding county jurisdiction.

1) The growing of hemp is regulated by the state of Colorado and not individual counties or municipalities.

2) Issues related to water rights for the greenhouse are not within the jurisdiction of the county but reside also with the state of Colorado.

5. Notice of Zoning Violations and Orders to Cease and Desist. September 27, 2017. The Community Development Department issued a cease and desist order for the fencing-construction business, including: sawmill business; wood products processing and sawmill: operation of a fencing business; and operation of construction business.

6. Slash for Berm. September 27, 2017. The letter referenced above notified the parties that bringing slash to the site for storage or for burning must stop. Staff subsequently received complaints regarding large quantities of slash being transported to the site. The applicant advises us that this slash is being used to construct a Hugel Kultur Berm, which is not a prohibited use.

7. Private road easement. The Grand County attorney has determined that the county has no authority to enforce any agreement among parties who share a common roadway. However, Grand County may impose conditions with a SUP if the proposed business activity adversely affects neighbors and adjacent landowners; hence the conditions referenced below.

HISTORY & BACKGROUND

Property address and location. 40 acres located ½-miles South off of GCR 518 in the vicinity of Skunk Creek. The property was once a part of the Pilcher Ranch was subdivided into 40-acre parcels and smaller lots (2-5 acres approximately) beginning in the late 1870's and through the early 2000's. In close proximity to the West is The Valley at Winter Park and to the east is Stagecoach Meadows.

Zoning. F-Forestry and Open District

Property owners. The Applicants Richard and Catherine Samuelson have owned the property since 1884.

Property access: The property is accessed by a private road from GCR 518 and the access is formalized by Right-of-Way Agreement recorded at Book 251, Page 888. The agreement created a 30 foot wide right-of-way for the sole purpose of ingress/egress and utilities. The private road provides access to 10- properties.

Property improvements. The property improvements include a 5,200 square foot residence (2 bdrms, 2 ½ baths with attached garage) and greenhouse (approximately 1,700 square feet).

Property uses. The Samuelson's have used the property for agricultural uses (livestock, primarily horses and haying) for more than 20 years. It also serves as the headquarters for Samuelson Outfitters, and is one of the reasons why horses are the primary livestock for their agricultural uses. Over the last decade the uses have expanded on the property to also include adult and youth horsemanship clinics during summer months. In the summer of 2016, Cathy Samuelson and Abbey Samuelson through Fraser Valley Metropolitan Recreation District had a youth clinic where local kids came to learn about the flora and fauna of ranching and riding horses. Uses added more recently include the fencing business and cultivation of industrial hemp.

Overall, these uses do have a connection to the long standing agricultural use by the owner on the property, but a fencing-construction business requires a SUP due to the types of USB and potential impacts.

Legal businesses registered on the property.

- Samuelson's Outfitters was formed in August 2005.
- TM Fencing was formed in April 2008.
- Grand Colorado Hemp Company, LLC was formed in February 2015. Grand Colorado Hemp Company, based on a report from the Department of Agriculture dated May 2017, is also an active industrial hemp registrant.

Complaints from nearby residents and neighbors. In 2016, the County Community Development Department began receiving complaints about traffic, dust and operations of TM Fencing and the potential for a Commercial Greenhouse for the purpose of growing hemp and a wedding venue/events center. Staff concluded in June 2017 that a fencing business, commercial greenhouse and wedding venues are special uses and require a permit (subsequently staff determined that the commercial greenhouse was an agricultural use by right). It was Staff's position until September 2017 that- as long as the Applicant was willing to work in cooperation with the County to acquire the proper permit- a notice of violation would not be issued. As the former Community Development Director wrote in a previous staff report: "It needs to be added, that the County has been extremely patient with the Applicant's with regard to continuing uses on the property that are not allowed without a special use permit."

History of application.

- In late summer 2016, the Applicant made application for a SUP for a construction business/lumber mill (TM Fencing), commercial greenhouse (Grand Colorado Hemp) and commercial outdoor recreation (Wedding Venue/Youth Day Camps).
- The current SUP application received in October 2017 has been revised and is for the fencing-construction business only.
- Planning Commission, September 2016. The Application was tabled at the September 2016 Planning Commission due to significant opposition to the application's proposed uses and access. The uses of particular concern were the wedding venue and the sawmill operation. None of the issues that existed at that time (i.e. no dust traffic) have been addressed by the Applicant.
- Planning Commission, July 2017. The scheduled hearing was again postponed, this time because the applicant did not provide proper legal notifications regarding mineral rights. It was subsequently demonstrated by the applicant's attorney in October 2017 - to the satisfaction of the county attorney - that no mineral rights notification was required.
- Planning Commission, November 8, 2017. Recommendation to approve SUP subject to conditions

Applicant's claim regarding roadway easement. The Applicant's attorney reviewed the Access Easement early in 2017 as it relates specifically to the Samuelson's current and proposed uses. It is the legal opinion of the Applicant's attorney that the easement providing access to the Samuelson property can be used in connection with their current use of the property. This includes the following uses: single family residence, agriculture uses, TM Fencing, Grand Colorado Hemp Company, Commercial Outdoor Outfitter and horsemanship clinics and camps. As indicated above, the County has determined that we have no authority to impose conditions on parties to a private roadway easement, but the county does have the authority to impose conditions to mitigate impacts on neighbors and surrounding residents from uses proposed by the applicant.

Impact on county roads and the shared roadway easement. Staff reviewed the potential impacts on the county road system and determined that the public road system is adequate for the proposed use. GCR 5 is an arterial road and GCR 518 is major collector road and both meet applicable county standards. It is estimated that the fencing business will add approximately 30 average daily trips to the public road system, with the greatest impact occurring during the construction season.

The access road serves approximately 10 properties and the business entities located on the subject property. TABLE I. below is an approximated estimate for average daily trips for all uses, including the build-out of 10 single family dwellings. The estimates very much overstate the actual traffic impact as 5 of the parcel are vacant, many are used on a seasonal or temporary basis and the businesses of the Samuelson's are very seasonal in nature. It does tell us that traffic levels on the private road will be above 20 ADT and less than 450 ADT.

It is also clear from the traffic analysis conducted by staff that the fencing business will continue to impact the private road, both in volume of traffic and higher amounts of dust and noise of rattling trucks and trailers. A concern of adjacent property owners with the proposed uses are safety, dust and noise from the traffic that consists truck pulling large and small trailers that are affiliated with the construction business (and impacts from other business activity not the subject of this staff report).

Based on the average daily trip (ADT) levels, the access road classification is a Low Volume Road (LVR). An LVR by definition is an access road that primarily serves drivers who are familiar with the roadway. The definition very much fits the characteristics of this road. A low volume road is required to be 22 feet in width (10' driving lanes, 1' shoulders). The Department of Road and Bridge inspected the road on March 27. They found the road to be approximately 20 - 22 feet wide with a suitable road base for the type and estimate volume of traffic. This private access road would need to be a low volume road with only the Samuelson, Clug, Klomp and McCoy residences.

The road does have two (2) narrower sections that are approximately 18' wide. Overall the road can accommodate two (2) way traffic. To improve overall safety and drainage the Department of Road and Bridge recommended the following improvements:

- Intersection GCR 518/Private Road intersection. Install a culvert across the private road and grade drainage ways to ensure proper flows.
- .4 miles south of intersection. Remove trees on west side of access road to improve site distance for the driveway entrance.
- .5 miles south of intersection. Install a cross culvert to improve drainage.

Dust and noise are always typical conditions with gravel roads. To address these issues the following conditions should be applied to the proposed SUP as they will address with traffic volume impacts, dust control and duration of the use during the day:

- Set the initial term of the SUP for a one (1) year period. [The Planning Commission recommends a five year SUP, recognizing that a permit may be withdrawn for cause.]

- Limit hours of operation to 8:00 am - 7:00 pm, Monday through Friday; and closed on Saturday and Sunday
- The on-site (internal) road and equipment material and work areas (red shaded area on SUP Map 2) shall be watered or chemically stabilized to minimize dust. Dust control operations shall be increased immediately in response to periods of high wind. The Permittee shall take all appropriate actions to mitigate and control dust from all sources.
- Require grading, gravel and commercial dust suppressant on the private road.

Agriculture and Ranching in Grand County. There is strong support both in the Grand County zoning code and in the county's "Right to Farm Policy" (1888) for farming and ranching in the county. This was emphasized by many planning commissioners prior to the unanimous vote to recommend approval.

- Zoning - Forestry and Open District

The purpose of the Forestry and Open District is to protect lands suitable for agricultural and related uses including uses related to forestry, mining and recreation after additional permitting. Higher impact uses are allowed when permitted and mitigated properly. Low density single-family residential uses are permitted in this zone district. (Grand County Zoning Code. 8.1)

- Right to Farm and Policy- adopted in 1888 by BOCC Resolution No.1888-8-5

"Ranching, farming and all manner of agricultural activities and operations within and throughout Grand County are integral elements of and necessary for the continued vitality of the county's history, economy, landscape, open space, lifestyle and culture. Given their importance to Grand county, northwestern Colorado, and the state, agricultural land and operations are worthy of recognition and protection."

- Agricultural Assessment

The property is classified agricultural by the County Assessor and this property has always had agricultural activities and uses since Samuelson's have owned the property and many of these uses comply with county F-Forestry and Open zoning regulations and/or are permitted in this zone district by right and special use.

PLANNING COMMISSION RECOMMENDATION

8 November 2017

Unanimous Vote to Recommend Approval by BOCC,

- Subject to the conditions set forth below.

Accordingly, the Planning Commission recommended that- in order for TM Fencing to be granted a SUP - the conditions set forth, which were recommended by staff, should be attached to the SUP, including the county's standard conditions associated with special use permits.

1. The Special Use Permit (SUP) shall be granted for a five (5) year period, subject to review if TM Fencing LLC (TM Fencing) does not remain in compliance with these conditions.
2. TM Fencing shall provide the County with complete and accurate employee numbers.
3. This SUP shall be issued to TM Fencing, and to property-owners Richard and Cathy Samuelson, who collectively shall be responsible for ensuring compliance to all approved terms, conditions and requirements of the SUP.
4. TM Fencing shall secure written approval or a lease agreement from the property owner that authorizes TM Fencing use of the property for a construction business. The agreement shall remain in effect for the duration of the uses and operations.
5. The SUP for TM Fencing Company shall include the following:
 - Design and construction of custom horse and farm, buck and pole, smooth wire, split rail barbed wire, and chain-link fencing, gates and entryways, and low maintenance logging.
 - Use of lodge pole pine trees infested with pine beetles for recycling and reuse to create fencing products, helping with forest management and wildfire mitigation in the county.
 - Only materials that will be used for the fence products offered shall be transported to the site.
 - No slash shall be disposed of on the site or burned without proper permits; slash or other materials transported to the site to create a Hugel Kultur Berm or similar structure shall be permitted.
 - Metal and other similar material fabrication may be used for custom fencing products.
 - Storage of equipment and materials appurtenant to the fencing business shall be permitted on site.
 - Final assembly of all fencing products shall occur off-site at each individual customer's property. [Note: TM Fencing represents that the Wood-Mizer LTI5 Sawmill is not used by TM Fencing to produce specialty fencing products or for other purposes associated with TM Fencing.]
6. TM Fencing shall maintain a current registration with State of Colorado. A Certificate of Good Standing shall be provided annually during the term of the permit.

7. Hours of operation for TM Fencing shall be 8:00 am- 7:00 pm, Monday through Friday, with no on-site operations on Saturday and Sunday.
8. A total of 20-truck trips are permitted daily on the private shared roadway. Trips are limited to the hours of operation. A truck trip includes any pick-up truck with or without a trailer.
9. The on-site (internal) road and equipment and material and work areas, shall be watered or chemically stabilized to minimize dust. Watering operations shall be increased immediately in response to periods of high wind. TM Fencing shall take all appropriate actions to mitigate and control dust from all sources.
10. The private shared roadway shall be re-graded and graveled by TM Fencing, and a commercial dust suppressant shall be applied to the road beginning June 1, 2018 and annually thereafter on or before the anniversary date.
11. All TM Fencing construction materials and operational activities shall be set back a minimum of 30' from the high water mark of Skunk Creek. Previously disturbed areas prior to issuance of the SUP shall be revegetated.
12. All raw and finished lumber piles shall be stored in stacks no taller than 15 feet in height and separated by at least 10 feet. The storage location must be with the red shaded area on SUP Map 2 and located at minimum 30' from the high water mark of Skunk Creek.
13. The following standard County permit conditions shall apply:
 - A. DAMAGE TO COUNTY ROADS:
 1. During the term of this Permit if any damage or injury is caused to any Grand County road, Grand County shall give written notice to the Permittee specifying the damage being caused by the operation. After such written notice, Permittee shall correct its operation to eliminate such damage within 10 days and at its expense, repair the damage alleged to have been caused to the County Road. Notice shall be deemed to have been furnished at the time of the mailing to the Permittee at the address shown on this Permit. If the Permittee denies responsibility for the damage, then Permittee shall furnish written notice to the Board of County Commissioners of its denial of liability within the ten (10) day period provided herein. Within twenty (20) days after receiving said written notice denying liability, the Board of County Commissioners shall hold a hearing wherein the Commissioners will hear evidence regarding the alleged damage and the responsibility of the Permittee for such damage. At the conclusion of such hearing, the Board of County Commissioners shall make findings regarding Permittee's liability. If Permittee is found responsible for injury to the County Road, it shall be so advised in writing, as provided for above in the case of notice, and shall have ten (10) days in which to comply with the decision of the Board of County Commissioners.
 - B. REHABILITATION/REVEGETATION:
 1. Permittee affirms that the site shall be rehabilitated and reclaimed to rangeland immediately upon termination of this SUP.
 - C. NOISE:
 1. Permittee shall not allow noise to create a nuisance to adjoining properties. If noise control becomes necessary to comply with applicable County, State or Federal laws or regulations as a result of permitted activities, Permittee shall take all action necessary to alleviate said problem including the cessation of operations if necessary.
 - D. CONTROL OF SITE.
 1. Permittee shall be responsible for controlling and maintaining the site in attractive condition at all times. No junk or other debris shall be allowed to accumulate on the site.
 - E. RIGHT TO ENTER SITE.
 1. Grand County reserves the right to enter the site during regular business hours.
 2. Grand County Representatives will comply with all Colorado Mining and Safety rules, and Federal Safety and Health Standards when entering the site.
 - F. COMPLIANCE WITH COUNTY, STATE AND FEDERAL REGULATIONS.
 1. Permittee will be responsible for insuring compliance with all applicable County, State and Federal Regulations. This permit in no way relieves Permittee from complying with said laws and regulations and any violation of any County, State or Federal regulations or statutes relating to this operation shall be grounds for immediate termination of this Permit.
 - G. LIMITATION OF LIABILITY.
 1. The Board of County Commissioners by the issuance of this Permit assumes no responsibility for the operation of the site and Permittee hereby covenants and agrees to hold Grand County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation contemplated by this Permit. Permittee warrants that appropriate liability and hazard insurance to compensate any individuals who may be injured or damaged in any manner by the conduct of this use will be obtained. Permittee further warrants and agrees to compensate Grand County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Permittee's operation of this use.
 - H. ALTERATION OF TERMS AND CONDITIONS.
 1. The terms and conditions of this permit cannot be altered without proper notice, and review by the Grand County Board of County Commissioners.
 - I. BINDING CONTRACT.

1. This permit shall become a binding contract between the parties hereto upon the execution hereof as provided for below.
2. This special use will not be converted or changed to a permanent special use by either the Permittee, property owner or by any other party.

J. VIOLATION OF TERMS AND CONDITIONS.

1. In the event of violation of any of the restrictions or conditions on the use of this Permit or in the event of failure to fulfill any of the conditions required by this Permit, the Board of County Commissioners may, upon not less than ten (10) days' notice in writing to Permittee at the above address, hold a public hearing to consider the revocation of this Permit or to take such other action as the Board of County Commissioners, in its sole discretion, deems appropriate. Notice to Permittee shall be complete upon mailing at an address to be provided by the Permittee.

K. TERMINATION:

1. No termination of this Permit shall be made without good cause shown and any modification of the Permit shall be made only upon resolution of the Board of County Commissioners and any oral representations or agreements shall be null and void and of no legal effect.

The following were exhibits added during the hearing:

Exhibit HHH	Email from Michael and Deborah Culig, 880 County Road 519 sent Monday January 8, 2019
Exhibit III	Letter from Georgia Noriyuki dated January 9, 2018 regarding Exhibit GGG
Exhibit JJJ	Community Development Power Point
Exhibit KKK	Jonas Pearson presentation
Exhibit LLL	Ehren Samuelson "Good Neighbor Effort"
Exhibit MMM	Photos and maps presented Ehren Samuelson
Exhibit NNN	Request for insurance language in the permit provided by Mr. Drew McCoy
Exhibit OOO	Ralph Klomp Aerial Chart and Information
Exhibit PPP	Ron Anderson photos (3 different sets)
Exhibit QQQ	Photos from Ralph Klomp
Exhibit RRR	Zoning map of area from Kathy Samuelson

Presented by Jonas Pearson:

Hello everyone, my name is Jonas Pearson and I am co-owner of TM Fencing. We are gathered here this afternoon to talk about the special use permit for TM Fencing operations and the easement road leading to the Samuelson's.

Occasionally, during the summer months, usually from May to November, TM Fencing uses the Samuelson's property to fabricate bucks for our buck and rail fences and also utilizes space for tool storage. TM Fencing also hauls timber behind our everyday work trucks which are Dodge Ram 2500's. We do not drive large logging trucks or pull large logging trailers. TM Fencing provides fire mitigation control efforts by removing dead trees and slash from our clients properties from many places around Grand County and primarily from residents living close by, such as a large clientele base residing at the Pole Creek Fairways. The timber we bring to the Samuelson's is recycled into either buck material or firewood. Once the timber is brought in, one to two chainsaws at a time are used to cut the wood into usable lengths of either rails legs for bucks, or firewood.

The Samuelson's own a residential-type saw-mizer mill which is not utilized by the fencing company and is solely run for the purpose of constructing ranch related buildings.

The Samuelson's are a 4th generation family in this county, and my children will be the 3rd of the Pearsons. Our families have provided Grand County with several services over multiple generations to the community and have supported numerous families with jobs and lifestyles that many seek to enjoy when coming to The Rocky Mountains. I have lived here all of my 31 years. I graduated from high school here and I have started my own family here. I graduated from CU Boulder with a B.A. in English literature, and I paid for my entire education generated by the income provided by TM Fencing as did Ehren graduate and pay for his entire education at CSU.

Building a company from the ground up requires a tremendous amount of hard work and skill. TM Fencing has developed into a successful company in Grand County, Colorado. We are a unique company specializing in lodge-pole pine fire mitigation efforts while also incorporating infected trees into the design and fabrication of beautiful, custom, pine-beetle fences. TM Fencing is experienced in the installation of a huge variety of commercial and residential fences.

For a decade we have built custom fences for hundreds of clients. Many home and land owners, and many of the major businesses in town depend on TM Fencing's work. We've worked for Alpine Lumber, The Iron Horse,

Devil's Thumb Ranch, C Lazy Y, YMCA of the Rockies/ Grand Park, Deno's 1 and The Experimental Forest. We continue to mitigate tree fall and fire danger for a multitude of lots at Pole Creek. We just completed a fence for the new edition of Rafferty Park in Granby, and we are at times also contacted by adjacent counties. In November of 2017 we were recruited to Camp Hale in Leadville and contracted to build 1200 linear feet of buck and rail fence providing asbestos barriers for tourists and hunters in the area.

We are the fence building company in Grand County. There is one outfit that runs out of Kremmling, but we are the only company providing fencing services to the entire county. The type of safe, sustainable, low-impact work we are doing is one of the hardest professions to get into, especially in the Rocky Mountains, no one is coming to take our place. Ask the people and businesses we work with and for what we're capable of, what type of characters we portray, and what we continue to bring to this community. They'll tell you we're punctual! That's what the many people we have served will tell you.

Ehren and I are world travelers, entrepreneurs, savvy businessmen, hard workers, well educated, and humble. Ehren is a volunteer fire-fighter in Fraser, a real estate agent, a gifted horseman, and a talented artist. As Senior Warden for the Masonic, Century Lodge Number #190 in Greeley, Colorado, I believe that strength in community and a love of brotherhood are primary objectives and goals for a young man trying to improve and service the county he was born and raised in.

TM Fencing has been serving Grand County as the leading fence installation company for years, we are not a large construction company, we are a critical service provider for property owners who want quality fences and safe fire conditions.

Unfortunately, it is the middle of the work-week and most of our supporters are out working in the community and providing jobs and resources for all of us to enjoy. That being said there are limited attendees on our side this afternoon. Let it be known that TM Fencing is not a large-scale company or industrial complex as have been reported in the local papers. We are not getting rich, we are trying to make a living, and we are doing business on land that is zoned open space and agricultural. We are providing the same type of services our forefathers have since this country was founded.

Thank you all for coming to support us, especially the board of county commissioners. For we wouldn't be here without the support of our community. It takes a village to raise a child, it takes a community to raise a business. We are young and we have a lot to learn, and that is why we are here, that is why we have support, that is why we have community, to help one another. I hope that it is with pleasure that TM Fencing is granted a special use permit for the services we continue to provide. Thank you.

Building a company from ground up requires a skill – lodge pole pine and fire mitigation. Recruited to Leadville for stuff. They are the fence building company

There are here to help one another.

Aaron Samuelson provided list of good neighbor efforts:

- Fire Mitigation on our personal 40 acres
- Sprays for noxious weeds
 - Properties: Samuelson 40 acres, Hines 20 acres, Thurston's 20 acres
 - Additional 100' on adjacent properties (McCoy's & Klomp's) to ensure weed free hay.
- Maintaining the value of our hay pasture for future generations
- Maintain Skunk Creek ditch with ranch equipment
 - Benefits McCoy's irrigation and Klomp's Pond
- Maintain other properties ditches and slide gates
- Takes mental notes of lights and suspicious activity for the concern of neighbors
- Pick up trash that blows in from the west on the easement road.
- Maintaining the private road easement
- Allowing the use of the property to neighbors for private use
- We built the .21 miles of wind fence after the trees were removed by McCoy's to decrease the effect of the windblown snow on the road.
 - The Samuelson's & TMF provided labor & construction of this project
- Practice and teach leave no trace stewardship
 - We are permitted in a national forest

SUP Considerations

- a) The visual, environmental, physiographic and socioeconomic characteristics of the land to be used:
 - a. Visual:

- i. As the son of my parents I have observed their hard-work to get where they are now and strive to clean & maintain both my yard area and their property.
 - ii. The Quonset hut was built in 2016:
 - 1. Maintain and preserve equipment
 - 2. Consolidate the materials & supplies we need to operate the ranch
 - iii. Our employees play a role in preserving the visual aesthetics of the property.
 - b. Environmental:
 - i. As an individual who graduated with a degree in Natural Resources and Tourism my integrity for the land is always the highest priority.
 - ii. As a six volunteer East Grand Fire Fighter I understand the hazardous waste, materials that can affect the land and I continue to educate our employees as well. Our policies and procedures reflect this.
 - iii. over the years we (Hither's Edge Ranch, S. O., TMF, have worked with various agencies on our property, USFS, US Fish and Wildlife, US Department of Agriculture, GC Natural Resources, MP Conservation District to maintain the health of the Ranch.
 - c. Physiographic:
 - i. Because our property is an agricultural property we strive to maintain the physiographic characteristics such as the hay pasture, wetlands, and the timbered hillside. Each of which our family and future families will be able to rely upon financially, and for the well-being of our lively hood.
 - ii. Also benefits our generation and future generations to come her in Grand County.
 - d. Socioeconomic:
 - i. Our company's mission statement is to provide low-impact operations to land owners. In general, we do not use heavy equipment on client properties as most of our work is done by hand and sweat equity.
 - ii. Our operations provide residential & ranching properties with services that increase property values, provide safety, privacy and wildlife habitat.
 - iii. We are one of the few Grand County businesses continuing the legacy & culture of Colorado's Historic Old West Ranching and Stagecoach Meadows.
 - 1. For example: The historic 13,000 lineal feet of buck-n-rail fencing built for stagecoach meadows.
- b) Evaluation of the broad Ecosystems, topography, soils, hydrology, geology, vegetation, wildlife, climate and unique factures so that approved special use shall result in the least possible adverse impacts within any zoning district;
 - a. Our operations strive to follow the leave no trace principals;
 - b. We strive to preserve the eco-systems that are currently on the property as they directly affect the agricultural business of the Samuelson's.
 - c. TMF doesn't use water for any operations.
 - d. Any topography and geology characteristics affected are improvements to the property and are not de-valuing.
 - i. Nothing has been done to the natural eco-systems; wetlands.
- c) Such uses shall serve an obvious public need
 - a. Reiterating from above our services provide a specific need for residential, ranching and commercial properties in the county.
 - b. We provide employment opportunities that not only encourage healthy living lifestyles and mentorship, but good work ethics.
 - c. Our employees are given the opportunity to experience first-hand the ranching culture via my parent's hospitality to teach, educate and mentor as often as possible.
- d) Satisfactory proof shall be given that areas will be properly maintained
 - a. Photos attached.

TMF Operations:

Business is in operation for an average of 120 days out of the year

Employees and Owners with Pickup Trucks Totaling: 4 with 3 used on a daily basis.

Average Daily Trips

TMF Uses	Use days per year	Trips per day	Trips per year
Building Bucks & Yard Work	16	6	84
Ranch fire mitigation	7	6	42
Ranch Operations	10	6	60

*Total trips based 3 pickup trucks

(186 per year w / 62 trips per vehicle per year

Terminology

Building Bucks: Chain sawing a piece of lumber into two even pieces that are then spiked together.

6 bucks per/ hr are constructed using 2 chainsaws with 2 employees.

Mitigation: Cleaning up dead trees and slash in areas surrounding the property for fire mitigation and Silva culture.

Yard Work: Bucking up firewood & building bucks, cleaning and racking the yard

Ranch Work: Building or repairing fences for the Samuelson property, and helping with everyday ranch operations.

Water Usage: TMF does not use water for any part of its operations.

Bathroom Trips: Employees have used household bathrooms under 20 times since business origination.

TMF Key Points

Chain Saws owned by TMF: 6 and only a max of 3 used on site at a time

Hobby Mill Usage: Does not used for TMF operations

Work Days on Ranch: On an average basis there are 3.5 hour periods of time on the front end or back end of a work day with an average of 5 employees 4 days a month. Time: Average Work Day is 8:00am-4:30pm or 7:00am-3:30

Working Days Per Year: 120 days during the months May-November

Average Daily Employees: 5

Total Employees on Payroll: 17 for 2017 (75% of employees are part-time)

History Notes

The Samuelson Property was established agriculturally in the 1800's Located in Zone 13 of Forestry & Open The 40-acre parcel is nestled in a bowl centrally located amongst various contributors of sound & dust & noise The Following Information Is Addressed to inform the Public of other contributors of Noise, Dust & Sound

Other Mills

Surrounding our parcel are 2 Hobby Mills & 3 Business Mills

Mill Location #1 uses .14 acres used operation area with 25 acres of standing beetle kill

Mill Location #2 .5 2 acres used for operation

Mill Location #3 3 acres used for operation

Mill location #4 1 acre used for operation

Mill Location #5 1.8 acres used for operation

31.5 acres Fraser Sawmill used for operations

Surrounding Property, Zoned areas and Roads

Significant amount of surrounding areas used for Hay & Irrigated Property

Another surrounding area roughly 1,000 acres is used for Cattle

155 acres Gravel Pit & Concrete Plant 2 miles away

Dirt Roads 29.21 miles within the area

Historically Drew McCoy logged his entire property over the course of a few years

Samuelson never complained of Dust and Noise

Now we deal with the consequences (road maintenance and run off and snow plowing)

Developing Subdivisions that are & will Contribute Noise, Dust & Sound

Sheep Mountain Estates: 99 properties that are undeveloped

Stage Coach Meadows: 26 properties that are undeveloped

Pole Creek Valley: 43 properties that are undeveloped

95% of properties within a 5-mile radius to the Samuelson Ranch are Zoned Forestry & Open

Lew Harstead asked Mr. Pearson if he is an owner of TM Fencing. Mr. Pearson stated that he is a 50 percent owners in TM Fencing.

Mr. Pearson stated that they buy their material in Denver. Some of the materials are kept at the Samuelson property. Most material is taken directly to a job site.

Milling work is performed on the Samuelson property. Some slash has been brought onto the Samuelson property to build a berm.

Richard and Cathy Samuelson each have a 5 percent interest in TM Fencing.

Attorney Jack DiCola is the attorney for Mr. Anderson. Mr. DiCola asked if TM Fencing will use the saw mill that is on the property. Mr. Pearson stated that TM Fencing will not use the sawmill.

Mr. Pearson confirmed that items are built on the property but it is not part of TM Fencing. The items that are built on the property are done as a hobby.

Abby Samuelson stated that TM Fencing does not rent out benches.

Mr. Pearson stated that business is performed on the property for 120 days per years.

Lew Harstead asked Ehren Samuelson to identify the Klomp's house in relation to the milling operations. Mr. Samuelson identified the berm that is being built to block the view of the Samuelson property from the Klomps.

Mr. Samuelson stated that the mill is not part of the operation. The mill does create noise. It makes no more noise than is generated by the dirt track that is near.

Mr. Samuelson stated that the primary use of the Samuelson property is both residential and agricultural.

Mr. Samuelson stated that the milling operation cannot be seen from the Samuelson home.

Mr. Samuelson stated that he believes that TM Fencing has been a good neighbor.

Mr. Samuelson stated that TM Fencing did receive a Cease and Desist Order. The operation was moved to another property to complete outstanding orders.

Mr. Samuelson stated that the private road is approximately 20 feet wide. There is one narrow spot that is 16 feet wide due to a power pole.

Mr. Samuelson stated that the trucks he uses are 8 feet wide. The trailers are approximately 9 feet wide. It is possible that slash sticks outside the trucks.

The County does not have jurisdiction over the road as it is a private road. The County can impose conditions on businesses that use the road.

Mr. Samuelson stated that he refers to the "yard" as the area of the property where material is stored.

Richard Samuelson stated that he owns the property with his wife.

Mr. Richard Samuelson stated that he built the private road. He started work on the road in 1994 and completed the work in 1996. The road that was built to go to the McCoy property in 1978 was abandoned once he built the new road. Mr. Samuelson incurred the entire cost of building the road. Mr. Samuelson does 95 percent of the work on the road.

Mr. Samuelson stated that his family has been in the area since the late 1880s. His family has been in the ranching and construction business.

Mr. Harstead asked Mr. Samuelson how many properties use the private road. Mr. Samuelson replied that five families use the road.

Mr. Samuelson confirmed that there was no commercial use of the Samuelson property in 1978 when Mr. Anderson purchased the property.

Attorney for the applicant Georgia Noriyuki reminded the Board that the property is in the Forestry and Open Zone District. The purpose of that zone district is to protect lands suitable for agriculture and related uses.

Single family residences are allowed in every zone district. In Forestry and Open there are activities that are a use by right. People who have single family dealings may not like to live next to some of the uses. The adjacent properties are in Forestry and Open Zone district, they should have expected to co-exist with other uses.

Ms. Noriyuki stated that the applicants agreed to the conditions even though the applicants believe the use is a use by right.

Ms. Noriyuki stated that the graveling of the road is cost prohibitive. Ms. Noriyuki believes that the Planning Commission agreed to remove the requirement to gravel the road.

Ms. Noriyuki stated that she is concerned over the limitation of the vehicles that can travel on the road to the Samuelson property. If Ehren Samuelson decides to visit his parents using his truck, she is concerned that a complaint will be filed because Mr. Samuelson is using the road in excess of what he is allowed in his business.

Ms. Noriyuki stated that this is not a big business. Ms. Noriyuki encourages the Board to allow the permit and take out the requirement for graveling the road.

Drew McCoy stated that he and his wife own property that borders the Samuelsons on the north. Mr. McCoy owns 3/8th of mile that road crosses. Mr. McCoy adamantly opposes the Special Use Permit. He bought his house in 1994 and there was not access road across his property. There was only a two-track jeep road.

Mr. McCoy stated that the dust and dirt affects his health.

Mr. McCoy identified items that are in the permit:

1. There was a determination made by Road and Bridge that this is a low volume road. According to County Standards, Mr. McCoy noted that the road must be 22 feet wide. There is a very dangerous section of the road on his property that is 16 feet wide. That is not being addressed. At the bottom of a hill there is limited visibility and there is an 8-foot drop off.
2. Paragraph 10 speaks to controlling off-site impacts. Mr. McCoy stated that the road must be graded, graveled and commercial dust suppression must be applied. The permit requires no standards for any of the items identified.
3. Mr. McCoy stated that there will be buses hauling kids on the road. If there is an accident on the road, Mr. McCoy believes that he will be sued. Mr. McCoy would like the language added to the permit stating that appropriate liability and hazard insurance is in effect. Mr. McCoy stated that he wants to assure that there is sufficient amount to cover the hazards of the road. Mr. McCoy would like all the people on the road to be identified on the insurance policy as additional insured. He would also like a chance to look at the policies.

Justin Klomp lives on the edge of the private road easement. He is opposed to the Special Use Permit. Mr. Klomp stated that he has skied Grand County and Winter Park his entire life. He is a major supporters of the Grand Foundation. Over the last two decades, they have given hundreds of thousands of dollars to the Grand Foundation. He cares about this community. It has been his dream to live in Grand County. His dream was simple. They came to build a family legacy home.

The dreams were ruptured when the commercial operation began. There are a lot of places where this business could locate. There are a number of employees at the TM Fence. The chain saws run constantly all summer long. The people in Pole Creek Preserve, Sheep Mountain Estates, Stagecoach Meadows and The Valley have been complaining about the noise.

Mr. Klomp stated that these operations take place five to ten yards from their fence line.

Mr. Klomp stated that he has been run off the road by the vehicles going in and out of the Samuelson property.

Loralee Kourse stated that she lives in Pole Creek Valley. She walks and rides on County Road 519 through the Valley at Winter Park, Sheep Mountain, and the Timbers. Ms. Kourse stated that the people of Grand County elected the Board of Commissioners to represent the citizens of Grand County. The Samuelson are a steller family.

Parnell Quinn (resident of Fraser) stated that Grand County government should treat all taxpayers equally. Mr. Quinn stated that one of the members of the Planning Commission believes that second homeowners are second class citizens.

Andy Miller (resident of Fraser) stated that he is 50 percent owner and manager of the Lonesome Hut property which is a 160-acre forest and open parcel. He has known the Samuelson for a number of years. The Samuelsons are a great family. Mr. Miller understands that the use of the property has an impact on the neighbors. Grand County has zoning and it helps property owners predict what will happen with property. The Forest and Open Zone in Grand County is extremely open in its definition.

Mr. Miller stated that there has been a lot of reference to a sawmill operation. Mr. Miller owns a portable sawmill. Mr. Miller stated that you cannot make a living off a portable sawmill. The noise from a portable band saw mill is the same as a chainsaw.

Mr. Miller stated that he believes that the Samuelson have been respectful on the road. Mr. Miller noted that there has been reference to a log truck. A pick-up truck with a fifth-wheel trailer is not a log truck.

Jay Clough stated that he lives on County Road 517. He is equal distance between the Samuelson's operation and the new Peak operation that used to be the Morrows operation and the Grand County pit.

The impact that the Samuelsons have on this community is minuscule. The impact that the gravel pit has and the County has and all the operations on County Road 5 are a real hazard.

Martha McCoy stated that the employees of TM Fencing go to work between 7:15 a.m. and 8:00 a.m. They all blast up and down the road to get to work.

Ralph Klomp is the immediate next door neighbor to the Samuelsons. When they bought their land in 2002, none of this was going on. Mr. Klomp stated that they did due diligence when they bought their property. Mr. Klomp stated that it is not "us against them." Mr. Klomp stated that the people in the area are not against Samuelson but do not want to see the quiet life in the area changed.

Mr. Klomp stated that this business can be done on other property.

Mr. Klomp stated that 88 people in the area are opposed to this.

Ellie Soles stated that she works for the Fraser/Winter Park Chamber. She wondered about the questions asked of the residents and who asked the questions. Mr. Klomp will provide that information.

Ron Anderson lives on the first piece of property on the easement. The easement goes through his property. Mr. Anderson purchased the property in 1978. The road past his property was a jeep trail and he started using it in 1975. There was no commercial use on the road at that time.

Mr. Anderson took pictures of what is going on in that area.

Mr. Anderson does not want the Special Use Permit granted.

Mr. Anderson stated that he did have a business on his property. It was only an office and a phone.

Mr. Anderson is not against Samuelsons. He wants the business to operate at a different site.

Milt Swanson supports the Samuelsons. He noted that ranches in Middle Park do everything they can to stay in business.

Charlie Adams lives at 12 County Road 565. Mr. Adams stated that he is present to observe the proceedings. He noted that this decision affects all rural property owners in the Forestry and Open category. He noted that when he bought his property, he believed that the designation protected him against the intrusion of the busy commercial operations. If the County decides to allow the operation, Mr. Adams asks that the County review and controls as is designated by the Special Use process.

Mr. Quinn stated that there may be a need for this but it should not be a use by right. They are great neighbors. They only object is when they did a cease and desist, they continued to operate.

Mr. Harstead representing the Klomps stated that is not ranches versus homeowners. It is not opposing ranching activities in Grand County. It is a case preserving the rural character of Grand County. This is a case of commercialization and avoiding the commercialization of rural properties.

Mr. Anderson stated that he has been on the property since 1978. The condition of the roadway easement was a jeep trail. It went to the meadow that Samuelsons own now. The roadway easement was used by the Keenans to get their hay meadow.

Mr. Anderson stated that the commercial use of the roadway easement began in 2006.

Mr. McCoy lives on the private roadway and has been there since 1995.

Mr. Klomp provided the Board with photos of the property and how close the operation is to his property.

Mr. Klomp is concerned over how much this business is going to grow.

Based on questions from Ms. Noriyuki, Mr. Anderson stated that he does not know who owns the equipment that is being taken on the road nor where most of the equipment is going.

Ms. Noriyuki stated that there are a number of items that purport to show problems on the property. It is not clear that the photos provide that information.

Mr. Anderson stated that Samuelson are not in the business to use most of the equipment going up and down the road but TM Fencing is in that business.

Mr. Anderson stated that he does not know who drives the trucks on the road but he knows which trucks are used by Jonas and Ehren in their business.

Cathy Samuelson stated that she and her husband started building the road in 1994. It took about two years to complete. The Samuelsons never complained as the property was growing around them and there was a great deal of dust and noise.

Ms. Samuelson stated that there is a great deal of dust coming from surrounding properties. The dust is not just the result of the road.

Ms. Samuelson stated that the mill is not used by TM Fencing. Ms. Samuelson stated that people have come out and used the mill for personal use.

Ms. Samuelson stated that they have used their equipment to clean out ditches at no charge. They scheduled the cow girl camp. Ms. Samuelson stated that they rebuilt a fence for a neighbor. Ms. Samuelson stated that they lease pasture to neighbors.

Ms. Samuelson stated that she has a large stack of wood that she uses to heat her house.

Ms. Samuelson stated that she is happy to grade the road once per year and will put down dust retardant but cannot afford to gravel the road.

Ms. Noriyuki asked the Board to focus on the purpose of the Forestry and Open Zone District.

Ehren Samuelson stated that this is not a huge construction business. They did not realize they needed a permit. They are applying for the permit after the fact. There were no complaints for 10 years.

Lew Harstead stated that this is a special use. It is not a use allowed by right. The opposition is not anti-ranching. It is not homeowners versus ranching. This conversation is about where intensive commercial growth should go.

Jonas and Ehren are running a great business. It is a commercial business. It is not part of the Samuelson Ranch. It is a third party business for a profit.

Mr. Harstead stated that the fencing company should not be permitted:

1. No legal access to the property for the special use being requested
2. Fencing company is not accessory use
3. Does not meet condition for a special use permit
4. Special uses (fencing) is not consistent with master plan

Mr. Harstead stated that the application should be denied.

Mr. DiCola stated that on behalf of Mr. Anderson, he agrees with Mr. Harstead.

The easement was created in 1977 and was recorded in 1978. It was never intended to be an easement for commercial purposes.

Commissioner Manguso stated that one of the biggest issues is when TM Fencing was told to stop the use on the Samuelson property, it moved to the Pearson property. The Pearson property is the exact same situation. It created a zoning violation and a different piece of property.

Commissioner Cimino stated that the applicants have been transparent. The applicants are trying to do the right thing.

Commissioner Cimino agrees with removing the requirement for gravel.

Commissioner Cimino stated he would like to have the hours of operation to be 8:00 a.m. to 7:00 p.m. with no gas powered saws after 5 p.m. Mr. Samuelson stated that his employees are done by 5:00 p.m. He works on personal projects after 5:00 p.m.

Commissioner Cimino asked if it possible to put a liability policy on the road as a requirement in the conditions.

Commissioner Linke appreciates everyone being respectful today. There have been good conversations today.

Commissioner Linke finds this to be troubling. He is not sure that all of this is an agricultural activity.

Commissioner Linke has always been an advocate of personal property rights. People should be allowed to do whatever they want to do on their property as long as it does not impact people negatively.

Commissioner Linke would like to take this under advisement after getting some clarification on what can be allowed on this property.

Commissioner Manguso moved to close the hearing to public testimony.

The motion passed unanimously.

Commissioner Manguso moved to continue the hearing to January 16, 2018 at 1:45 p.m.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 5:54 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of February 2018.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder