

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

April 3, 2018

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

Also Present: Clerk and Recorder Sara Rosene
County Attorney Robert Franek
County Manager Lee Staab

Those present recited the Pledge of Allegiance.

Commissioner Manguso moved to approve the Board minutes of March 27, 2018 as presented.

The motion passed.

Finance Department

Commissioner Manguso moved to approve Resolution No. 2018-4-1, "A RESOLUTION APPROVING AND AUTHORIZING THE TREASURER OF THE COUNTY OF GRAND, STATE OF COLORADO TO SET THE PROCEDURE FOR CASHING COUNTY WARRANTS FOR PETTY CASH" as presented by Finance Director Curtis Lange.

The motion passed.

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on April 4, 2018, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Manguso moved to approve the checks presented on April 3, 2018 for payment on April 4, 2018 for the Grand County Housing Authority.

The motion passed.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on April 4, 2018, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Manguso moved to approve the vouchers presented on April 3, 2018, for payment on April 4, 2018 for the Grand County Board of Social Services.

The motion passed.

Commissioner Manguso moved to approve the wires payments and vouchers payments presented on April 3, 2018, for payment on April 4, 2018 for Grand County.

The motion passed.

Departmental Contracts, Comments and Issues

Commissioner Manguso moved to approve Resolution No. 2018-4-2, "A RESOLUTION PROVIDING FOR THE DISTRIBUTION OF THE NATIONAL FOREST RESERVE APPORTIONMENT" as presented by County Treasurer Christina Whitmer.

The motion passed.

Commissioner Manguso moved to approve and authorize the Chair to sign the Requisition Request for Honnen Equipment the amount of \$700,102.99 as presented by Road and Bridge Superintendent Chris Baer.

The motion passed.

Commissioner Manguso moved to approve the Services Contract between Grand County and Corona Research Inc. doing business as Corona Insights in the amount of \$62,805 as presented by Jen Fanning of the Rural Health Network.

Discussion: Commissioner Manguso noted that the Board may need to supplement the department year-end budget.

The motion passed.

The Board reviewed Senate Bill 18-214. The bill has been postponed indefinitely.

Grand County Clerk and Recorder Sara Rosene announced that Grand County has one of the highest organ and tissue donation rates.

Ms. Rosene stated that her office team provides information to citizens regarding the program and she is extremely proud of her team. In addition, she noted that Grand County citizens are generous in their participation in the program.

Commissioner Manguso moved to approve the Services Contract between Grand County and Miller Rodeo Company to provide rodeo-style entertainment as an attraction for the 2018 Middle Park Fair in the amount of \$6,500 as presented by County Manager Lee Staab.

The motion passed.

Commissioner Manguso moved to approve and authorize the Chair to sign Task Order B between Grand County and Armstrong Consultants for engineering in the amount of \$59,723 as presented by County Manager Lee Staab.

The motion passed.

County Manager Staab presented his weekly update.

Consent Agenda

Resolution No. 2018-3-22, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE THE 2018 ANNUAL OPERATING PLAN FOR GRAND COUNTY WILDLAND FIRE MANAGEMENT"

Resolution No. 2018-3-24, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MASTER SUBSCRIPTION AGREEMENT BY AND BETWEEN GOVDELIVERY, LLC D/B/A GRANICUS AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2018-3-25, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A CAPITAL RELEASE BY GRAND COUNTY EMS FOR THE PURCHASE OF FIFTEEN (15) 800 MHZ RADIOS"

Resolution No. 2018-3-26, "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 ENVIRONMENT, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PREPARATION AND PROCESSING OF MINERAL EXTRACTION PERMITS AND FORMS"

Resolution No. 2018-3-27, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A FIRST AMENDMENT TO THE CONTRACT BY AND BETWEEN MANAGING RESULTS, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING A COUNTY STRATEGIC PLAN"

Commissioner Manguso moved to approve the Consent Agenda.

Discussion: Resolution No. 2018-3-23 was listed on the Agenda but has been removed and will not be approved today.

The motion passed.

Board Business

Calendar

- April 11 Networking meeting at the YMCA
- April 12 School funding meeting at 5:30 p.m. at East Grand School District Office
- April 19 Headwaters Trail Alliance meeting from 1:00 p.m. to 4:00 p.m. at the Hot Sulphur Springs Town Hall
- April 24 Meeting with the Town of Granby at 5:30 p.m.
- April 26 Commissioner Linke will attend the Wildfire Council meeting
- April 26 Commissioner Manguso will attend the QQ Board retreat from 10:00 a.m. to 4:30 p.m.
- April 27 Commissioner Manguso will attend the QQ Board retreat from 10:00 a.m. to 4:30 p.m.
- May 2 Meeting with the Town of Kremmling at 6:30 p.m.
- May 5 Hot Sulphur Springs Clean-up Day

Colorado River District Update

Present for the meeting were Mike Ritschard, Andy Mueller, Zane Kessler, and Audrey Turner.

Mr. Mueller stated that the District, starting about mid-July, will be drawing down Woldford to about 20 feet below full capacity. That draw down should be completed approximately the third week of August. Visible construction at the dam site will take place late August through mid-October. That involves dam crest construction. There will be a crown of concrete blocks on top of the dam.

In addition, the District will do some gate and valve repair on the dam. That should not affect operations.

The District works to assure that the wetlands are protected.

The District will do a State of the River meeting on May 3, 2018 at 5:30 p.m. at the Inn at Silvercreek in Granby.

There will be a webinar this summer that will target County Commissioners and public officials and provide a Colorado River District 101 as well as Water Law 101.

Mr. Mueller stated that one of the primary jobs of the District is to protect the State of Colorado's share of the Colorado River. The Board and staff are very concerned over the levels of Lake Powell and what that may mean for compact compliance obligations.

EMS Quarterly Update

EMS Chief Ray Jennings came to the Board to provide a quarterly update.

Chief Jennings stated that not only does his crew provide primary care but they often times provide care by way of transport.

Chief Jennings stated that he provides a high school student EMS class. The students are trained in the same manner as County staff. The current class is the 13th class provided by Grand County EMS. Chief Jennings hopes to work with West Grand School District to provide the same class.

Chief Jennings stated that there are students who cannot take the program during the school year. Chief Jennings provides a summer class for students who pay a \$500 deposit, can take the class and after completing the class and taking the national registry the money will be refunded.

Chief Jennings stated that his crew continues to keep current on education.

EMS has provided standby for a number of community events.

With regard to call volume, year-to-day for this year is 600, last year was 615 and in 2016 they were at 605.

EMS is working on response times. Response times are down this year.

2018	Chute time	Response time	On-scene time	Time on task
District 1 Granby	3	9	19	42
District 2 Fraser Valley	4	12	23	59
District 3 Grand Lake	4	12	19	54
District 4 Kremmling	3	7	20	55

Time on task is from the time called to when the ambulance is back in District.

In 2018, EMS has taught CPR and AED to 126 people and first aid to 114. On average, they train 500 people per year.

Chief Jennings addressed why people leave his organization:

1. Lack of affordable housing
2. Activities during off-duty times (Median age of staff is early to mid-20s)
3. Roots and commitments
4. Unable to advance
5. Salary
6. Retirement

Chief Jennings stated that turnover is down from last year.

County Manager Staab stated that EMS has improved its screening process for new hires and he believes that has positively affected the turnover rate.

Chief Jennings noted that he has been making every effort to hire a diversity in staff.

The Ranches at Devils Thumb, Inc.

The public hearing scheduled to begin at 11:20 a.m. was called to order at 11:35 a.m. County Attorney Franek set the record.

Exhibits

- A. Submittal Letter for Preliminary Plan from Jeff Vogel for the Applicant dated January 30, 2018 (4 pgs)
- B. Submittal Letter for Road Improvements from Jeff Vogel for the Applicant dated August 9, 2017 (4 pgs)
- C. Application for Preliminary Plat (2 pgs)
- D. Staff Report dated April 3, 2018 (26 pgs)
- E. Vicinity Map (1 pg)
- F. Site Plans & Road Alignment (3 pgs)
- G. Preliminary Plat Site Plan (6 pgs)
- H. Signs posted at South and North entrances to Site (2 photos)
- I. ALTA Survey & Development Area Legal Description, "Exhibit A" (6 pgs)
- J. Special Warranty Deed, recorded 11/6/17: transfer of property from Quad Ranch LLC to The Ranches at Devil's Thumb Inc. (13 pgs)
- K. Title Commitment for The Ranches at Devil's Thumb (19 pgs)
- L. Declaration of Covenants, Conditions and Restrictions for The Ranches at Devil's Thumb, Draft, dated March 29, 2018 (56 pgs)
- M. Letter from Jeff Vogel certifying that the owner of The Ranches at Devil's Thumb Inc. owns both the surface and mineral rights in fee, dated February 13, 2018. (1 pg)
- N. Minutes of Board of County Commissioners, Approval the request for site disturbance, dated August 22, 2017. (6 pgs)
- O. BOCC Resolution 2017-8-31, A RESOLUTION APPROVING THE REQUEST FOR SITE DISTURBANCE BY THE RANCHES AT DEVIL'S THUMB INC FOR PARTIAL COMPLETION OF ROADWAY IMPROVEMENTS FOR THE PROPOSED RANCHES SUBDIVISION, APPROVING A ROAD VARIANCE REQUEST, AND APPROVING A SUBDIVISION IMPROVMENTS AGREEMENT (15 pgs)
- P. Letter from Helton & Williamson P.C. dated January 30, 2018 RE: Water Supply for The Ranches at Devil's Thumb (2 pgs)
- Q. Geotechnical Engineering Study and Pavement Section Design, Kumar & Associates, dated February 1, 2018 (18 pgs)
- R. Letter from East Grand Fire Protection District No. 4 dated December 29, 2017
- S. Letter from Colorado Geologic Survey dated January 8, 2018
- T. Letter from Colorado State Forest Service dated January 9, 2018
- U. Letter from Colorado Division of Water Resources dated February 16, 2018. (3 pgs)
- V. Letter from East Grand School District to Community Development Department, accepting "school fees formula calculation" in the amount of \$9705.10, dated March 8, 2018. (1 pg)
- W. Letter from Headwaters Trails Alliance (HTA) dated March 22, 2018
- X. Plan for Conducting Percolation Tests and Soil Profile Holes for 6 of the 17 lots. (1 pg)
- Y. Phase II Drainage Report, by TKE dated February 15, 2018 (53 pgs)

- Z. Letter to East Grand School District from Community Development Department, regarding “school fees formula calculation” in the amount of \$9705.10, dated February 8, 2018. (1 pg)
- AA. Variance Request – Road and Bridge Standards 3.4.4, from Anthony DePlata, Project Manager, TKE Engineering, dated September 25, 2017. (1 pg)
- BB. Variance Request – Storm Drainage and technical Criteria manual, section 3.3.6, Stormwater Detention, from Anthony DePlata, Project Manager, TKE Engineering, dated February 28, 2018. (1 pg)
- CC. Variance Request – Storm Drainage and technical Criteria manual, section 3.3.7, Stormwater Quality, from Anthony DePlata, Project Manager, TKE Engineering, dated February 28, 2018. (1 pg)
- DD. Road Construction Drawings from TKE dated February 28, 2018 (23 pgs)
- EE. Response by Anthony DePlata, Project Manager for TKE Engineering, to comments by Tim Gagnon of Bowman Consulting (County Engineer) on review of Road Construction Plans, dated September 25, 2017. (2 pgs)
- FF. Response by Anthony DePlata, Project Manager for TKE Engineering, to comments by Tim Gagnon of Bowman Consulting (County Engineer) on review of Road Construction Plans, dated October 20, 2017. (2 pgs)
- GG. Preliminary Construction Plans for roadway, submitted by TKE Engineering, Anthony DePlata, Project Manager, dated October 20, 2018. (1 pg)
- HH. Letter from Tim Gagnon of Bowman Consulting approving Preliminary Construction Plans dated October 24, 2017 (1 pg)
- II. Engineer’s Opinion of Probable Cost for completion of rough grading for the roadway and associated improvements (preliminary site disturbance) by TKE Engineering dated September 25, 2017. (1 pg)
- JJ. Engineer’s Opinion of Probable Cost for completion of all improvements, TKE Engineering, dated February 1, 2018. (1 pg)
- KK. Letter from Tim Hartmann, Allegiant Management, dated December 8, 2017 (1 pg)
- LL. Letter from Tim Gagnon of Bowman Consulting approving Preliminary Construction Plans dated March 12, 2018 (1 pg)
- MM. Letter from Jeff Vogel, RE: The Ranches at devils Thumb Cluster Development Preliminary Plan, dated March 30, 2018 (7 pg)
- NN. Coyote Creek Restrictive Covenants Reception# 2006003282 (7pg)
- OO. Staff Power Point (6 pg)
- PP. Email from Andy Miller, Town of Fraser dated March 29, 2018 (2 pgs)

APPLICANT: The Ranches at Devil’s Thumb Inc. represented by Jeff Vogel, Vogel & Associates

REQUEST: A 17-lot Rural Land Use subdivision

LEGAL

DESCRIPTION: Portions of Section 16 and 17, Township 1 South, Range 75 West of the 6th P.M., County of Grand

LOCATION: Approximately 1 mile west of Fraser between GCR 8 on the south and GCR 83 on the north

ZONE DISTRICT: F – Forestry and Open District

AREA: 341.1 acres

STAFF CONTACT: Thomas Leatherwood, tleatherwood@co.grand.co.us, 970-725-3128

EXHIBITS: Under Separate Cover

Background

History:

The Ranches at Devil’s Thumb, Inc is the owner of 560-acres that is located west of the Town of Fraser and situated between GCR 8 on the south and GCR 83 and Devils Thumb Ranch Resort on the north.

The property was originally owned by Quad Ranch, LLC and subsequently transferred to The Ranches at Devil’s Thumb Inc.; this change has been properly recorded with the Grand County Assessor (exhibit attached).

The property is not contained within an Urban or Rural Growth Boundary as defined by the 2011 Master Plan.

Overall, the property is undeveloped and has been utilized for agriculture and recreation. Both winter and summer Devils Thumb Ranch trails are located on a portion of the property. In the last decade there has also been a considerable amount of forest management on the property.

Adjacent land uses include low-density residential and Devils Thumb Resort.

Access to property is from GCR 8 on the south and GCR 83 on the north.

The property generally slopes downward from the south to the northeast. Slopes across the site range from 5% to 35%. There are a few minor drainages through the property

There are two main soil types on the property: Cowdrey loam and Gateway loam. These soil types do have a high shrink swell potential which is their most limiting characteristic with respect to site development. Adequate control of surface runoff and minimizing steep cut slopes will be necessary with road design to avoid excessive erosion of roads and driveways. In addition, site specific soils investigation will be necessary to ensure foundations and OWTS's are properly designed and constructed.

Radon gas is a potential hazard in most areas of Grand County. The only way to determine radon levels is to test for it after construction and most homes with at grade or below grade levels will have radon levels that exceed EPA acceptable indoor radon levels.

These and other conditions are addressed elsewhere in this report and in conditions recommended by staff and approved by the Planning Commission.

Project Description:

The Applicant is proposing to subdivide the 504 acres using the County's Rural Land Use Process (aka Cluster Development). The Rural Land Use Process provides an alternative to the traditional 35-acre subdivision, to encourage clustering of residential dwellings, preserve open space and reduce extension of roads and utilities to serve the development. The process authorizes a density bonus of not to exceed two (2) units for each 35-acre increment (e.g., 1,000 acres/35 acres = 28 units * 2 = 56 total lots) and requires at least 67% dedicated open space.

The proposed application calls for a total of 17-lots that range in size from 13-acres to 33-acres. Under the cluster development regulations the Applicant could propose up to 18 lots.

Each lot would have a prescribed building envelope. The building envelopes range in area from just under 1-acre to 2.4 acres. The development, not counting roads and driveways, will only impact 25.9 acres of the total development area. The total amount of land dedicated for common open space totals 225.6 acres or 67% of the total development area. When the undeveloped areas for each lot that are "reserved" as open space are included, the total open space area is approximately 75%. The proposed configuration clusters the residential sites around the perimeter of the development, takes advantage of the topography that is best suited for development, thereby providing each site with views into the open space areas and outward to the Continental Divide and Byers Peak.

The development would be served by a private internal road system with connections to GCR 8 on the south and GCR 83 on the north. The road would be a low volume road gated at each end so that vehicular access is limited to the lot owners within the subdivision; and the roadway would not be used from the south as a publically accessible connector route to Devils Thumb Ranch Resort. However, the developer proposes that emergency vehicles would be able to access from both county roads. The majority of the lots will be accessed from the main road system. Lots 1 and 2 and Lots 14 and 15 would have access by way of a shared driveway.

During the review process, both the Planning Commission and members of the public have called for the roadway connecting GCR 83 and GCR 8 to be made public in order to provide greater connectivity east of US 40. Our preliminary analysis does not show a benefit in greater connectivity. A traffic impact analysis is not required under the RLUP (We do not agree with the County Engineer that this is required). However, staff recommends that the Applicant address the issue of connectivity at Preliminary Plan and/or at Final Plan. On other hand – with regard to the recommendation from the Headwater Trails Alliance that a public trail connect GCR 8 and GCR 83 – we believe significant benefits for bicyclists and hikers in overall trail connectivity can be achieved.

Each lot would be served by an on-site well and on-site wastewater treatment system (OWTS). Based on utilities in the area the development would have adequate access to electric, gas, phone and cable. The Applicant has consulted with all utility providers prior to submitting the Preliminary Plan.

STAFF RECOMMENDATIONS

Staff recommends approval of the Preliminary Plan submitted by The Ranches at Devil's Thumb Inc, subject to the recommendations and suggested conditions set forth above, which includes additional consultation with the review agencies to assure compliance with the conditions set forth by each agency.

Staff has granted the Applicant's request for Preliminary Plan review by the BOCC for two reasons: to accommodate the Applicant because of the Department's failure to properly notice the Sketch Plan hearing, and the impact of this delay for the Applicant regarding required hearings before the Planning Commission and the Board of County Commissioners; and because of extreme weather conditions that make some of the studies impossible to conduct at this time..

At the same time, staff notes that the Applicant has not provided studies unrelated to weather conditions – studies that might have been completed in a timelier manner. Accordingly, staff recommends approval of the

Preliminary Plan only with the very strict conditions set forth below, conditions that must be met prior to hearing of the Final Plan by the BOCC, with the understanding that ample time for review and comment must be granted to staff, the County Engineer, and relevant review agencies.

Final Plan Submittal: Proposed Conditions

Proposed Conditions: To Be Met Prior to Final Plan Submittal to the BOCC or at Time of Recording or Building Permit

1. **County Requirements for Developers**
The Applicant shall meet all Grand County requirements contained in the Rural Land Use Process, Road and Bridge Standards, Storm Drainage Standards and Erosion Control Manual, including but not limited to specific conditions stated herein.
2. **Design Standards.**
The Applicant shall provide design standards (as required in in Article II, Rural Land Use Process) to address site planning, architecture and landscaping, including but not limited to the following:
 - Fencing standards to promote wildlife movement through property (i.e., no perimeter fencing of the development, lots or building envelopes)
 - Site disturbance standards (i.e., all site specific improvements (structures, accessory buildings, groundwater wells and OWTS's are required to be located within the prescribed building envelopes).
 - Lighting standards that promote preservation of the night sky.
 - Architectural standards to promote the use of natural materials (wood, stone, stucco or composites having similar characteristic) and earth tone colors for façade and roof colors. Trim and accent areas may feature brighter complimenting colors).
 - Landscape standards that promote erosion and sediment control, revegetation, noxious weed control and wildfire defensible space.
 - Radon mitigation shall also be included in the design guidelines and conditions at Final Plan (see Building Permit conditions below).
 - Design and implement Firewise practices with regard to defensible space and home construction and home construction techniques (See full discussion in comments from Colorado Forest Service, which are incorporated into this condition).
3. **Covenants, Conditions and Restrictions (CC&Rs)**
The Applicant has provided a draft of the CC&Rs that is under review by the County Attorney. The following is a partial list of provisions in the CC&Rs that staff recommends should be required, in addition to other considerations from the County Attorney's review.
 - The roads and open space shall be dedicated to a Property Owners Association in the CC&Rs.
 - The parcel owned by the Applicant located between GCR 8 and the south boundary of the proposed development must be incorporated into the total development area.
 - The Applicant shall include provisions for the Applicant's contribution to future off-site improvements for County Road 83 (GCR 83), as required by the County for subdivision developers. [included in most recent draft received from the Applicant]
 - Grand County Affordable Housing Fund. Staff recommends that the CC&Rs include a provision for collection of an affordable housing fee (transfer fee), following the precedent established with the Coyote Creek Subdivision [one-half percent (.005%) of the sales/transfer price]. This condition is also recommended by the Director of the County Housing Authority, the County Attorney and the Deputy County Manager; and we recommend that this provision be included in all future subdivision development.
Staff recommends a transfer fee in the amount of one-half percent (.005%) of the sales/transfer price, with all fees collected at closing to be placed in an affordable housing fund that has been established by the County. [Exhibit provided: Restrictive Covenant Imposing Transfer Fee for the Benefit of Grand County Housing Authority, April 4, 2006]
4. **Utilities and Fire Protection**
 - The Applicant shall provide evidence in writing of agreements for service to the development, including all utility providers and the East Grand Fire Protection District.
 - The Applicant shall provide access for fire and emergency vehicles is provided because of "crash gates" at the entries to the development.
5. **Road Construction and Related Site Development**
 - The Applicant shall preserve natural conditions and vegetation insofar as possible, and associated plans for drainage, minimal site disturbance, and revegetation should observe best management practices (BMPs) and help perverse and restore natural conditions and the existing landscape.
 - The Applicant shall implement a plan for control of noxious weeds as indicated in the road construction plan.

- The Applicant must receive approval from the Road and Bridge Department for the two variances requested, and variances granted by the BOCC, in addition to the variance granted by the BOCC as part of the site disturbance request.
6. Roadway: Public or Private?
The Applicant shall abide by the BOCC determination regarding the question of whether the road serving the development shall be public or private, including the issue regarding public use of the road for connectivity between GCR 8 and GCR 83, and whether the County will accept the road as a country road and thereby assume responsibility for maintenance.
7. Trails
The Applicant shall consult with the Headwater Trails Alliance and present to the BOCC a mutually agreeable plan, ideally to include public access, in order to provide the desired trail connectivity throughout the area, and to include an arrangement regarding costs for design, construction and maintenance for the trail.
8. Soils, Slope and Fire Mitigation
The Applicant shall provide a combined report for soils analysis, slope analysis, and fire mitigation that includes a comprehensive strategy for management of stormwater, erosion control and fire mitigation for the site as a whole, with particular attention to portions of the roadway and to and building sites. This report shall be provided in a timely manner when weather permits so that staff, the County Engineer and review agencies will have sufficient time to adequately review the document prior to Final Plan submittal. The Applicant must consider and respond to comments from the review agencies prior to submittal of Final Plat.
9. Subdivision Improvement Agreement (SIA)
The Applicant and the County shall enter into a Subdivision Improvement Agreement (SIA) and the Applicant shall provide surety in the amount of 110% of the Engineer's Opinion of Probable Cost (\$3,154,030), provided by TKE Engineering on 2/1/2018, for construction of the road and all associated improvements and other required infrastructure improvements. The revised Engineer's Opinion of Probable Cost includes the amount estimated for partial roadway improvements. The total amount of the surety – 110% of \$3,154,030 would be \$3,469,433; this includes the surety of \$945,230 from the existing SIA. Accordingly, the existing SIA would be amended to show the total estimated cost of \$3,154,030 (surety @ 110% of \$3,469,433), or a new SIA would subtract the amount already provided as surety by the Applicant. Staff will consult with the County Attorney to determine whether the 10% contingency shown in the TKE estimate would satisfy the 10% additional amount required by the County.
- The Resolution, Roadway Variance Request and Subdivision Improvements Agreement approved by the BOCC on August 22, 2018 are provided as exhibits and details are provided in Section V of this report.
- In conjunction with this SIA, The Road and Bridge Department and the County Engineer will review the requests from the Applicant for two additional road variances.
10. On-Site Wastewater Treatment Systems (OWTS)
The Applicant shall provide a plan for percolation tests and soil profile holes (per RLUP, 4.2), to be completed for representative lots within the development totaling one-third or 6 of the 17 lots, to demonstrate that the site and the individual lots are viable for onsite wastewater treatment systems. Those 6 lots shall be chosen to represent what may be different soils types and conditions and geologic features within the proposed development.
- The plan shall be implemented when weather permit. Because of current snow and ice conditions at the site, the Applicant has requested that this condition be met with Final Plan, and staff has agreed.
- Percolation tests and soil profile holes shall be completed for all lots prior to issuance of building permits.
- The Applicant agrees to abide by all state and County regulations regarding on-site water treatment systems.
11. Developer Financial Obligations
The Developer has paid the amount required for this application and shall pay any other costs incurred as part of the review of this application, including fees from the County Engineer and from review agencies.
12. Notes and Conditions for the Recorded Plat
The following are required for the final recorded plat.
- A draft deed conveying roads to HOA shall be provided with Final Plan.
 - The Applicant shall provide MPEI with either a blanket easement or the dedicated easement language shall be shown on the plat, using the specific language required by MPEI.

- All electrical and communication distribution lines (not including appurtenant facilities, such as transformers, switches, and pedestals) installed pursuant to the utility easement shall be installed underground.
 - All electrical installations must meet MPEI's Electrical Service Construction Standards Part 1 and 2.
 - Other conditions that may be determined prior to recording of the Final Plat.
13. Signage
All signage within the development should be made of reflective and non-combustible material so they are visible to emergency responders in low visibility situations.
14. Building Permit Requirements
The following requirements must be met in conjunction with the building permit.
- All foundation plans must address the existence of expansive soils that could negatively impact foundation performance [see Colorado Geologic Survey project review.]
 - Noncombustible roof, decking and siding materials shall be used in all new construction.
 - The Applicant shall construct all residential units at grade or below grade levels with an underslab ventilation system to minimize radon build up. These conditions shall also be included in the design guidelines and conditions at Final Plan.
- NOTE: Fire sprinkler systems are not required by County regulations.

Jeff Vogel of Vogel and Associates working on behalf of Devil's Thumb Ranch, Inc. thanked the Board for its consideration today.

Mr. Vogel stated that County Road 8 on the south there is an existing access easement that Devil's Thumb owns. The Bachwoods Subdivision to the east share the easement. There is a gate at that location that Devil's Thumb and Bachwoods Subdivision use and maintain. The spirit of the agreement with Bachwoods Subdivision is to maintain the gate.

The road that circulates through the site is a low volume road. It is a rural classification that will be a paved road with barrow ditches for drainage. Mr. Vogel has been developing those plans further with the County Engineer and Road and Bridge.

The trails network at Devils Thumb Ranch is the primary amenity. It is nationally recognized in terms of the Nordic program. It is not a golf course community. It is a strong trails community. The ranch maintains the trails and celebrates the trails.

Molly's Meadow is located to the southwest of the plan. That has been a very important part of the property. Mr. Vogel has strategically located the road to maintain the integrity of the meadow. He also worked with County Road Standards in terms of horizontal and vertical gradients to assure they are in compliance and maintain the integrity of the wetlands, the drainage, and to preserve the large contiguous open space that is in the center of the site.

The common open space is 67 percent of the land. If the area around the building envelopes is included, they are 75 percent open space.

Mr. Vogel has had extensive coordination with staff on a lot of the issues including County Road 83 maintenance program.

There are 17 home sites on the property. The home sites are in building envelopes that that are 1 to 2.5 acres. They are strategically located to honor the land and to maximize views. The idea is to provide for connectivity within the ranch and to allow guests of the ranch to utilize the property and the trails.

There will be a gate on the south and a gate at County Road 83.

There is a common open space easement that will run across all the home sites. Homeowners and guests of the Ranch will have access to the open space easement.

Devil's Thumb Ranch is a fee-based trail system.

Mr. Vogel stated that they have worked with the Fire District to ensure access to the property.

Mr. Vogel stated that the property owner is a strong supporter of workforce housing.

Local resident Andy Miller stated that a public trail through the property that would provide connectivity could be well enough marked, signed, and gated to keep the public on a single route.

Mr. Miller would like the property owner to consider a trail connected at the back of Sunset Ridge. Sunset Ridge is a large subdivision. To get from that subdivision requires someone on a trail to go north to County Road 83 and back around Highway 40. It makes it very difficult to use it as any kind of route between the two points.

This is a real opportunity to try and make it more attractive and easier for the public to not get into their automobiles. It should be strongly considered. There are ways to keep trails to boundaries and natural features.

Mr. Miller hopes to keep the topic of trails open with the landowner. He would like to find a way to make it easier for the public to get from point A to point B without vehicles.

Mr. Miller stated that he just built a home in the Reserve at Elkhorn Ridge for a family (adjacent to this property) and he was not allowed to use stucco on the outside of the house.

Mr. Vogel stated that stucco is not restricted in the covenants.

Mr. Vogel understands the connectivity issue. The landowner is considering providing land for another detached trail on Highway 40 on the east side. That trail will be safer because it does not dump onto County Road 83. The trail will be more useable because of the terrain similar to the trail on the west side of Highway 40 between Fraser and Winter Park. It is a multi-use trail.

Commissioner Manguso moved to approve the Preliminary Plan of The Ranches at Devil's Thumb, Inc. as presented with some issues to be addressed at final plan.

The motion passed.

Commission Manguso moved to close the public hearing.

The motion passed.

County Manager Lee Staab stated that Tom Leatherwood will be leaving Grand County employment. Mr. Staab thanked Mr. Leatherwood for his willingness, despite personal challenges, to stay at the County until the position is filled and to have a smooth transition.

Mr. Staab started the process for hiring a new Director of Community Development.

There being no further business to come before the Board, the meeting was adjourned at 12:44 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of April 2018.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder