

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

May 15, 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: County Manager Lee Staab
County Attorney Robert Franek

Those present recited the Pledge of Allegiance.

Commissioner Cimino moved to approve the Meeting Minutes of the Board of Commissioners of May 8, 2018, with corrections.

The motion passed unanimously.

General Public Comments

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on May 16, 2018, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on May 15, 2018 for payment on May 16, 2018 for the Grand County Housing Authority.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on May 16, 2018, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the vouchers presented on May 15, 2018, for payment on May 16, 2018 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Cimino moved to approve the wires payments, vouchers payments, and interfund transfer presented on May 15, 2018, for payment on May 16, 2018 for Grand County.

The motion passed unanimously.

Grand County Code of Ethics and conduct for Elected and Appointed Officials

County Manager Lee Staab stated that at an off-site meeting he presented the Board with the Grand County Code of Ethics and Conduct for Elected and Appointed Officials.

After the Board signs the Code of Ethics and Conduct, Mr. Staab will ask the other elected officials to sign. Finally, the appointed officials will sign the Code of Conduct.

The Purpose of the Policy:

Grand County adopts this Code of Ethics and Conduct to assure that all elected and appointed public officials conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the Grand County government.

The Board reviewed the draft policy and offered changes.

Departmental Contracts, Comments, Issues

Commissioner Manguso moved to approve the Transfer of Ownership for Robert C. Munro, Owner / Manager of Grand Manor, LLC dba The Apothecary Bar and Lounge as presented by Teri Hertel of the County Clerk and Recorder's Office.

The motion passed unanimously.

Commissioner Cimino moved to approve the renewal of a Retail Liquor Store License for John R. Waller owner of Discount Liquor Store as presented by Kim Wunsch of the County Clerk and Recorder's Office.

The motion passed unanimously.

Commissioner Manguso moved to approve the renewal and change of manager of the 3.2% Beer Off Premises License for Paul D. Hedgecock, Manager of Highland Marina LLC dba Highland Marina as presented by Kim Wunsch of the County clerk and Recorder's Office.

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2018-5-23, "A RESOLUTION DIRECTING THE GRAND COUNTY TREASURER TO DISBURSE FUNDS FROM THE ESCROW "COLORADO RIVER CA ESCROW" ACCOUNT" for work completed by URS Corporation based on request from Winter Park Water and Sanitation District in the amount of \$2,898.50 as presented by County Treasurer Christina Whitmer

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2018-5-24, "A RESOLUTION DIRECTING THE GRAND COUNTY TREASURER TO DISBURSE FUNDS FROM THE ESCROW "COLORADO RIVER CA ESCROW" ACCOUNT" for work completed by URS Corporation based on request from Winter Park Water and Sanitation District in the amount of \$7,193.50 as presented by County Treasurer Christina Whitmer

The motion passed unanimously.

Commissioner Manguso moved to approve the Contract between Grand County and the State of Colorado Department of Human Services for the Colorado Youth Detention Continuum (formerly SB94) for fiscal year 2018-19 in the amount \$87,438.20 as presented by Juvenile Services Director Kelly Friesen.

The motion passed unanimously.

County Sheriff Schroetlin stated that today is National Peace Officer Memorial Day. To this date, 53 peace officers in the United States have lost their lives. This includes public service police canines.

Sheriff Schroetlin stated that there is over 20 acres of open water in Grand County. The largest natural reservoir in the state is in Grand County.

The County received a donated boat after the tragic loss of life in the Three Lakes area.

Sheriff Schroetlin found a 2000 22-foot Dolphin Bull boat that will cost \$21,000. Sheriff Schroetlin stated that he believes he get approximately \$10,000 from the donated boat. Sheriff Schroetlin stated that he believes he will need an additional \$15,000 for the boat and to appropriately outfit it.

Sheriff Schroetlin will be starting a fundraising campaign to help raise money to offset the costs being incurred by the County. Sheriff Schroetlin is not asking for more money. He is asking for permission to sell the boat and earmark the money toward the purchase. The 2000 Dolphin Bull boat will be purchased prior to the fundraising project.

The family of Christopher Mullinex is in support of this project.

Commissioner Cimino moved to approve the purchase of the 2000, 22-foot Dolphin Bull boat in the amount of \$21,000 pending review and approval of the County Attorney. The Department will be allowed to sell the existing boat and use the money to offset the costs of the new boat.

The motion passed unanimously.

Commissioner Manguso moved to approve the release of capital in the amount of \$25,000 to purchase the boat and trailer. This amount includes the cost of necessary equipment.

The motion passed unanimously.

Commissioner Cimino moved to approve and authorize the Chair to sign the Services Contract between Colorado Document Security, Inc. and Grand County for collection services, onsite record destruction and

offsite disposal services in accordance with National Association for Information Destruction as presented by Kelly Oxley of the Manager's Office.

The motion passed unanimously.

Manager Items

Commissioner Cimino moved to approve \$6,000 from the County Conservation Trust Funds; \$2,000 from each Commissioner District, to be used to open up Corona Pass Road.

Discussion: This leaves \$2,500 to be covered by the Town of Winter Park.

The motion passed unanimously.

County Manager Lee Staab presented his weekly update.

Commissioner Manguso moved to approve the fee waiver use request for the CSU Extension Hall for the Blue Valley Ranch / BLM land exchange open house on June 6, 2018.

The motion passed unanimously.

Mr. Staab reported that the first 21 short term rental non-compliance letters were sent out last week.

Mr. Staab presented the Board with a Draft Telecommuting Policy.

Eagleview Pictometry Imagery Presentation

Jason Brown, District Manager from Eagleview Pictometry, and others from Eagleview Pictometry came to present information on pictometry imagery applications.

Eagleview has 15,009 county customers across the United States which equates to about 50 percent of the United States counties.

Information can be used many County Departments, such as

- Assessors and appraisers
- Community Planning
- Environmental Assessment
- Development
- Law Enforcement
- Fire Departments
- 9-1-1
- Engineering
- Transportation
- Utilities

Pictometry helps users see the exact use of a building. It can also be used to determine the dimension of a building.

The cost of two flights for the County would be \$600,000. County Assessor Weydert stated that the special districts and towns could help cost share the overall cost.

Public Hearing – 1041 Process Proposal C Lazy U Ranch Wastewater Treatment Plant Project

The Public Hearing scheduled to begin at 11:15 a.m. was called to order by Chair Linke at 11:52 a.m. County Attorney Franek set the record.

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| Exhibit A | Grand County Development Application dated March 31, 2018 |
| Exhibit B | Vicinity Map |
| Exhibit C | Site location application dated December 2017 |
| Exhibit D | Interested parties memo dated March 28, 2016 |
| Exhibit E | Public Notice – dated March 30, 2018 |
| Exhibit F | Proof of Publication – Middle Park Times, dated April 5, 2018 |
| Exhibit G | Vicinity map depicting the 750-foot notification buffer as established by the Grand County GIS system |

- Exhibit H Certified mailings to all property owners within 750 feet as established by the Grand County GIS system
- Exhibit I Public Review sheets with and without signatures
- Exhibit J Staff report dated April 11, 2018
- Exhibit K BOCC Resolution No. 2003-3-1
- Exhibit L Power Point Presentation from staff
- Exhibit M Power Point Presentation from applicant

APPLICANT: C Lazy U Ranch Holdings, LLC represented by Paul Klees of C Lazy U Ranch and consulting engineer Andrew Sparn P.E. of JVA Inc.

REQUEST: Site Application for 1041 Permit to replace an existing Wastewater Treatment Facility (WWTF) with a new WWTF.

LEGAL

DESCRIPTION: A Metes & Bounds parcel of 28 acres in the S ½ SE ¼ Section 2, Township 2 North, Range 77 West of the 6th P.M.

LOCATION: 3640 Colorado Highway 125

ZONE DISTRICT: F- Forestry and Open District

AREA: 28 Acres

STAFF CONTACT: Richard Hubler, Planning & Building Technician

EXHIBITS: Development Application
Vicinity Map
Site Location Application
Interested Parties Memo
Public Notice
Proof of Publication – Middle Park Times April 5, 2018
Vicinity Map – 750 feet Owners
Certified Mailing List – 750 feet Owners
Staff Report for Planning Commission – April 11, 2018
BOCC Resolution 2003-3-1

History:

The C Lazy U Ranch (Ranch) is a resort and working ranch that currently serves a daily maximum of 258 guests and staff. The Ranch's property incorporates Sections 1, 2, 3, 10, 11, 12, 13, 14, 15 and 24, Township 2 North, Range 77 West, 6th P.M., in Grand County, Colorado. The Ranch service area consists of approximately 8,500 acres that are contained within the Ranch property boundary, most of which will remain undeveloped.

Recently, the Ranch has experienced an increase in overnight and day guests. The buildout adjusted maximum daily occupancy at the Ranch is 294 guests and staff.

The Ranch owns and operates a wastewater treatment facility (WWTF) that is located at 3640 St. Hwy 125 Granby, CO 80446. The county issued the existing WWTF a 1041 Permit in 2003, by Resolution 2003-3-1. The existing WWTF includes two 10,000-gallon septic tanks, a 20,000-gallon recirculating tank, a coarse grain recirculating sand filter, and an ultraviolet disinfection system. The WWTF is permitted to discharge 0.014375 million gallons per day (MGD) to Willow Creek.

The average influent flow from January 2014 to August 2017 was 0.0076 MGD based on effluent Discharge Monitoring Report (DMR) data. Based on population projections, the 20-year maximum daily flow is estimated to be 0.0230 MGD.

The Ranch exceeded 80 percent of the permitted discharge flowrate in May 2014, June 2014, August 2015, and July 2016. The Ranch has not yet exceeded the permitted 30-day average BOD5 loading of 3.6 pounds per day (lbs/d).

Project Description:

The Applicant is seeking Site Application approval (1041 Permit) to increase the design capacity of its existing wastewater treatment facility. Since the existing WWTF is not sufficient for existing or future flows and loading, and as state regulations have changed, the applicant proposes to construct a new WWTF to satisfy future discharge permit limits, and decommission the existing WWTF. To operate under 80 percent of the new WWTF's design capacity, the maximum daily flow will be permitted for 0.030 MGD and BOD5 design loading of 88 lbs/day. It is expected that Operation and Maintenance will continue to be performed by Stillwater Technology, LLC, a Class C operator, satisfactory to CDPHE requirements.

The proposed WWTF is a Multi-Stage Biofilm Process (MSBP) system with discharge to Willow Creek. The proposed service area includes all existing and future wastewater customers within the Ranch's property.

The existing WWTF will remain in service during the construction of the new WWTF, scheduled for completion by summer 2019. Once construction is complete, flows will be directed to the new system, and the existing system will be fully decommissioned.

Site Application Review

Colorado Water Quality Control Commission, Regulation 22.4 (2) (b), Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works (2009) requires that the applicant for a new WWTF submit the site application to the County where the proposed facility is located.

The Board of County Commissioners are required to review and comment on the proposal as part of the Applicant finalizing the application with CDPHE. Applicant is requesting approval of site location, and signature on CDPHE Site Application.

The application is supported by the County Master Plan as it proposes to address existing issues that could negatively impact ground and surface water. (Chapter 3, 1.3 Water resources)

The proposed WWTF shall be located in the same general area as the existing system.

The design of the new WWTF is adequate for its purpose.

Recommendation

Staff recommends approval of the C Lazy U Ranch Holdings, LLC Site Application for a 1041 Permit for a 0.030 MGD Wastewater Treatment Facility to serve all existing and future users of the property, with the following conditions:

1. All conditions of approval for the Applicant issued by the CDPHE are hereby made part of any 1041 Permit issued by the Grand County Permit Authority.
2. CDPHE site approval is required to be provided to the County before 1041 permit issuance.
3. A Final Discharge Permit shall be provided to the Permit Authority upon issuance by the CDPHE and prior to the plant becoming operational. Additionally, the 1041 Permit will stipulate that the Final Discharge Permit must be furnished to the Permit Authority and will be a condition of the approved permit. More specific, any requirements placed on the WWTF's discharge permit will automatically be made a part of this permit. Renewal of the Discharge Permit by the CDPHE will trigger an automatic renewal of the 1041 Permit, unless problems have been identified in the operation and maintenance of the WWTF.
4. Documentation from the U.S. Army Corps of Engineers regarding wetland impacts and/or mitigation will be provided to the Permit Authority prior to issuance of any 1041 permit.
5. Grand County must be provided with copies of all required monitoring reports that are submitted to the CDPHE, at the same time intervals they are submitted to the CDPHE.
6. The design (construction plans and specifications) for the treatment works must be approved by the CDPHE and Grand County prior to commencement of construction and all construction change orders initiating variances from the approved plans and specifications must be approved by the CDPHE. Evidence of CDPHE's approval shall be submitted to Grand County prior to commencement of construction.
7. A Stormwater Management/Erosion & Sediment Control Plan is required.
8. The Applicant is required to address Noxious Weed Control.
9. A Stormwater Discharge Permit (Construction) is required prior to the commencement of construction, if applicable.
10. The applicant's registered engineer must furnish a statement to the CDPHE and Grand County prior to commencement of operation stating that the facilities were constructed in conformance with approved plans, specifications and change orders.
11. Construction of the new WWTF shall take place prior to September 2019.
12. Decommissioning of the existing system shall be completed by January 2020.
13. Management of the WWTF is a concern for the county. At minimum it will be required that the Applicant employ or contract a certified wastewater system operator to operate and maintain the system, consistent with CDPHE regulations. Evidence of employment or an executed contract for a certified WWTF operator shall be provided to Grand County prior to the commencement of operation.
14. A Section regarding revocation and suspension of Permit shall be added to the 1041 Permit to address violations of the permit by the permit holder (Chapter 1, Article 3, Section 1-310).

Andrew Smart (for the applicant) stated that C Lazy U Ranch is a working ranch as well as a resort. There are daily staff, overnight staff, daily guests, overnight guests and members in the surrounding community.

The daily maximum occupancy is an adjusted number that counts people living at the facility.

The existing plant is permitted by the Colorado Department of Public Health and Environment. The ranch is dumping 14,000 gallons per day. C Lazy U has done a good job with higher occupancy.

The system works and C Lazy U is meeting its permit but C Lazy U received guidance from the state that it is time to evaluate building a new plant because it has reached the useful life and the flow numbers are at the 80 percent level.

C Lazy U received preliminary effluent limits through the state. The limits are more stringent than the existing limits. The limits require denitrification.

The site application was submitted to CDPHE on December 8, 2017. Colorado Department of Public Health and Environment requires signature from the County to commence review of document. This week, C Lazy U will submit the process design report. It is the detailed calculation for process design along with 30 percent specifications and drawings that goes to CDPHE for review. The final step is final plan approval.

The PDLs are more stringent. There is a TIN limit which has been introduced over the last decade. Mr. Smart identified how affluent will be treated.

They are looking at a .03 million gallons per day or 30,000 gallons per day for the basis of design. The big criteria is the flow and meeting the preliminary effluent limits that were provided to C Lazy U from the state. That will be reflected in the discharge permit.

The Planning Commission unanimously approved the request.

Commissioner Manguso moved to approve the site application for the 1041 Permit for C Lazy U Ranch Wastewater Treatment Project and authorize the Chair to sign the site application.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Consent Agenda

Resolution No. 2018-3-23, "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 EXHIBIT A TO THE COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN & FINANCIAL PLAN BY AND BETWEEN THE U.S.D.A. FOREST SERVICE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2018-4-29, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO AWARD OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO HEADWATERS TRAILS ALLIANCE FOR THE TRAIL SMART SIZING PROJECT"

Resolution No. 2018-4-30, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO AWARD OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO HEADWATERS TRAILS ALLIANCE FOR THE EAST SHORE TRAIL PROJECT"

Resolution No. 2018-4-31, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO AWARD OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO THE TOWN OF FRASER, COLORADO FOR THE FRASER RIVER TRAIL MAINTENANCE PROJECT"

Resolution No. 2018-4-32, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO AWARD OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO HEADWATERS TRAILS ALLIANCE FOR THE WINTER TRAIL GROOMING PROJECT"

Resolution No. 2018-4-33, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO AWARD

OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO HEADWATERS TRAILS ALLIANCE FOR THE PHASES AND WOLFORD AREA TRAIL MAINTENANCE PROJECT”

Resolution No. 2018-4-34, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO AWARD OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO GRAND LAKE TRAIL GROOMING, INC. FOR THE TRAIL MAINTENANCE EQUIPMENT REPAIR PROJECT”

Resolution No. 2018-4-35, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO AWARD OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO THE GRAND LAKE METROPOLITAN RECREATION DISTRICT FOR THE HIKING AND MOUNTAIN BIKING TRAIL SYSTEM PROJECT”

Resolution No. 2018-4-36, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO DENY OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO HEADWATERS TRAILS ALLIANCE FOR THE GENERAL OPERATING SUPPORT PROJECT”

Resolution No. 2018-4-37, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO AWARD OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO GRAND COUNTY, COLORADO FOR THE WINDY GAP RESERVOIR MODIFICATION AND CONNECTIVITY CHANNEL PROJECT”

Resolution No. 2018-4-38, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO AWARD OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO THE COLORADO HEADWATERS LAND TRUST FOR THE ROY N. ENTER PROJECT”

Resolution No. 2018-4-39, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A RECOMMENDATION TO AWARD OPEN LANDS, RIVERS AND TRAILS GRANT FUNDS TO THE TOWN OF GRANBY, COLORADO FOR THE GRANBY WATER DIVERSION UPGRADES ON THE FRASER RIVER IN KAIBAB PARK”

Resolution No. 2018HA-5-16, “A RESOLUTION AUTHORIZING AND APPROVING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, TO EXECUTE A STATEMENT OF DISSOLUTION OF DELINQUENT ENTITY FOR FOX RUN HOLDINGS, INC. IN ACCORDANCE WITH C.R.S. § 7-90-908”

Resolution No. 2018-5-17, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO EXECUTE A LETTER APPROVING THE TRANSFER OF TANF FUNDS TO LOGAN COUNTY”

Resolution No. 2018-5-18, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION CONCERNING THE INSPIRATION POINT PIT LOCATED IN SW¼ NW¼ SECTION 17, TOWNSHIP 1 SOUTH, RANGE 81 WEST OF THE 6TH P.M., GRAND COUNTY, COLORADO”

Resolution No. 2018-5-19, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN JUST ASK ME ENTERPRISES LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE CLEANING OF THE EXTERIOR WINDOWS AT THE GRAND COUNTY JUDICIAL BUILDING”

Resolution No. 2018-5-20, “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 OF EASEMENT BY AND BETWEEN THE TOWN OF KREMMLING, COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO ACCOMMODATE CONSTRUCTION OF A MUNICIPAL WATER LINE”

Resolution No. 2018-5-21, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ACCEPTING THE BID PROPOSAL FROM ACORD ASPHALT, INC. FOR THE 2018 ASPHALT SURFACING PROJECT"

Resolution No. 2018-5-22, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ACCEPTING THE BID PROPOSAL FROM ROCKY MOUNTAIN CHIP SEAL, LLC FOR THE 2018 CHIP SEAL ROAD SURFACING PROJECT"

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Summit Trail Lodge Condominiums, Lot 3 Sketch Plan

PROJECT NAME: Summit Trail Lodge Condominiums Lot 3 - Sketch Plan
APPLICANT: 1215 Bryant Development, LLC represented by Tim Gagnon P.E., Bowman Consulting
LOCATION: Lot 3, Summit Trail Lodge Condominiums / 1215 GCR 8344 (AKA Bryant Blvd)
APPLICABLE REGULATIONS: Zoning Regulations, Subdivision Regulations
ZONING: R – Residential district

ATTACHMENTS:

- a) Sketch Plan (Plat)
- b) Application and Narrative letter
- c) Vicinity Map
- d) Architectural Renderings
- e) Soilogic - "Geotechnical Subsurface Exploration" report (December 2016)
- f) HP Geotech "Geotechnical Engineering Study"(November 2003)
- g) Carroll and Lange "Final Drainage report"(January 2004)

STAFF PLANNER: Alexander Taft, Planner

REQUEST: The applicant is proposing a subdivision in order to construct multi-family dwellings with a density of 2.9du/acre, composed of four townhome (condominium) buildings.

Conditions required to satisfy Regulations & Conditions that satisfy regulations

I. Proposal

The applicant is proposing a four unit townhome subdivision, with two separate buildings of two homes each. The four townhome dwelling units have mirrored foot prints. Each has a foot print of approximately 2,760 square feet, with patio and deck extending on the rear.

The plan substantially meets the development criteria as required in the urban growth area plan, which includes Winter Park Ranch and the original Summit Trail Lodge Condominiums plat. In the creation of the site plan for this project, much care was given to locate the buildings away from the Open Space Tract A because it also provides drainage detention for the adjacent Lot 1. The townhomes are buffered by Summit at Winter Park Ranch Open Space Tract A

Each unit has a separate entrance. The units will be served by water and sewer via Winter Park Ranch Water and Sanitation. Electric service will be supplied by Mountain Parks Electric.

- Both of these utilities will be plat review agencies during preliminary plat.

The units proposed will share one driveway per structure (two units each); each unit is required to have the minimum three parking spaces per unit (per GCZR Sec. 14.4). The Applicant proposes three parking spaces (each 10' x 20') as required by code. Parking for unit #1, #3 and #4 encroach to the 15' parking setback. Encroachment a maximum of 5'.

The current owners purchased the parcel in December 2016, as shown in the assessor's records. The Applicant's intent is to create homes for each of the four families that comprise the development group.

The developers have created a plan and layout of the homes that provides usable open space – decks and rear yards - on a year-round basis.

II. BACKGROUND

a. History –

The initial plat for all of Winter Park Ranch was completed in six separate filings platted between 1965 and 1980.

The Summit at Winter Park Ranch, a re-plat of a portion of the second filing and a portion of the third filing was platted in 1982 and recorded at Reception No.197823.

Summit Trail Lodge Condominiums is a re-plat of Tracts A, B, and K from The Summit at Winter Park Ranch subdivision recorded at Reception No. 2005000418.

Lot 3 was developed as a larger multi-family subdivision by Developing Equities Group, LLC, a.k.a Summit Trail Investments, Inc. beginning late in 2002.

Phases I & II of adjacent Lot 1 included 39 units; 16 have been completed. The developer subsequently defaulted (Resolution 2012-11-22) and the remaining parcels were sold or transferred.

Lot 3 constitutes a large portion of Original Tract B, not including Open Space Tract A, which was created by the Summit Trail Lodge Condominiums.

The illustrations below show the sequence of subdivisions that occurred, included the proposed Summit Trail Lodge Condominiums Lot 3.

a. Existing Reports

Three previous reports demonstrate that construction on the site is possible, with attention to unstable soils, steep slopes and proper drainage (see above).

The most current report is from Soilogic: "Geotechnical Subsurface Exploration" (Attachment E). The report details findings of "apparent man-made fill overlying topsoil and organics, lean clay, sand, and siltstone bedrock." Staff agrees with the Applicant that these conditions will support lightly loaded residential foundations with the appropriate depth.

The Soilogic report also details that construction of "exterior flat work and pavements on undocumented fills is not recommended". There is evidence of erosion in the surrounding area because of the steepness of slopes and soil seepage capacity. Staff on further review believes that the reports supplied support the proposal.

The applicant has supplied several studies that detail information collected for the adjacent Summit Trail Lodge Condominiums – Lot 1, which present similar conditions, and support the Soilogic analysis. First, the HP Geotech "Geotechnical Engineering Study" (Attachment F) details soil composition and capacity. Boring #4 shows a considerable amount of soil swell. This is a finding of concern. However, the overall report shows stable conditions near the site.

The report further explains the need for structural fill, underdrain systems, proper soil compaction and closer inspection with cuts to grade exceeding 8'. These reports together demonstrate that these conditions are typical of the region and require that the Applicant take care in addressing concerns of the soils and slope on site.

The "Final Drainage" report for Lot 1 by Carroll and Lange (Attachment G) verifies that these soil types and slopes are prevalent in the area with slopes as great as forty-five (45) percent. This report details the design challenge for the developer because of "Basin A" which detains the water for an area of 4.9 acres (213,444 ft²) with a total volume of 13,863 cubic feet. The 10 year peak run off is 2.8 Cubic Feet per Second (CFS) and 100 year peak run off is 4.4 CFS.

Staff with the Applicant's consulting engineer has verified that "Basin A" is properly constructed to receive a 100 year storm over the typical one hour period, and improvements to the basin as constructed are sufficient.

II. COMPLIANCE WITH GRAND COUNTY REGULATIONS

a. ZONING – Section 4.1 Residential

The application shall comply with the Grand County Zoning Regulations, as addressed below:

This zone allows for multi-family dwellings, and therefore the proposed use is consistent with the zoning regulations.

All proposed units will be served by public water and public sewer via Winter Park Ranch Water and Sanitation. The minimum lot area required for a property that is served by both public water and sewer is 7,000 ft².

The total lot area of .72 acres (31,363 ft²) complies with zoning. The applicant has requested a variance to the front setback for the building comprising units #1 and #2. The building and deck on the corner of unit #1 is to be set back 10' from the property boundary rather than 30' as required in the zoning regulations. Staff recognizes that this is a significant change in the setback requirement. This setback variance will be heard by the Board of Adjustment May 17, 2018.

The Applicant states that: "Granting this variance allows the building to better fit into the existing terrain, will limit open space impacts, will decrease overall impervious area, and will allow for a more natural, usable back yard space." Staff believes the proposed building setback means that the building and retaining wall – proposed toward the front of the lot instead of the rear – helps avoid steeper slopes and minimizes impacts on the drainage basin below that receives stormwater from a larger development area.

b. SUBDIVISION (MULTI-FAMILY) – Section 7.1 – Sketch Plan

The application shall comply with the Subdivision Regulations (Multi Family). The Sketch plan addresses each of the following:

□ The applicant complies with provisions of the subdivision regulations regarding relevant site characteristics and analyses applicable to the proposed subdivision [Section 7.1 (1) (a)]. The total number of units included in the application are four (4). The applicant has shown where parking, open space, drainage and buildings will be located on site. The applicant shows the encumbrance on the rear lot line of the 100-year water surface from the existing detention pond, constructed as a portion of Summit Trail Lodge Condominiums.

□ The applicant submitted reports from Soilogic (Exhibit E), HP Geotech (Exhibit F), and Carroll and Lange (Exhibit G) containing preliminary information on drainage, soils, and potential hazards on site, to confirm the feasibility of the proposed project. [Section 7.1(b & c)].

- These reports will need to be updated prior to submittal of Preliminary Plat.

- Reports containing information of areas with potential radiation hazards shall also be included prior to submittal of Preliminary Plat [Section 7.1(d)].

□ The Applicant supplied a proposed layout of the development area (Attachment 1) that shows the location of the units, site improvements, driveways, snow storage, easements, and Bryant Boulevard ROW. The applicant is proposing four units that will share common open space pursuant to Section 1.6 (20) of the County Subdivision Regulations. [Section 7.1(f)].

With these conditions met, staff will proceed to review and make recommendations for preliminary and final plat.

III. STAFF ANALYSIS

The Applicant proposes to construct four townhome units for the owners of the parcel. The plan meets criteria as set forth in the master plan for the Summit at Winter Park Ranch neighborhood, which is located within the Grand County Urban Growth area (Chapter 3 - 2.1 Growth & 4.2 infrastructure). The density of the development is approximately 2.9du/acre which is similar to densities for Lot 1 of approximately 3.0du/acre.

The site presents significant site design and engineering challenges. A major goal for the Applicant is to create significant useable outdoor space at the rear of all residential units, while at the same time avoiding the possibility of erosion or negative impacts to a drainage basin at the rear of the parcel which serves this project and adjacent development. Staff believes that the Applicant's proposal demonstrates creative site design and engineering solutions.

IV. PLANNING COMMISSION RECOMMENDATION

During the Planning Commission hearing of March 14, 2018, the board shared concerns about a variance to the setbacks. The board requested that options were given to avoid a variance. The requirements for a variance were stated, with emphasis on demonstration of specific hardships. Staff reminded the board that practical difficulty was also a consideration in granting a variance.

V. STAFF RECOMMENDATION

Staff recommends the approval of the Summit Trail Condominiums Sketch Plan with the following conditions to be met prior to submitting an application for preliminary plat approval:

1. The Applicant shall provide further geo-technical/soils reports and erosion control Best Management practices (BMPs,) to be included with the preliminary plat submittal.
2. Utility companies will be included as plat review agencies during preliminary plat.
3. The applicant shall supply reports containing information on areas with potential radiation hazards, to be included prior to submittal of Preliminary Plat [Section 7.1(d)].
4. The applicant shall further detail areas of open space on the plan to verify total area.
5. The applicant shall meet all other preliminary plat requirements not specified in this report.

Tim Gagnon of Bowman Consulting representing owners of Lot 3, Summit Trail Lodge Condominiums stated that this is mostly site planning and grading.

Commissioner Cimino moved to approve the Summit Trail Lodge Condominiums Lot 3 Sketch Plan as presented.

Discussion: Commissioner Cimino appreciated the changes that the applicant was willing to make to fit into County Land Use. The County Master Plan promotes having development moved toward the towns. The current policies promote development in unincorporated Grand County.

This will be more traffic on a road that is not paved.

The motion passed unanimously.

Board Business

Commissioner Manguso moved to amend the Agenda to include the Fire Burn Ordinance.

The motion passed unanimously.

County Manager Staab stated that the Sheriff brought forward information on the purchase of a watercraft for the Sheriff's Department. Mr. Staab requested that the Board sign the wire transfer in the amount of \$2,100 in order that the watercraft can be taken off the market and procured by the Grand County Sheriff's Office.

Commissioner Manguso moved to allow the Board to sign the wire transfer for \$2,100 as presented by Lee Staab.

The motion passed unanimously.

Commissioner Manguso moved repeal the motion with regard to the Agenda change to include the Fire Burn Ordinance and instead to add two agenda items. The items being added are Open Burning Permit Ordinance #19 and Open Burning Ordinance #20.

The motion passed unanimously.

Public Hearing

Consider Adoption of a Resolution and Ordinance Adopting the 2015 Editions of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, 2017 National Electrical Code, and 2015 International Fire Code. Adoption of the 2015 Building Codes, as identified above, may repeal the previously adopted 2009 Building Codes, as amended.

The public hearing scheduled to begin at 1:30 p.m. was called to order by Chair Linke at 1:35 p.m. County Attorney Franek set the record.

Exhibit A	International Building Code
Exhibit B	International Residential Code
Exhibit C	International Plumbing Code
Exhibit D	International Mechanical Code
Exhibit E	International Fuel and Gas Code
Exhibit F	International Energy Conservation Code
Exhibit G	International Existing Building Code
Exhibit H	2017 National Electric Code
Exhibit I	2015 International Fire Code
Exhibit J	Power Point from Community Development
Exhibit K	Letter (of support) from Grand County Builders Association dated October 10, 2017

Community Development Director Tom Leatherwood stated that the proposed amendments have been presented to all of the towns that are served by the County.

Mr. Leatherwood identified the following 2015 Code Amendments:

The attached proposed amendments to the 2015 International Residential Code (IRC); the 2015 International Building Code (IBC); and related 2015 International Codes are, in large part, based on the existing code amendments currently in effect in Grand County and the towns of Hot Sulphur Springs, Kremmling and Grand Lake.* Further, they are generally consistent with the amendments adopted by the towns of Winter Park, Fraser and Granby in late 2017. Entries have been updated as required to reflect the changes to section numbering from the 2009 code to the 2015 code.

The following bulleted items represent changes to the previously adopted (2009) code amendments or significant continuations.

- For the current amendments we are using IRC, Chapter 11, Energy Efficiency as written. We are not requiring blower door tests, E.R.V. systems or continuous exterior insulation. Prescriptive methods of compliance will be allowed. (ie: REScheck)
- We are deleting the section requiring "factory built chimneys" (metal flues) to be enclosed in a chase lined with gypsum board. (on residential projects.)

- We are adjusting the height definition of crawl spaces to reflect site conditions which often create crawl spaces in excess of 30" in height. We will consider a crawl space of over 5' to be a useable space as defined in the code.
- The number of solid fuel burning devices is addressed in the county zoning code and related town codes.
 - One (1) device is allowed per S.F.D. within Urban Growth Boundaries (UGBDs)
 - Two (2) devices are allowed per S.F.D. outside Urban Growth Boundaries (UGBDs)
- Outdoor Solid Fuel Furnaces are exempt from regulations throughout unincorporated Grand County.
- The procedure for determining the height of a building is addressed in the county zoning code and related town codes.
- Ground snow loads as determined by the 2016 Colorado Design Snow Loads developed by the Structural Engineers Association of Colorado (SEAC) may be used by design professionals in lieu of the Grand County roof snow loads charts.
- We are amending out the installation of automatic fire suppression systems (automatic sprinklers) in single family, duplex or two-unit townhomes used as "single family residences." Towns may make that requirement for those structures within their jurisdictions. Residential buildings with over 3 units will be required to have an automatic fire suppression system (sprinklers) installed.
- Unlike front range jurisdictions, we require "Ice & Water Shield" to extend 6' measured horizontally from the exterior wall line, and in all valleys. Most roofers apply it to the entire roof in lieu of asphaltic felt except on very steep roofs (> 16/12)

*or as modified by the respective jurisdictions to address local conditions.

Mr. Leatherwood identified what the Fire Code does and does not do:

What the Fired Code Does

- The 2015 International Fire Code is the "Maintenance Code" which follows the enforcement of the Building Code.
- This means when buildings are constructed, the Building Code guides plans review and construction. Once buildings obtain their Certificate of Occupancy or Letter of Occupancy from the Building Official they are inspected in years following by fire officials for Fire and Life Safety issues.
- Communities are graded in the Insurance Services Office's Public Protection Classification System (PPC), those with Fire Codes adopted receive better grades, usually lower insurance premiums, than those that don't. Insurance premiums could be substantially reduced, depending on the insurance company.
- If a structure is designed and constructed in accordance with the International Residential Code, the provisions of this code apply only as follows:
The construction and design provisions of this code apply only to premises identification, fire apparatus access, adequate water supply for fire suppression, and construction permits required by Section 105.7.

What the Fire Code Does Not Do

- The Fire Department will not inspect your home (unless you request an inspection – your home is not a commercial building, unless you operate a business that is "open to the public" from your home).
- The Fire Department will not inspect your property (unless you request them to, usually for Wildland Fire Mitigation purposes).
- The Fire Department will not "shut down" businesses. (Only when extreme life safety issues causing immediate danger to citizens or workers would this be considered.)
- Time is always given to businesses that have fire and life safety issues to correct.
- Inspection services provided by the Fire Department are conducted at no cost to the business owner.
- This code does not impose a requirement that one (1) and two (2) family dwellings install automatic sprinkler systems. See R313.1: Grand County Building Code.
- This code does not supercede the building code, land use, zoning, subdivision, or development standards established by Grand County, Colorado.

Grand County Colorado
Proposed 2015 International Fire Code Amendments
Board of County Commissioners
May 15, 2018

Recommended by Planning Commission
April 11, 2018

2015 FIRE CODE AMENDMENTS

The following amendments are made to the 2015 International Fire Code.
Section 101.1 is amended as follows:

101.1 Title. These regulations shall be known as the International Fire Code of Grand County, Colorado, hereinafter referred to as "this code."

102.5 Application of Residential Code. Section R102.5 of this code is amended in its entirety to read as follows:

If a structure is designed and constructed in accordance with the International Residential Code, the provisions of this code apply only as follows:

1. The construction and design provisions of this code apply only to premises identification, fire apparatus access, adequate water supply for fire suppression, and construction permits required by Section 105.7.
2. This code does not impose a requirement that one (1) and two (2) family dwellings install automatic sprinkler systems. See R313.1: Grand County Building Code.
3. This code does not supercede the building code, land use, zoning, subdivision, or development standards established by Grand County, Colorado.
4. The administrative, operational, and maintenance provisions of this code apply.

103.4 Liability. Section R103.4 of this code is amended to read as follows:

The adoption of this code, and any previous codes adopted by Grand County, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee or agent, nor shall this code or any previous codes be deemed to create any civil remedy against a public entity, public employee or agent.

The fire official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Section 105.3.1 is repealed in its entirety and reenacted as follows:

105.3.1 Expiration. R105.5 Expiration.

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Every permit issued by the fire official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 240 days.

Before such work can be commenced, a new permit shall be obtained. The fee for a re-issued new permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and further provided that such suspension or abandonment has not exceeded one year. Changes in plans and specifications shall require an additional permit fee and plan review fee as described in section r106 and section r108. Any nullified permit where the suspension or abandonments have exceeded one year will require the permittee to pay a new permit fee plus plan review fee.

Any person holding an unexpired and valid permit may apply for an extension of time to commence work, return to work or complete work under that permit by submitting a written request describing good and satisfactory reason for such extension. This request shall be received prior to the date on which the original permit expires or becomes null and void. An extended permit is valid for 18 months from the date of the extension, does not require compliance with Codes adopted since the original permit was issued, and does not require payment of new fees. No permit shall be extended more than twice.

When a permit has expired or been nullified and a new addition of the code has been adopted, the original plans shall be reviewed and required to comply with the current code. The permittee shall pay a new permit fee based on the current projected valuation.

Chapter 1 is amended by the addition of the following new section:

114 Water Flushing. The fire chief or fire code official, shall be authorized to witness, accept, or approve flushing and flow testing of a water system supplying water for all fire protection systems.

Section 903.2.8 is amended by the addition of the following exception:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a group R fire area.

Exception: An automatic sprinkler system is not required in new or existing non-sprinkled buildings, two stories or less, where a change of occupancy/alteration creates no more than two dwelling units, provided that a manual and automatic fire alarm system is installed in accordance with NFPA 72 throughout the building and the

residential occupancies are separated from other occupancies per Section 508.4 of the International Building Code.

That the limits referred to in certain sections of the International Fire Code are hereby established as follows:
Section 5504.3.1.1.3 Location. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials. Storage of flammable cryogenic fluids is prohibited.

Section 5704.2.9.6.1 Locations Where Above-Ground Tanks are Prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. Storage of class I and class II liquids in above ground tanks is restricted to 250 gallons (946.36L) or less. Exception: When a permit has been issued by the fire official or fire chief.

Section 5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of building is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page xiii). Storage of flammable cryogenic fluids is prohibited.

Section D102.1 is amended as follows:

D102.1 Access and Loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 84,000 75,000 pounds (38,101.76 kg) (34 050 kg).

Maurice Sharp of Morton Buildings warned the Board to be very careful with the Energy Code.

Steven Jenson of the Grand County Builders Association stated that with regard to the Energy Code, 95 percent of the homes in Grand County have heated garages. That is considered to be outside the habitable thermal envelope.

Mr. Sharp believes that the wind speed may be too high.

Steven Jenson stated that the Grand County Builders Association is in favor of the adoption of the codes.

County Manager Staab stated that a lot goes into creating the codes. Mr. Staab suggested that good evidence needs to be provided before any changes are made.

County Attorney Franek stated that the publication was approved on April 19, 2018, April 26, 2018, May 3, 2018, May 10, 2018 as well as Exhibit and Public review sheets.

Building Inspector Tyson Deardoff provided the wind chart from the 2015 International Residential Code. A portion of Grand County is in a higher wind zone.

Commissioner Cimino moved to adopt through Resolution and Ordinance the 2015 Edition of the International Building Code with amendments presented by staff.

The motion passed unanimously.

Commissioner Cimino moved to adopt through Resolution and Ordinance the 2015 International Residential Code with amendments presented by staff to be published and be effective 30 days from publication.

The motion passed unanimously.

Commissioner Cimino moved to adopt through Resolution and Ordinance the 2015 Edition of the International Plumbing Code with amendments presented by staff to be published and be effective 30 days from publication.

The motion passed unanimously.

Commissioner Cimino moved to adopt through Resolution and Ordinance the 2015 Edition of the International Mechanical Code with amendments presented by staff to be published and be effective 30 days from publication.

The motion passed unanimously.

Commissioner Cimino moved to adopt through Resolution and Ordinance the 2015 Edition of the International Fuel Gas Code with amendments presented by staff to be published and be effective 30 days from publication.

The motion passed unanimously.

Commissioner Cimino moved to adopt through Resolution and Ordinance the 2015 Edition of the International Energy Conservation Code with amendments presented by staff to be published and be effective 30 days from publication.

The motion passed unanimously.

Commissioner Cimino moved to adopt through Resolution and Ordinance the 2015 Edition of the International Existing Building Code with amendments presented by staff to be published and be effective 30 days from publication.

The motion passed unanimously.

Commissioner Cimino moved to adopt through Resolution and Ordinance the 2017 National Electrical Code with amendments presented by staff to be published and be effective 30 days from publication.

The motion passed unanimously.

Commissioner Cimino moved to adopt through Resolution and Ordinance the 2015 International Fire Code with amendments presented by staff to be published and be effective 30 days from publication.

Discussion: Commissioner Manguso would like to hold off on the Fire Code until it is determined who will inspect. Mr. Franek stated that the Board can adopt the Code and appoint someone at a later time.

Commissioner Manguso stated that she wants to make sure that it is specifically called out that this does not affect residential. Kremmling, Hot Sulphur Springs and Grand Lake have the option to opt out of the Code.

Fire Chief Ron Thompson stated that it does not apply to one- and two- family dwellings. It applies to any residential that are three or more.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Board Business / Correspondence / Calendar

The County has been asked to sign onto an amicus brief opposing the challenge to the constitutionality of Amendment 71. The Board agreed to join the amicus brief.

Commissioner Cimino stated that a County resident on County Road 520 is concerned over the state of the road. Commissioner Cimino wondered if the County would want to deed back the road. It is possible that the County may want to re-adopt the road.

On May 9, Commissioner Cimino spoke to the Winter Park Chamber of Commerce regarding Short Term Rental evaluation.

All three of the Commissioners attended the off-site meeting in Fraser with the Elected Officials, County Manager and County Attorney.

Commissioner Cimino attended the Colorado Outdoor Industry Leadership Summit on May 10, 2018.

Commissioners Manguso and Cimino attended the Mountain Park Electric annual meeting on May 12, 2018.

Commissioner Linke attended the Colorado Cooperation Conference on May 11 and 12, 2018. Some of the topics discussed were the opioid epidemic, workforce development and housing, and transportation.

Commissioner Linke presented the Grand County Strategic Plan to the Grand Lake Town Board.

Calendar

May 16 Commissioner Cimino will present to the Headwater Trail Alliance Board meeting at 9:00 a.m.

- May 16 Fraser River dedication at 4:00 p.m. near the Fraser Flats – All three Commissioners will attend
- May 17 Commissioner Manguso will present the Grand County Strategic Plan to the Town of Hot Sulphur Springs
- May 21 Commissioner Linke will present a scholarship at West Grand High School
- May 23 Department Head meeting at 7:30 a.m.

Abatement Hearing AB18-09

Grand County Residential Appraiser Rebecca Allison presented:

This Assessor's report is submitted concerning Abatement No. AB18-09 for 2016 taxes for the following properties:

Owner: Canfield Management Trust of 2009

R010510	Lot 10	Copper Creek Ranch Estates	Vacant	\$105,000	41.909 acres
R010940	Lot 13	Copper Creek Ranch Estates	Vacant	\$105,000	40.458 acres
R012550	Lot 14	Copper Creek Ranch Estates	Vacant	\$105,000	40.338 acres
R309929	Lots 10, 11, 13, 14, Cooper Creek Ranch Estates \$681,090 162.509 acres Mixed residential and vacant (includes all 3 above vacant parcels and R001640)				

ISSUES

The Petitioner requested a property combine in September 2016. Mr. Canfield requested a combine of three vacant parcels, R010510, R010940, R012550, and one improved parcel, R001640. His request was to make the whole of the property residential classification. It was explained at the time of the combine request that the total property value and classification would remain partially vacant and partially residential for 2016, and that the change of classification to Residential for the whole of the property would happen as of January 1, 2017.

CONCLUSION

R309929 was valued properly as part residential and part vacant for 2016, and the appropriate classification change was made in 2017. R010510, R010940 and R012550 were de-activated for 2016 and had no taxes due.

RECOMMENDATION I recommend we deny this abatement request.

Commissioner Manguso moved to deny the abatement request submitted by Frank Canfield for AB18-09 for tax year 2016 as presented by Becky Allison.

The motion passed unanimously.

Open Burning Permit Ordinance #19

The public hearing scheduled to begin at 4:00 p.m. was called to order by Chair Linke at 4:00 p.m. County Attorney Robert Franek set the record.

- Exhibit A Notice of Public Hearing
- Exhibit B Proposed Grand County Ordinance No. 19, Ordinance for the Regulation of Open Burning in Unincorporated Grand County, Colorado, also known as the Grand County Open Burning Permit Ordinance
- Exhibit C Middle Park Times, May 3, 2018 Proof of Publication – Notice of Public hearing
- Exhibit D Middle Park Times, May 3, 2018, Proof of Publication – Grand County proposed Ordinance No. 19, Ordinance for the Regulation of Open Burning in Unincorporated Grand County, Colorado
- Exhibit E Public Review Sheet(s) – no signatures

Natural Resource Foreman Amy Sidener stated that this is for the new updated Ordinance for open burning. The highlights of the Ordinance are:

1. The purpose of the Ordinance is to provide a permitting system that allows persons to openly and safely burn slash piles.
2. The Ordinance applies only to unincorporated areas of Grand County.

3. It does not prevent the adoption of additional regulations and ordinances implementing additional fire restrictions under local, state, and other authority.
4. This is a replacement of the past ordinance that was deemed null and void.
5. This Ordinance will take effect June 3, 2018.
6. Section 6 establishes who is required to get a permit. There are two instances where no permit is required:
 - a. Burning ground cover vegetation on agricultural land for the purpose of preparing soil for crop production, livestock grazing, weed control, or maintenance of water structures
 - b. Attended outdoor cooking and recreational fires covering a maximum area of three feet in diameter and less than two feet high
7. Application process does not change. Natural Resources will issue all permits. The permitting authority only applies to slash piles.
8. Section 12. Civil liability. Anyone starting, maintaining, or permitting open burning in violation of this Ordinance shall be responsible for any and all costs associated with extinguishing the fire and for any damages caused as a result of the fire.
9. Section 13. Violation and penalties. Violation of the Ordinance shall constitute a Class 2 Petty Offense.
 - a. \$100 for first violation
 - b. \$250 for the second violation
 - c. \$500 for each successive violation of the ordinance
 - d. Upon conviction of a Petty Offense, there could be a fine of \$500 for the first violation and \$1,000 for each subsequent violation.

The Chair asked for and received no public comment.

Commissioner Manguso moved to approve Ordinance No. 19, "ORDINANCE FOR THE REGULATION OF OPENING BURNING IN UNINCORPORATED GRAND COUNTY, COLORADO" effective June 3, 2018.

The motion passed unanimously.

Open Burning Ordinance No. 20

The public hearing scheduled to begin at 4:30 p.m. was called to order by Chair Linke at 4:30 p.m. County Attorney Robert Franek set the record.

EXHIBIT A Notice of Hearing

EXHIBIT B Proposed Grand County Ordinance No. 20, Ordinance Establishing Fire Restrictions on Open Fires under certain conditions, Establishing a Restriction on the Use of other Incendiary Devices, Establishing a Restriction on the Sale and Use of Fireworks, Providing a Procedure for Instating and Rescinding any or all of the Restrictions hereof from time to time by Resolution, Establishing Criminal Penalties for the Violation thereof, and Repealing all prior Ordinances Imposing Fire Restrictions, Banning Incendiary Devices and Banning Fireworks in Grand County, Colorado

EXHIBIT C Middle Park Times, May 3, 2018 Proof of Publication- Notice of Hearing

EXHIBIT D Middle Park Times, May 3, 2018 Proof of Publication- Grand County proposed Ordinance No. 20, Ordinance Establishing Fire Restrictions on Open Fires under certain conditions, Establishing a Restriction on the Use of other Incendiary Devices, Establishing a Restriction on the Sale and Use of Fireworks, Providing a Procedure for Instating and Rescinding any or all of the Restrictions hereof from time to time by Resolution, Establishing Criminal Penalties for the Violation thereof, and Repealing all prior Ordinances Imposing Fire Restrictions, Banning Incendiary Devices and Banning Fireworks in Grand County, Colorado

EXHIBIT E Public Review Sheet(s) - no signatures

Natural Resource Foreman Amy Sidener stated that this is for the new updated Ordinance for open burning. The highlights of the Ordinance are:

This Ordinance is to restrict or ban open fires to reduce the danger of wildfire within those portions of the unincorporated areas of Grand County where the danger of forest or grass fires is found to be high based on competent evidence.

Competent evidence may include but is not limited to the use of the national fire danger rating system.

Open fire restrictions or bans in fireworks and incendiary device restrictions are not required on a year round basis. This Ordinance provides that it may be instated or rescinded by resolutions each of which shall be based on competent evidence developed at the time of the change through consultation with the appropriate local government state and federal offices.

The Ordinance defines what will be covered and what is excluded. It also identifies penalties.

Under Section G:

Resolution No. 2007-1 and Ordinance No. 8, Resolution No. 2012-6-5 and Ordinance Number 9, Resolution No. 2012-6-11 and Ordinance Number 10, Resolution No. 2012-7-27 and Ordinance No. 11, and Resolution No. 2013-6-28 and Ordinance No. 12, and Ordinance No. 16 are hereby repealed.

The Chair asked for and received no public comments.

Commissioner Manguso moved to approve Ordinance No. 20, "ORDINANCE ESTABLISHING FIRE RESTRICTIONS ON OPEN FIRES UNDER CERTAIN CONDITIONS, ESTABLISHING A RESTRICTION ON THE USE OF OTHER INCENDIARY DEVICES, ESTABLISHING A RESTRICTION ON THE SALE AND USE OF FIREWORKS, PROVIDING A PROCEDURE FOR INSTATING AND RESCINDING ANY OR ALL OF THE RESTRICTIONS HEREOF FROM TIME TO TIME BY RESOLUTION, ESTABLISHING CRIMINAL PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL PRIOR ORDINANCES IMPOSING FIRE RESTRICTIONS, BANNING INCENDIARY DEVICES AND BANNING FIREWORKS IN GRAND COUNTY" effective June 3, 2018.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 4:35 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of May 2018.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder