

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

July 24, 2018

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

Also Present: Clerk and Recorder Sara Rosene
County Manager Lee Staab
County Attorney Robert Franek
County Assistant Attorney Maxine LaBarre-Krostue

Those present recited the Pledge of Allegiance.

Commissioner Manguso moved to approve the Minutes of the Board of Commissioners meeting of June 26, 2018.

The motion passed unanimously.

Commissioner Manguso moved to approve the Minutes of the Board of County Commissioners meeting of July 2, 2018.

The motion passed unanimously.

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

Commissioner Manguso moved to approve the down payment assistance loan for Vernon Pennell and Anna Pennell in the amount of \$10,000.

Discussion: This is HUD grant money funds.

The motion passed unanimously.

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

County Manager Staab presented employee recognition for years of service.

The two individuals who have served Grand County for 10 years are Pat Pryor and Karla Whitacre.

County Manager Staab presented Grand County Coins to the following citizens:

Rudy Perez – Citizen Election Judge
Gary McGraw – Citizen Election Judge
Maralyn Branstetter – Citizen Election Judge
Lynnae Boyd – Citizen Election Judge
BJ Courville – Citizen Election Judge
Bob McVay – Citizen Election Judge
Dave Skinner – Citizen Election Judge
Adam Gosey – Citizen Election Judge
Nancy Abbott – Citizen Election Judge
John Trieber – Citizen Election Judge

Finance Department

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on July 24, 2018, 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 July 23, 2018, for payment on July 24, 2018 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Manguso moved to approve the wires payments and vouchers payments presented on July 23, 2018, for payment on July 24, 2018 for Grand County.

The motion passed unanimously.

Departmental Contracts, Comments, Issues

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

Commissioner Manguso moved to approve the Core Services Plan to run from June 1, 2018 through May 31, 2019 as presented by Human Services Director Debra Ruttenberg.

The motion passed unanimously.

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

Commissioner Cimino moved to approve Resolution No. 2018-7-25, "A RESOLUTION APPROVING FRASER MTB FEST TEMPORARY USE PERMIT TO BE HELD FRIDAY, JULY 27, 2018 THROUGH SUNDAY, JULY 29, 2018, AT COLORADO ADVENTURE PARK, 566 GRAND COUNTY ROAD 721, COUNTY OF GRAND, STATE OF COLORADO"

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2018-5-46, "A RESOLUTION TO APPROVE THE AMENDED FINAL PLAT, PARSONS OUTRIGHT EXEMPTION, AMENDED LOT 33, PART OF SECTION 4, TOWNSHIP 3 NORTH, RANGE, 75 WEST, OF THE 6TH P.M. GRAND COUNTY, COLORADO"

The motion passed unanimously.

Commissioner Cimino moved to amend the motion to approve Resolution No. 2018-5-46, "A RESOLUTION TO APPROVE THE AMENDED FINAL PLAT, PARSONS OUTRIGHT EXEMPTION, AMENDED LOT 33, PART OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 75 WEST, OF THE 6TH P.M. GRAND COUNTY, COLORADO" and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2017-6-44, "A RESOLUTION VACATING THE TEN (10) FOOT UTILITY EASEMENTS BETWEEN LOTS 49 AND 50, GRAND VIEW PARK, LOCATED IN THE SOUTHWEST ¼, NORTHWEST ¼, OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH PM, COUNTY OF GRAND, STATE OF COLORADO" and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Commissioner Cimino moved to approve Resolution No. 2017-6-45, "A RESOLUTION APPROVING THE AMENDED FINAL PLAT OF LOTS 49 AND 50, GRAND VIEW PARK, LOCATED IN THE SOUTHWEST ¼, NORTHWEST ¼, OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH PM, COUNTY OF GRAND, STATE OF COLORADO" and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Commissioner Manguso moved to approve a Services Contract between Grand County and Wow Factor Attractions Colorado LLC to provide entertainment and attractions for the public during the 2018 Middle Park Fair and Rodeo in an amount not to exceed \$4,500 as presented by Assistant County Manager Ed Moyer.

The motion passed unanimously.

Commissioner Manguso moved to approve a Services Contract between Grand County and Amberg Entertainment Colorado Inc dba Infinity Events to provide entertainment and attractions for the public during the 2018 Middle Park Fair and Rodeo in an amount not to exceed \$4,900 as presented by Assistant County Manager Ed Moyer.

The motion passed unanimously.

Commissioner Manguso moved to approve the grant offer for the Airport Improvement Program Project with the FAA for the Granby-Grand County Airport as presented by Assistant County Manager Ed Moyer.

The motion passed unanimously.

Manager and Attorney Items

Commissioner Manguso moved to authorize the Board to sign the letter to Brian Lamdon regarding his late appeal to the Board of Equalization.

The motion passed unanimously.

County Manager Staab stated that Grand County Veterans Service Officer Duane Dailey attended the opening and ribbon cutting at the VA Medical Center.

County Manager Staab presented his weekly report.

Consent Agenda

Resolution No. 2018-7-19, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN GRAND LAKE METROPOLITAN RECREATION DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR A GRANT AWARD FROM THE OPEN LANDS, RIVERS AND TRAILS FUND"

Resolution No. 2018-7-20, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ACCEPTING THE BID FROM AMERICAN ROAD MAINTENANCE INC FOR A.I.P. PROJECT NO. 3-08-0075-012-2018 CONCERNING THE REHABILITATION OF RUNWAY 9/27, THE TAXIWAYS AND APRON AT THE EMILY WARNER FIELD/GRANBY-GRAND COUNTY AIRPORT, AND AUTHORIZING THE CHAIRMAN TO EXECUTE A NOTICE OF AWARD"

Resolution No. 2018HA-7-21, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, APPROVING A LOAN FROM THE GRAND COUNTY HOUSING AUTHORITY DOWN PAYMENT ASSISTANCE PROGRAM, AND AUTHORIZING THE CHAIRMAN TO EXECUTE THE WIRE TRANSFER REQUEST"

Resolution No. 2018-7-22, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO RATIFYING THE CREATION OF A GRAND COUNTY FIRE BOARD OF APPEALS TO HEAR APPEALS FROM DECISIONS OF THE GRAND COUNTY FIRE CODE OFFICIAL, AND APPROVING APPOINTEES THERETO"

Resolution No. 2018-7-23, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO RATIFYING THE CREATION OF A GRAND COUNTY BOARD OF APPEALS TO HEAR APPEALS FROM DECISIONS OF THE GRAND COUNTY BUILDING OFFICIAL, ADOPTING CERTAIN RULES OF PROCEDURE FOR CONDUCTING ITS BUSINESS, AND APPROVING APPOINTEES THERETO"

Resolution No. 2018-7-24, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ADOPTING A DUAL OPTION HEALTH CARE PLAN WITH DIRECTION"

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Board Business, Correspondence and Calendars

Commissioner Cimino went to the Gallagher meeting in Glenwood Springs. Commissioner Cimino went to a CCI meeting on July 20 for the CCI Legislative issues meeting. Commissioner Cimino discussed the Health Care Equalization and Stabilization Act.

Commissioner Cimino attended a breakfast meeting with EMS Chief Jennings on July 23, 2018.

Commissioner Cimino attended an informal discussion with community members regarding vacation rentals on July 23, 2018.

Commissioner Manguso attended the Legislative meeting at the Ameristar on July 18, 2018.

Commissioner Manguso attended the Council on Aging meeting on July 23, 2018. The Council is merging with the Mountain Family Center and the Center will continue to support the same things as the Council on Aging.

Commissioner Linke attended at Grand County Wildfire Council meeting on July 18, 2018.

Commissioner Linke attend a Club 20 Conference Call. The main purpose of the call was to discuss candidate debates.

- July 25 Commissioner Cimino will attend a teleconference with Insurance Commissioner Mike Conway from 10 am to 11 am
- July 26 Commissioners Cimino and Manguso will attend the NWCCOG meeting from 10 am to 1 pm at the Winter Park Town Hall
- July 26 Commissioner Manguso will attend the Airport Advisory Committee meeting in the Board of Commissioners meeting room at 2:00 p.m.
- July 26 & 27 Commissioner Linke will attend the Club 20 Summer Policy meetings at the Granby Library
- August 2 Commissioner Linke will attend the CCP meeting at 10 am at the Granby/Grand County Fire Building on Highway 40
- August 2 Commissioner Manguso will attend the Airport Advisory Committee meeting in the Board of Commissioners meeting at 2:00 p.m.
- August 6 Special Board of Commissioners meeting – August 7 meeting has been cancelled

Primary Election Report

Clerk and Recorder Sara Rosene presented.

May 10 – mailed
107 ballots (mixed) to Uniform and Overseas voters

June 4 – mailed (10,420) (88 trays)
6,591 Democratic and Republican Ballots (660 pounds)
3,829 Packets (431 pounds)
Continued to mail ballots through June 19

Drop boxes

Admin building (opened)	June 11
Other drop boxes (opened)	June 18
Ballots returned in drop boxes	2,521 = 70 percent
Ballots returned by mail	1,077 = 30 percent

VSPC

Open June 18 – 25 8:30 a.m. to 5:00 p.m.
Saturday, June 23 – 8:30 a.m. to 12:30 p.m.
Election Day – June 26 7 to 7
Total number of voters – 29 (of those 18 voted on Election Day)
No voters on Saturday

Ballots

Printed	15,000
Cast	3,585
Democratic ballots counted	1,598
Republican ballots counted	1,987
Packets	520 Democratic (27 of those selected a preference)
	272 Republican (20 of those selected a preference)

Number of Active Registered Voters on Election Day (Major Parties and Unaffiliated only)

Republican	4,293
Democratic	2,407
Unaffiliated	4,177

Cost per ballot delivered – approximately \$5 per ballot envelope.

Cost for unaffiliated packets – approximately \$20,000

Undeliverable ballots	1,139 (186 resolved) (\$.50 each)	\$569.50
(Of the 1,139 undeliverable ballots – 102 were temporarily away)		

Judges

Hours worked 1,162.75

Voting System and Voter Registration System

SCORE – statewide voter registration.

Security is vital in our system

Judges and staff are provided security training including appropriate behaviors on County computers.

Judges and staff are provided training on appropriate type of passwords and protection of the passwords.

Two factor authentication required on SCORE.

Passwords change on a regular basis on SCORE and the Secretary of State requires the computer sign-ons to change on a regular basis.

Dominion Voting Systems

Grand County is leasing the program and equipment

Set-up elections and printed ballots for the towns of Granby, Grand Lake, and Fraser. Counted ballots for Granby and Grand Lake.

Set-up elections and printed ballots for Fraser Valley Metropolitan Recreation District and Silvercreek Water and Sanitation District. Counted ballots for Silvercreek Water and Sanitation District

Risk Limiting Audit

Risk limiting audit was first required in 2017.

The audit samples the cast vote records which scanned on the voting system.

Counties provide manifest of ballots

Counties provide cast vote records (CVRs) from voting equipment

The Secretary of State determines risk limit (generally 5 percent)

State determines “seed” which is a 20 digit number.

Once the seed is determined, counties are provided with a list of targeted races and number of ballots to be audited.

Grand County audited 338 ballots based on the total number of ballots cast and the difference between the winner and loser in a targeted race. (Grand County audited the third highest ballots other than counties hand counting ballots.)

Our audit was perfect!!!!

When audit is not perfect. More ballots are selected using the same seed. If a County cannot pass the audit, it is provided more ballots to audit with the eventual end being auditing every ballot.

Microgrid Energy solar Lease on County Property GRC 5

Presented by Tom Leatherwood. Tom Siefers, General Manager of Mountain Parks Electric contacted Mr. Leatherwood regarding solar electrical generation facilities.

Who is involved:

- MPEI
- Tri-State
- Microgrid Energy
- Grand County

Proposed 1MW Solar Array on County Land

- 7 acres located adjacent to Road and Bridge Facility off CR 5 (Fraser area)
- Proximate to Mountain Parks Electric Inc (MPEI) Substation – interconnect for solar project

Grand County Consultant/Attorney

- John Snow, Hackstaff Law Firm
- Expert in Renewable Energy Leasing
- Services paid by Microgrid Energy

Grand County Staff Involved: Bob, Ed, and Tom

- Proposed changes to terms of lease submitted to Microgrid

Microgrid – Special Use Permit required

- Neighbors notified already

1. Economic

- a. Per acre market rate for solar leases: \$650-\$850 acre (not based on LMV)

- i. Solar leases in urban areas are typically not economical

- b. Economies of scale: most projects have larger acreage, more electrical production, and higher rate of return for investors

- c. \$85,000 is new present value (NPV) to Grand County (6% discount rate).
- 2. Non-economic factors
 - a. Above average lease for lessor
 - b. Terms can be 30 years with automatic extensions – this lease extensions by mutual agreement
 - c. Not excessive with regard to easements and rights granted; responsive to legal requirements and needs of Grand County
- 3. Grand County-microgrid Agreement
 - a. Lease Rate: \$700/acre (yrs. 1-20) & \$1,400/acre (years. 21-30)
 - b. Terms of lease

Microgrid 30 year Solar Lease			
7 Acres	GC Analysis (LMV)*	Solar Lease Market Rate	GC-Microgrid Agreement
Annual Base Rent			
Yrs 1-20	17,500	4,550 – 5950	4,900
Yrs 21-30	17,500	6760 – 8690	9,800
Annual Increase	2%	2%	2%
Total Rent	661,364	166,000-213,000	206,322
Average Annual Rent	22,045	5,532 – 7234	6,877
*Based on Sales Comparison – Adjusted LMV (Ryan Barwick – recent sale – across county road) GC LMV Year 30 \$217,541 – conservative valuation – 2% annual increase \$326,429 – 5% annual increase			

The Board gave staff direction to move forward and establish parameters for the lease.

Public Hearing – Expert Excavation Tvester Special Use Permit for Construction Business, Heavy Equipment

The public hearing scheduled to begin at 11:00 a.m. was called to order by Commissioner Linke at 11:08 a.m. County Attorney set the record with the following Exhibits:

- A. Memo from Department of Community Development dated April 26, 2018
- B. Memo from Department of Community Development dated June 12, 2018
- C. Public Notice -Dated June 12, 2018
- D. Vicinity Map depicting the 750 foot Notification buffer as established by the Grand County GIS
- E. List of Certified Mailings to all property owners within 750 feet as established by the Grand County GIS
- F. Proof of Publication- Middle Park Times, dated June 21, 2018
- G. Vicinity Map
- H. Warranty Deed
- I. Letter of Application with project narrative and site plan, dated January 25, 2018
- J. Public Review Sheets with and without signatures
- K. Staff Certificate from Planning Commission, dated May 9, 2018
- L. Power Point Presentation to Planning Commission May 9, 2018
- M. Minutes from the Planning Commission Meeting May 9, 2018
- N. Violation Courtesy Letter, dated October 12, 2017
- O. Notice of Zoning Violation, dated October 23, 2017
- P. Notice of Blight Violation, dated January 19, 2018
- Q. Photos taken April20, 2018
- R. Anonymous letter with photos dated May 8, 2018
- S. Anonymous email dated May 8, 2018
- T. Email from Kurt Peters, dated May 6, 2018
- U. Letter from Chuck Rakity, dated May 8, 2018
- V. Email from Dawn Kaup, dated May 9, 2018
- W. Staff Certificate for BOCC dated July 24, 2018
- X. Site & Screening Plan, submitted July 19, 2018
- Y. List of Materials and Equipment, submitted July 19, 2018
- Z. Photos taken July 19, 2018
- AA. Power Point Presentation given to BOCC July 24, 2018
- BB. Email from David Solawetz with photos, dated July 22, 2018
- CC. Email from James Rigg dated July 24, 2018
- DD. Letter from James D. Williams tendered to Community Development on July 24, 2018

Commissioner Manguso moved to change the date of Exhibit Z from July 19, 2017 to July 19, 2018.

The motion passed unanimously.

PROJECT NAME: Expert Excavation Special Use Permit
APPLICANT: William J. Tveter
LOCATION: #132 GCR 193, Old Park Filing 4, Lot 28 Block D
APPLICABLE REGULATIONS: Zoning Regulations
ATTACHMENTS:
A- Application,
B - Vicinity Map,
C - Warranty Deed,
D - Violation Courtesy Letter, dated October 12, 2017
E - Notice of Zoning Violation dated October 23, 2017
F - Notice of Blight Violation dated January 19, 2018
G - Photos taken April 20, 2018
H - Site & Screening Plan
I - List of Materials and Equipment
J - Photos taken July 19, 2018
STAFF PLANNER: Richard Hubler, Planning & Building Technician
REQUEST: Special Use Permit for a Construction Business, Heavy Equipment Storage Area and Earth-Moving Business in the Forestry and Open District for a three (3) year period.

This site has been owned by Mr. Tveter since 2004 and has a history of use for heavy equipment storage since that time. This request for a Special Use Permit is in response to a Notice of Violation dated January 19, 2018. Mr. Tveter would like to continue to operate his excavating business from this location and store heavy equipment behind the existing fenced area.

BACKGROUND

William J. Tveter ("Applicant") is the owner of #132 Grand County Road 193, Grand County, Colorado lying north of the intersection of GCR 193 (Hemlock Dr.) and State Highway 134. The Applicant owns and operates Expert Excavation, an excavating business that provides construction services in the following areas: 1) general excavation; 2) OWTS (septic) installation.

In October of 2017, following a site visit, Staff informed Mr. Tveter that he was in violation of Grand County Zoning Regulations (GZCR) for operating without a Special Use Permit. After another site visit in January 2018, Staff notified Mr. Tveter that he was in violation of Resolution 2000-5-1 and Ordinance 6, commonly known as a blight violation, for inoperable vehicles and cast-off building materials. Staff subsequently followed-up with Mr. Tveter about the nature of activities occurring on his property related to his excavating business and the accumulated rubbish. A mutual agreement was reached that Mr. Tveter would apply for a Special Use Permit to operate his excavating business and store his equipment, and that he would address the accumulated rubbish.

Complaints to the County about equipment storage for this site date from 2009, when construction under a building permit was occurring. At that time, staff determined that the Applicant's building permit allowed the storage and use of equipment necessary for the construction of his home (B08-0246) and shop (B08-0247). Operation of the business, Expert Excavation, from this property following this date without a Special Use Permit was in violation of GZCR and led to the most recent complaints.

In the two weeks prior to the Planning Commission meeting on May 9, 2018, Mr. Tveter expressed to staff that he was removing inoperable vehicles, moving some items behind the wood fence and relocating the piles of rock located along GCR 193. He stated he is working to clean up the property to appease his neighbors. Trees that he planted along the south of his property had mostly died, but he expressed a willingness to replant that boundary to provide some visual screening from CO 134, provided that it didn't interfere with snowplowing. This was indicated on the site & screening plan submitted with the application.

PLANNING COMMISSION

At the May 9th, Planning Commission meeting, a variety of public comment was received: general comments about junk and blight; the long standing nature of the situation; concern about contamination of nearby waters; impact on property values; and positive comments regarding the need for his business in the area and his willingness to clean up the property. Members of the Planning Commission questioned the continued operation of his business and the timing and enforceability of his Special Use Permit, in addition to expressing concerns

regarding oil and fuel storage and spillage. A condition was added that staff explore and address concerns regarding possible environmental contamination.

COMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS

Review of this request for a special use permit requires the Planning Commission and the Board of County Commissioners to consider the provisions of: (1) Sections 11.2, review criteria applicable to all special uses that are considered by the county and (2) 11.8(10), criteria that is specific to Construction businesses, heavy equipment storage areas and earth-moving businesses:

11.2 CONDITIONS AND GUARANTEES

Prior to the granting of any special use, the Planning Commission may recommend and the County Board shall stipulate such conditions and restrictions, upon the establishment, location, construction, maintenance and operations of the special use as are deemed necessary for the protection of the public health, safety and welfare. Any Special Use Permit granted by the Board of County Commissioners may incorporate such conditions as it deems necessary to require compliance with the standards for issuing permits as set forth in this Section XI.

Prior to issuance of a pursuant to this section, the Board of County Commissioners shall consider the following:

- (a) The visual, environmental, physiographic and socioeconomic characteristics of the land to be used;
- (b) Evaluation of the broad ecosystems, topography, soils, hydrology, geology, vegetation, wildlife, climate and unique fractures so that approved special use shall result in the least possible adverse impacts within any zoning district;
- (c) Such uses shall serve an obvious public need;
- (d) Satisfactory proof shall be given that areas will be properly maintained.

11.8 (10) Construction businesses, heavy equipment storage areas and earth-moving businesses provided the following conditions can be met:

- (a) The equipment storage areas can be adequately screened from public highways and adjacent lands
- (b) Truck traffic to and from such use shall not create hazards to Residential and Tourist areas
- (c) Truck traffic to and from such use shall not unduly damage public road
- (d) The use shall not create offsite negative impacts such as water pollution, noise, dust, glare and odor.

These conditions are to be addressed by submitting fifteen (15) copies of the following items:

- (e) A narrative statement describing the operation
- (f) A site plan drawn to scale showing man-made structures, surface water drainage and access routes in the immediate area
- (g) A vicinity map
- (h) A screening plan

DISCUSSION AND ANALYSIS

Heavy equipment storage and earth-moving businesses are necessarily a sensitive use, especially in predominantly residential areas. It is not unusual to have disagreements between the Applicant, neighbors and planning staff about what constitutes a significant impact or issue that needs to be addressed. If this were an application for new development, the analysis would focus on the visual, air/water, traffic, noise, wildlife habitat, drainage and other land use impacts to surrounding Forestry and Open zoned lands and natural features, including the many residential uses nearby. As a permit for an existing non-compliant use, the real impacts are already visible. Review of previous similar cases indicates that the major impacts associated with an excavating business are not hours of operation or traffic. The common issues were outside storage location screening of storage areas, building design, lighting, landscaping, noise and dust.

Although zoned Forestry and Open, the area immediately surrounding the applicant's property is almost exclusively single family homes or vacant lots. The commercial nature of the existing business does therefore have an outsized impact, especially with the presence of large equipment, and the existing storage of miscellaneous machinery, parts, and vehicles. The site did have an accumulation of metal and machinery, construction materials and debris, vehicles, camper trailers, and at least one mobile home, as evidenced in photos taken April 20, 2018.

Prior to and following the Planning Commission meeting, the Applicant has worked to remove many of these items, and relocate the others to within the fenced storage yard.

Staff feels that approval of this Special Use Permit request should be conditional on the continued storage of necessary machinery and vehicles for the operation of the business and residence and not the storage of inoperable vehicles or other blighting factors as described in Resolution 2000-5-1.

During a site visit on July 19, 2018, the Applicant indicated that all vehicles belonging to other individuals had been removed, and that all remaining vehicles are his property, and are currently licensed. He further indicated that he is still working to remove some vehicles, more scrap metal, and the white mobile home. The Applicant discussed with staff the concerns regarding maintenance and chemical storage, attesting that minimal maintenance occurs on this property, and he is not storing any significant volume of oil, solvents, or fuel. According to the Applicant, necessary repairs typically occur at the jobsite, and his company responsibly handles fuel and oil consistent with industry practices.

The Applicant has submitted a screening plan that incorporates an existing, permitted, 8 foot wooden fence and large dirt berm along GCR 193 and around the interior side of the Storage Yard in addition to a number of trees along the south border. Previous comments to staff from neighboring properties and site visits suggested that a previous screening plan was not adequate to meet the requirements of GCZR §11.8(10)(a). Staff met with the Applicant in June to develop a site plan, and Mr. Tveter has since added a number of trees, a water feature and new landscaped berms near the front gate and is building a rail fence along the remainder of GCR 193.

The Applicant's efforts to organize his storage yard, relocate and remove previously identified blighting factors, and improve the visual appeal, especially from GCR 193 have worked to address many of the previously expressed concerns. The continued development of the landscape screening along the downhill, south and southeast side of the driveway will provide increased future screening from Highway 134. The organization of the storage yard addresses the viewscapes of properties to the west and northwest, whose elevations are higher and impractical to physical screen.

In reviewing the proposed use of an earth-moving business, consideration is given to the impact not only to immediate neighbors, but also to county infrastructure. Daily site traffic is expected to be low for this type of business, and previous similar special use permits have not provided any limits on daily trips, and minimal limits on hours of operation. However, concerns about road damage, liability, and insurance have been addressed, and conditions attached in previous cases. Discussions with Grand County Road & Bridge Department staff highlight particular concern with operation of tracked heavy vehicles and potential damage to county road surfaces. Staff feels that such concerns warrant related conditions for approval of this Special Use Permit for Mr. Tveter, and suggests that all excavation equipment be trucked to and from the site, and not driven on county roads. In particular, any tracked vehicles shall not travel on any county road for any distance beyond that required for loading and unloading, and any loading and unloading of tracked vehicles on paved surfaces shall necessitate additional operational measures by the Applicant to protect road surfaces.

Prior to hearing by BOCC the Applicant has:

- Provided a list of all equipment by type that will be stored at the site.
- Provided a list of types of materials that will be stored on site.
- Removed any inoperable vehicles or other previously identified blighting factors.
- Submitted an updated screening plan to the Community Development Department that provides adequate screening including those views from CO 134 & GCR 193.
- Discussed the open building permit with Community Development Staff and is working to get that closed.
- Registered as a contractor with Grand County Building & Sanitation Department.

RECOMMENDATION & PERMIT CONDITIONS:

The Planning Commission and Staff recommend approval of the requested Special Use Permit with the following conditions:

- Permit shall initially be for a term of 3 years, with the possibility of lifetime renewal, and subject to revocation at any time if the Department determines that the permittee has violated the terms of the permit
- Relocation or expansion of operations to a nearby site shall require an amendment to this Special Use Permit.
- Transport of excavating equipment, especially tracked vehicles, shall be on trailers.
- No on-road use of excavating equipment beyond immediately adjacent parcels.
- On-site maintenance shall occur in or adjacent to the shop building, and oil or chemical spills must be handled appropriately to prevent ground and groundwater contamination.
- Dust control is required at Applicant's property and customer jobsites.
- Noxious weed control is required at Applicant's property.
- Adequately screen Applicant's property as described in screening plan.

The following standard special use permit conditions shall be included with the special use permit:

- Site restoration
- Compliance with all applicable local, state and federal regulations
- Permit Amendment
- Termination

- Right to Enter Site
- Limitation of Liability
- Storage of Junk and Abandoned Equipment
- Emergency Situations and Special Projects

Jason Tvester stated that he has been trying to clean up his property and believes that he has done what the County has asked.

Kirk Peters owns the 48 acres directly across the property. Mr. Peters stated Jason's father blocked him in a parking lot in Kremmling and tried to intimidate him on this matter. Mr. Peters reported the intimidation.

Mr. Peters stated that there was a driverless truck and trailer that rolled out of this property. It crashed on the side of County Road 134. Mr. Peters was concerned that there may have been a fuel spill.

Mr. Peters stated that Mr. Tvester planted trees but they are dead. Mr. Peters stated that the vehicles on the property are registered in Wyoming.

Mr. Peters listed his property but got negative feedback because of the Tvester property.

Max Tishler has lived at 658 County Road 130 for 24 years. Mr. Tishler stated that he just heard about this hearing last weekend. Mr. Tishler appreciates the work that Mr. Tvester has done with the property to this point.

Mr. Tishler stated that the pile that was cleaned up was actually just moved. Mr. Tishler now has to see the pile much more.

Jean Landis stated that she has lived at 658 County Road 130 for 24 years. There has been some straightening of stuff but the junk pile is creeping down the hill.

David Solowitz lives at 1282 County Road 1933 it is four houses down from the corner. Mr. Solowitz stated that the property has improved. Unfortunately, the stuff was moved to a different piece of property. There is more stuff being added.

Mark Blair owns a lot at 25 County Road 193. Mr. Blair stated that Mr. Tvester is a good person to have in the neighborhood. He helps people in the neighborhood.

Jeff Miller sits on the Planning and Zoning Commission in Kremmling. Mr. Miller stated that we are getting busy in Grand County. There is a need for areas to have businesses like this. We need to learn to live together and do things that are neighborly.

Mr. Miller stated that Mr. Tvester has done improvements and he can likely do more. Mr. Tvester will likely need to plant more trees.

Mr. Tvester stated that when the vehicle went off the road, it was blown off the road. There was no damage to any property other than the truck.

Mr. Tvester stated that his father has dual residency and he has registered his vehicles in Wyoming.

Mr. Tvester stated that he has planted trees.

Mr. Hubler stated that the applicant is not in violation of other County requirements.

Commissioner Manguso asked the neighbors to get along.

Commissioner Manguso moved to approve the Expert Excavation Special Use Permit under the name of Tvester for a one-year period. The Board will not sign the SUP or the Resolution for 30 days and at that time the mobile home must be removed from the property. All other conditions are to be met.

Discussion: If the mobile home is not removed in 30 days, the permit will not be issued.

The motion passed unanimously.

Commissioner Cimino moved to close the Public Hearing.

The motion passed unanimously.

Public Hearing – David Eddy, dba Spotted Cow Special Use Permit for Camping

The public hearing scheduled to begin at 11:30 a.m. was called to order by Commissioner Linke at 12:15 p.m. County Attorney Robert Franek set the record with the following exhibits:

- A. Memo from Department of Community Development dated April 27, 2018
- B. Memo from Department of Community Development dated June 19, 2018
- C. Public Notice - Dated June 28, 2018
- D. Vicinity Map depicting the 500 foot Notification buffer as established by the Grand County GIS
- E. List of Certified Mailings to all property owners within 500 foot as established by the Grand County GIS
- F. Proof of Publication- Middle Park Times, dated July 5, 2018
- G. Vicinity Map
- H. Letter of Application with project narrative, February 1, 2018
- I. Public Review Sheets with and without signatures
- J. Email from Katie Nicholls District Manager, Three Lake Water and Sanitation District dated April 24, 2018
- K. Pages from 3 Lakes Water and Sanitation Rules and Regulations adopted March 8, 2010
- L. Letter from Megan Sullivan, P.E. Water Resource engineer dated May 18, 2018
- M. State Division of Water Resources, District Case No. 99CW283 dated December 20, 1999
- N. Water Allotment Contract for Betty Corbin Dated May 22, 2007
- O. Water Well Permit Application, Corbin Well No. 1 for Betty Corbin Dated May 22, 2007
- P. Water Well Change in Owner/name Address
- Q. Community Development Staff Certificate of Recommendation to Planning Commission dated May 9, 2018
- R. Grand County Planning Commission meeting minutes dated May 9, 2018
- S. Community Development Staff Certificate of Recommendation to Board of County Commissioners dated July 24, 2018
- T. Letter from Terry Gleason dated July 20, 2018
- U. Email from Kevin Evetts and Sharon Fahmy dated July 19, 2018
- V. Email from Martha Smiley dated July 17, 2018
- W. Letter from Carla Donelson dated July 23, 2018

PROJECT NAME: Spotted Cow Camping Special Use Permit
APPLICANT: David Eddy
LOCATION: 10660 US Highway 34
APPLICABLE REGULATIONS: Zoning Regulations, Grand County Master Plan
ZONING: Tourist
EXHIBITS:
EXHIBIT A - Application Letter
EXHIBIT B - Site Plan
EXHIBIT C - Vicinity Map

STAFF PLANNER: Alexander Taft, Planner
REQUEST: The Applicant is requesting a Special Use Permit (SUP) for a “camping area” to construct and operate a commercial RV and tent campground.

I. DISCUSSION

David Eddy, the applicant, is requesting a SUP for a “camping area” to establish and operate a commercial recreational vehicle (RV) and tent camping area open to the public. David Eddy is currently the owner of the property, where he and his partner operates The Spotted Cow restaurant and gift shop seasonally. The applicant proposes site improvements to allow a maximum 11 RV parking sites and 15 tent camping sites, totaling 26 sites.

Proposed use of commercial camping on the property is appropriately located in the Tourist District. Nearby are several state and national forest campgrounds: Stillwater, Cutthroat Bay, Green Ridge, and Arapahoe Bay. An influx of visitors to Rocky Mountain National Park and Arapahoe National Forest keeps the existing public Three Lakes campgrounds full during the summer months. These campgrounds benefit the tourist economy that supports Grand Lake and Granby.

II. COMPLIANCE WITH THE GRAND COUNTY ZONING REGULATIONS

The site for the proposed RV Park and camping is in the Tourist District. In this District, an RV park and commercial camping area is allowed under the special use permit provisions of Section 8.1 – uses permitted by special review (1) camping, pursuant to regulations set forth in Section 11.

COMPLIANCE WITH THE SECTION 11.8(1) SPECIAL USES—CAMPING
SECTION XI - USES PERMITTED BY SPECIAL REVIEW AND TEMPORARY USES

11.1 PURPOSE – USES PERMITTED BY SPECIAL REVIEW

Due to their unusual and unique features which, in certain situations, could be injurious to the health, safety or welfare of inhabitants of Grand County, the following uses shall be permitted in the designated zoning districts only after favorable approval of the Board of County Commissioners:

11. 8 SPECIAL USES

(1) Camping areas are subject to the following additional provisions:

(a) Such areas may be occupied only by persons using mobile homes, travel trailers, truck campers and tents for overnight or short duration camping;

Per the letter of application, these campsites are for the use of camping tents and fully self-contained R.V.s, or motor homes.

As defined in the Grand County Zoning Regulations (GCZR) Section 20 (44), “A motor home is designed to provide temporary living quarters. These living quarters are built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van. Motor homes must contain permanently installed independent life support systems and at least 4 of the following facilities: 1) cooking, 2) refrigeration or ice box, 3) self-contained toilet, 4) heating and/or air conditioning, 5) potable water supply system including a faucet and sink 6) separate 110-125 volt electrical power supply and/or LP gas supply.”

The use of tents and other camping vehicles which may not be fully self-contained, such as a “Truck Camper” [GZCR §20(72)] and “Travel Trailers” [GZCR §20(71)] will add impact to central water and sewer facilities.

(b) Each mobile home space shall be at least three thousand (3,000) square feet in area; each space for travel trailers, truck campers and tents shall be at least one thousand five hundred (1500) square feet in area;

(c) Each space shall be at least thirty feet (30') in width;

The application proposes tent camping sites that measure 16' by 16'. GCZR requires a minimum space of 1500 square feet and width of 30 feet for both tents and travel trailers & truck campers. Staff feels that such requirements are appropriate for each individual RV type site/space. However, the application suggests a different calculation based on the design of tent sites. Staff proposes that as long as the aggregate area for tent use, including marked individual site/spaces, open space, and the associated parking spots for those users is twenty-four thousand (24,000) square feet or greater and exactly 16 individual sites are identified, this satisfies the regulations.

Such calculation is based on 16 tent sites each requiring 1500 square feet. The applicant will need to make adjustments to the site plan to verify space during maximum proposed occupancy.

All tent camping sites must be clearly numbered and marked on site, and such shall be made a condition of any special use permit.

The width of the RV sites/spaces shall be clearly delineated on the site, they are identified to be at least 30' x 50' in dimension.

(d) Each camping area shall provide a central water supply and shall have one (1) sewerage system.

The applicant shall supply sanitary sewer facilities for the development. Staff has been working with the applicant to determine the quantity of facilities required.

The applicant proposes a two (2) phase approach. During the 2019, summer season the use of two (2) port-o-potties, well screened similar to as shown below, be used to serve guests. In subsequent seasons, permanent water and sewer facilities will be installed to accommodate use.

Staff feels that this is inadequate, and circumvents the intent and letter of the Regulations. Practical difficulties to this approach would include variances provided from Three Lakes Water and Sanitation and Grand County Board of Adjustment.

Staff suggests that central sanitation facilities be designed to accommodate all potential users of the site at full occupancy. While the proximity to Granby Canal is a concern, the use of port-o-potties is restricted for less developed facilities in the State regulations.

No expansion of use of the R.V. Park can occur until an augmentation plan and adequate sanitation services are provided for the development.

(e) The source, quality, quantity, distribution system, volume and method of storage of water and the method of collection and treatment of sewage and waste water shall be approved by the Colorado State Department of Health;

The Applicant's property is within the Three Lakes Water and Sanitation District. The Applicant represents five (5) taps owned or allotted to this property. Staff notes that Three Lakes Sanitation District regularly reassess taps and adjusts fees according to the existing use. Proof of existing taps shall be supplied to Staff for verification of adequate supply.

The Applicant appears to have current well and water rights to support sixteen (16) campsites. This application has been referred to DWR confirming the available water to support of sixteen (16) campsites. Proof of current water augmentation is required prior to any expansion, this shall be made a condition of any special use permit.

Colorado State Department of Health (CDHPE) Regulation 11 provides for the establishment, management, and regulation of public drinking water systems. Review of Regulation 11 indicates that based on proposed use, this development does not require creation of a public drinking water system.

(f) No dependent mobile home, travel trailer, truck camper or tent shall be located more than two hundred feet (200') from a service building;

The majority of RV and Tent sites are currently proposed to be located within two hundred feet (200') from a service building containing water and sanitation facilities, with the farthest ones approximately two hundred seventy-five feet (275') away. Staff requires that to maintain compliance with the two hundred feet (200') requirement the Permittee shall require all RV's outside that area be self contained. These sites are to be used by RV's and will be self-contained. Staff believes this is overall adequate to meeting the regulations and does not propose relocating the service building or redrawing the site plan.

(g) Provisions shall be made for adequate all weather walkways to each space;

Walkways have not been presented in the site plan submitted by the Applicant. Staff had discussions with the Applicant regarding walkways and driveways. The Applicant proposes to use a compacted road base to pave walkways and driveways. The site plan shall include the location of proposed walkways that connect tent sites to service buildings.

III. COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which two (2) are relevant to this special use permit proposal.

Plan Element 3 – Development: The Built Environment

If approved, this use will be consistent with the desire to maintain visually important lands in Grand County. The site will be well screened to protect the visual corridor adjacent to Highway 34. This is consistent with Plan Element 3 as this element seeks to advance consistent, reliable and appropriate facilities for the long-term development of the County.

Plan Element 6 – Economic Base

If approved, this facility will help support the County's economic base. This use falls under the recreation and tourism based industry supporting the County's western, rural and scenic character. This is consistent with Plan Element 6 that encourages the development of local enterprises and specifically the development of recreation and tourism based industries.

IV. STAFF COMMENTS

Staff believes the use being proposed is a necessary use and a practical location because of the proximity to Grand Lake and Public Lands.

While recognizing that the season end is near, Staff still feels it is necessary to install permanent sanitation facilities in a central location as soon as possible. The Applicant shall submit application for a building permit for any site improvements.

Staff has had discussions with both CDPHE and State Division of Water Resources. Concerns that were originally presented to Planning Commission were resolved because of this correspondence. The existing well has rights to serve sixteen (16) campsites. There is no concern with water supply for this use and the capacity does not require development of a public water system under Regulation 11.

V. PLANNING COMMISSION RECOMMENDATION

During the Planning Commission meeting of May 9, 2018, this proposal was presented to the Commission. The Applicant represented the desire to use port-o-potties for the first season of use. Staff had concerns regarding the proposed sewer and the available water. Staff presented the recommendation to Planning Commission that

required the Applicant to have a facility for central water and sewer to be provided in the initial and subsequent seasons of operation. The Planning Commission agreed that this recommendation was agreeable, and meets compliance with the current Regulations. Staff offered that more due diligence was required to meet concerns surrounding water and sewer.

There was discussion of an adjacent mobile home park. The property lies within the Mobile District which has no existing SUP suggesting that it is a pre-existing, non-conforming use. Staff has received no complaints on this existing development.

Staff recommended the approval of the Spotted Cow Special Use Permit with the following conditions to be included in the Grand County Special Use Permit:

- 1) On site signage that details the uses allowed on site and the maximum capacity.
- 2) Stays would be limited to no longer than two (2) weeks in duration, defined as fourteen (14) days, which would be governed by on-site management.
- 3) The applicant must address how the camping sites will be clearly numbered and outlined prior to any review before the Board of County Commissioners.
- 4) No use of the R.V. park can occur until central water and sanitation services are provided to the development.
- 5) The width of the RV campsites shall be clearly delineated on a site plan, shown to be at least 30' x 50' in dimension. Individual tent sites shall be clearly delineated on a site plan, and the total tent camping area (to include sites, open space and parking) will be shown to equal at least 24,000 square feet.
- 6) Referral to Colorado Division of Water Resources to confirm existing water rights.
- 7) Referral to Colorado Department of Public Health & Environment to confirm exemption from Public Drinking Water System Regulation 11.
- 8) Proof of sufficient taps per Three Lakes Water & Sanitation District.

Planning Commission voted unanimously to approve this application with the removal of the condition of a fourteen (14) day time limit.

VI. ADDITIONAL CONDITIONS

There are a total of thirty five (35) conditions that must be met and included in the Grand County Special Use Permit. Should the Board choose to approve this proposed camping Special Use Permit, the approval shall be contingent on the following being granted or provided to Community Development Staff:

- 1) Access into the site meets current Road and Bridge standards.
- 2) Access off Highway 34 shall have a current CDOT access permit, relating to the proposed use.
- 3) A variance is received from Three Lakes Water and Sanitation, as necessary for the use of port-o-potties.

Staff recommends the approval of the Spotted Cow Special Use Permit with these additional 24 following conditions to be added to the planning commission recommendations and included in the Grand County Special Use Permit:

- 1) Dust Control: Dust will be controlled if it becomes a problem.
- 2) Dumpsite: Under this permit no Dumpsite is currently being proposed, the Permittee shall notify all occupants of locations of Dumpsites.
- 3) Dates of Operation: The dates of operation shall be May 15 through September 30 of each year. Grand County shall be notified if the area will open earlier or close later.
- 4) Future Accessory Use: Any proposal for further accessory uses shall require review by the Board of County Commissioners.
- 5) Sewerage System: Prior to operation the Permittee shall have a central sewer system installed that shall serve the maximum occupancy.

OPTION: Permittee shall have a variance provided by Three Lake Water and Sewer District on file with Community Development Department to allow two (2) port-o-potties for the 2019 season. Site inspection conducted by Community Development Staff shall confirm the requirement for one (1) central sewerage system for the 2020 season.

- 6) Service Buildings: Permittee shall have a waiver from the requirement that all service buildings be located at least two hundred feet (200') from all dependent recreational vehicles and campers.
- 7) Permits: Permits for all buildings on the site, along with permits for all wastewater disposal systems are required from the Grand County Building Department prior to starting construction on site.
- 8) Concessionaire: Permittee is required to inform the Grand County Community Development Department if a concessionaire is designated to operate the recreation area. Any concessionaire will also be bound by the conditions of this permit.
- 9) Control of Site: Permittee shall be responsible for controlling and maintaining the site in attractive condition at all times. No junk or other debris shall be allowed to accumulate on the site.
- 10) Compliance with County, State and Federal Regulations: Permittee shall be subject to all County, State and Federal Rules, Regulations and Statutes. Permittee will be responsible for insuring compliance with all applicable County, State and Federal Rules, Regulations and Statutes. This Permit in no way relieves Permittee from complying with said Rules, Regulations and Statutes. Any violation of any County, State or Federal

Rules, Regulations or Statutes relating to this operation shall be grounds for immediate termination of this Permit.

11) **Limitation of Liability:** The Board of County Commissioners by the issuance of this Permit assumes no responsibility for the operation of the site and Permittee hereby covenants and agrees to hold Grand County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation contemplated by this Permit. Permittee warrants that he will obtain appropriate liability and hazard insurance to compensate any individuals who may be injured or damaged in any manner by the conduct of this use. Permittee further warrants and agrees to compensate Grand County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Permittee's operation of this use.

12) **Alteration of Terms and Conditions:** The terms and conditions of this Permit cannot be altered without proper notice and review by the Grand County Board of County Commissioners.

13) **Binding Contract:** This Permit shall become a binding contract between the parties hereto upon the execution hereof as provided for below. Said contract shall be binding upon and inure to the benefit of the successors, heirs, assigns and personal representatives of the parties.

14) **Right to Enter Site:** Permittee, by accepting this Special Use Permit, concurs and agrees that Grand County has the authority and mandate to require a cease and desist of operations for non-compliance with any permit conditions substantiated by Grand County. Permittee irrevocably consents to Grand County's right to enter the property to check for compliance with permit conditions at any time during normal business hours.

15) **Violation of Terms and Conditions:** In the event of violation of any of the restrictions, or conditions on the use of this Permit, or in the event of failure to fulfill any of the conditions required by this Permit, the Permit Authority may, upon not less than ten (10) days' notice in writing to Permittee, hold a public hearing to consider the revocation of this Permit or to take such other action as the Permit Authority in its sole discretion deems appropriate. Notice to Permittee shall be complete upon mailing at the following address:
Spotted Cow

Attn: David Eddy
10658 US HWY 34
Grand Lake, CO 80447

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

17) **Not Transferable:** This Permit is valid for use only by Permittee and may not be transferred unless approved by the Permit Authority. In the event Permittee fails to take substantial steps toward the initiation of the above development or activity within twelve (12) months from the date of this permit, or if such steps are taken, in the event the Permittee fails to complete the development activity with reasonable diligence, this permit may be revoked by the Permit Authority.

18) **Off-site Impacts:** Permittee shall control and mitigate noise, dust, glare and odor on the site and shall not allow noise, dust, glare and odor to create a nuisance to adjoining properties.

19) **Best Management Practices:** Permittee shall use best management practices for erosion and sediment control on all disturbed areas of the site.

20) **Alteration of Terms and Conditions:** The terms and conditions of this Permit cannot be altered without proper notice and review by the Grand County Board of County Commissioners.

21) **Storage of Junk and Abandoned Property:** Neither Permittee nor its licensees shall be allowed, under any circumstances, to use the permit area for purposes of storing junk materials, such as abandoned cars or trucks or other equipment which is not capable of operation or any other equipment or materials which are not used in the operation contemplated by this Permit within a period of six (6) months. Permittee is specifically prohibited from using the permit area as a storage yard for junked equipment or materials, but in no way is it intended that this prohibition shall interfere with Permittee's stockpiling of materials.

22) **Noxious Weeds:** Spotted Cow District shall comply with Best Management Practices set forth by Grand County Department of Natural Resources to control noxious weeds on site.

23) **On site signage** that details the uses allowed on site and the maximum capacity.

24) **The applicant shall clearly number and indicate the individual pads or spots within the site.**

Mr. Eddy stated that he would like to eliminate the camp sites and have only the RV sites.

Rich Phillips is a retired lineman and has spent a lot of time in a RV. He believes that the size of the camping sites will accommodate RVs.

The applicant will provide a revised application at a Board meeting in the future.

Commissioner Manguso moved to continue the Public Hearing to September 25, 2018 at 1:00 p.m.

The motion passed unanimously.

Sheriff's Office – Fire Restrictions Discussion

Grand County Sheriff Brett Schroetlin stated that Grand County is at six of the seven of the matrix with regard to fires.

Stage 2 expires next week. Sheriff Schroetlin stated that he is fine with going back to Stage 1 restrictions.

Commissioner Manguso moved have Grand County be at Stage 1 fire restrictions as those restrictions were prior to State 2 effective today at 4:00 p.m.

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2018-7-26, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO DECLARING A STAGE ONE FIRE BAN/RESTRICTION, EFFECTIVE TUESDAY, JULY 24, 2018 AT 4:00 P.M. PURSUANT TO ORDINANCE NO. 20"

The motion passed unanimously.

Grand Beginnings – Early Childhood Care and Education Needs Discussion

Grand Beginnings Executive Director Maegan Lokteff stated that the mission of Grand Beginnings is "To promote a child-centered school readiness system that fosters early learning, facilitates healthy child development, and promotes family success."

Early childhood in Grand County:

- Approximately 650 children under the age of six
- 73 percent of all young children live at or below 200 percent of Federal Poverty or on an annual income of \$48,500 or less for a family of four, 28 percent live at or below 100 percent of FPL
- For a family of four to be considered self-sufficient in Grand County they would need an annual income exceeding \$61,986
- Grand County is the fifth most expensive county for child care compared to median income
- Less than half of Grand County 3 and 4 year olds attend preschool
- Grand County only has capacity for 12 percent of our infants and toddlers in licensed child care. That is approximately 50 slots for 390 children under the age of 3

Economic Impact of Early Childhood

- Families pay 44 percent more for a year of infant and toddler childcare than they do for a year of college in Colorado
- Early Care and Education generates \$1.4 billion in annual sales and services and over 32,000 jobs across the state. In Grand County we estimate this to be over \$1 million in economic activity and approximately 50 jobs
- An additional \$4.4 billion is added to the state economy by allowing parents to work
- The total economic impact is similar to k-12 and higher education, hotels and lodging, recreation, and food and drink services

What does the future hold?

- Grand County has a shrinking early childhood workforce with not enough qualified teachers to staff all licensed programs. It is getting more expensive as we train staff to meet qualifications to simply keep doors open in programs.
- Between now and 2020 state funding to Grand Beginnings for Grand County will decrease by nearly 40 percent and be taken to a floor of \$18,000
- Over the last five years investment for the county has also decreased 60 percent from \$75,000 in 2013 to \$30,000 in 2018. However, this funding is critical as it allows us to leverage all other grant funding.
- Grand Beginnings brings in average of \$250,000 per year in non-governmental funding to support services in Grand County or nearly 70 percent of our annual budget

Blight Hearing (Michael D. Smith – 85 County Rd 496)

The Public Hearing scheduled to begin at 2:00 p.m. was called to order by Chair Linke at 2:02 p.m. County Attorney Franek set the record with the following exhibits:

- A. Photos taken December 1, 2017
- B. Potential Violation Letter with attachments, dated January 3, 2018
- C. Blight Violation Letter, dated March 2, 2018
- D. Photos Taken April 20, 2018
- E. Notice of Blight Violation, dated June 5, 2018
- F. Photos taken June 22, 2018
- G. Blight Hearing Request, received June 25, 2018
- H. Photos taken July 20, 2018
- I. Power Point presentation to BOCC on July 24, 2018

Richard Hubler stated that the County has made contact with Mr. Smith. Mr. Hubler visited the property last week. The trailer is gone and work is going on.

The property looks pretty good from the driveway.

No fines have been levied on this property.

The owner of the property stated that the property is being cleaned up.

The applicant will remove the rubbish from the property in 60 days.

Commissioner Manguso moved to continue the Public Hearing for the Blight Hearing at 85 County Road 496 to September 25, 2018 at 2:00 p.m.

The motion passed unanimously.

Stafford Subdivision Exemption Sketch Plan

PROJECT NAME: Stafford Subdivision Exemption- Sketch Plan
APPLICANT: Dennis and Betty Stafford
LOCATION: METES & BOUNDS 76, 40 ACRES NE ¼ NW ¼ Section 22 Township 3 North Range 76 West lying along County Road 452 in the Stillwater Creek Valley.

APPLICABLE

REGULATIONS: Zoning Regulations, Subdivision Exemption Regulations, Master plan
ZONING: F/R – (Split Zone) Forestry/Open and Residential District

ATTACHMENTS:

- a) Application and Narrative letter
- b) Title commitment
- c) Sketch Plan (Plat)
- d) MPEI Will Serve Letter
- e) Vicinity Map
- f) Well Permit

STAFF PLANNER: Alexander Taft, Planner I

REQUEST: The applicant is proposing a subdivision exemption to subdivide a 40 acre parcel in order to give land to family.

I. Proposal

The applicant is proposing a subdivision of a 40 acre parcel by process of subdivision exemption to separate two, 2.4 acre parcels. The applicant intends to deed the new parcels to family. The 40 acre parcel is located within the Grand Lake Urban Growth Area as defined by the Grand County Master Plan. Dennis Stafford has owned the property since 1992 as a transfer from family.

It shall be served by well and on-site waste water treatment system (OWTS). County Road 452 is adjacent allowing access to the proposed parcels.

II. COMPLIANCE WITH GRAND COUNTY REGULATIONS

- a. ZONING – (Split Zoning) Section 4.1 Residential & Section 6.1 Forestry and Open District

The zoning for this parcel is split zoned as Residential and Forestry/Open District, the application of whichever district was stricter, was applied to avoid non-compliance. This application complies with the regulations in the following ways:

- Single family dwellings have or will be constructed on the parcels, this use is in compliance with the regulations.
- These parcels are within the Urban Growth Area as defined by the Grand County Master Plan, and are allowed to have a minimum lot area of 2 acres per Forestry and Open District.

□ These parcels shall comply with the 10' side setback of the Forestry and Open District.

b. SUBDIVISION EXEMPTION – Article 2 – Design Standards

The application shall be compliant with the Article 2 Design Standards Grand County Subdivision Exemption Regulations. The proposed lots are platted to address existing site conditions of steep slopes [Subsection 2.1]. Two new single family dwellings will create approximately 16 Average Daily Trips (ADTs). The two lots shall be served by driveway that meets current Road and Bridge Standards [Subsection 2.2]. The layout of lots meet the minimum area required as set forth in these regulations. Their alignment is radial to the corner of County Road 452. Addresses shall be added to the Final Plat Mylar [Subsection 2.3]. Any existing or future easements shall be dedicated to the public per this Plat [Subsection 2.4].

The proposed lots lie significantly away from any water courses on property. Sewer shall be installed under the current Onsite Wastewater Treatment Regulations. Water will be from a domestic well that has been converted to three (3) household use only wells [Subsection 2.5].

Access driveway shall be installed per current Road and Bridge standards. Additionally, utilities need to be made available to the platted lots [Subsection 2.7].

School Impact fees shall be calculated prior to Final Plat submittal [Subsection 2.10].

c. SUBDIVISION EXEMPTION – Article 3 – Sketch Plan

The application shall be compliant with Article 3 of Grand County Subdivision Exemption Regulations, the following is how each item was addressed under the submittal of Sketch Plan:

This applicant complies with relevant provisions of the subdivision regulations regarding relevant site characteristics and analyses applicable to the proposed subdivision. The submittal shows the parcel intending to be subdivided under this application. A vicinity map was also included to show the parcel in relation to a two mile area [Sketch Plan (1) (a-c)].

The applicant has supplied the proposed the name of the exempted tract which is: Stafford Subdivision Exemption [Sketch Plan (2) (a)].

The title on the sketch plan contains a correct legal description of the entire property to be divided [Sketch Plan (2) (b)].

The Final Plat shall include: “The names, addresses, and telephone numbers of the applicant(s), and the land surveyor, engineer, and/or designer of the proposed division, if any (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land surveyors) [Sketch Plan (2) (c)].

The Final Plat shall include a scale of not less than 1' equals 100'. Date of preparation and North sign (designated as true North) are included on the sketch plan and shall remain [Sketch Plan (2) (d)].

Location and approximate dimensions for all proposed street Rights-Of-Way, easements and lot lines. This condition has not been substantially met. The Final Plat will need to include the approximate location of the County Right-Of-Way traveling through the north of the property [Sketch Plan (2) (e)].

Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses, and other important features within and adjacent to the tract to be divided. This condition has not been substantially met. [Sketch Plan (2) (f)]

The names of abutting subdivisions and the names of the owners of abutting unplatted properties. This condition has not been substantially met. All surrounding property owners and boundaries shall be included on the Final Plat. [Sketch Plan (2) (g)]

Approximate acreage of all lots to be created by the division of land. This condition has not been substantially met, all lots to be included in this application shall be included on the Final Plat [Sketch Plan (2) (h)].

Relevant site characteristics including the existence of any special natural or man-made hazards. This condition has not been substantially met. The Final Plat shall include Stillwater Creek that runs through the property [Sketch Plan (2) (i)].

The applicant has provided certified notice to all mineral estate owners pursuant to C.R.S. 24-65-101 et al. [Sketch Plan (2) (j)]

The title insurance commitment has been provided as a portion of this application. [Sketch Plan (2) (k)]

III. GRAND COUNTY MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one (1) is relevant to this proposal.

Plan Element 2 – Land Use – The Pattern of Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the urban growth areas where existing infrastructure and public services exist. This subdivision is outside any defined urban growth area. Therefore, this Amended Final Plat reduces the density where services and infrastructure are limited.

IV. STAFF ANALYSIS

This proposed division of land, as provided for under the Subdivision Exemption Regulations, meets the requirements regarding controlling density as outlined in the Grand County Master Plan. The parcel shares its boundary with the Urban Growth Boundary, and could therefore be further subdivided. Staff understands that this subdivision request is intended to maintain the current character of the area. For reference, should the larger 35.2 acre parcel created in this subdivision, be further subdivided, it shall be reviewed under current subdivision regulations.

V. PLANNING COMMISSION RECOMMENDATION

During the Planning Commission meeting scheduled for March 14, 2018 staff presented a recommendation to the Commissioners.

The Commission Chair stated Agricultural zoning needs to be removed from the Plat and add the Rights-of-Way to the Plat.

Motion was made by for approval of Stafford Subdivision Exemption with all conditions listed. Chair, Marcus Davis's recommendation of removing Agricultural zoning from Plat as well as adding roads to the plat was also stated. Second motion was made by Todd Clausen. Approval was unanimous.

VI. ADDITIONAL CONDITIONS

Staff recommends the approval of the Stafford Subdivision Exemption Sketch Plan with the following conditions to be met prior to submitting an application for Final Plat approval:

1. The Final Plat shall include: The names, addresses, and telephone numbers of the applicant(s), and the land surveyor, engineer, and/or designer of the proposed division, if any (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land surveyors).
2. The Final Plat shall include a scale of not less than 1" equals 100'. Date of preparation and North sign (designated as true North) are included on the Sketch Plan and shall remain.
3. The Final Plat will need to include the approximate location of the County Right-Of-Way traveling through the north of the property.
4. The Final Plat shall include location and principal dimensions for all existing streets (including their names), alleys, easements, water courses, and other important features within and adjacent to the tract to be divided.
5. The Final Plat shall include all surrounding property owners and boundaries.
6. The Final Plat shall include approximate acreage of all lots to be created by the division of land.
7. The Final Plat shall include Stillwater Creek that runs through the property.
8. Statement of taxes due showing current taxes paid shall be provided prior to recording of the Final Plat.
9. Quit Claim Deeds shall be recorded with the Final plat.
10. The applicant shall meet all Final Plat requirements.

All legal documents required in conjunction with the final approval of this request are subject to the review and acceptance of the County Attorney.

Commissioner Manguso stated that this will allow the applicant to then divide the 35 acres and have three more wells. This is a way to get around the regulations. She would like to see the larger piece be 34 acres.

Commissioner Manguso moved to approve the Stafford Subdivision Exemption Sketch Plan with the condition that at final plat the larger lot comes back at less than 35 acres and enough less that a survey error isn't going to cause it to go over.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 2:45 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this ____ day of August 2018.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder