

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

August 14, 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

Those present recited the Pledge of Allegiance.

Commissioner Manguso moved to approve the Minutes of the Regular Board of Commissioners meeting of August 6, 2018.

The motion passed unanimously.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on August 15, 2018, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Manguso moved to approve the checks presented on August 14, 2018 for payment on August 15 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 August 15, 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 August 14, 2018, for payment on August 15, 2018 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Manguso moved to approve the wires payment and vouchers presented on August 14, 2018, for payment on August 15, 2018 for Grand County.

The motion passed unanimously.

Road and Bridge Update

Road and Bridge Superintendent Chris Baer reported that his department has no County resources at the Silvercreek fire at this time. His crew is on standby with three water tenders in Kremmling.

The asphalt work is complete on County Roads 5 and 830 is complete. Chip seal will be moving in on August 23, 2018. The chip seal work will be performed on County Roads 840, 50, 73, 41, 4, 64, 66, and 1.

Department Contracts, Comments, Issues

Commissioner Cimino moved to approve the Grant Award Letter in the amount of \$9,729 for the Department of Justice Assistance Grant for the purchase of equipment for the drone and vests for detention officers as presented by Mona Finley.

The motion passed unanimously.

Commissioner Cimino moved to amend the prior motion to allow the Chair to sign both copies of the Grant Agreement.

The motion passed unanimously.

Commissioner Cimino moved to approve the renewal of the Grand Lake Metropolitan Recreation District Hotel and Restaurant Liquor License with Optional Premises as presented by Clerk and Recorder Sara Rosene.

The motion passed unanimously.

### Manager and Attorney Items

Commissioner Manguso moved to approve the Conservation Trust fund money for Bits 'N Spurs in the amount of \$1,000. The \$1,000 will be split evenly between the three districts with District 3 paying the extra dollar.

The motion passed unanimously.

County Manager Staab presented his weekly update.

### Consent Agenda

Resolution No. 2018-8-3, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A CAPITAL RELEASE BY GRAND COUNTY EMS FOR THE PURCHASE OF FOUR (4) STRETCHERS, FIVE (5) CARDIAC MONITORS, AND BILLING SOFTWARE"

Resolution No. 2018-8-4, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE WAIVER OF THE USE FEE FOR THE USE OF THE CSU EXTENSION HALL BY THE MIDDLE PARK STOCKGROWERS ASSOCIATION"

Resolution No. 2018-8-5, "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 THE TOWN OF GRANBY, COLORADO 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. 2018-8-6, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN ASSIGNMENT OF HANGAR GROUND LEASE FOR AIRPLANE HANGAR NO. 8 LOCATED AT THE GRANBY-GRAND COUNTY AIRPORT"

Resolution No. 2018-8-7, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SECOND AMENDMENT TO THE CONTRACT BY AND BETWEEN MANAGING RESULTS, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING STRATEGIC PLANNING"

Resolution No. 2018-8-8, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A QUIT CLAIM DEED, QUIT CLAIMING TO SHADOW LAKE VILLAS OWNERS ASSOCIATION A FIRE SUPPRESSION SYSTEM LOCATED IN THE SHADOW LAKE VILLAS SUBDIVISION, COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2018-8-9, "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 ARBANEY CATTLE COMPANY & LIVESTOCK, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE PROVISION OF CATTLE FOR EVENTS DURING THE 2018 MIDDLE PARK FAIR AND RODEO"

Resolution No. 2018-8-10, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AUTHORIZING THE KREMMLING AREA CHAMBER OF COMMERCE TO USE PORTIONS OF THE GRAND COUNTY FAIRGROUNDS FOR LIQUOR SALES DURING THE 2018 MIDDLE PARK FAIR AND RODEO AND 2018 DEMOLITION DERBY, SUBJECT TO APPROVED AND ISSUED SPECIAL EVENT LIQUOR PERMITS"

Resolution No. 2018-8-11, "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 MICHAEL RICE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR A LIVE MUSIC

PERFORMANCE FOR PATRONS OF THE 2018 DEMOLITION DERBY”

Resolution No. 2018-8-12, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF ROBERT DAVIS AS THE GRAND COUNTY FIRE CODE OFFICIAL”

Resolution No. 2018-8-13, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ACCEPTING THE STATEMENT OF QUALIFICATIONS FROM BOWMAN CONSULTING GROUP, LTD. FOR THE ENGINEERING CONSTRUCTION MANAGEMENT AND MATERIALS TESTING SERVICES FOR THE GRAND COUNTY ROAD 3 ARCH CULVERT PROJECT”

Resolution No. 2018-8-14, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND DELEGATING THE GRAND COUNTY SHERIFF THE AUTHORITY TO EXECUTE A SETTLEMENT AGREEMENT CONCERNING U.S. DISTRICT COURT CIVIL ACTION NO. 17-CV-01633

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

County Attorney Franek stated that the counties who sued the Federal Government regarding PILT payments won on summary judgement. Counties can opt into the lawsuit. Grand County has been shorted approximately \$52,000 for 2015 through 2017. If the Grand County opts in and the suit is won, Grand County will receive \$52,000 less any attorney fees in an amount of approximately \$14,000.

Mr. Franek stated that 14 Colorado counties have opted into the lawsuit.

Commissioner Manguso moved to authorize County Attorney Franek to sign the opt-in form as well authorize the County Attorney to be the contact person with regard to King County, Utah, United States Case No. 17-739C and 17-1991C regarding PILT payments.

The motion passed unanimously.

Board Business

County Manager Staab stated that he received a request for confirmation from NWCCOG for the 2019 dues for NWCCOG and QQ. The NWCCOG dues will be \$22,809 and QQ will be \$38,216 in 2019. The Board agreed that it will pay those dues.

- August 8 Commissioners Linke and Manguso met with Senator Bennet and other anchor employers regarding employment in Grand County
- August 8 Commissioner Linke and Manguso attended an open house with Senator Bennet and other community members
- August 9 Commissioner Linke attended the 4H show
- August 10 Commissioner Linke attended the 4H Livestock Sale at the Middle Park Fair
- August 10 Commissioner Linke attended the Club 20 Leadership call
- August 11 Commissioners Linke and Manguso participated in the Commissioner’s Cookie Jar at the Middle Park Fair
- August 12 Commissioner Manguso worked at the Grand County Historical booth at the Middle Park Fair
- August 13 Commissioner Manguso attended the fire meeting in Kremmling

Calendar

- August 15 Commissioner Manguso is attending the Commissioners and Legislators monthly breakfast at the Sunshine Café at 8:00 a.m.
- August 15 All three commissioners will attend the public scoping open house regarding Colorado River Headwaters Connectivity Project at 6:00 p.m. at the Grand Fire Protection District Office at 60500 Hwy 40, Granby, CO
- August 16 Commissioner Cimino will meet with individuals regarding the boat inspection dates at Rocky Mountain Roastery at 9:00 a.m.
- August 16 Commissioner Cimino will attend the NWCCOG meeting in Aspen at 10:00 a.m.
- August 16 Commissioner Linke will attend a Club 20 webinar meeting from 10:00 am to 2:00 pm regarding state ballot questions
- August 18 Commissioner Manguso will attend the Taste of History at the Headwaters Center at 11:00 a.m.

- August 18 All three commissioners will attend the Demolition Derby at 4:00 p.m. at the Middle Park Fairgrounds
- August 20 Council on Aging fundraising dinner at the Sage Brush at 5:00 p.m. in Grand Lake
- August 23 Commissioner Linke will attend the Bulls, Boots, and BBQ fundraiser for the Rural Health Network
- August 23 Commissioner Linke will attend the CCI Mountain District Meeting
- August 30 Commissioner Manguso will attend the QQ quarterly meeting at the Silverthorne Library

### Treasurer's Report

Ranette Bakke presented the monthly Treasurer's report.

### Ranches at Devil's Thumb Rural Land Use Final Plat

PROJECT NAME: The Ranches at Devils Thumb  
APPLICANT: The Ranches at Devils Thumb, Inc. represented by Jeff Vogel for Vogel and Associates  
LOCATION: Portions of Section 16 and 17, Township 1 South, Range 75 West of the 6th P.M., County of Grand Approximately 1 mile Northeast of Fraser between GCR 8 on the south and GCR 83 on the north

#### APPLICABLE

REGULATIONS: Zoning Regulations, Subdivision Regulations, Road and Bridge Regulations, Storm Water and Erosion Control Regulation

ZONING: Forestry and Open District F/O

#### EXHIBITS:

- A. Sketch Plan (Plat)
- B. Preliminary Plat
- C. Final Plat
- D. Agency Review Comments
  1. COLORADO FOREST SERVICE
  2. MOUNTAIN PARKS ELECTRIC (MPEI)
  3. EAST GRAND SCHOOL DISTRICT
  4. COLORADO STATE DIVISION OF WATER RESOURCES
  5. COLORADO GEOLOGIC SURVEY dated January 9, 2018
  6. COLORADO GEOLOGIC SURVEY dated August 7, 2018
  7. HEADWATER TRAILS ALLIANCE
  8. EAST GRAND FIRE PROTECTION DISTRICT
  9. COUNTY ENGINEER dated August 3, 2018
  10. COUNTY ENGINEER dated June 6, 2018
- E. Correspondence from Applicant and consultant team:
  1. Submittal Letter for Road Improvements from Jeff Vogel for the Applicant dated August 9, 2017
  2. Submittal Letter for Preliminary Plat from Jeff Vogel for the Applicant dated January 30, 2018
  3. Variance Request – Road and Bridge Standards 3.4.4, from Anthony DePlata, Project Manager, TKE Engineering, dated September 25, 2017.
  4. Engineer's Opinion of Probable preliminary site disturbance by TKE Engineering dated September 25, 2017.
  5. Response by Anthony DePlata, Project Manager for TKE Engineering, to comments by Tim Gagnon of Bowman Consulting County Engineer dated September 25, 2017.
  6. Variance Request –Stormwater Detention, from Anthony DePlata, TKE Engineering, dated February 28, 2018.
  7. Variance Request –Stormwater Quality, from Anthony DePlata, TKE Engineering, dated February 28, 2018.
  8. Response by Anthony DePlata, TKE Engineering, to comments by Tim Gagnon of Bowman Consulting County Engineer dated October 20, 2017.
  9. Letter from Jeff Vogel, The Ranches at Devils Thumb Cluster Development Preliminary Plan, dated March 30, 2018
- F. Supplied Reports, data, studies, analysis:
  1. Geotechnical Engineering Study and Pavement Section Design, Kumar & Associates, dated February 1, 2018
  2. Phase II Drainage Report, by TKE dated February 15, 2018
  3. Letter from Helton & Williamson P.C. dated January 30, 2018
  4. Engineers Estimate of Probable Cost Road Rough Grading dated November 1, 2017
  5. Engineers Estimate of Probable Cost Roadway and Utilities dated July 16, 2018
  6. Feasibility Study for OWTS from Kumar and Associates, Inc. dated May 3, 2018
  7. Geotechnical engineering study for Geologic hazards and Slope stability from Kumar and Associates, Inc. dated July 6, 2018

- G. Review Response for Construction drawings
  - 1. Letter from Tim Gagnon of Bowman Consulting approving Preliminary Construction Plans dated October 24, 2017
  - 2. Letter from Tim Gagnon of Bowman Consulting approving Construction Plans dated March 12, 2018
- H. Vicinity Map
- I. Special Warranty Deed
- J. Title Commitment
- K. The Ranches at Devils Thumb, CC&R's dated July 20, 2018

STAFF PLANNER: Alexander Taft, LEED Green Associate  
REQUEST: A 17-lot Rural Land Use subdivision

## I. DISCUSSION

### a. History

The Ranches at Devil's Thumb, Inc is the owner of 471.1-acres that is located northeast of the Town of Fraser and situated between GCR 8 on the south and GCR 83 and Devils Thumb Ranch Resort on the north. Of the larger tract, 341.1 acres is subject in this proposal.

The property was originally owned by Quad Ranch, LLC and subsequently transferred to The Ranches at Devil's Thumb Inc. This transfer has been recorded in the Grand County Real Estate Records at Reception No.2017009127 (Exhibit attached).

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

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

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

Access to property is from GCR 8 via GCR 80311 also known as Thunder Road on the south and GCR 83 on the north.

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

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

Radon gas is a potential hazard in many areas of Grand County. The only way to determine radon levels is to test for it during construction. Homes with at grade or below grade levels with radon levels that exceed EPA acceptable indoor radon levels shall require sub-slab depressurization.

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

### b. Project Description

The Applicant is proposing to subdivide the 341.1 acres using the County's Rural Land Use Process "RLUP" (aka Cluster Development). RLUP provides an alternative to the traditional 35-acre subdivision, to encourage clustering of residential dwellings, preserve open space and reduce extension of roads and utilities to serve the development. The process authorizes a density bonus of not to exceed two (2) units for each 35-acre increment (e.g., 1,000 acres/35 acres = 28 units \* 2 = 56 total lots) and requires at least 67% dedicated open space.

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

Each proposed lot has a prescribed building envelope. The building envelopes range in area from under 1-acre to 2.4 acres. The development, not counting roads and driveways, will only impact 25.9 acres of the total development area. The total amount of land dedicated for common open space totals 225.6 acres or 67% of the total development area. When the undeveloped areas for each lot that are "reserved" as open space are included, the total open space area is approximately 75%. The proposed configuration clusters the residential sites around

the perimeter of the development, takes advantage of the topography that is best suited for development, thereby providing each site with views into the open space areas and outward to the Continental Divide and Byers Peak.

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

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

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

## II. COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

### A. GRAND COUNTY MASTER PLAN

The proposed development is located in unincorporated Grand County outside a designated County Growth Area Boundary (GAB). Lower density development is possible outside of a GAB either through the RLUP or Subdivision Exemption process. Goals of the Master Plan include preserving open space, protecting wildlife habitat and critical areas, and enhancing and maintaining the rural character of lands with contiguity to forest lands and agricultural lands.

The proposed cluster development will help preserve open space and its important characteristics (open lands, steep slopes, creeks, streams, rivers and drainages, wetlands and wildlife habitat) in the rural area outside Fraser area in Grand County.

### B. GRAND COUNTY ZONING REGULATIONS

The proposed use of the subdivided parcels is single family residential dwellings. Single family residential dwelling are a use by right as permitted in the Forestry and Open District.

The proposed lot area and lot width exceed the minimum required in this zone district (5-acre minimum area of a lot and 200 feet minimum lot width). Setbacks are met with the building envelopes proposed.

The proposed development complies with County Zoning Regulations.

### C. GRAND COUNTY CLUSTER DEVELOPMENT, SECTION 4.1 -- SKETCH PLAN, REQUIREMENTS.

The Applicant shall consider making the road a public road without limited access.

- The Board of County Commissioners, in its approval of the site disturbance permit for the roadway, made clear that the County does not currently accept roads for maintenance at this time, and that the County's preference is that the road be private and not public.

The Applicant also emphasizes that – even though the road serving the development would be private - access for fire and emergency vehicles is provided because of “crash gates” (actually controlled electronically) at the entries to the development.

Outstanding conditions that were remaining were met prior to the submittal of Preliminary Plat. The application complies with Section 4.1.

The Applicant shall preserve natural conditions and vegetation insofar as possible.

- Staff believes the construction plans for the roadway and associated plans for drainage, minimal site disturbance, and revegetation generally observe Best Management Practices (BMPs) and help preserve the natural conditions and landscape.

- However, the required soils, slope, fire mitigation analysis and combined mitigation strategies have not been provided and must be provided prior to submittal of the Final Plat. These should be submitted with Staff, requiring sufficient time for review, for relevant review agencies and the County Engineer having time also to review these reports and analyses in preparation of the Staff report and recommendations.

The Applicant shall consider moving the southern portion of the roadway further away from the shared border with the adjacent development, where a roadway parallels an existing roadway. This condition was in response to a request from adjacent property owners with homes off that existing roadway.

- Staff consulted with the Road and Bridge Department. There is no provision in the Road and Bridge standards that would prohibit a more or less parallel roadway near another roadway.

- As for the moving of the road alignment further to the north and off the ridgeline, the Applicant and Applicant's engineer represent that the proposed alignment is the best alternative, and that to move the alignment to the north would mean either:

- o Location of the roadway along a steep slope; or
- o Location of the roadway below the slopes and into a wetlands or open meadows.

– Both of which are unacceptable alternatives.

- The Applicant on February 7, 2018 provided a road alignment map illustrating that the roadway is properly engineered and indicating multiple benefits of the proposed road alignment at the southern border, including:

- o Utilizing gentler slopes for road alignment to minimize disturbance;
- o Utilizing gentler slopes for vertical approach to the south portion of the site;
- o Avoiding steep slopes and significant cuts; and
- o Preserving Molly's Meadow.

Outstanding conditions that were remaining have been met. The application complies with Section 4.1 Sketch Plan.

#### D. GRAND COUNTY CLUSTER DEVELOPMENT, SECTION 4.2 -- PRELIMINARY PLAT, REQUIREMENTS.

Staff has reviewed the Preliminary Plat submittal in light of the requirements of this section, and has made the determinations and recommendations listed below. Most of the conditions were met prior to the Preliminary Plat hearing by the Planning Commission. Staff also notes below recommendations made by the Planning Commission at the Preliminary Plat hearing itself, which are incorporated into the presentation and recommendations to the BOCC. Furthermore, Staff has noted subsequent actions by the Applicant to meet the conditions recommended by the Planning Commission and required by the Rural Land Use Process.

Designation of areas subject to periodic flooding and the volume of water during such floods. There are not any FEMA FIRM Panels printed within the project boundaries.

- Applicant states that floodplain mapping has not been published and no known seasonal flooding has been observed that may cause concern.

Evidence to establish that on-site sewage disposal systems (OWTS) will comply with State and local laws.

- Subsequent to the Planning Commission review of the Preliminary Plat, the Applicant agreed to provide a survey of 7 lots, representing more than one-third of the total number of lots, with lots chosen to be representative of the soils and slope conditions across the development. Because of then, current snow and ice conditions at the site, the Applicant had requested that this condition be met with Final Plat, and Staff agreed. The Applicant agrees to abide by all State and County regulations regarding on-site water treatment systems.

Proof of availability of adequate physical water supply to service the proposed development in compliance with 30-28-404, C.R.S.

- Condition met. See attached letter dated January 30, 2018 from Helton and Williamson, P.C., Consulting Engineers in Water Resources. (Exhibit J5) See also: review response dated February 16, 2018 from the Colorado Division of Water Resources regarding water supply for the development (Exhibit D4).

The Developer has paid the amount required for this application and shall pay any other costs incurred as part of the review of this application, including fees for the County Engineer and review agencies. Copies of the Preliminary Plat submittal were sent to all relevant review agencies prior to the January 17, 2018 hearing of the Planning Commission, as soon as supporting documents were received.

- Some agencies responded during the 30 day period and some have not. Staff made contact with agencies that did not submit comments within 35 days to urge them to do so in a timely manner. All comments have now been received.

All comments that are received after the Planning Commission review of the Preliminary Plan that are materially relevant may result in other conditions that the Department recommends the Applicant must meet

prior to hearing of the Final Plan by the BOCC. Because important reports and studies have not been completed by the Applicant's consultants prior to this BOCC hearing for the Preliminary Plat, relevant review agencies will also be allowed sufficient time to review the complete reports when received.

The Applicant is required to submit proposed "Declaration of Covenants, Conditions and Restrictions" (CC&Rs) for the project.

- The Applicant has submitted to the Department a revised draft (dated 3/29/18) of the: "Declaration of Covenants, Conditions and Restrictions for The Ranches at Devil's Thumb Inc."
- The Applicant has amended the CC&Rs in the most recent revised draft to show the obligation of the Homeowners Association and the 17 property-owners of the development to contribute to the re-surfacing of CR83 at some future date when the re-surfacing is deemed necessary (see Draft CC&Rs Section 8.23 Duty to Contribute to County Road 83 Improvements.) This draft is under review by the County Attorney.

Outstanding conditions that were remaining have been met. The application complies with Section 4.2, Preliminary Plat.

#### E. GRAND COUNTY CLUSTER DEVELOPMENT, SECTION 2 – DESIGN STANDARDS.

The Applicant shall provide design standards (as required in Article II, Rural Land Use Process) to address site planning, architecture and landscaping, including but not limited to the following:

- Design and implement fire wise practices with regard to defensible space and home construction and home construction techniques (See full discussion in comments from Colorado Forest Service, which are incorporated into this condition). [Section 2.1 (5)].
- Fencing standards to promote wildlife movement through property (i.e., no perimeter fencing of the development, lots or building envelopes) [Section 2.1 (5)].
- Site disturbance standards (i.e., all site specific improvements, structures, accessory buildings, groundwater wells and On-site Wastewater Treatment Systems "OWTS").
- Lighting standards that promote preservation of the night sky commonly referred to as dark sky compliant fixtures.
- Architectural standards to promote the use of natural materials (wood, stone, stucco or composites having similar characteristic) and earth tone colors for façade and roof colors. Trim and accent areas may feature brighter complimenting colors).
- Landscape standards that promote erosion and sediment control, revegetation, noxious weed control and wildfire defensible space.
- Radon mitigation shall also be included in the design guidelines and conditions at Final Plat [Section 2.1 (1)].
- Storm Drainage improvements shall be compliant with the Erosion and Sediment Control Guidance Handbook (2005). Measures shall be taken to prevent impact to naturally occurring wetlands and soil erosion [Section 2.6 (1)].
- OWTS shall be installed in compliance with current County regulations. All wells shall be in conformance pursuant to Section 30-28-404, C.R.S.[Section 2.6 (2&3)]
- The School District was sent a calculation for Money in Lieu of Land they accepted. See the review agency comments below for details [Section 2.6 (2&3)].
- Addressing of all proposed lots shall be submitted for inclusion to the County 911 Emergency Addressing System. A PDF can be sent to county GIS[Section 2.9 (1&2)].

#### F. GRAND COUNTY CLUSTER DEVELOPMENT, SECTION 4.4 -- FINAL PLAT, REQUIREMENTS.

The Final Plat substantially meets the form of the development that has been proposed and shall be recorded in Grand County Real Estate records upon approval. The drawing is at the minimum scale of 1" = 100' when printed on a sheet 24"x36". This application complies with [Section 4.4 (1) (a-b)]

The Final Plat shall contain or be accompanied by the following information, and shall be submitted to the Community Development Department at least four (4) weeks prior to the Board of County Commissioners meeting at which the developer wishes his cluster development considered:

The Ranches at Devils Thumb is the name of the project. The proposed Plat drawings show a minimum scale of 1" = 100' with a north arrow and date of creation. Legal Description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the developer is recorded [Section 4.4 (2) (a-b)].

Primary control points, or description and ties to such control points, to which all dimensions, angles, bearings, and Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lot, have all been shown on the proposed Final Plat [Section 4.4 (2) (c-d)].

Proposed names and right-of-way width of each street or other rights-of-way. Location, dimensions and purpose of any easement, such as those referenced in the Title Commitment ABS60009708, including reference



by book and page to any pre-existing recorded easements all need to be shown on the Final Plat Mylar [Section 4.4 (2) (e-f)].

Lots have been identified as numbered and show acreage to the nearest hundredth of an acre. The purpose for use of land in this subdivision is single family residential dwellings. Location and description of monuments is shown on the plat. An updated title commitment within the last six (6) months has been provided [Section 4.4 (2) (h-j)].

Statement by developer platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses has been provided and amended with recommendations as provided by the County Attorney. Certification by a Surveyor insuring the accuracy, Certificate for approval by the Board of County Commissioners and Certification by a qualified professional have been shown on the Final Plat are substantially compliant [Section 4.4 (2) (k-m)].

A two and one-half by three inch (2-1/2" x 3") vertical box has been provided on all seven (7) sheets of the Final Plat for use by the County Clerk and Recorder [Section 4.4 (2) (i)].

CC&Rs shall be reviewed and approved by the County Attorney. The submitted CC&R's are substantially in compliance, but will require approval by the County Attorney prior to recording of the Final Plat [Section 4.4 (2) (p)].

A vicinity map, has been provided on the cover sheet of the Final Plat [Section 4.4 (2) (q)].

The developer has provided storm drainage plans from TKE dated October 19, 2017. These plans have been reviewed and approved by the County Consulting Engineer [Section 4.4 (2) (r) (i-ii)].

The Applicant has supplied data, analyses, studies, plans that Staff has collected under Exhibit J, 1-8. These were used by review agencies to make recommendations that the application is substantially in compliance with local and State regulations [Section 4.4 (2) (s)].

A Forest Stewardship Plan/Wildfire Hazards Mitigation Plan is developed for this tract through a Timber Resources Management Plan [Section 4.4 (2) (t)].

A 14" x 18" black-line mylar(s) with approved addresses and road numbers as required [Section 4.4 (2) (v)].

Current tax statements shall be provided to verify that all taxes have been paid prior to recording [Section 4.4 (2) (v)].

An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at [www.blm.gov/gcdb](http://www.blm.gov/gcdb). The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system. [Section 4.4 (2) (w)].

### III. BOARD OF COUNTY COMMISSIONERS (BOCC) APPROVAL FOR SITE DISTURBANCE FOR ROADWAY PRIOR TO PRELIMINARY PLAT APPROVAL.

The Applicant expressed a desire in June 2017 to seek approval for partial construction (rough grading and associated drainage improvements) of the main road during summer 2017. This is provided for in the Rural Land use Process in §1.4 (5):

Once submittal of a sketch plan has been made to the Grand County Community Development Department for review of a cluster development, no disturbance of the site, nor installation of any improvements associated with the proposed subdivision is allowed until after approval of the final plan by the Board of County Commissioners, or prior approval of any site disturbance or installation of required improvements has been authorized by the Board of County Commissioners [Emphasis added].

The Applicant submitted construction plans for the road in October 2017, including a request for a variance from Road and Bridge Standards for a steep portion of the roadway, which were reviewed and approved by the County Engineer and by Road and Bridge staff, and agreement was reached regarding the construction plans, which were approved by the County Engineer and then accepted by the Department. The Applicant's request was subsequently considered and approved by the BOCC at its meeting on Tuesday August 22, 2018 and the BOCC adopted a resolution (Resolution No. 2017-8-31) granting the Applicant's request for preliminary site

disturbance (rough grading of the road) and approving also a Subdivision Improvements Agreement (SIA) with surety in the amount of \$945,230.

The Resolution, Roadway Variance Request and Subdivision Improvements Agreement approved by the BOCC are provided as exhibits.

Note: Staff has subsequently received an Engineer's Estimate of Probable Cost for completion of all work for the roadway, including pavement and associated drainage improvements, in the amount of \$3,154,030 (Exhibit F5). With Final Plat approval, the Applicant must provide surety for 110% of that amount and a new or amended SIA must be approved by Resolution of the BOCC.

In conjunction with this approval, the Road and Bridge Department and the County Engineer will consider the requests from the Applicant for two additional road variances, and will make recommendations to the BOCC when formal and correct applications for those variances are received (see letter from County Engineer, Exhibit G1)

Staff recommends that the conditions above from the County Engineer be adopted in their entirety as conditions for Final Plat. The County Engineer has reviewed the additional documentation that was provided and has a memo forth coming.

#### PLANNING COMMISSION REVIEW

##### a. SKETCH PLAN - HEARING January 17TH, 2018

- The Applicant shall adopt and implement a plan for control of noxious weeds.
  - o This requirement is addressed in the construction drawings for the project and the Applicant shall be required to provide a mitigation plan for noxious weeds.
- The Applicant shall preserve natural conditions and vegetation insofar as possible.
  - o The Applicant has already addressed this in plans submitted for the roadway, but shall be required to address these issues in the Final Plat documents for the entire site, including individual lots.
- The applicant shall consider the use of permeable materials for the proposed roadway to serve the development.
  - o Staff recommends against this requirement because it is not practicable.
- The Applicant shall consider making the road a public road without limited access.
  - o Staff recommends against this requirement because the BOCC is not accepting any private roads for maintenance and does not want to assume the financial and other responsibilities of maintaining a public roadway.
- The Applicant shall consider moving the southern portion of the roadway further away from the shared border with the adjacent development, where a roadway more or less to the parallel roadway already exists. This condition was in response to a request from adjacent property owners with homes off that existing roadway.
  - o Staff recommends against this requirement, as explained in the Staff report.

##### b. PRELIMINARY PLAT - HEARING FEBURARY 14TH, 2018

The Planning Commission also adopted the following conditions for the developer to address at Preliminary Plat:

The Applicant shall adopt a plan for control of noxious weeds.

- This condition has been met and is addressed in the road construction drawings and plans for the project. The Applicant shall consider the use of permeable materials for the proposed roadway to serve the development.

• The Applicant's roadway construction plans do not call for permeable surfaces, and the Applicant will explain its presentation to the Planning Commission at Preliminary Plat why permeable surfaces are not practicable. Staff and the County Engineer agree that permeable surfaces are not recommended for roadways of this kind, but are more appropriate for parking lots and driveways. The infrastructure required for collection, storage and distribution of storm water underneath and adjacent to the roadway, and the costs of maintenance of clogged pores, make this alternative impractical.

The Applicant shall consider making the road a public road without limited access

• The Board of County Commissioners, in its approval of the site disturbance permit for the roadway, made clear that the County does not currently accept roads for maintenance at this time, and that the County's preference is that the road be private and not public [See IV. below].

• The Applicant also emphasizes that – even though the road serving the development would be private - access for fire and emergency vehicles is provided because of “crash gates” (actually controlled electronically) at the entries to the development.

• The Applicant shall preserve natural conditions and vegetation insofar as possible.

- Staff believes the construction plans for the roadway and associated plans for drainage, minimal site disturbance, and revegetation generally observe Best Management Practices (BMPs) and help preserve the natural conditions and landscape.
- However, the required soils and slope and fire mitigation analysis and combined mitigation strategies have not been provided and must be provided prior to submittal of the Final Plan, with Staff requiring sufficient time for review, for relevant review agencies and the County Engineer also having time to review these reports and analyses.

The Applicant shall consider moving the southern portion of the roadway further away from the shared border with the adjacent development, where a roadway more or less to the parallel roadway already exists. This condition was in response to a request from adjacent property owners with homes off that existing roadway.

- Staff consulted with the Road and Bridge Department. There is no provision in the Road and Bridge standards that would prohibit a more or less parallel roadway near another roadway.
- As for the moving of the road alignment further to the north and off the ridgeline, the Applicant and Applicant's engineer represent that the proposed alignment is the best alternative, and that to move the alignment to the north would mean either:
  - o Location of the roadway along a steep slope; or
  - o Location of the roadway below the slopes and into a wetlands or open meadows.
- Both of which are unacceptable alternatives.
- The Applicant on February 7, 2018 provided a road alignment map illustrating that the roadway is properly engineered and indicating multiple benefits of the proposed road alignment at the southern border, including:
  - o Utilizing gentler slopes for road alignment to minimize disturbance;
  - o Utilizing gentler slopes for vertical approach to the south portion of the site;
  - o Avoiding steep slopes and significant cuts; and
  - o Preserving Molly's Meadow.

After consultation with the Applicant, Staff recommended that the Applicant include in the Covenants, Conditions and Restrictions (CC&Rs) provisions for the Applicant's contribution to future off-site improvements for County Road 83 (GCR 83), as required by the County for subdivision developers.

The relevant road section of GCR 83 is from the entrance to the Sunset Ridge Subdivision to the proposed entrance to The Ranches at Devil's Thumb Inc. The Applicant has included those provisions in the revised draft CC&Rs that are provided as an exhibit.

## VI. BOARD OF COUNTY COMMISSIONERS CONDITIONS AT PRELIMINARY PLAT

The Applicant shall provide an updated Geotechnical Engineering Study to include not only the area of the roadway, but other areas of proposed improvements and development, including the individual lots. The Applicant shall provide a map with sufficient accuracy and at appropriate scale to show all known geologic hazards identified on Grand County 1041 maps.

The Applicant shall provide a mitigation plan for the proposed southern access road off of CR8 and portions of Roads A, D, and C that are located within mapped high hazard, potentially unstable slope areas.

The Applicant shall provide an analysis of the appropriateness of locating building envelopes on proposed Lots 7 through 15, and possibly other lots, and identify appropriate erosion control and fire mitigation measures for those lots, which are located with mapped high hazard, potentially unstable slope areas.

- o The Applicant shall prepare a slope hazard analysis, to be performed by a qualified professional with experience in slope hazard characterization and mitigation, that specifies maximum temporary and permanent cut and fill heights, slope angles and fill placement criteria. Include recommendations for specific design recommendations, if necessary, for slope stabilization measures such as retaining walls, subsurface drainage, etc.
- o The Applicant shall follow all requirements for location of utilities within the subdivision.
- o The Applicant shall consult with the Fire District prior to Final Plat submittal to address issues identified with regard to access for both roadways and driveways, road and driveway design, utilities and wildfire, so that the Final Plat meets Road and Bridge standards and relevant IFC Fire Code 2015 standards to accommodate fire and emergency vehicles; and all gates must have a "KNOX" key switch, or any other approved device, to operate the gate electronically.
- o Any driveway that exceeds 150' in length must have a turnaround adequate for fire and other emergency vehicles.
- o All utilities shall be located to avoid interference with fire department operations.
- o All roads must meet Road and Bridge standards, except where variances are applied for and granted by the County.
- o No parking shall be allowed on the roadways, except where the roadway may be an additional 9' in width to accommodate parked vehicles.

o Any changes in the road construction plan for the all roadways and driveways that may be necessitated by conditions herein must conform to Road and Bridge standards and any variances required must be reviewed and approved by the County Engineer and the Road and Bridge Department.

## VII. STAFF COMMENTS

Staff recommends approval of the Final Plat submitted by The Ranches at Devil's Thumb Inc., subject to the recommendations and suggested conditions referenced below. Required consultation as stated under the consideration of the Preliminary Plat to be completed by review agencies to assure compliance with the regulations has been substantially met. This application is substantially in compliance with the Rural Land Use Process Regulations.

## VIII. FINAL RECOMMENDATION

This recommendation is based on previous reviews by Staff, Planning Commission, review agencies, and Board of County Commissioners for the approval of the The Ranches at Devils Thumb Final Plat with these seven (7) following conditions to be met prior to recording the Final Plat Mylar:

1. Staff shall receive a memo from the County Consulting Engineer confirming resolution regarding comments provided in a memo dated June 18, 2018 prior to recording.
2. A note shall be added to the final plat specific to lots 12-15 with specific reference to the study provided by Kumar and Associates as recommend by CGS.
3. The Final Plat Mylar shall have a use table with information pertaining to the open space and buildable area in compliance of Rural Land Use Process.
4. The submitted CC&R's are substantially in compliance, but will require approval by the County Attorney prior to recording of the Final Plat.
5. Statement by developer platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses has been provided and amended with recommendations as provided by County Attorney.
6. The applicant shall enter into a Water Quality Agreement (WQA) with the County Section 4.4 (3) (e), impact fees \$17,000.
7. The Applicant shall enter into a Subdivision Improvement Agreement (SIA) to protect the County interest while completing the required improvements as referenced in engineering plans by TKE.
8. The applicant shall meet all Final Plat requirements.

Jeff Vogel of Vogel and Associates for the applicant, stated that they have been making progress on the road improvements. They are close to starting road base per plan. The final plat is consistent with the preliminary plat.

Commissioner Cimino moved to approve the final plat for The Ranches at Devils Thumb Rural Land use application.

The motion passed unanimously.

Commissioner Cimino moved to approve the letter strongly supporting the relocation of the Bureau of Land Management headquarters office to Grand Junction, CO.

The motion passed unanimously.

## Water Protection Update

Presented by Ed Moyer and Katherine Morris.

### Colorado-Big Thompson Project / Windy Gap Firming Project

#### 2018 Windy Gap Op's:

- Windy Gap total pumping: 26 KAF (April 25-June 25).
- 3,000 AF is Middle Park Water.
- 1,000 AF is Grand County water per Windy Gap Firming Project –IGA and the 2014 Amendatory Contact (i.e. Carriage Contact).

#### Grand County 1,000 AF

- Per the WGFP-IGA, GC 1,000 AF water must be released for irrigation, municipal, or industrial beneficial uses on the Colorado River below the confluence of the Blue River, preferably below the confluence of the Roaring Fork.
- GC 1,000 AF will be released at 20 cfs for 25 days when needed due to low flows and high stream temps to benefit the aquatic and recreational resources within the County and furthering the goals of the LBD Cooperative Effort.

- Beneficial use -Grand Valley Water Users Association (GVWUA) at the CO River Roller Dam, upriver of Palisade. GC 1,000 AF will be a substitution of Green Mtn. Res. direct release of HUP water to meet GVWUA 730 cfs Call.
- This contract agreement was secured by the Colorado River District on Grand County’s behalf and per the WGFP IGA. BIG thank you River District; especially Jason Turner. CO River Flows: below Windy Gap is 180 cfs and temps are below daily acute and weekly chronic. Temps at HSS and above Parshall are the highest (SEE LBD OP’s Slides).
- CO River Minimum flow requirements:
  - 90 cfs below Windy Gap.
  - 135 cfs below Williams Fork River.
  - 150 cfs below KB Ditch.

5,412.5 AF WATER

- USF&W began 20 cfs release on July 16, and increased to 40 cfs on Aug. 1.

Date	Min. Release	5,412.5 AF	GC 1,000 AF	TOTAL
May 1–Jul 30	75 cfs	20 cfs–7/16	-	95 cfs7/15-7/31
Aug 1 –31	40 cfs	40 cfs	Goal = 20 cfs(25 days)	80cfs(+GC 1000)
Sept 1 –30	20 cfs	20 cfs	“	“ 40 cfs(+GC 1000)

- Typically 5,412.5 AF water is increased to 35 cfs on Sept.1 to maintain 75 cfs flow when minimum release drops to 20 cfs.
- As of August 9th-4,021 AF is remaining in the 5,412 AF pool.

Colorado River Headwaters Connectivity Project

Colorado River Headwaters Connectivity Project: Environmental Review Process / Assessment •McMillen Jacobs Grand County is assisting consultant with Public Outreach.

- Public Scoping began August 1, Public Scoping Meeting: August 15th, 6-8PM (Grand Fire Station).
- Project Webpage on NRCS Website

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/co/programs/farmland/rcpp/?cid=nrcseprd1326277>

- Consultant work will be completed by end of 2018.
- WG Amended Decrees and Connectivity Channel Water Rights Application by Municipal Subdistrict of Northern Water and Colorado River District.
  - 1 Objector remains in case.
  - Subdistrict continues to meeting with downstream property owner regarding access and flow regime.

Fundraising Update:

- USACE Continuing Authorities Program (CAP)
  - TU requested letter of assistance.
  - Senator Bennet’s Office circulated letter (in BOCC Box) to CO delegation for support in order to prioritize the Project for project feasibility analysis and subsequent funding.
  - USACE to determine if they can use the NRCS RCPP existing engineering and enviro information, rather than reproducing data.
  - If USACE can fund, they need to take on a component of the project, as Federal project funding cannot be co-mingled.

1177 Colorado River Basin Roundtable July 23 Meeting Update

CO Basin Hydrology Update:

- Lake Powell-
  - 29 Feet down from last year (15 MAF).
  - Last filled 1999 (23 MAF/24.3 MAF).
  - 2011 –19 MAF (3rdlargest runoff into Powell).
  - 4 MAF –can no longer produce power = loss of \$120M revenue, which pays toward endangered fish recovery programs.
- CO River Depletions (2.6 MAF –typical dry):
  - 1.3 MAF –West Slope Ag.
  - 77.4 KAF –M&I
  - 540 KAF –E.Slope TMD Ag., M&I (26%)
- 4 Years in last 18 Years have had above average snowfall.
- Bureau of Reclamation / Upper & Lower Basin Drought Contingency Plan

CO River Risk Study-River District and SW District moving forward with Phase III w/o Basin Roundtable funding.

- Phase I addressed demand management.
- Phase II laid technical groundwork, analyzed demand management and tested a call for delivery to UT line.
- Phase III pulls it all together and addresses Water Availability, Hydrology and Risks of a Compact Call without political or social influences. Cost -\$150-\$180K.

- Will request River District to provide update, as well as CO River Compact “big picture” discussion, at an upcoming BOCC Meeting this fall.

Water Supply Reserve Fund (WSRF)–Total \$3.54M

- 2017/2018 severance tax revenue issues related to CO/BP Case decision.
  - HB 18-1338 passed, directing \$1.455M be refunded back to the severance tax Op’s Fund.
  - CWCB Projects Bill SB-18-218 passed, transferring \$2M from loan program to WSRF for 2018/2019.
- CBRT WSRA Basin Account balance is \$205K. Limited to \$25K grant.

#### Aquatic Nuisance Species (Mussels)

- Assistant County Manager sent email request to CPW ANS Coordinator regarding local comments concerning the proposed October 15 boat ramp closures of ANRA Three-Lakes.
- CPW scheduled conf. call on August 13 to address the issue.
- Proposal is to stay open through Nov. 30 pending contract extension costs, most likely at Stillwater and Green Ridge. Hours will be 6am to 6pm.
- Funding for the extended season is coming from Northern Water.
- If the contract exceeds available funding, they will shorten the season accordingly.
- Complications of early/late season inspections: heated quarters needed for inspectors, and decontaminations not possible below 40°F.

#### CDPHE Standards Update

- The latest information is that the revised UPRR discharge permit draft on August 31. There should be a 30 day comment period.

#### Climax

- Climax has scheduled a stakeholder visit to the Henderson pastures for September 13 from 1:00-3:00 p.m. RSVP is requested to [mhamarat@fmi.com](mailto:mhamarat@fmi.com).
- CSU graduate student to do a comprehensive literature review focusing on the Cu:Mo ratio as proposed in the final study plan.
- 7mg/kg minimum Cu cited in the proposal is not a target concentration. Minimum Cu will be whatever is in the forage.
- Denver Water has submitted a proposal to modify Climax’s temporary modification for Blue River Segment 14. They are seeking additional safeguards placed on the temporary modification to minimize the risk of exceeding the human health standard at their drinking water intakes.

#### Grand County Mutual Ditch and Reservoir Company

Last Meeting July 26. GCMD&RC continues to work on Pilot Project.

- retain 89.5 shares (190 AF) of total 115.5 shares of the Vail Ditch stored in Meadow Creek Reservoir; and
- make available to Denver Water in late summer in exchange for direct delivery of the water in the fall when there are low flows on the upper Fraser River
- GCMD&RC Engineer Working on Consumptive Use Analysis for Pilot Project.
- Evaluation of GCILCD Ditches
  - Engineer walked ditch with GCILC President
  - Identified needed repairs to address ditch loss. •Very few laterals have flow measurement boxes.

#### Grand Lake: Pre-NEPA

- Field trip and next meeting August 20-21

#### Historic User’s Pool calls

CURRENT CALLS –August 10-

Shoshone Sr. Call (1,250 cfs)

-Grand Valley Project Call (730 cfs)

- Green Mtn. Res. making direct HUP releases to meet call.
- Grand County 1000 AF will be used to offset GMR HUP water.

Aug. 10 Reservoir Releases:

- Windy Gap –180 cfs
- William’s Fork –150 cfs
- Wolford Res. –291 cfs
- Green Mtn. Res. –836 cfs

Total 1,457 cfs

CO River at Kremmling 1,490 cfs

#### Technical and Management committee Meeting –July 25

- Management Committee approved:
- MOU between LBD and LBD, Inc., Articles of Incorporation and Bylaws. Final Doc's will be presented to BOCC.
- 2018 Substrate SMP SOW with 50% ILVK share on two sites.
- Working on upcoming projects (Cabin Creek cutthroat project, Hammond Ditch, etc.) and fundraising.
- Discussion on YTD summer op's, 5412 releases, stream temp, flows.
- LBD Fund Balance \$65K.
- Next meeting –Sept 27

#### Middle Park Water –15 AF:

- Requested 15 AF be released August 10 to benefit the river instead of releasing it in late Oct.
- This release was approved by Division 5 and helps address their timing comments and conditions within the Administrative Exchange (R&B Op's).

#### Moffat Project Update – Denver Water

- Denver Water anticipates the Federal Energy Regulatory Commission (FERC) Permit Order Amendment to the Gross Reservoir Hydro Permit to be issued this summer.
- Boulder County and at least one environmental organization have threatened to file a lawsuit to challenge the FERC Permit, as well as the Final EIS -Purpose & Need and USACE issuance of the 404 Permit.
- Denver Water contests 1041 Regulations are preempted by FERC.
- Enviro Group is challenging the need for additional water storage based off of EIS numbers vs. Denver Water's previous and continued conservation programs.
  - 10 year (2007-2016) reduction of 22%

#### Gross Reservoir Expansion 41.8 KAF currently

- Raise Dam 131 Ft. to add 77KAF -accommodate current needs, growth projections, system flexibility.
- City of Boulder and Lafayette 5,000 AF environmental pool to enhance stream flow on 17 miles of South Boulder Creek, including stream restoration.

#### Permitting or Construction is contingent on negotiated Grand County / CRCA Implementation Triggers:•Grand County 1,000 AF Fraser River Bypass flow,

- 1,000 AF Williams Fork, •Grand County Water Users -375 AF, Clinton Bypass Water, Snowmaking water, etc.
- USFS Fraser Bypass flows,
- \$3.95M in Project Funding
- \$2M Water Quality Funding,
- \$4M LBD Funding,
- \$1M Windy Gap Pumping, etc.

#### Wild and Scenic

- The provisional period ends in 2020, so we are fast running out of time to collect data to inform some of the decisions that will need to be made regarding resource guides. Several RFPs were presented at the August 13 meeting for monitoring to address some of these areas (channel maintenance flows, substrate, macroinvertebrates, temperature). Some of these will result in the collection of only one year of data, and will not be representative of the variety of conditions that the river experiences. It may be difficult to make meaningful use of the resultant data, and Grand County will want to be vigilant regarding its interpretation.

#### Sheriff's Office – Fire Restrictions Discussion

County Sheriff Brett Schroetlin stated that Grand County still meets four of the seven fire criteria.

Sheriff Schroetlin recommends that Grand County stay with the Stage 1 fire restrictions at this time.

Sheriff Schroetlin stated that because of the Silvercreek Fire, there was evacuations of Latigo Ranch and Yost Ranch. There is pre-evacuation of the Old Park Subdivision.

County Attorney Franek stated that the Board needs to take action by next week to continue the State 1 restrictions, increase restrictions, or remove restrictions. The current resolution will be expiring.

#### Intern Presentation – Caitlin Davis with EMS

Caitlin Davis was a summer intern with Grand County EMS. It has been a great learning experience with EMS. Ms. Davis painted an area of the EMS building. She participated in “Touch a Truck” day with young kids.

Ms. Davis helped with billing in the office. In addition, she sat in on case reviews.

#### Intern Presentation – TaLise Hanson with Juvenile Services

TaLise Hanson was a summer intern with Grand County Juvenile Services. Ms. Hanson stated that she saw the court process. Ms. Hanson stated that the internship provided her more opportunity in the future.

Ms. Hanson created a historical data entry form for diversion, updated the diversion intake forms, updated temporary holding policy, and attended a number of meetings.

Ms. Hanson stated that she learned the importance of networking.

#### Intern Presentation – Kodi Campbell with Information Technology

Kodi Campbell was a summer intern with Grand County Information Technology. This is her second year with the Grand County Internship program.

Ms. Campbell learned how important it is to communicate with departments.

#### Board Business

Commissioner Manguso moved to approve Resolution No. 2017-7-39, “A RESOLUTION APPROVING THE AMENDED FINAL PLAT, THE M&M FAMILY TRUST FILING, VAL MORITZ VILLAGE SECOND FILING, FIRST AMENDED BLOCK 7 BEING A REPLAT OF LOTS 10 AND 11, BLOCK 7, VAL MORITZ VILLAGE 2<sup>ND</sup> FILING, LOCATED IN PART OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 76 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF GRAND, STATE OF COLORADO” and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

#### Columbine Lake Lots 47 & 48 Amended Final Plat

PROJECT NAME: Amended Final Plat, Lots 47and 48, Block 8, Columbine Lake Subdivision  
APPLICANT: Teresa Wheeler, Owner  
LOCATION: Lots 47 and 48, Block 8, Columbine Lake Subdivision (101 & 113 GCR 4947 AKA Laurel Drive)  
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Subdivision Regulations  
EXHIBITS: Amended Final Plat, Letter of Application, Letters from Utility Companies, Vicinity Map, Title Commitment  
STAFF PLANNER: Alexander Taft  
REQUEST: Approval of an Amended Final Plat to vacate the lot line and associated utility easement that currently bisect Lots 47 and 48, Block 8.

#### I.DISCUSSION

Teresa Wheeler, the “Applicant” is the current owner of Lot 47 and Lot 48 by warranty deed recorded at Reception No. 2016003176. The Applicant is proposing an Amended Final Plat to vacate the common lot line between Lots 47 and 48, Block 8, of the Columbine Lake Subdivision. The Applicant is also requesting a vacation of the 5-foot utility easement that runs along each side of this property line. The utility easement to be vacated is not shown on the original recorded Columbine Lake Subdivision plat. It was established by the recorded Columbine Lake Declaration of Protective Covenants, Restrictions, Easements and Reservations (Rec. No.111196).It is staff’s determination the Columbine Lake Homeowners’ Association (AKA Columbine Lake Country Club) no longer has any interest in these easements since they have deeded all of their interest to Columbine Lake Water and Sanitation District and Three Lakes Water and Sanitation District. This non-exclusive easement was then conveyed to the Columbine Lake Water District (Rec. No. 176297) and Three Lakes Water and Sanitation District (Rec. No. 176299) in 1980. Grand County does not have the authority to vacate this easement. Staff has received letters from MPEI, Three Lakes Water and Sanitation, and Columbine Lake Water District sharing no concern of combining the lots. Quit Claim Deeds shall be recorded vacating interest in the easement along the common property boundary. When the lot line is vacated, Lots 47 and 48 will be effectively combined as Amended Lot 47A. Currently, there is a house that exists on Lot48. When combined, Amended Lot 47A will be .40acres in size or 17,424square feet.



## II. REGULATIONS

### A. 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) 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 amended final plat reduces the density. Plan Element 3–Development: the Built Environment As stated in Plan Element 3, the county proposes enhances the quality of life and taking advantage of existing infrastructure, minimizing impacts to sensitive lands and focusing additional density closer to U.S. highways and state roads.

### B. ZONING REGULATIONS

The two parcels involved in this proposal are in the Residential District.(a)This zone allows for single family dwellings, so all of the uses on the property are in compliance with the Zoning Regulations.(b)This zone requires 30’ minimum front yard setbacks, 5’ minimum side yard setbacks and 20’ minimum rear yard setbacks. The proposed Amended Final Plat is consistent with these setbacks.(c)The Applicant’s lots have the ability to be served by both public water and sewer facilities. The minimum lot size on subdivided land that is served by public water and sewer facilities is 7,000 ft<sup>2</sup>. When combined the Amended Lot47A will be 17,424ft<sup>2</sup>and will therefore meet the minimum area of lot requirement.

### C. SUBDIVISION REGULATIONS –4.3 Final Plat

The amended final plat shall contain or be accompanied by the following information:

(a)Title (which shall include the phrase “Amended Final Plat”), bar scale, North arrow and date). The title of the amended final plat shall be amended to read:

AMENDED FINAL PLATAMENDED LOT47A, BLOCK 8, COLUMBINE LAKE SUBDIVISIONA REPLAT OF LOTS47AND48, BLOCK 10, COLUMBINE LAKE SUBDIVISIONPART OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 76 WEST OF THE 6THP.M.COUNTY OF GRAND, STATE OF COLORADOCONVEYANCE TO OWNERS RECORDED AT RECEPTION #2016-003176

(b)Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the applicant is recorded.

The legal description shall be written as follows: Amended lot47A, Block 8, Columbine Lake Subdivision, A replat of Lots 47 and 48, Block 8, Columbine Lake Subdivision(c)Primary control points, or descriptions, and ties to such control points, to which dimensions, angles, bearings, and similar data on the plat shall be referred.

This requirement has been met.(d)Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances.

This requirement has been met.(e)Names and right-of-way width of each street or other right-of-way.

This requirement has been met.(f)Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements. Label where all easements are recorded (Rec. #176297, Rec. # 176299, Rec # 2005012018).(g)Number to identify each lot or site and acreage of each site to nearest 1/100th of an acre. Add the physical address to the lot label. Label the lot “113GCR 4947”(h)Purpose for which sites, other than residential lots, are dedicated or reserved.

This requirement has been met.(i)Location and description of monuments.

This requirement has been met.(j)Current title commitment.

This requirement has been met. Upon further review a lien holder certificate shall be placed on the final plat in the following form:

LIENHOLDERS CERTIFICATEIN WITNESS WHEREOF, Mortgage Electronic Registration Systems Inc., as Nominee for USAA Federal Savings Bank, Its Successor and/or Assigns has signed this plat this \_\_\_\_\_ day of \_\_\_\_\_, 2018, and by doing so hereby consents to the recording thereof and subordinates its lien recorded May 9, 2016, at Reception No. 2016003177 of the Grand County Records to the interest created hereon. MERS USAA Federal Savings Bank officer By: Printed Name: Title: State of \_\_\_\_\_ } } ss County of \_\_\_\_\_ } The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, as \_\_\_\_\_ of MERS

USAA Federal Savings Bank. Witness my hand and official seal. My Commission Expires: \_\_\_\_\_, 20 \_\_\_\_\_ Notary Public(k)Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:A part of the Dedication Statement shall be amended to read as follows (revisions in bold):DEDICATIONKNOWN ALL MEN BY THESE PRESENTS: That Teresa Wheeler is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Lots 47 and 48, Block 8, Columbine Lake Subdivision. That she has caused said real property to be laid out and surveyed as Amended lot 47A, Block 8, Columbine Lake Subdivision, A replat of Lots 47 and 48, Block 8, Columbine Lake Subdivision, and does hereby dedicate and set apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.....(l)Certification by a surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51,and the requirements of these Regulations in the preparation of the final plat, to be insubstantially the following form.

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USAA Federal Savings Bank officer By: Printed Name: Title: State of \_\_\_\_\_ } } ss County of \_\_\_\_\_ } The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, as \_\_\_\_\_ of MERS

The surveyor's certificate shall be amended to read as follows (revisions in bold):**SURVEYOR'S CERTIFICATE**

I, Warren Ward, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of Amended lot 47A, Block 8, Columbine Lake Subdivision, A replat of Lots 47 and 48, Block 8, Columbine Lake Subdivision truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.(Surveyor's Signature)(Surveyor's stamp and registration number shall appear with this certificate)(m) Certificates for approval by the Planning Commission and the Board of County Commissioners.

The Commissioner's Certificate that is required by the Subdivision Regulations shall be used on the plat.**COMMISSIONER'S CERTIFICATE**

Approved and all public dedications accepted this \_\_\_ day of \_\_\_\_\_, 20\_\_ by the Board of County Commissioners of Grand County, Colorado. Acceptance of this platted subdivision by the County of Grand does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said County. Until such roads and rights-of-way meet County specifications and are specifically accepted for maintenance by Resolution of the Board of County Commissioners of Grand County, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within the subdivision. This approval does not guarantee that the size or soil conditions of any lot shown herein are such that a Building Permit may be issued. Chairman Board of County Commissioners Grand County, Colorado(n) Certification by a qualified professional engineering, designing or planning firm, insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations, as follows:

This requirement is not applicable.

(o) A two and one-half by three inch (2½ " x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.

This requirement has been met.

(p) Documented proof of legal access. Not applicable

(q) A vicinity map. This requirement is not applicable.

(r) The subdivider shall provide storm drainage plans, property survey, proof of ownership, sanitary sewer plans.

This requirement is not applicable.(s) The subdivider shall provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof.

This requirement has been met.(t)No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs as may be required by this section and by the County Planning Commission or the Board of County Commissioners have been submitted. This requirement has been met.(u)Major Activity Notice This requirement is not applicable.

(v)Each month the Board of County Commissioners shall submit copies of the notice of filing. This requirement is not applicable.(w)An 11" x 17" plat with approved addresses and road number as required. The physical address will be put on the plat, so this will not be required.(x)Statement of taxes showing current taxes paid A statement of taxes showing that all current taxes have been paid shall be submitted prior to the recording of this Amended Final Plat.(y)An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM atwww.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system. This will need to be provided prior to the recording of this Amended Final Plat.

### III.PLANNING COMISSION RECOMMENDATION

The Planning Commission unanimously recommended approval of this amended final plat with these conditions:

- 1.The title of the Amended Final Plat shall be amended (see (a) above).
- 2.The legal description shall be amended (see (b) above).
- 3.Label where all easements are recorded (see (f) above).
- 4.Add a physical address to the Plat in the form of "113GCR 4947 (aka Laurel Drive)"
- 5.Amend the dedication statement (see (k) above).
- 6.Amend the Surveyor's Certificate (see (l) above).
- 7.A statement of taxes that shows all taxes have been paid shall be submitted (see (x) above).
- 8.An electronic copy of the final plat shall be submitted (see (y) above).
- 9.Quit claim deeds shall be recorded to amend the legal description of the lot.
- 10.All recording fees are to be paid by the Applicant.

### IV.STAFF RECOMMENDATION

Staff request the approval of the Amended lot47A, Block 8, Columbine Lake Subdivision, A replat of Lots 47 and 48, Block 8, Columbine Lake Subdivision with the additional following condition to be met prior to the recording of the Final Plat.11.Add a lien holder Certificate to the plat, this shall be approved by the county attorney prior to creation of a Mylar.(see (j) above).

Commissioner Manguso moved to approve the Amended Final Plat Lots 47 and 48, Block 8, Columbine Lake Subdivision with staff conditions as presented by Alex Taft.

The motion passed unanimously.

Public Hearing – Sunnysore Park Lots 18, 23 & 24 Amended Final Plat with Roadway Vacation

The public hearing scheduled to begin at 2:45 p.m. was called to order by Chair Linke at 2:45 p.m. County Attorney Franek set the record with the following Exhibits:

- A. Letter of Application from Thomas Washburn dated June 14, 2018
- B. Grand County Development Application dated June 15, 2018
- C. Quit Claim Deed dated August 2, 2017
- D. Memo from Community Development dated July 27, 2018
- E. Vicinity map depicting the 500' notification buffer as established by the Grand County GIS
- F. Mailing to all property owners within 500' as established by the Grand County GIS
- G. Public Review Sheets (with and without signatures)
- H. Grand County Community Development staff report dated July 11, 2018
- I. Vicinity Map
- J. Staff PowerPoint dated July 11, 2018
- K. Title Commitment by Kensington Vanguard dated February 8, 2017
- L. Title Commitment by Title Company of the Rockies dated March 14, 2017
- M. Email from Jean Johnston, Mountain Parks, Inc., dated July 5, 2018
- N. Grand county Community Development staff report, dated August 14, 2018
- O. Staff PowerPoint presentation to BOCC, dated August 14, 2018
- P. Amended Final Plat, dated July 20, 2018

PROJECT NAME: Amended Final Plat, Lot 18, 23, and 24, Block 2, Sunnysore Park Subdivision  
APPLICANT: Tom and Heidi Washburn, Owner  
LOCATION: 42 County Road 6344 aka Riverview Lane  
ZONING: Forestry and Open District (F/O)  
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Subdivision Regulations  
EXHIBITS: Amended Final Plat, Letter of Application, Vicinity Map, Title Commitment  
STAFF PLANNER: Alexander Taft  
REQUEST: Approval of an Amended Final Plat to vacate lot lines and public Right-Of-Way to create one lot increasing buildable area.

- I. Discussion
  - a. Background:

Tom and Heidi Washburn, the "Applicants," are currently the owner of Lots 18, 23, and 24, Block 2 of Sunnysore Park Subdivision. The Applicant is proposing an Amended Final Plat that would vacate lot lines and the public Right-Of-Way to create one lot with increased building area.

The applicants are also requesting the vacation of the Right of Way for County Road 6344 a.k.a. Riverview Lane (As Shown right). This dedicated ROW did not have a constructed road within its boundary. Furthermore, the road would dead end at a non-subdivided Metes and Bounds parcel.

The land is currently vacant. There is an existing well (DWR Permit # 304773). This permit will need to be updated with the State after the Final Plat is recorded.

11. History:

Sunnysore Park was originally platted in March 1960 at Reception No. 91086. It contained one filing, consisting of 2 blocks comprised of 87 lots (Exhibit A). Two other Amended Final Plat applications have been processed through the County for this pre-existing non-conforming subdivision. Lots 35-37, Block 1 were combined in 1990 and Lots 32-34, Block 1 were combined in 2000.

STAFF COMMENTS AND ANALYSIS

Staff supports this proposal in consideration of the protection of view corridors adjacent to Lake Granby. The existing State well permit shall be amended after recording to match the current legal description of the land.

It is staffs position that this Amended Final Plat decreases non-conformity, in a non-conforming pre-existing subdivision.

PLANNING COMMISSION RECOMMENDATION

Planning commission unanimously recommended an approval of the Amended Final Plat, Amended lot 24A, Block 2, Sunnysore Park Subdivision, A replat of lots 18, 23, and 24, Block 2, Sunnysore Park Subdivision with Staff conditions below to be met prior to the recording of the Final Plat.

1. A note shall be added to the Final Plat regarding Three Lakes Design Review Area (see above).
2. Setbacks for the Forestry and Open district shall be shown on the plat.
3. The title of the Amended Final Plat shall be amended (see 4.3 (2) (a) above).
4. The legal description shall be amended (see 4.3 (2) (b) above).
5. Amend the dedication statement (see 4.3 (2) (k) above).
6. Amend the surveyor's certificate (see 4.3 (2) (l) above).
7. All labeled county roads shall be correct as follows: CR 634 a.k.a. Kokanee Rd and CR 6344 a.k.a. Riverview Ln
8. Addresses for the amended lots shall be: 421 CR 634 aka Konakee Rd (see 4.3 (2) (w) above).
9. A statement of taxes that shows all taxes have been paid shall be submitted (see 4.3 (2) (x) above).
10. An electronic copy of the Final Plat shall be submitted (see 4.3 (2) (y) above).

#### STAFF RECOMMENDATION

Staff requests approval of the Amended Final Plat Amended lot 24A, Block 2, Sunnysore Park Subdivision, A replat of lots 18, 23, and 24, Block 2, Sunnysore Park Subdivision with the following conditions to be met prior to the recording of the Final Plat.

11. A title commitment within 6 months of the application be submitted in compliance with Section 4.3 (2) (j) above.

Tom Washburn wanted to put the lots together because it makes sense. With the lots together, there is no need for the road. This will limit the number homes and wells in the area.

Commissioner Linke asked for and received no public comments.

Commissioner Cimino moved to approve Amended Final Plat, Lot 18, 23, and 24, Block 2, Sunnysore Park Subdivision with all staff conditions.

The motion passed unanimously.

Commissioner Cimino moved to close the public hearing.

The motion passed unanimously.

#### Public Hearing – Bussey Hills Amended Lot 10 Amended Final Plat

The public hearing scheduled to begin at 3:00 p.m. was called to order by Chair Linke at 2:58 p.m. County Attorney Franek set the record with the following Exhibits:

- A. Grand County Development Application
- B. Memo from Community Development dated July 27, 2018
- C. Vicinity map depicting the 500' notification buffer as established by the Grand County GIS
- D. Mailing to all property owners within 500' as established by the Grand County GIS
- E. Public Review Sheets (with and without signatures)
- F. Grand County Community Development staff report dated June 13, 2018
- G. Vicinity Map
- H. Neighborhood Map
- I. Staff Power Point dated June 13, 2018
- J. Title Commitment, dated April 4, 2018
- K. Memo from County Surveyor, Warren Ward, dated June 11, 2018
- L. Email from Jean Johnston, Mountain Parks Electric, In., dated April 17, 2018
- M. Grand County Community Development staff report, dated August 14, 2018
- N. Staff Power Point presentation to BOCC, dated August 14, 2018
- O. Amended Final Plat, dated April 19, 2018

PROJECT NAME: Amended Final Plat, Bussey Hills, Amended Lot 10A (Replat of Lots 10, 11, 13, 14, & 15, Block 13;) and the Vacation of the Utility Easements

APPLICANT: Windy Driver, Trustee of Thomas D. (David) Vigil Estate

LOCATION: 765 GCR 632 (AKA Chief Trl.), 204 and 222 GCR 6321 (AKA Biscuit Row)

APPLICABLE

REGULATIONS: Grand County Zoning Regulations, Subdivision Regulations

EXHIBITS: Amended Final Plat, Vicinity Map

STAFF PLANNER: Alexander Taft

REQUEST: The applicants are requesting the approval of an amended final plat that would combine 5 lots into 1 lot. The proposal would also vacate a majority of existing 10-foot utility easements on common property boundaries.

#### DISCUSSION

The applicants are proposing an Amended Final Plat in the Bussey Hills Subdivision to combine 5 lots into 1 lot. If approved, the amended lot will be larger and more suitable for construction. As lot lines are vacated, the easements associated with these lot lines will also be vacated. There is not a clear dedication of these easements. If letters of approval are received by all utility companies that serve the Bussey Hills Subdivision, then the County will vacate all of its interest in these easements, if any, and the easements will be vacated and removed from the plat.

This lot combination also includes the vacation of the 10 foot rear utility easement (5 foot easements on each side of the property line). That are common to Lot 8 and Lot 17, Block 13.

#### PLANNING COMMISSION RECOMMENDATION

Planning Commission recommends the approval of this Amended Final Plat and utility easement vacation, Bussey Hills, with the following conditions as proposed by staff to be met prior to the recording of the Final Plat.

1. The setbacks required by the Grand County Zoning Regulations need to be shown and labeled on the plat.
2. The legal description shall be amended (see (b) above).
3. The Planning Commission and Board of County Commissioners certificates shall be amended (see (m) above).
4. Quit Claim Deeds shall be created to combine the legal description of the lots.
5. A statement of taxes showing that all current taxes have been paid shall be submitted prior to the recording of this amended final plat.

#### STAFF RECOMMENDATION

Staff request the approval of the Amended Final Plat and utility easement vacation, Bussey Hills, with no further conditions to be met prior to the recording of the Final Plat.

Wendy Driver stated that she is trying to combine the lots so the property will be buildable.

Doug Dick owns property next to this property. Mr. Dick wondered about the utilities. Mr. Taft stated that the utilities that exist will remain. This is vacation of the unused easement.

Rex Garrens stated that he combined several lots in the area. He is in favor of combining the lots.

Commissioner Manguso moved to approve the Amended Final Plat of Bussey Hills, Amended Lot 10a, replatting Lots 10-15, Block 13 and approve the vacation of utility easements as presented with staff conditions.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

#### Marijuana Sales and Excise Tax, Broadband Telecommunications, 911 Call Center, and LEPC Ballot Questions

County Clerk and Recorder Sara Rosene notified the Board that the 100-day deadline for ballot notification is an aspirational deadline. Ms. Rosene stated that she accept ballot items to the ballot as long as the question is certified by the deadline.

The Board agreed to place a Marijuana Sales Tax on the 2018 General Election Ballot in the amount of five percent.

The Board agreed to place a Marijuana Excise Tax on Marijuana. The percent has not been determined yet.

Commissioner Manguso stated that she received a letter of opposition to the proposed broadband ballot question. Eden Recor stated in his letter that unless the County plans to fund and run ISP services, it is not necessary to put the question on the ballot. If the County intends to fund and run ISP services, Mr. Recor asked how the County plans to fund the services.

Mr. Recor asked in his letter why the County has not made notification of the Board's intent to put this question on the ballot.

Mr. Recor indicated that Slopeside Internet has been pushing this proposal and Commissioner Cimino has financial interest in Slopeside Internet. Mr. Recor noted that Commissioner Cimino should recuse himself from this matter.

Commissioner Cimino stated that Senate Bill 152 was lobbied hard by CenturyLink and its predecessor. Commissioner Cimino stated that the ISPs lobby against governments opting out of 152. Mr. Recor owns an ISP. If governments do not opt out of Senate Bill 152, it assures that internet services will be commercial only activity.

Commissioner Cimino stated that a majority of counties in Colorado have opted out of Senate Bill 152. Commissioner Cimino stated that a majority of municipalities have opted out of Senate Bill 152.

If Senate Bill 152 passes, Slopeside Internet will lose commercial opportunity. Commissioner Cimino stated that there are underserved areas of Grand County. Those areas will always be underserved because the cost is too high for a commercial entity.

Commissioner Cimino stated that Grand County should get clear with the law and opt out of Senate Bill 152. It is unlikely that Grand County will invest in internet services.

Commissioner Linke stated that the Board is not investing in services, the ballot question merely allows the County the flexibility of making future internet infrastructure decisions. Commissioners Linke and Cimino would like to see the Senate Bill 152 opt out on the ballot.

The Board will reconsider the Senate Bill 152 ballot question next week.

Commissioner Cimino stated that he would like to see something on the ballot this year for the 911 Call Center. The number of land lines has decreased and that is where much of the funding for the call center was coming from.

The towns and districts, because of Gallagher, have less money to pay to the 911 Call Center.

Commissioner Cimino does not believe that the County is ready to ask that question this year. Commissioner Cimino would like a workshop to further discuss the call center and other emergency services.

There being no further business to come before the Board, the meeting was adjourned at 4:29 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this                    day of August 2018.

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Merrit Linke, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder