

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

February 19, 2019

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

Also Present: County Clerk and Recorder Sara L. Rosene
Interim County Manager Ed Moyer
Acting County Attorney Maxine LaBarre-Krostue

Those present recited the Pledge of Allegiance.

Commissioner Linke moved to approve the Meeting Minutes of February 12, 2019, of the Board of Commissioners.

The motion passed unanimously.

Commissioner Linke moved to approve the Meeting Minutes of the Special Meeting of February 6, 2019, the Board of Commissioners.

The motion passed unanimously.

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

Commissioner Linke moved to approve a direct deposit sign-up form for the Grand County Housing Authority for the Silver Spruce Operating Account as presented by Sheena Darland.

The motion passed unanimously.

Commissioner Manguso moved to approve the Standard Form to confirm account balances with financial institutions as presented by Sheena Darland.

The motion passed unanimously.

Commissioner Manguso moved to convene the Executive Session at 8:37 a.m. of the Grand County Housing Authority pursuant to CRS 24-6-402(4)(b) for the purposes of receiving legal advice on a specific legal question: Cliffview and Grand Living Senior Homes. Present for the meeting are the Board, Finance Director Curtis Lange, Interim County Manager Ed Moyer, Interim County Attorney Maxine LaBarre-Krostue, and Housing Authority Director Sheena Darland.

The motion passed unanimously.

The Board ended the Executive Session at 9:11 a.m.

I, Richard Cimino, hereby attest that the portion of the executive session during which no minutes were taken was confined to a topic authorized for discussion in an executive session.

I, Maxine LaBarre-Krostue, hereby attest that the portion of the executive session during which the Recorder was directed to take no minutes constituted a privileged attorney-client communication.

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

Finance Department

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on February 20, 2019, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the vouchers presented on February 19, 2019, for payment on February 20, 2019 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Linke moved to approve the wire payments and vouchers transfers presented on February 19, 2019, for payment on February 20, 2019 for Grand County.

The motion passed unanimously.

Departmental Comments / Contracts / Issues

Commissioner Manguso moved to approve and authorize the Chair to sign the Department of Justice Equitable Sharing Agreement and Certification as presented by Sheriff Brett Schroetlin.

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign the 2019/2020 Colorado Youth Detention Continuum Juvenile Services Plan for Grand, Moffat and Routt Counties as presented by Sheriff Brett Schroetlin.

Discussion: Grand County is the fiscal agent for this.

The motion passed unanimously.

Commissioner Manguso moved to approve the USDA Forest Service Contract for the sale of mineral materials for the Red Dirt Pit for 100,000 cubic yards at no cost to the County as presented by Road and Bridge Superintendent Chris Baer.

The motion passed unanimously.

Road and Bridge Superintendent Chris Baer stated that they are going out to RFP on the asphalt for 2019.

Commissioner Linke moved to approve Resolution No. 2018-9-31, "A RESOLUTION TO APPROVE THE AMENDED FINAL PLAT, AMENDED LOT 16A, BLOCK 1, LAKESHORE ADDITION TO SHOREWOOD, SUBDIVISION AMENDED, A REPLAT OF LOTS 15 & 16, BLOCK NO 1, LAKE SHORE ADDITION TO SHOREWOOD, SUBDIVISION AMENDED RECORDED AT RECEPTION NO. 78778, SITUATED IN A PORTION OF THE NE1/4 SECTION 12, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH P.M., GRAND COUNTY, COLORADO" and authorize the chair to sign all applicable documents.

The motion passed unanimously.

The Board reviewed the monthly Clerk's Fees for January 2019 as presented by Clerk and Recorder Sara Rosene.

Commissioner Manguso moved to authorize the Kremmling Area Chamber of Commerce to use the Grand County Fairgrounds for events involving liquor on June 15 (Monster Truck Rally), August 9, 10, (Middle Park Fair and Rodeo) and 17 (Demolition Derby).

The motion passed unanimously.

Interim County Manager Ed Moyer presented the weekly report.

Consent Agenda

Resolution NO. 2019-2-1, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A 2019 EMPG-LEMS GRANT APPLICATION TO THE COLORADO DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT"

Resolution No. 2019-2-2, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN ANNUAL PROGRAM PAPER TO REPORT 2018 EMPG-LEMS GRANT RESULTS TO THE COLORADO DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT"

Resolution No. 2019HA-2-3, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY BOARD, TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE GRAND COUNTY HOUSING AUTHORITY BOARD, AND RELATED DOCUMENTS, FOR THE ACQUISITION OF RIGHT-OF-WAY INTERESTS”

Resolution No. 2019-2-4, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN ADMINISTRATIVE SERVICES CONTRACT BY AND BETWEEN CIGNA HEALTH AND LIFE INSURANCE COMPANY AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2019-2-5, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN AGREEMENT BETWEEN THE GRAND FOUNDATION AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR ADMINISTRATION OF THE GRAND COUNTY COMMISSIONER’S FUND”

Resolution No. 2019HA-2-6, “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, AUTHORIZING A PAYMENT TO THE CLIFFVIEW ASSISTED LIVING CENTER’S OPERATING ACCOUNT TO COVER SHORTFALL FUNDING BY SENIOR HOUSING OPTIONS, INC.”

Resolution No. 2019-2-7, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE APPOINTMENT OF EDWARD T. MOYER III AS INTERIM COUNTY MANAGER”

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Board Business / Correspondence / Calendar

Commissioner Cimino attended hearings at the Capital on February 13 and 14.

Commissioner Manguso attended the UCC meeting.

Commissioners Linke and Cimino attended the farewell party for retiring County Manager Lee Staab.

Commissioner Linke completed the northwest Colorado survey regarding non-profits.

Commissioner Linke attended the Mental Health meeting hosted by Sky Hi News. He also attended the Club 20 Health Committee meeting by phone.

Calendar

February 20 AGNC meeting at Fairgrounds in Hayden at 9:00 a.m. (Commissioners Linke and Manguso)
February 21 Meeting with Brad White and new Grand Lake Fire Chief at 2:30 p.m. at Mavericks (Commissioners Manguso)
February 21 Builder’s Association meeting at Granby Ranch Slopeside great room (Commissioners Linke and Manguso)
February 22 STAC meeting at the Denver CDOT office at 9:00 a.m. (Commissioner Manguso)
March 1 QQ meeting in Edwards at 10:00 a.m. (All three commissioners)

Final Plat Recording Extension: Lake Granby Tract B Subdivision

TO: Grand County Board of County Commissioners
FROM: Alexander Taft, Community Development
DATE: February 19, 2019
SUBJECT: Recording Extension Request – Lake Granby Tract B
LOCATION: 7 Miles North of Granby on US 34 next to Highland Marina
APPLICANT: Lake Granby Tract B, LLC represented by Jim Donahue and Thompson Investment Trust DTD

12/8/10.

Lake Granby Tract B, LLC represented by Jim Donahue and Thompson Investment Trust DTD 12/8/10. (“Applicant”) are requesting a Final Plat recording extension for Lake Granby Tract B Subdivision.

The Plat was conditionally approved with variances by the Board of County Commissioners (“BOCC”) on June 13, 2017. The Applicant has been working toward finalizing the plat since that time. Since approval, four (4) different Community Development Staff people have worked with Jim Donahue on finalizing the project. Notes on the issues were poorly documented if at all. It is the goal of the Applicant to complete Final Plat and begin development in the Spring 2019.

Section 7.3 (3) (e), Subdivision Regulations, state that “...Approval of any final plat shall expire after one (1) year if not recorded in the Office of the Grand County Clerk and Recorder following the date of the Board of County Commissioners Final Plat approval. One (1) year extensions may be requested in writing by the developer and will be considered by the Board of County Commissioners.”

Staff recommends that the BOCC approve the request to extend the recording date for Lake Granby Tract B Subdivision until June 13, 2019, to reflect the original approval date. Staff highly recommends that this is an appropriate extension of time for it to be resolved completely.

Commissioner Manguso moved to approve the recording extension for Lake Granby Tract B Subdivision to June 13, 2019.

The motion passed unanimously.

School Fee Resolution – Discussion and Approval

Mr. Taft stated that in 2015 there was approval of the school fees but a resolution was never approved. Mr. Taft asked for approval of the fees by Resolution.

Commissioner Manguso moved to approve Resolution No. 2015-5-55, “A RESOLUTION AMENDING THE READOPTING THE GRAND COUNTY SUBDIVISION REGULATIONS AND RURAL LAND USE REGULATION REGARDING SCHOLL FEE LANGUAGE” with the condition that all portions of the subdivision regulations are included in the resolution.

The motion passed unanimously.

Needs Assessment – continued discussion (Strategic Plan #2 – Infrastructure

Commissioner Cimino stated that the older Road and Bridge District Offices are in need, but he would like to delay facility considerations for Road and Bridge at this time.

Mr. Moyer stated that the public safety strategic plan group felt that they were to complete the Needs Assessment in 2019, under design in 2020, and construction in 2021.

Commissioner Linke stated that he is not in favor of a huge facility. He believes that the priority is the public safety facility.

Undersheriff Schafer informed the Board that there is less of a need to transport prisoners because of video conferencing. The current video system is not working well. With a new facility, it is the Sheriff’s intent to do as much video court as possible.

Commissioner Linke would like to staff to look at other property in Hot Sulphur Springs and Granby for law enforcement and EMS. He would like to get information on disposition or acquisition of property.

Commissioner Cimino stated that he would like to find out:

1. Why RJA gave lower costs to a nearby County for a similar facility.
2. If the County could get a real estate analysis.
3. Get solid costs on transportation costs
4. The number of beds needed in the detention facility

The Board agreed that it does not want Health and Human Services with public safety. The Board is still willing to consider putting together public safety and EMS.

Water Protection Update

Commissioner Manguso moved to convene an Executive Session at 11:20 a.m. pursuant to CRS 24-6-409 (4)(e)(I) to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations, and instructing negotiators regarding Grand Lake clarity. Present for the meeting will be the Board, Interim County Manager Ed Moyer, and Water Quality Specialist Katherine Morris.

The motion passed unanimously.

The Board convened the regular meeting at 11:40 a.m.

I, Richard Cimino, hereby attest that the minutes of this executive session were recorded in accordance with CRS 24-6-402 and confined to the topic authorized for discussion in the executive session.

•NEPA Watershed Plan

- McMillan Jacobs working on EA.
- Subdistrict solicited RFP for comprehensive evaluation of existing dam based on NRCS request Oct 23. 7 proposals received.
- NRCS required SOW to include:
 - dam safety standards, dam breach assessment, sediment transport analysis / HEC-RAS model and possible updated flood hydrology of the CO and Fraser basins above WG.
 - 2 month NEPA delay –early April completion date.
 - Town of Hot Sulphur Springs concerns: sediment transport vs. muni-water intake.
- Project Final design-build RFP has been drafted.
 - RFP will be published upon NEPA Record of Decision.
- Water Court Case
 - Municipal Subdistrict continues to negotiate with downstream property owner and sent final offer to property owner. Will have update end of February.

Fundraising:

- USACE selected Connectivity Project as 2019 CAP Project for “potential” funding (up to \$3MM)!
Next Steps:
 - CAP team developing Federal Interest Memo (value and feasibility) due in Feb.
 - Project partners meeting with USACE to answer technical questions on Feb. 22.
 - CAP must follow NRCS timeline.
 - NRCS authorization needed to co-mingle Federal funds and amend RCPP Agreements.
- BOR Carriage Contract Transfer Request:
 - BOR Regional Manager –Michael Black recently approved the transfer of \$1M from the \$1.5M obligation below Granby dam, to the Connectivity Channel Project per 2016 request, as well as the recent LBD request.
 - \$1M will be contributed to LBD for the Connectivity Channel Project.
- NEXT MEETING –March 13 with CPW and Partners at Denver Water.
 - Focus on schedule and timing and current monitoring.

Colorado River Headwaters Connectivity Project – Town of Granby Fish passage and diversion project Description:

Redesign and replace 80’ wide x 3.5’ high diversion to accommodate both municipal and agriculture water needs, while providing for fish passage.

*Funding:

* USFWS (National Fish Passage Program agreement with TU), Grand County OLRT, Town of Granby, and TBD.

*Request for Proposals (Design)

* Town of Granby (and project partners) selected Freestone Aquatics / Fly Water Consulting team to perform design work.

1177 Colorado River Basin Roundtable

Last Meeting Jan. 28

- Robinson Ditch Diversion project - \$45K Grant
- Drought Contingency Planning
 - Lake Powell: WY 2019 most probable inflow = 7 MAF – 9 MAF outflow = 2 MAF deficit. Poor soil moisture = hit to above average snowpack.
 - Model L. Powell Elevation down to 3,550’ (3,525’ = hydro production threshold)

- January 31: AZ Legislature passed Lower Basin DCP to reduce risk of L. Mead dead pool scenario (19 year drought).
- Lower Basin State shared water cutbacks 2020-2026 based on L. Mead elevations.
- Demand Management
 - CWCB Policy Adopted. Voluntary, Compensated and Temporary
 - May 2 Joint West Slope Basin Roundtable Meeting in GJ.
 - West Slope to develop joint DM Policy.
 - DM needs to be proportional and equitably met by both East & West Slope and not just by pre-compact West Slope Ag. Water Rights.
 - River District and Southwest District Phase III Risk Study to drive DM Policy.
 - Prevent L. Powell from dropping below 3,525'- quantify risk and current and future CO River use.
 - Evaluate impacts of water right curtailment.
 - Evaluate 100 KAF/yr and 200 KAF contribution from Upper Basin States to a 1 MAF account in L. Powell.

Climax

- CSU ARDEC Visit for Climax Molybdenum Cattle Study & Update
 - Jennifer Heath will attend on behalf of 5-6 interested parties including NWCCOG, Denver Water, and Grand County

EGWQB

Trout Unlimited approached EGWQB and asked member districts to put drought restriction and conservation measures in place so that the west slope has a better footing when asking trans-basin water diversion recipients to enact conservation and drought restriction measures based upon U.S. Drought Monitor reports.

GC Mutual Ditch & Res Co

- GCMDRC continues to meeting with CWCB and Colorado Water Trust on the Substitute Water Supply Plan to carry out the Pilot Project.
- SWSP is the legal instrument to create additional in-stream flows in Fraser River for environmental water and other uses (R&B Op's for example).
- Accomplished by Denver Water diverting and using GCMDRC stored shared in Meadow Creek Res., then retiming and delivering same amount of water to upper Fraser River via the Moffat or Vasquez Collection System (Clinton delivery points).
- Denver Water potential co-applicant in the SWSP. Meeting TBD.
- Draft Engineering Report (CU and Net Depletion Analysis) being reviewed by CWCB and CWT.
- GCMDRC responsible for Net Depletions (lagged returns, etc.).
- Example: CU = approx. 70 AF July –Sept. = (+.5 cfs for 70 days for ISF)
- GCMDRC to meet with GCILC and obtain letter of support for SWSP, per their legal recommendation, upon finalization of engineering.
- GCMDRC to make formal application to CWCB and requires two Board Meetings (March/May or May/July) to approve, including public notice and State Engineer approval.

www.grandcountyLearningbydoing.org

Management & Technical Committees

- Denver Water presented regarding drought watch, drought response, and drought restrictions.
 - LBD asked to be apprised annually of drought plans—this is planned for March.
 - Because of low soil moisture and lower reservoir levels, January estimates were for 95% of normal runoff in the Fraser Basin.
 - Denver Water maintenance work on Siphon 1 at WP Resort May 1 through Sep. or Oct. Plan is to bypass minimum flows in the Fraser River.
- 2018 Fraser River Fish Monitoring Preliminary Results
 - Decline in numbers of brown trout at Fraser Flats restoration project site likely due to fishing pressure (overfishing)
 - Best rainbow reproduction yet observed in 2018
 - CPW's report will be out in the near future
- Discussed possible LBD projects
- LBD will have a presentation at the National Water Quality Monitoring Conference
- 2018 Operations Report was approved
- LBD Inc is incorporated in the State of Colorado. To become a 501c3 is a federal process.
 - Next steps are to establish proxy form, fiscal year, and obtain an EIN.
- Next meeting March 8
- Revised stream temperature modeling report anticipated from Denver Water.
- Revisiting macroinvertebrate monitoring to ensure it meets all member and LBD Inc. needs
- 2018 macroinvertebrate results to be presented by contractor

- 2018 Stream temperature data review and 2019 monitoring proposal on March 8 agenda
- Next meeting March 8

Moffat Firming

- Federal Energy Regulatory Commission (FERC) Permit Order Amendment to the Gross Reservoir Hydro Permit.
 - FERC issued the Final EA with a Finding of No Significant Impact (FONSI). Final EA is being published. Denver Water reviewing the Order for acceptance.
- Boulder County Public Hearing March 14 at 4p.m.
- Enviro lawsuit filed December 19, 2019: NEPA and ESA challenge against USACE and USF&WS contesting the Final EIS - Purpose & Need and issuance of the 404 Permit.
 - No update on court dates, etc.

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:

- LBD Cooperative Effort
- 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 1,500 AF Fraser Bypass flows,
- \$3.95M in Project Funding
- \$2M Water Quality Funding,
- \$3M LBD Aquatic Habitat Enhancement,
- \$1M LBD or Aquatic Habitat Mitigation (Denver Water using \$984K for Mitigation on Williams Fork River per CRCA)
- \$1M for Windy Gap Pumping, etc.
- 12.5% surcharge for West Slope Fund (Grand County and Summit County split 20%)
- Shoshone Outage Protocol
- No West Slope Water Rights Development

Operation Roundup

Mr. Rich Newton – Denver Water Citizen’s Advisory Committee (CAC)

- Update (in Box)
 - Gathering Letters of Support
- CAC received letter (in Box) dated Feb. 8, 2019 from Denver Board of Water Commissioners deciding not to implement round-up program.
 - In lieu, Denver Water recommends the CAC make recommendations to prioritize 2019 Programs and ratepayer funding for:
 - Learning By Doing Projects, WaterSense Challenge Program and Watershed/Forest Health Programs

Wild and Scenic – Jan 23 SG Meeting

Governance Committee Discussion (SG to approve March 27):

- Fishing AHC recommendation on Final Fishing - Outstanding Remarkable Values (ORV’s) Indicators and Resource Guides
- Float Boating AHC Recommendation: Final Boating - Outstanding Remarkable Values (ORV’s) Indicators and Resource Guides
 - Eagle, Summit and Grand counties (Local Gov’t IG) and River District meeting with East Slope Water Users IG Feb. 21 regarding issues with YR 1-3 out of 5 YR exceedance language versus Local Gov’t regulatory authority (1041) per the 2015 MOA.
- Significant amount of work to be completed by the end of the Provisional Period this June 2019.
- WQS to coordinate 2018 Annual Monitoring Report submittals and compilation.

ENDOWMENT FUND - \$1.5MM (upon approval of Moffat and WGFP Permit Approval / Acceptance):

- Denver Water (\$1MM within 12 mo. of Moffat Project Permit acceptance),
- River District (\$125K: \$25K within 12 mo. after WGFP Permit, then annually),
- Northern Water(\$200K: \$20K annual cap or 80% River District payment),
- Subdistrict (\$50K – to start within 12 months after WGFP Permit - \$5K annual cap or 20% of River District \$25K),
- Interest Groups (\$125K) Annual Assessments \$10K (GC = \$3,333).

Windy Gap Firming Project (WGFP)

WGFP Lawsuit

- Judge hasn't ruled on administrative record submitted Feb. 2018. Municipal Subdistrict approved to intervene in case. State of Colorado and City/County Broomfield requested to intervene.
- Status Conference Pending.
- Grand County, River District, Middle Park and TU could be requested to weigh in on importance of WGFP IGA and negotiated enhancements.

WGFP 1041 Permit conditions:

- BOCC provided Comments on Municipal Subdistrict's submittal to address Conditions 22 and 30.
 - NWCCOG assisted with review of Riparian Vegetation Monitoring Plan
- Meeting with Subdistrict to review all conditions and expectations.

West Slope Fund

CRCA Article I.B - West Slope Fund/Forest Restoration Fund

- Agreement among 17 Entities on the West Slope.
- Fund established 6 months after effective date of CRCA.
- 12.5% per AF surcharge to East Slope recipients of water (WISE Project, Aurora, South Metro Water, outside Service Area contracts, leases, etc.), collected by Denver Water.
- Current WS Fund Balance \$67,257.50
- 20% of the Fund is split equally into two interest-bearing accounts for Grand County and Summit County, managed by the CO River District.
- Grand County Fund - \$6,500 (10% of West Slope Fund to date).
- Forest Improvement MOU between Denver Water and USFS expired in 2015. CRCA allows Grand County's - West Slope Fund to be made available for Learning By Doing.

WS Fund Annual Meeting – Feb. 14, 2019

- Estimated annual funding - \$323K
- Management Committee working on:
 - Adoption of River District's Investment Policy
 - Minimum Balance Policy
 - Funding Request Framework / Disbursement Policy

Public Hearing – Pivot Energy, LLC (on behalf of MPEI Solar 2, LLC) – Special Use Permit

The public hearing scheduled to begin at 1:00 p.m. was called to Chair Cimino at 1:03 p.m. Interim County Attorney LaBarre-Krostue set the record with the following exhibits:

- A Letter of Application and Narrative, dated November 26th, 2018
- B Public Notice Proof of Publication dated January 25th, 2018
- C Vicinity map depicting the 1000 foot notification buffer as established by the Grand County GIS
- D First Class Mailings to all property owners within 1000 feet as established by the Grand County GIS
- E Public review sheets with and without signatures
- F Memo from Community Development Department dated January 25th, 2019
- G Staff Report dated February 19th, 2019
- H PowerPoint Presentation from Applicant
- I Draft Special Use Permit for MPEI Solar 2 LLC dates February 19th, 2019
- J Vicinity maps showing Project Location
- K Mineral interest notification dated December 6th, 2018
- L Quit Claim Deed for City and County of Denver Board of Water Commissioners to County of Grand dated June 26th, 2002
- M Title Policy and guarantee dated August 6th, 2018

PROJECT NAME: Pivot Energy 1 megawatt (MW) solar array - public utility facility Special Use Permit
APPLICANT: Pivot Energy -- Represented by Jon Fitzpatrick and Jon Sullivan
LOCATION: Metes and Bounds on a Tract of Land Being Part of NE ¼ SE ¼ of Section 13 Township 1 South R76W of the 6th P.M. Lying at the western terminus of County Road 5103 approximately 2 miles northwest of the Town of Fraser

APPLICABLE

REGULATIONS: Zoning Regulations: Forest and Open District Section 6.1 and Special Use Permits Section 11.8, Grand County Master Plan

ZONING: Forestry and Open District

ATTACHMENTS:

- A. Vicinity Maps
- B. Application and Narrative Letter/Project Summary
- C. Site Plan

- D. Mineral Rights Notification
- E. Property Title Commitment
- F. Draft Lease Agreement
- G. Draft Special Use Permit 2019-XX-XX

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is requesting a Special Use Permit to construct and operate public utility scale solar array.

I. BACKGROUND

a. History

The parcel subject to this proposal is owned by Grand County where it holds the Fraser Road and Bridge operation and maintenance facility. This facility received a Special Use Permit with the County in 2002 for the construction and operation of the facility to serve the Fraser Valley. The property was acquired by the County from the Denver Water Board totaling 35 acres that includes mineral rights that the County uses for its Road and Bridge maintenance.

b. Proposal

The Applicant is requesting a Special Use Permit to construct and operate one (1) megawatt public utility facility. The proposed facility, if approved, will serve approximately 300 homes primarily in the Fraser Valley. The facility is being constructed by Pivot Energy, a solar developer who has partnered with Mountain Parks Electric, Inc. (MPEI). The project will use leased County land adjacent to the Fraser Road and Bridge facility (see maps below). The proposed solar panel are a single axis or fixed-tilt system arranged in a north, south orientation that optimizes the absorption of solar rays throughout the day. The panels are mounted to a frame and post system that is no taller than eight feet (8') at the highest angle.

II. STAFF ANALYSIS

The subject parcel is situated within an existing, emergent light industrial use area which is atypical in the unincorporated county. Accessed from County Road 5103, the maximum 6.68 acre leased area, is surrounded by Grand County gravel pit to the north and west, Grand County Road and Bridge operations and maintenance to the east, Denver Water Board property to the northeast, MPEI substation to the south, and Jeffery and Tracie Martin's parcel which contains a dog sled operation and kennel to the southeast. The Martin property is the closest property at approximately one tenth (.1) miles away with an existing single family home. The next closest property with a single family home, formerly owned by David Lutz but recently transferred to Jeffery, Steven, Elizabeth Ruhle, is approximately three tenth (.3) miles away.

The properties within a half mile distance are all within the Forestry and Open District. Property to the north and northeast is primarily Denver Water Board Property lying between County Road 5 to the west and County Road 522 commonly known as Fraser Valley Parkway to the east. The proposed development will not create an inconsistent development pattern within the adjacent uses. Additionally, Grand County has an agreement to assist with regional transportation efforts in Winter Park by donating land for expansion of facilities used on storage and maintenance similar to the Road and Bridge facility.

As stated in the Applicants narrative, this is one of many projects that is being proposed throughout the state of Colorado. Previously, Pivot Energy had completed a project in Jackson County with MPEI. MPEI as an energy cooperative, purchases power from Tri-State Generation and Transmission and this additional solar facility helps in meeting MPEI's goals of providing "Green Power" to its customers while reducing the burden of purchased power. Tristate is the provider for many rural areas within Colorado, Wyoming, New Mexico, and western Nebraska.

It is Staff's opinion that this public utility facility serves a general public need. The renewable solar energy helps minimize the impact of using fossil fuels to power Grand County's residences. This project will also help in providing energy to the growing population within Grand County while supplying power locally. While this does not directly create local jobs, the benefits are the use of County land to supply reduced costs to power consumers in Grand County.

III. PLANNING COMMISSION RECOMMENDATION

During the regular meeting of Planning Commission scheduled for January 9, 2019, the Planning Commission reviewed this application. Staff presented outlining compliance concerns and recommendations. Following Staff presentation the Applicant gave a presentation and described details about Pivot Energy and the background of the proposed solar project. The Planning Commissioners asked questions about the facility and impact on neighbors. The Applicant mention that the closest neighbor to the facility was in favor of this location. The Applicant was in touch with many of the surrounding neighbors over the summer and had discussed some possible alternatives. To mitigate visual impacts, the height of the solar panels and color is

intended to minimize reflection. The Applicant described that a fence would surround the facility and they would be compliant with the type agreed upon by the County. Following the discussion the Planning Commission Chairman requested a motion on this application.

IV. STAFF RECOMMENDATION

Planning Commission unanimously recommended approval with Staff recommended conditions for Pivot Energy 1MW Solar Array Special Use Permit with the following seven (7) conditions to be met:

- 1) The Applicant shall supply an executed Lease Agreement prior to the issuance of the permit.
- 2) The Applicant shall work with Staff and the County Attorney's Office to verify access to the site.

The following requirements shall be made a part of the Special Use Permit:

- 1) The permit shall be for a term of 35 years, to reflect the lease agreement.
- 2) The Permittee is required to keep a current lease on file with the Community Development.
- 3) The maximum area of the use is limited to the area as established on the site plan submitted with this Special Use Permit, and alteration to lease area shall be subject to approval of the Board of County Commissioners.
- 4) The following Special Use Permit sections shall read as described in this certificate: Exterior Lighting, Site Maintenance, Uses Permitted, Area of Operation, and Miscellaneous Terms.
- 5) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:
 - Control of Site
 - Noxious Weed Control
 - Site Maintenance
 - Rehabilitation of Site
 - Storage of Abandoned Equipment
 - Compliance with County, State and Federal Regulations
 - Limitation of Liability
 - Alteration of Terms and Conditions
 - Access and Right to Enter Site
 - Assignability
 - Binding Contract
 - Abandonment
 - Violation of Terms and Conditions
 - Non-Transferable
 - Termination

Jon Fitzpatrick, Director Project Development stated that Pivot Energy was founded in 2009. Pivot Energy focus on small scale solar.

Pivot will be delivering energy at a net savings to the coop. This is a 1.35 megawatt DC and 1 megawatt AC service. There will be 3,800 individual solar modules. This will be located on 6 acres.

Once the site is up and running, Pivot visits the site four to six times per year.

The location was chosen is because it is close to the substation.

Pivot met with the neighbors to discuss the project.

A requirement will be added to the Special Use Permit for a bond.

Commissioner Manguso moved to approve Pivot Energy LLC Special Use Permit contingent upon Interim County Manager Ed Moyer and Pivot Energy with the assistance of Community Development coming to an agreement on an amount of contingency (bond) in the event there is a need. The Special Use Permit will include the condition identifying the amount of the bond.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Solar Lease – MPEI Solar 2, LLC

Interim County Manager Ed Moyer stated that the Lease negotiation started last year.

There is development rent in the amount of \$2,000. In January 2020, the operational rent is \$700 per acre per year. In the 21st year, the rent is \$1,400 per acre per year. The operational rent is for 35 years. Year 36 is the decommission year.

The total for the 36 years is \$258,618.95 not including the development rent.

Commissioner Manguso moved to approve the Lease between the Grand County Board of Commissioners and MPEI Solar 2 LLC as discussed.

The motion passed unanimously.

Commissioner Linke moved to authorize the Chair to sign contracts for County Manager and County Attorney outside the meeting if necessary.

The motion passed unanimously.

Executive Session

Commissioner Manguso moved to convene an Executive Session at 2:11 p.m. pursuant to CRS 24-6-402(4)(f)(I) for the purpose of personnel matters: Discussion of Interim County Manager and attorney compensation. This will be with the three Board members only. The Board may contact Ed Moyer or Maxine LaBarre-Krostue for information.

The motion passed unanimously.

The Executive Session ended at 2:28 p.m.

I, Richard Cimino, hereby attest that the minutes of this executive session were recorded in accordance with CRS 24-6-402 and confined to the topic authorized for discussion in the executive session.

There being no further business to come before the Board, the meeting was adjourned at 2:35 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this day of February 2019.

Richard Cimino, Chair

Attest:

Sara L. Rosene, Clerk and Recorder