

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

February 23, 2021

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

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

Those present recited the Pledge of Allegiance.

Commissioner Cimino moved to change the agenda to remove the 1:00 item which is a workshop with the Grand County Housing Authority Board.
The motion passed unanimously.

Commissioner Cimino moved to approve the minutes of the February 2, 2021 Board of Commissioners meeting as presented.
The motion passed unanimously.

Commissioner Cimino moved to approve the minutes of the February 9, 2021 Board of Commissioners meeting as presented.
The motion passed unanimously.

Commissioner Cimino moved to approve the minutes of the February 16, 2021 Board of Commissioners meeting as presented.
The motion passed unanimously.

Public Comment

Naomi Hahn presented her thoughts on contact tracing.

Mariette McGrath asked that everyone receiving a vaccine be given information on the side effects.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on February 24, 2021, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the checks presented on February 23, 2021, for payment on February 24, 2021, 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 February 24, 2021, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Cimino moved to approve the vouchers presented on February 23, 2021, for payment on February 24, 2021, for the Grand County Department of Human Services.
The motion passed unanimously.

Commissioner Cimino moved to approve wire payment, interfund transfers, and vouchers presented on February 23, 2021, for payment on February 24, 2021, for Grand County.
The motion passed unanimously.

Finance Director Lange provided the Board with the annual asset report.

Mr. Lange reviewed the sales tax revenue with the Board.

Pandemic and Fire Costs as of 2-23-2021

	East Troublesome Fire			
	COVID-19	Paid	Unbilled but expected	Total Fire
2020 Cares Act Reimbursement Allocation	\$ 701,883			
Less:				
2020 Personnel costs	\$ 381,135	\$ 137,487		\$ 137,487
2020 Grand Foundation programs funded	\$ 230,000			\$ -
2020 Rural Health grant	\$ 10,000			\$ -
2020 Other operating costs	\$ 115,852	\$ 253,193	\$ 164,466	\$ 417,658
Total 2020 costs	\$ 736,987	\$ 390,680	\$ 164,466	\$ 555,146
Net 2020 (costs) after reimbursements	(\$ 35,104)	(\$ 390,680)	(\$ 164,466)	(\$ 555,146)
2021 Reimbursements Requested	\$ -	\$ -	\$ -	\$ -
Less:				
2021 Personnel costs	\$ 76,602	\$ -	\$ -	\$ -
2021 Grand Foundation programs funded	\$ -			\$ -
2021 Rural Health grant	\$ -			\$ -
2021 Other operating costs	\$ 8,041			\$ -
Total 2021 costs	\$ 84,643	\$ -	\$ -	\$ -
Net 2021 (costs) after reimbursements	(\$ 84,643)	\$ -	\$ -	\$ -
Total Costs after reimbursements	(\$ 119,747)	(\$ 390,680)	(\$ 164,466)	(\$ 555,146)
Unrestricted Fund Balance calculation				
2020 Operating Expenditure Budget		\$ 20,172,000		
2019 Unrestricted Fund Balance		\$ 6,194,000		
2020 estimated unrestricted funds increase		\$ 400,000		
Projected 2020 Unrestricted Fund Balance		\$ 6,594,000		
				33%

Departmental Contracts, Comments, Issue

Commissioner Manguso moved to approve the Application for Federal Assistance SF-424 in the amount of \$9,000 for the Kremmling Airport and authorize the Chair to sign.
 The motion passed unanimously.

Commissioner Manguso moved to approve the Application for Federal Assistance SF-424 in the amount of \$9,000 for the Granby/Grand County Airport and authorize the Chair to sign.
 The motion passed unanimously.

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

Commissioner Manguso moved to approve the Core Services Program Contract between Grand County Board of Human Services and Melissa Gledhill for the period of time between February 8, 2021 and May 31, 2021 in an amount not to exceed \$4,000 for individual counseling, family counseling, in-home family therapy, and group therapy and authorize the Chair to sign.
 The motion passed unanimously.

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

Commissioner Cimino moved to approve the Modification of Grant or Agreement between Grand County Sheriff's Department and Arapaho and Roosevelt National Forests and Pawnee National Grassland for patrols on Forest Service properties in the amount of \$16,500 and authorize the Chair to sign via docusign.
 The motion passed unanimously.

Commissioner Cimino moved to approve the Intergovernmental Agreement between Grand County Sheriff's Office and the City and County of Denver, acting by and through its Board of Water Commissioners for additional special duty patrol services at Williams Fork Reservoir and surrounding areas for a three-year agreement in the amount of \$20,000 per year and authorize the Chair to sign. This is for 2020, 2021 and 2022.
 The motion passed unanimously.

Commissioner Cimino moved to approve and enter into a license agreement for the Lakeridge Communication Site Upgrade to install and operate a radio site with the United States Bureau of Reclamation for the Colorado Big Thompson Project and authorize the Chair to sign all applicable documents.
 Discussion: There is no cost to Grand County. The cost is covered by the State of Colorado.
 The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2021-2-7, "A RESOLUTION DIRECTING THE GRAND COUNTY TREASURER TO DISBURSE FUNDS FROM THE ESCROW "COLORADO RIVER CA ESCROW ACCOUNT" in the amount of \$8,010.67

The motion passed unanimously.

Emergency Manager Joel Cochran introduced Alyssa Ingles as Grand County's recovery manager related to the East Troublesome Creek Fire.

Commissioner Manguso moved to authorize the Board and the EMS Chief to sign as Lessee Representative for the purpose of transferring funds, changing address, and to provide contact information for the lease of ambulances.

The motion passed unanimously.

Commissioner Manguso moved to approve out-of-state travel for Robert Good. This is a change to the previous resolution that allowed out-of-state travel for two EMS employees to pick up ambulances as presented.

The motion passed unanimously.

Grand County Board of Health

Commissioner Linke announced the Board is sitting as the Grand County Board of Health.

Commissioner Manguso moved to approve the updated Agreement for Shared WIC Services between Grand County and Summit County for a WIC employee. The WIC employee will be an employee of Grand County and Summit County will provide support.

The motion passed unanimously.

Grand County Public Health Director Abby Baker presented:

Grand County has 367 cases per 100,000 residents. That puts Grand County in the orange dial level. The total cases for the last seven days is 57. The positivity is about 6.78 percent.

The public health order issued on February 12 was lifted yesterday morning at 8:00 a.m. Grand County is approaching yellow level. In order to get to the yellow level, the case rate will need to be 100 to 300 cases per 100,000. The positivity will need to be under 7.5 percent.

Grand County Public Health completed 900 tests in the last seven day. The tests have been performed as follows:

64.4 percent	Grand County Public Health
5.9 percent	COVID Check Colorado
2.4 percent	Denver Health
7.9 percent	Middle Park Health
8.2 percent	Several other entities.

Ms. Baker stated that 3,822 doses have been provided in Grand County. (This includes some second doses.) One of the vaccine providers let Ms. Baker know that one-third to one-half of the vaccines were provided to non-residents. Vaccine allocations for Grand County are based on census population of 15,500.

Vaccine tourism impacts the ability of Grand County Public Health to provide immunity to our local residents. Local residents are going to other places seeking vaccine.

Ms. Baker believes that Grand County has approximately 25.3 percent of the Grand County population have some level of immunity due to disease, natural immunity, or vaccine.

Commissioner Manguso reported that Coroner Brenda Bock spoke with the Governor and he agreed to change the reported deaths for Grand County to identify only those who died due to COVID.

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

Manager & Attorney Items

Commissioner Manguso moved to approve and sign the Cost Share Agreement in the amount of \$40,000 with the Middle Park Fair and Rodeo.

Discussion: The Board asked that Summit County be contacted and requested to participate in the agreement. The motion passed unanimously.

Commissioner Cimon moved to approve and distribute the \$338,250 as the Grand County Board of Commissioners Block Grant Application Donor Advised Fund.
The motion passed unanimously.

Acting County Manager Ed Moyer provided his weekly update.

Board Business / Correspondence / Calendar

Commissioner Manguso moved to approve the letter to Ranch Creek Waste in support of grant funds. They are applying for a grant to add space for community recycling drop site.
The motion passed unanimously.

Commissioner Manguso attended the Grand Places meeting and a meeting of the East Fork Ditch group.

Commissioner Linke attended the Freeport Community Partnership Panel, the Colorado Rural Workforce Consortium, Club 20 conference all, AGNC call, Sun Valley Lake neighborhood meeting and the Hot Sulphur Springs Town Hall meeting.

Calendar

February 22	CCAT Governing Board meeting from 2 pm to 5 pm (includes local government transportation event) – Commissioner Cimino
February 23 – 24	NaCo Legislative Conference in Washington DC via Zoom from 9 to 10 am
February 24	Monthly Legislators Breakfast meeting from 8 to 10 via Zoom
February 24	CCAT Affordable Housing Subcommittee from 8:30 am to 9:30 am via Zoom
February 24	CCI River Recreation Policy Webinar 10 to 11:30 via Zoom
February 24	CCAT Tourism Subcommittee from 4 pm to 5 pm via Zoom
February 25 – 26	CCI Steering Committee meetings from 8:30 to 4 via Zoom
	Thursday
	<ul style="list-style-type: none">• Justice & Public Safety• General Government• Tourism, Resorts & Economic Development• Taxation & Finance• Transportation and Telecommunication
	Friday
	<ul style="list-style-type: none">• Health and Human Services• Public Lands• Land Use and Natural Resources• Agriculture, Wildlife and Rural Affairs
February 25	Colorado River Water Conservation District Joint meeting from noon to 2:00 pm via Zoom
February 25 – 26	Club 20 meetings from 8 am to 3 pm via Zoom
February 26	CCI Briefing regarding Colorado Epidemiology hospital capacity from 11 to noon via Zoom
March 1	Winter Park Transit Advisory Committee from 4 pm to 5 pm
March 2	CAFS State of the Fair Industry in Colorado 6 pm to 8 pm via Zoom

The Grand County Board of County Commissioners holds meetings from 8:00 a.m. to 5:00 p.m. daily until further notice.

The Grand County Board of County Commissioners and Grand County Board of Health will meet remotely, as needed, via conference call to discuss COVID-19 starting at 2:00 p.m.

Consent Agenda

Resolution No. 2021-2-3, “A RESOLUTION ESTABLISHING AN AVIATION FUEL PRICING POLICY FOR GRANBY/GRAND COUNTY AIRPORT”

Resolution No. 2021-2-4, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN APPLICATION FOR THE COLORADO PARKS AND WILDLIFE IMPACT ASSISTANCE GRANT”

Resolution No. 2021HA-2-5, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIR OF THE GRAND COUNTY HOUSING AUTHORITY BOARD TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE GRAND COUNTY HOUSING AUTHORITY AND THE CLEAR CREEK HOUSING AUTHORITY, FOR ADMINISTRATION OF THE CLEAR CREEK COUNTY SECTION 8 HOUSING CHOICE VOUCHER PROGRAM"

Resolution No. 2021-2-6, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO EXECUTE A SERVICES CONTRACT BY AND BETWEEN DR. TRACIE NICOLL AND THE BOARD OF HUMAN SERVICES"

Commissioner Cimino moved to approve the Consent Agenda.
The motion passed unanimously.

Fire Recovery Update

Director of Emergency Management Joel Cochran presented regarding National Flood Insurance Program (NFIP)

BACKGROUND

In December, 2020 Emergency Management was working on the update of the Hazard Mitigation Plan (HMP) and it was brought to the forefront that Grand County did not participate in the NFIP. The HMP requires new mitigation actions at each update of the plan. A mitigation action to bring active the conversation about participation in the NFIP was added to the plan. Discussion with the Division of Homeland Security and Emergency Management (DHSEM) identified concerns about future eligibility in Federal Emergency Management Agency (FEMA) and Colorado grant opportunities because of non-participation in the NFIP.

In January, 2021, Emergency Management was contacted by Executive Director Dan Gibbs of the Colorado Department of Natural Resources (DNR), and Division Chief Rebecca Mitchell from the Colorado Water Conservation Board (CWCB). Both express concern in our conversation about the failure by Grand County to participate in the NFIP. Both identified concerns about future eligibility in FEMA and Colorado grant opportunities because of non-participation in the NFIP.

On February 9, 2021, the Board of County Commissioners (BOCC) participated in a work shop with representatives from FEMA and CWCB. Key points from the discussion:

- The FEMA insurance limit of liability is \$250,000;
- Additional insurance may be needed to meet other liability/risk concerns;
- Typically, the cost for NFIP is considerably less for coverage with same limits;
- Approximately 595 primary and an additional 245 outbuildings are in the EFT burn area;
- The increased water in channels could be as much as 14xnormal flows;
- The risk of debris movement from flooding is increased;
- Non-participation in the NFIP will influence eligibility of some grant programs;

Key Questions:

- Insurance options available for property owners;
- Number of homes in ETF that could benefit from having flood insurance;
- Number of homes with assessed valuations over the NFIP insurance cap

FEMA made the point that flooding in the United States is the most common form of natural disaster and the most costly. Flood after wildfire is greatly increased from the burn scars. That participation in the NFIP is voluntary but when a community has a special flood risk and does not participate in the NFIP, the community may be sanctioned and financial assistance for acquisition of construction projects, including in some cases, Federal Disaster Assistance may not be available. FEMA commented the median claims for flood damage was covered by the \$250,000 liability limit, but the coverage amount is under review for increase at the national level.

CURRENT SITUATION

Emergency Management contacted several name brand insurance companies in Grand County. We learned the following with regards to flood insurance options;

- a) Flood insurance is available to any homeowner;
- b) Floor insurance is available without regard for location of the property;
- c) Rates for private floor insurance are typically 10xhigher for first \$250,000 coverage;
- d) Rates are based upon flood zone risk maps;

- e) When risk maps are not available the policy is charged the highest zone for risk;
- f) Elevations certificates can cost approximately \$800.00, or more;
- g) Owners can self-certify elevations to ask for exclusion from insurance requirement;
- h) Multiple structures must be involved before flood insurance claims are considered;
- i) Participation by Grand County in the NFIP would be overall good for community;
- j) NFIP cost for first \$250,000 in coverage is very affordable, ranges \$300.00-\$1500.00
- k) Homes located in a zone would be required to purchase, currently optional expense

Additional work by Grand County GIS identified the following properties in the EFT burn scar:

- Total structures in flood prone areas = 544
- Primary structures within the 'stream' buffer = 259 (281 as 22 destroyed by ETF)
- Outbuildings within the 'stream' buffer=263
- *(numbers do not include homes destroyed by fire in the EFT)
- Number of structures with assessed valuation <\$250,000 =276
- Number of structures with assessed valuation >\$250,000 -<\$1,000,000 = 3
- Number of structures with assessed valuation >\$1,000,000 =2

Participation in the NFIP would require Grand County:

- 1) Submit an application to participate in the NFIP;
- 2) Adopt a resolution of intent which is explicit in desire and commitment to recognize flood hazards and carry out the objectives of the NFIP;
- 3) Adopt resolutions and submit floodplain management regulations (page 2-3 NFIP community adoption requirements)

Timelines are in place to participate in the NFIP and put the required resolutions and management regulations in place. To reasonably strive to have the NFIP in place for the 2021 run-off season and summer weather events the decision to participate needs to be made by the end of February, 2021. Sample resolutions and floodplain management regulations are available from CWCB for Grand County to customize and adopt to fit our situation.

ALTERNATIVES REVIEW

The adoption of the NFIP will require new work and demands on staff to administer and manage and will most likely bring new unbudgeted expenses. For the community, participation in the NFIP could lower up to 10x the cost for the first \$250,000 of flood insurance for all property owners in unincorporated Grand County. However, participation in the NFIP will create additional costs for properties that become mapped in flood zones and will now be required to purchase flood insurance with the cost depending upon the zone rating.

Alternative 1 –Maintain the current status: All property owners are able to purchase flood insurance.

Alternative 2 –Support alternatives 1 and 3, with a robust public education program about the increased risk of flood after wildfire.

Alternative 3 –Support alternatives 1 and 2, partner with the community foundation to offer County funded grant opportunities to property owners who need financial support to purchase private flood insurance for the next 3 to 5 years.

Alternative 4 –Begin the application process to participate in the NFIP.

STAFF RECOMMENDATION

My recommendation is the BOCC authorize the submission of an application for Grand County to participate in the NFIP and the adoption of the necessary resolutions, alternative 4.

Staff confirmed that FEMA does not require flood insurance. Lenders often times do require flood insurance. If Grand County participates in the FEMA flood program, there is no requirement for flood insurance to build or make improvements to a structure.

Community Development – Short-Term Rental Regulations, Annual Review Discussion

This item was removed from the agenda.

Public Hearing – Elk Creek Vista (Formerly Gold Medal Ranch) Outright Exemption – Final Plat

The public hearing scheduled to begin at 11:00 a.m. was called to order by Chair Linke at 11:05 a.m. County Attorney Chris Leahy set the record as follows:

- A. Development Application and Narrative, dated October 9, 2020

- B. Map of properties within three hundred feet (300') notification buffer as established by the Grand County GIS
- C. List of property owners within three hundred feet (300') as established by the Grand County GIS
- D. Memo to owner and interested parties from Community Development Department, dated February 10, 2021
- E. Community Development Certificate of Recommendation, dated February 23, 2021
- F. Outright Exemption GM Ranch Parcel 1 and County Road 72 Vacation and Dedication Proposed Plat, dated September 29, 2020
- G. Right of Way Deed Recorded at Book 105 and Page 272, dated June 1, 1953
- H. Map showing existing County Road 72 Right of Way, no date
- I. Pages from Board of County Commissioners meeting minutes, dated August 25, 2015

PROJECT NAME: Elk Creek Vista Outright Exemption
APPLICANT: Gold Medal Ranch, LLC, represented by Will Berry and Kent Whitmer, Whitmer Law Firm, LLC
LOCATION: 11.3 acres (including ROW for CR 72) located one (1) mile south of downtown along County Road 72 in Part of the SW ¼ NE ¼, Section 30, Township 1 South, Range 75 West of the 6th P.M, County of Grand, State of Colorado, commonly referred to as Byers Peak Ranch West.

APPLICABLE

REGULATIONS: Master Plan, Zoning Regulations, Outright Exemption Regulations
ZONING: F – Forestry and Open District

ATTACHMENTS:

- A. Vicinity Maps
- B. Application and Narrative Letter
- C. Title Commitment
- D. Proposed Outright Exemption Plat

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing a new parcel to contain a new single family dwelling or potentially for public use trailhead parking through an Outright Exemption. Applicant is also proposing that Grand County vacate a ROW in exchange for a 60' wide dedicated and deeded ROW for CR 72 which contains the drive surface.

I. BACKGROUND

a. Proposal

Gold Medal Ranch, LLC represented by Will Berry of Whitmer Law Firm, LLC, here in referred to as the Applicant, purchased three (3) large parcels totaling 487 acres from Byers Peak Estates, LLC on July 21, 2014. A portion of the ownership is referred to as Lot 2 and is located in the E ½ NW ¼, SW ¼ NE ¼, except that portion of real property for county road right-of-way described at Book 105, Page 272 deed to the Grand County Board of County Commissioners. Lot 2 totals 113.26 acres.

The Applicant is requesting an Outright Exemption to create a 9.41 acre parcel which can be conveyed as a fee simple parcel to be used for a single family dwelling (see Figure 1 for the location of the site). It is also alternatively being considered for public use trailhead parking.

A second part of this application involves the ROW, which was deeded to Grand County in 1953. The referenced County Road Right-of-Way, the "ROW", totals 6.74 acres in area. The ROW is drawn by dashed grey lines and labeled "40' Existing County Road 72 Right of Way" (see Figure 2). Only portions of an historic two-track travelled way exists within this old ROW. CR 72 through these properties exists as a "prescriptive" ROW and its actual location is shown by solid red lines and labeled "24' wide current driving surface CR #72" in Figure 2. Applicant is proposing that Grand County vacate the ROW in exchange for a 60' wide dedicated and deeded ROW for CR 72 which contains the drive surface. This new ROW is labeled as "CR#72 Right of Way" on the plat. It results in Grand County owning the ROW as fee simple real property.

b. History

A similar application was reviewed by Grand County in 2015-2016 where the parcel boundaries were being redrawn by the proposed plat cleaning up a remnant corner of the Johns' Family Parcel which is adjacent to the east.

Byers Peak Ranch in its total land area has a long history of being an agricultural and ranching property adjacent to the Fraser Experimental Forest, St. Louis Creek and leading to Byers Peak. Property to the west and south is primarily property owned by families who have been involved in agricultural operations being the Johns Family and the Bukley's.

II. STAFF ANALYSIS

Public Use Trailhead Parking

There are two alternative development proposals for the subject property. The creation of an Outright Exemption parcel would allow for either a single-family dwelling or public trailhead parking. It is Staff's opinion that an alternative and preferred of the use of the parcel, other than for single family residential, is for public use trailhead parking. Staff approached the Applicant about dedicating a portion of the parcel for a trailhead easement. It was suggested by the applicant to look at alternatives to acquire the property as an open space use and the applicant is open to developing the subject parcel as trailhead parking.

The Fraser Valley is seeing increasingly higher traffic by tourist visiting for both winter and summer recreational activities. The Grand County Master Plan states: "Preserve the economic, recreational, environmental, and cultural importance of hunting, fishing and wildlife watching in Grand County." With this in mind, Staff believes this parcel should be preserved for outdoor recreational uses. In order to accomplish this there are two grants available, one from Great Outdoors Colorado (GOCO) through the Resilient Communities Grants where the deadline this year was missed, and the second opportunity is through Open Lands Rivers and Trails (OLRT) Advisory Committee.

During the "Departments" portion of the January 26, 2021 Board of County Commissioners meeting, Grand County Community Development Staff requested support from the County Commissioners for application to the GOCO Resilient Communities. After further research, Staff found that there was not enough time to complete an application for the aforementioned grant and addressed this with the County Commissioners meeting on February 2. Although the deadline for a GOCO grant was missed, Staff still wants to continue with planning for the trailhead on the subject property and pursue an Open, Lands, River and Trails grant which is due on March 5, 2021.

The County Commissioners, having seen the public use trailhead proposal for the first time, had several questions which related to what recreational/cultural facilities the site would be connected to (see Figure 3 for a map illustrating site connectivity), what the cost of developing the site as a trailhead would be, whether the property was for sale and for what price, whether or not the grant could be refused if awarded and what any neighbors and the Town of Fraser itself feels about the public use proposal. Being in a Forest and Open Zoning District, it would allow for an outdoor recreational use.

Many of these answers will be addressed in the grant application process and if it is decided to move forward with using the site as public trailhead use, staff will bring the trailhead proposal back to the BOCC for approval of the grant. As such, the BOCC will have the opportunity to review the site again and approve the trailhead proposal.

OLRT Grants are on a bi-annual cycle with one review in spring and one in fall. The review is broken down into three groupings being Open Lands, Rivers, and Trails. This funding is generated from a .3% sales tax measure that was passed in 2016 which sunsets in 2026. Applications for spring 2021 are due March 5, 2021 and decisions are made in April on these applications.

Between these two opportunities, Staff feels confident that this parcel could be acquired for the future benefit of residents and visitors to Grand County Colorado. Staff also understands that the parcel could be sold to a private entity prior to the review of either grant if the applicant has the plat approved and recorded within the next 90-180 days typical of most Outright Exemption plats.

Further Analysis

Elk Creek runs through the parcel at the southeast corner and there is a considerable grade from County Road 72 to the Creek. No grades in excess of 30% appear. The Johns Family Parcel to the east is agricultural, to the south and west is property owned by Denver Water Board which borders the National Forest.

The Applicant has provided a lengthy analysis completed by Jon Mayberry, P.E. of Spronk Water Engineers about water use on the parcel, water rights and anticipated consumptive use. The analysis makes reference to anticipated annual water usage of 291,672 gallons per year. This is equivalent to the allowed usage of one (1) acre foot, or approximately three (3) households. The rights to this water would be in connection with an approved augmentation plan in Case No. 18CW3120 or as suggested in the letter, a current plan which includes the creation of this parcel. If the parcel is approved prior to the approved augmentation plan, the State, consistent with Section 37-92-602(3) (b) (II) (A) has a right to grant a household only permit to the owner of the parcel. Staff has detailed a condition below in analysis of the plat which would restrict recording of a Plat until such time a decreed water augmentation plan is in place.

III. PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed this application December 9, 2020 and did not voice any opposition to the trailhead proposal but wanted to emphasize the proposal was primarily to create an Outright Exemption lot. It was understood an Outright Exemption, in addition to a single family dwelling, would also be able to

accommodate a public trailhead use. As such, it was agreed that the applicant move ahead with pursuing any grant opportunities for public trailhead use while concurrently moving forward with the Outright Exemption process. Following the presentation, the Planning Commission Chair asked if the Applicant had any questions about the recommendation to which they replied:

“If you look how the property is laid out, it is effectively sub-divided now by virtue of the physical impediment of the county road going through my client’s property. From a reasonableness standpoint it seems to just make sense.”

The Commissioners asked questions to seek clarification, one of which was: “you [Staff] mentioned how this particular property has the potential for access and conservation. We have someone from the Headwaters Conservation group on the phone with us tonight. I am not connecting how all of that is playing into this request to create this single family home site.” The applicant clarified stating that this application was represented to Staff as an application to create a separate parcel for single family development. Staff had previously represented that this could be a good parcel to secure for preservation and conservation of open space and access in the rapidly growing Fraser Valley. Jeremy Kroner added that he believes Colorado Headwaters Land Trust would be supportive of putting this in a conservation easement because of the critical location of this parcel in the Fraser Valley. The Planning Commission also asked questions about the County Road 72 ROW vacation and possible future construction. There was no additional public comment.

The Planning Commission unanimously recommended the approval of the Elk Creek Vista Outright Exemption and Vacation of ROW in QCD recorded in Book 105, Page 272 in exchange for a 60’ wide dedicated and deeded ROW for CR 72 which contains the drive surface with the following conditions to be met:

1. An address established by Grand County GIS shall be shown on the Final Plat [2.2].
2. That Grand County vacate a ROW in exchange for a 60’ wide dedicated and deeded ROW for CR 72 which contains the drive surface.
3. The Applicant shall also file a Quit Claim Deed with the legal description of that Right-of-Way to the Board of County Commissioners [2.3].
4. If the lot is to be developed as residential, East Grand Fire Protection District No. 4 requires Impact Fees of \$683 to be paid prior to recording the final plat, unless restricted to use for recreational purposed contingent on GOCO/OLRT grants [2.5].
5. Title of the plat shall be corrected as referenced in the recommendation above [3.2 (2) (a)].
6. If the lot is to be developed as residential, the subject lot shall be for a single family residence and accessory uses as applicable to the State issued well permit only, a plat note shall be added to this effect [3.2 (2) (h)].
7. State of Colorado Division of Water Resources shall review the plat and augmentation to verify adequacy of the water supply and no harm to senior water rights users [3.2 (2) (h)].
8. A lien holders’ certificate is shown but its contents will need to be verified prior to Final Plat mylar being produced [3.2 (2) (j)].
9. The Applicant and future owners shall comply with current County Onsite Wastewater Treatment System regulations. A plat note shall be added to this effect [3.2 (2) (p)].
10. The Applicant shall comply with state well permitting procedure, a plat note shall be added to certify that a well permit shall be issued under augmentation plan (19/20 CW XX) for this Parcel [3.2 (2) (q)].
11. A statement of taxes due showing current taxes paid shall be submitted prior to recording of the Final Plat mylar. [3.2 (2) (q)].
12. An electronic copy of the Elk Creek Vista Outright Exemption Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to recording [3.2 (2) (r)].
13. Such additional information as may be required by the Grand County Board of County Commissioners [3.2 (2) (s)].

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

Attorney Whitmer stated that the client is trying to create an outright exemption parcel for anyone to purchase.

Mr. Whitmer stated that he plans on doing an augmentation plan. It is in draft form awaiting approval from the Board of Commissioners. Mr. Whitmer would agree that the plat would not be recorded until the augmentation plan has been applied for.

Commissioner Manguso moved to approve the Elk Creek Vista Outright Exemption and right-of-way vacation with added condition that plat is not recorded unless there is either a contract to purchase with Open Lands Rivers and Trails or the augmentation plan is applied for and plat notes are added that the property will not be sold or built upon until the augmentation plan is complete and there is a legal well permit.

The motion passed unanimously.

Commissioner Cimino moved to close the Public Hearing.

The motion passed unanimously.

Public Hearing – St. Joseph’s Retreat Special Use Permit (continued from January 26, 2021)

The public hearing scheduled to begin at 11:15 a.m. was called to order by Chair Linke at 11:26 a.m. County Attorney Chris Leahy supplemented the record as follows:

- AA. Memorandum to Board of County Commissioners from Community Development (dated February 23, 2021)
- BB. Ground Lease from John Robert Ryan Revocable trust, bated the 19th day of July, 2011 and Ashleigh Warner Ryan revocable trust dated the 19th day of July, 2011 to Saint Joseph's Foundation, dated May 5, 2020
- CC. Letter from John and Ashleigh Ryan to Grand County Commissioners with attachments, dated January 30, 2021
- DD. Letter from Jeromy Huntington and Jeff Behncke, Colorado Parks and Wildlife (CPW), dated February 12, 2020
- EE. The Trust Agreement of Ashleigh Warner Ryan, dated July, 19, 2011
- FF. The Trust Agreement of John Robert Ryan, dated July, 19, 2011AA.

This application was recently presented to the Board of County Commissioners at a public hearing during your regular meeting on January 26, 2021. During that public hearing, the Board of County Commissioners raised several questions related to the timeframe of the SUP, State registration and water rights. In response to those questions, Staff has detailed the following:

1. Term of Permit: During the January 26th Public Hearing, the length of the initial term of the permit was presented for a requested period of 15 years. Reference was made to other permits, such as Young Life, having initial terms of 1-2 years. After further research, we confirm this is the case, but would like to note Young Life was presented as having an occupancy of 560 persons. Another Special Use Permit where initial terms were 1-3 years was Devils Thumb Ranch which is referenced to have a maximum allowed occupancy of 925 persons.

Endorphin Resorts is another smaller occupancy, “5 bedrooms and 2 sleeping berth units,” lodge type use was granted a two (2) year permit in 1995, and renewed for an additional five (5) years in 1997.

While other historical permits have been issued for shorter time periods, many of these were existing uses which were expanding and hit the threshold for the requirements to be considered under a Special Use Permit.

The Applicant for this Special Use Permit will take the following steps to construct the buildings anticipated to contain this use:

- Approved augmentation and SUP issuance
- Construction of wells and water system
- Construction of septic system(s)
- Issuance of building permit for chapel and 1-2 cabins
- Construction

Staff was envisioning that the chapel and two (2) cabins would take 3-5 years to complete based on discussions with the Applicant. With this in mind, Staff recommends the Board of County Commissioners consider at least 3 years for the length of the SUP term. Alternatively, a five (5) year term is reasonable based on the intensity of the use, the time to complete construction and begin operation. This will allow the use to be put into place, operations observed and any impacts of the use identified given that water, the construction of the chapel and 1-2 cabins would be functioning. .

2. Standing of Saint (St.) Josephs Foundation with Secretary of State of Colorado Records: The Applicant has provided the County with documents showing the Foundation is in good standing with the Secretary of State of Colorado. Additionally, the Applicant has provided documents for the creation of the Trusts which are on Warranty Deeds for the transfer of the property.

3. Water augmentation: In review of the Division 5 Water Court – January 2021 resume, the Applicant has filed an application for water rights under 21 CW 3011. The resume for this case makes reference to depletions of 10% of the total use, which equate to .24 acre feet. In simple terms, this is near the amount which would be used by a single family dwelling on an annual basis. The full document has been included in additional materials for review by the Board of County Commissioners.

4. Review by Colorado Parks and Wildlife: A second letter was provided as clarification to the first and has also been included for the Board of County Commissioners review.

Staff hopes that these points give enough clarification to the issues and questions which arose during the January 26, 2021 public hearing. The recommendation from Planning Commission with regard to the St.

Joseph's Retreat, Commercial Camping Area - Special Use Permit was a unanimous recommendation of approval with a total of 14 conditions.

Commissioner Manguso moved to approve St. Joseph's Retreat Special Use Permit as presented with the understanding that:

1. Permit will not be brought back to the Board until the augmentation plan is complete
2. This is a three-year initial term with the option to renew
3. Staff working hours between 9 and 5 be removed

The motion passed unanimously.

Commissioner Cimino moved to close the Public Hearing.

The motion passed unanimously.

Board Business

Micah Benson prepared a RFQ for engineers to start designing the mitigation project that will be identified in the DSR that NRCS will be providing. This is for design and construction and oversight.

Mr. Moyer stated that the final damage survey results are being compiled for both Area A and Area B. Area B (Grand County's sponsorship) is approximately \$2 million. Area A is approximately \$35 million. Grand County's match is \$500,000 on the projects that are identified in Area B.

Mr. Moyer spoke with Northern Water and its lobbyist about getting an additional \$10 million from the appropriations committee in support through the JBC to add to CWCB's budget for this year to fund for local match of EWP projects in Grand County.

Once the DSRs are complete, NRCS gets that funding request to the federal government for EWP for Areas A and B for a total of \$37 million. As that is happening, Grand County is trying to get ahead of that and be ready to contract with an engineer as soon as Grand County has a green light. The engineer will be hired to design the projects that NRCS has laid out.

The County wants to hire an engineer that has experience with NRCS EWP programs because they know the drill and they understand the program.

Katherine Morris has been working on how to prioritize the projects with Northern Water. There is a whole process in order to be consistent in the application and demonstrate to folks how things are prioritized.

The Board is ready to move forward on this.

Air Burner Discussion – Mike Garrett

Mike Schmitt of Air Burner Incorporated presented information on air curtain burners.

The air curtain burner was designed as an air pollution control device.

Mr. Schmitt stated that some adjustments will need to be made for elevation but those can be made and will not affect air quality.

Colorado State Forester Ron Cousineau stated that there is a problem with woody fuels in the high country in Grand County. In order to help protect communities and watersheds, a tool like this would be helpful. The State Forest Service supports this type of operation.

Mike Garrett stated that he has the first burner ordered. It is due to be in Grand County around the end of March. Mr. Garrett is looking for a permanent location for the big burner. He will be moving into rollout burners.

Ron Cousineau stated that they have been looking for centralized location in Grand County where people could take woody debris.

The Board will hold a workshop to evaluate potential locations.

The Board is supportive of the idea.

There being no further business to come before the Board, the meeting was adjourned at 12:11 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 2nd day of March 2021.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder