

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

March 16, 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 approve the minutes of the March 9, 2021 Board of Commissioners meeting as presented.  
 The motion passed unanimously.

Public Comment

Mariette McGrath asked that the Board review a video entitled Mass Vaccination in a Pandemic – Benefits versus Risks. The interview is with Geert Vanden Bossche, Phd, DVM.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on March 17, 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 March 16, 2021, for payment on March 17, 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 March 17, 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 March 16, 2021, for payment on March 17, 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 March 16, 2021, for payment on March 17, 2021, for Grand County.  
 The motion passed unanimously.

**Pandemic and Fire Costs as of 3-16-2021**

	<b>East Troublesome Fire</b>			
	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	\$ 254,503	\$ 163,155	\$ 417,658
Total 2020 costs	\$ 736,987	\$ 391,990	\$ 163,155	\$ 555,146
Net 2020 (costs) after reimbursements	(\$ 35,104)	(\$ 391,990)	(\$ 163,155)	(\$ 555,146)
2021 Reimbursements Requested	\$ -	\$ -	\$ -	\$ -
Less:				
2021 Personnel costs	\$ 94,540	\$ -		\$ -
2021 Grand Foundation programs funded	\$ -			
2021 Rural Health grant	\$ -			
2021 Other operating costs	\$ 11,205			\$ -
Total 2021 costs	\$ 105,744	\$ -	\$ -	\$ -
Net 2021 (costs) after reimbursements	(\$ 105,744)	\$ -	\$ -	\$ -
Total Costs after reimbursements	(\$ 140,848)	(\$ 391,990)	(\$ 163,155)	(\$ 555,146)

<b>Unrestricted Fund Balance calculation</b>	
2020 Operating Expenditure Budget	\$ 20,172,000
2019 Unrestricted Fund Balance	\$ 6,194,000
2020 estimated unrestricted funds increase	\$ 400,000
<b>Projected 2020 Unrestricted Fund Balance</b>	<b>\$ 6,594,000</b>
	<b>33%</b>

Departmental Contracts, Comments, Issue

Commissioner Manguso moved to approve Resolution No. 2021-3-23, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND ADOPTING THE GRAND COUNTY INFORMATION SECURITY MANUAL EFFECTIVE March 16, 2021”

The motion passed unanimously.

Commissioner Cimino moved to approve the out-of-state travel request for Grand County EMS to take three of the older ambulances to Jefferson, NC to start the remount process.

The motion passed unanimously.

Commissioner Manguso moved to approve the Master Software and Services Agreement between Grand County and Spatialest in the amount of \$17,000 in 2021 and \$12,000 for subsequent years dependent upon appropriations and authorize the Chair to sign.

The motion passed unanimously.

Grand County Board of Health

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

Grand County Public Health Director Abby Baker presented:

The case rates in Grand County are declining. As of today, there are eight active cases. There were no new positives yesterday.

Testing is down about 70 percent for County residents. It is a good indication that there is less illness occurring. Even with fewer tests, the positivity is still low.

The positivity as of yesterday was 3.26 percent. That is the number of positive cases out of the total number of tests done on Grand County residents.

In the last seven days, 279 tests of Grand County residents were performed. The tests are being performed as follows:

44 percent	Grand County Public Health
7.5 percent	COVID check Colorado
2.9 percent	Denver Health
22 percent	Middle Park Health
22.9 percent	Other providers (combined)

Grand County’s case rate is 50 per 100,000. Grand County has been informed by the state that Grand County is considered to be in the yellow dial level.

There is one additional hospitalization. It is one of two new cases of the variant.

As of yesterday, 5,384 vaccines provided to Grand County. Grand County Public Health provided three equity clinics.

At the end of this week, the State is opening up Phase 1B.4 which includes persons 50 plus and essential restaurant workers.

Ms. Baker expects more consistent and dependable vaccine allocation in the County.

Grand County is staying consistent with other resort communities in Colorado as far as transmission.

Overall the County immunity is 29 to 36 percent herd immunity due to vaccination and natural immunity.

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

Manager & Attorney Items

Acting County Manager Edward Moyer welcomed new employees who most recently started with Grand County. Mr. Ed Moyer presented his weekly update.

Commissioner Cimino moved to approve the Conservation Trust Fund Distribution to the Town of Fraser for the proposed restroom project in the amount of \$75,000 to be paid out as follows: \$30,000 from Commissioner District 1, \$20,000 from Commissioner District 2 and \$25,000 from Commissioner District 3.  
The motion passed unanimously.

Commissioner Manguso moved to authorize the Chair to sign the Memorandum of Understanding for the Parking and Trailhead Enhancements COVID Compliance Capacity GOCO grant project maintenance access agreement with HTA in the amount of \$250,000.  
The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Board to sign the letter of support for the Town of Winter Park Transit Advisory Committee for the purchase of electric buses.  
The motion passed unanimously.

Commissioner Manguso moved to rescind Resolution No. 2019-10-2 for capital improvements at Lions Pond in the amount of \$75,000.  
The motion passed unanimously.

### Consent Agenda

RESOLUTION NO. 2021HA-3-24-AUTHORIZING THE CHAIR, SITTING AS THE GRAND COUNTY HOUSING AUTHORITY, TO EXECUTE A SUBORDINATION OF DEED OF TRUST AGREEMENT CONCERNING REAL PROPERTY OWNED BY MICHAEL WILLIAMS II

RESOLUTION NO. 2021-3-25-AUTHORIZING THE CHAIR TO DOCUSIGN THE COLORADO YOUTH DETENTION CONTINUUM BUDGET REVISION #2 FOR FISCAL YEAR 2021

RESOLUTION NO. 2021-3-26-AUTHORIZING THE CHAIR TO EXECUTE THE MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT AND RELATED DOCUMENTS FOR GRAND COUNTY SHERIFF'S OFFICE VEHICLE LEASE/PURCHASE

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

Commissioner Manguso moved to convene an Executive Session at 9:42 a.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is Fairboard contracting.  
The motion passed unanimously.

I, Merrit Linke, 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.

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I, Chris Leahy, 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.

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The Executive Session ended at 10:20 a.m.

### Fire Recovery Update

Emergency Manager Joel Cochran presented the update.

The County received three request for proposal responses. The proposals will be opened tomorrow morning with the Acting County Manager.

Mr. Cochran has been working on evacuation warning plans. Once completed, the plan will come to the Board for its review and approval.

Alexis Kimbrough has been working on a recovery newsletter. The newsletter will discuss the National Flood Insurance Program process. The newsletter will also discuss the debris removal program outlook.

The newsletter will also promote the SBA loans to let homeowners and businesses know the loans are available.

Ms. Kimbrough has put together a quick resource guide with the assistance of the recovery task force team leads to input information into the guide. It is one-stop shop for homeowners to understand what is available for them.

Ms. Kimbrough noted that they are taking calls on the information line. It is about 75 percent COVID and about 25 percent fire recovery. The top three questions from people regarding the fire:

1. Insurance information/questions
2. Debris removal
3. Housing availability

Ms. Kimbrough is working on a corporate sponsorship for the weather radio.

Ms. Kimbrough will be working with the Wildfire Council to ensure proper communication with the public.

Human Services Director Deb Ruttenberg stated she has been working with the state and other human service agencies about gathering additional funding sources for Emergency Support Function 6 duties.

Ms. Ruttenberg attended a training with regard to communicating with people who have functional needs.

Water Quality Specialist Katherine Morris presented:

Emergency Watershed Protection (EWP)

- Table of projects for the Damage Survey Report for Area B will be turned over to NRCS by tomorrow at the latest.
  - o HUGE thanks to the following folks: our team in Grand County, including Amy Sidener, Micah Benson, Chris Baer Olivia Clark, Thomas Johnson, Greg Thorne, Mark Volt; to Adam Ortega with the Colorado Department of Agriculture; and to Northern Water’s Chris Woodward, Kimberly Mihelich, Curtis Hartenstine, Kyle Whittacre, Esther Vincent; NRCS’s Todd Boldt, Madison Gutekunst, and Josh Tashiro; and to all the others who helped supply information for this effort!!
- Funding requests from USDA – NRCS and potential match amounts are as follows:

Area	DSR Group	Funding Request	25% Match	20% Match
A	Grand Lake / Shadow Mountain	\$18,874,215	\$4,718,554	\$3,774,843
A	Willow Creek / Granby	\$10,479,600	\$2,619,900	\$2,095,920
B	Colorado River below Windy Gap	\$ 5,280,671	\$1,320,168	\$1,056,134
	Total EWP Funding Request	\$34,634,486	\$8,658,622	\$6,926,897

- Take these numbers with a huge grain of salt as they come with several caveats:
  1. Northern Water and Grand County will have submitted the DSR and data, but NRCS submits the final request, and it may not match these numbers.
  2. The EWP Partners (Grand County, Northern Water, Colorado River District, Three Lakes Watershed Association, and Middle Park Conservation District along with USDA - NRCS) do not anticipate the full request will be funded, as we have heard there are insufficient national funds available for EWP.
  3. Not all potential recipients will elect to participate.
  4. Unused funds can be returned.
- Match Funds will be pursued from the following sources (not all-inclusive):
  - o Northern Water
  - o Grand County
  - o State of Colorado
  - o In-Kind (construction only)
  - o Grand Foundation
  - o Three Lakes Watershed Association
  - o Trout Unlimited
  - o Rocky Mountain Conservancy
  - o GOCO
  - o Colorado Water Trust

- Design Engineer RFQs for Area B are due this Friday. Northern Water has elected to work with HDR in Area A and did not go through a public submittal process.

#### Early Warning

- Selection of locations for new rain gauges has been coordinated with the National Weather Service, US Geological Survey, Northern Water, Denver Water, National Park Service, and US Forest Service, and is nearing completion. We will supply a map and list of sites when it is complete.
- Installation of many of the gauges will be covered under EWP and may not require expenditure in the first year of operation by Grand County.
- Today's request: that BOCC sign today the letter in Box to the National Park Service for a new rain gauge to be installed along with a new flow gauge in the North Inlet.

Commissioner Manguso moved to approve the letter to Darla Sidles of Rocky Mountain National Park asking for fire emergency rain gauge approval.

The motion passed unanimously.

If the County does not get full funding from the state, there is a values at risk ranking process that will be used.

#### Board Business / Correspondence / Calendar

Commissioner Manguso stated that she attended a QQ meeting. There is currently legislation to perform a study to determine if it is better to store water underground instead of a reservoir.

Commissioner Manguso attended the STAC meeting.

Commissioner Linke attended a Public Lands meeting as well as a meeting on wolf introduction.

#### Calendar

March 17 Assoc. Governments of Northwest Colorado Meeting, via Zoom, 9 am to 1:30 pm  
March 17 Peak Health Alliance Board Meeting, via Zoom, 2 to 4 pm  
March 17 Counties & Commissioners Acting Together (CCAT) All Member Meeting, via Zoom 3:30 to 5 pm  
March 18 Peak Health Alliance Executive Committee, via Zoom, 2 to 3 pm  
March 18 CCAT Wildfire Subcommittee Meeting, via Zoom, 3 to 4 pm  
March 18 Wildfire Council meeting from 10:30 am to 11:30 am  
March 18 AGNC Legislative Call at 8:30 am via Zoom  
March 19 GoToWebinar, Colo. Health Ins. Affordability Enterprise, 8 to 10 am  
March 19 Grand Places meeting  
March 19 CCAT Natural Resources and Environment Subcommittee, via Zoom, 1-2 pm  
March 19 Colorado Geographic Naming Advisory Board, via Zoom, 5 to 7 pm  
March 22 Board of Health Workshop, via Webex, 1:30 to 2:30 pm  
March 22 CCAT Governing Board Meeting via Zoom 3:30 to 5 pm  
March 22 Rollins Pass Webinar via Zoom 6 to 7 pm  
March 22 Club 20 meeting via Zoom at 7:30 am

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.

#### Amended Final Plat, Amended Lot 4, The Ridge Subdivision

PROJECT NAME	Hoglund Amended Final Plat
APPLICANT	Peter & Madeline Hoglund
LOCATION	1503 County Road 8
ZONING	Residential (R)
APPLICABLE REGULATIONS	Grand County Zoning Regulations, Grand County Subdivision Regulations
ATTACHMENTS	
B.	Development Application
C.	Vicinity and Detail Maps
D.	Proposed Amended Final Plat

- E. Construction Site Plans
  - F. The Ridge Final Plat, Reception no. 98011438
  - G. 2019 Title Commitment
  - H. Warranty Deed, Reception no. 2019-003371
- STAFF PLANNER                      Jacob Cote, Planner I  
REQUEST                              Approval of an Amended Final Plat to eliminate the designated building envelope of Lot 4, Ridge subdivision.

#### BACKGROUND

Peter and Madeline Hoglund, herein referred to as “Applicant”, have owned Lot 4 of the Ridge subdivision since May 2019 per Warranty Deed recorded at Reception no. 2019-003371. The lot is 4.86 acres large, and the majority of the lot is part of a designated “Non-Development Zone”. An 80’ x 100’ building envelope was included in the original Final Plat of the subdivision. No permanent structure has yet been built on the property, but there is a yurt on the property. Plat Note #2 calls for the property to be serviced by the WPWWSO water system, but it is the Applicant’s plan to use well and septic systems.

The Ridge subdivision is located east of Fraser along County Road 8. It was recorded October 26th, 1998 at Reception no. 980011438. Four developable lots were created, ranging in size from 1.9 to 4.85 acres. There was also an out lot 1.14 acres in size created. All parcels in the subdivision were created with building envelopes. 20’ utility easements were platted parallel and adjacent to all lot lines, but these utility easements would not be impacted by this proposed Amended Final Plat.

#### PURPOSE OF REQUEST

The Applicant wants to build a single-family residence on the property, but the current building envelope does not include a portion of the buildable area that is most practical for development of a safe driveway. Removal of the building envelope would allow the Applicant to build in a spot more amenable to a driveway, as the property slopes steeply down from County Road 8.

#### HISTORY

The Applicant has owned Lot 4 of the Ridge subdivision since May 2019 without building a permanent structure on the property. The Applicant did place a yurt on the property last summer as a play place for their kids; Applicant’s brother lives about 500 yards from the lot, so the family would go to the property to enjoy it for day-use only. The Applicant plans to remove the yurt from the property as soon as construction of their planned single-family residence is set to begin, but offered to dismantle and remove the yurt as soon as possible if asked to do so.

#### STAFF COMMENTS AND ANALYSIS

The designated building envelope for the property was located without full consideration given to the “buildability” of the property and location of a driveway. There is already a “Non-Development Zone” designated on the lot, restricting the buildable area of the lot to the southernmost portion of the property. Whether or not the Building Envelope is kept in place, the topography of the lot naturally restricts the buildable area; in conjunction with the NDZ, it serves little purpose but to complicate development plans for the Applicant.

#### PLANNING COMMISSION RECOMMENDATION

The Grand County Planning Commission heard this Amended Final Plat application at a regularly-scheduled meeting on February 10th, 2021. The Planning Commission unanimously recommended approval of the proposed Amended Final Plat, Amended Lot 4, The Ridge Subdivision, being a replat of Lot 4, The Ridge Subdivision. The following conditions shall be met prior to the recording of the Amended Final Plat:

1. The Title of the Amended Final Plat shall be amended.
2. The legal description of the lot shall be amended.
3. The Dedication shall be amended.
4. The Surveyor’s Certificate shall be amended.
5. An electronic copy of the Final Plat shall be submitted.
6. Title Commitment for Lot 4, The Ridge Subdivision issued within the six months prior to recording of the Final Plat shall be submitted before the Final Plat is recorded.
7. 2020 property taxes for Lot 4, The Ridge Subdivision shall be paid in full before the Final Plat is recorded.
8. All recording fees are to be paid by the Applicant.
9. Quit Claim Deeds to describe the amended legal description of the lots shall be completed and recorded with the Grand County Clerk and Recorder’s Office.

Commissioner Cimino asked to add two requirements:

1. The urt must be removed prior to recording of the plat
2. An updated title commitment must be provided.

Commissioner Cimino moved to approve the Amended Final Plat, Amended Lot 4, The Ridge Subdivision, with a total of 11 conditions.  
The motion passed unanimously.

Mulligan Estate Townhomes, Sketch Plan – Mulligan Estates, LLC

PROJECT NAME: Mulligan Estates- Sketch Plan  
APPLICANT: Mulligan Estates, LLC represented by Simon Farrell, Engineer: Kevin Vecchiarelli JVA Consulting Engineers  
LOCATION: Lot 27, Winter Park Ranch First Filing, 997 GCR 830 (aka Mulligan Street)  
APPLICABLE REGULATIONS: Grand County Master Plan, Zoning Regulations, Subdivision Regulations  
ZONING: R – Residential District  
ATTACHMENTS:  
A. Vicinity Map  
B. Sketch Plan (Plat)  
C. Application and Narrative letter  
D. Soil and Foundation Investigation, Lot 24 Winter Park Ranch aka 1030 Townhomes (January 2003)  
E. Radon Levels Test Report, 1030 Townhomes (May 2005)  
F. Geologic Reconnaissance Study Lot 23 Winter Park Ranch aka Trestle Townhomes (January 2000)  
G. Trestle Townhomes Preliminary Drainage and Erosion Control Report (April 2000)  
H. Development Agreement  
I. Amended Plat of Winter Park Ranch First Filing  
J. County Engineer Review of Landscape Feature dated September 4, 2020  
STAFF PLANNER: Alexander Taft, LEED Green Associate  
REQUEST: The Applicant/Developer is proposing a subdivision in order to divide a two townhome (duplex) building on a .58 acre parcel creating a density of 3.4du/acre.

I. BACKGROUND  
a. PROPOSAL

Mulligan Estates, LLC, represented by Simon Farrell, the Developer, has constructed a two unit townhome and would like to subdivide to create two interests in the structure and property. The total building footprint of 4,913 square feet includes a three bedroom and a two bedroom unit and a single car garage for each unit with patio or deck extending outside. The property subject in this proposal, Lot 27, Winter Park Ranch First filing, has an area of .58 acres or 25,264 ft<sup>2</sup>.

The plan substantially meets the development criteria as being located within the Urban Growth Area Number 1, which includes all filings of the original Winter Park Ranch Plat. The two units being proposed have been developed for use by the property owner and family.

Each unit has a separate entrance. The units are currently served by separate water and sewer taps via Winter Park Ranch Water and Sanitation District. Electric service will be supplied by Mountain Parks Electric. These utility companies or districts will be included in those who receive the Preliminary Plat for review.

The units proposed will share one driveway. Each unit is required to have the minimum three parking spaces per unit (per GCZR Sec. 14.4). Each garage contains space for one vehicle and additional vehicles will be parked on the shared drive.

The Simon and Amanda Farrell purchased the parcel in May 2018, then in August 2020 transferred it to Mulligan Estates, LLC as shown in the Assessor's records. The Applicant's intent is to create second homes for themselves and family.

Simon applied for a townhouse multi-family subdivision in January 2019. During the February 2019 meeting Planning Commission reviewed and recommended approval of the sketch plan. At the Board of County Commissioners review in March 2019, a neighbor and former owner came forward stating that there was a deed restriction on the property restricting development. After some further discussion and consideration, Simon withdrew his application with the intent to subdivide at a later time.

Simon proceeded with construction of the duplex building considered in the application, understanding that there were some risks involved with subdividing after construction was complete.

b. HISTORY

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

This lot lies within the First Filing which was recorded in Grand County at Reception No. 101192 in September 1964. The first lots within the First Filing range in size from .51 acres (22,216 ft<sup>2</sup>) to 1.10 acres (47,916 ft<sup>2</sup>). The Amended Plat of Winter Park Ranch First Filing Declaration of Protective Covenants reference a restriction of development beyond a single family residence on Lots 1-6, 36 and 37, which excludes this lot as well as several others which have been developed for multiple family residential uses.

Neighbor's Complaint

In June of 2020, Chas McConnell registered concerns about drainage pipes from the subject building and where their water, snow melt and other drainage will be directed. He was also concerned with the elevation changes in the private bridge path easement which is a 10 foot easement that surrounds all Winter Park Ranch properties.

Community Development agrees that the landscape feature is built by the applicant is inappropriately located in the easement. We do not believe, however, what your neighbor built in the side yard is defined as a structural retaining wall.

Another concern relates to the proximity of parking areas and driveways to Mr. McConnell's property. Staff finds the parking to be at least 7 feet away from Mr. McConnell's property boundary. According to Road and Bridge Standards, driveways are not allowed any closer than five (5) feet from property boundaries.

c. EXISTING REPORTS

Four previous reports give some insight to conditions on site. The four reports are pulled from projects adjacent or nearby. At a minimum, they give us clarification on the additional information that the county will require to move this project forward.

1030 Townhomes is a triplex project northwest of the subject parcel. Two reports (Attachments D & E) provides information about soil bearing capacity. The studies note soil formations of Cowdrey Loam and no bedrock outcrops within the immediate mapping area. Both tests show evidence of higher radiation hazard, i.e., radon gas with a suggestion of providing a sub-slab depressurization system.

Trestle Townhomes is a project containing six (6) units located two lots east of the subject parcel. Two reports (Attachments F & G) provides information about soil bearing capacity and drainage onsite of the subject property. The Geologic Reconnaissance Study provided by Ground Engineering mention soils with potential for high swell and monitoring needed to determine replacement of soils with structural compacted fill. Drainage for the six units within the Trestle development could be maintained within historical levels on site with a detention area of .03 acres (approximately 1600 ft<sup>2</sup>).

Drawings submitted by the Applicant demonstrate grades and drainage of the proposed parcel.

Topography on site consists of gentle slopes that will allow for building and drainage compliant with regulations.

III. PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed this application during their regular scheduled February 10, 2021 meeting. Staff presented their analysis and recommendation. Simon Farrell explained some history and their reasoning for moving forward with construction and stated that they would make comments at the end.

The Commissioners began with questions asking about conditions of the site and issues raised by Mr. McConnell. Parking was of particular concern as there were allegations that parking and the driveway caused encroachment. Staff and the Applicant added that there was a total of six (6) off street parking spots required. Other Commissioners raised questions of open space and snow storage. The Applicant replied that he has a measurement of the built areas, open space, and has available area on the property for snow storage.

A commissioner asked "how does one get a building permit without going through the platting process and is it being rectified to not be allowed in the future?" Staff explained that the current interpretation of the Grand County Subdivision Regulations allows for the construction of one and two family dwellings under a single undivided interest.

Staff's response included an interpretation that if a single property owner or limited liability corporation or similar, owns property which can acquire sufficient access to water and sewer and allowable space if decided in the future to maintain the 60% open space, they could develop multiple units up to three on a single lot. This is



the guidance previously given to the Applicant. It was supported in evidence by 1030 Townhomes and Looking Glass Townhomes which had both followed that process.

Comments from the public were also taken. The Planning Commission Chair responded to the public and stated that the application cannot be stopped because a neighbor does not agree. The Commissioners discussed if there were other conditions to consider before the application was reviewed by the Board of County Commissioners. One additional condition was added that the Home Owners Association was contacted as a review agency. Planning Commission unanimously recommended the approval of the Mulligan Estates Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat approval:

1. Recalculated open space shall be included on a land use table in the Preliminary Plat submittal.
2. As required by State Law, the Applicant shall research and verify sub-surface mineral extraction rights as referenced in Section 5.6.
3. The Applicant shall submit updated and additional reports specific to this Plat for drainage, soils, and utilities prior to Preliminary Plat submittal.
4. The Applicant shall submit soil studies provided at Preliminary Plat and shall include information on radon hazards within the subject parcel to be developed.
5. Plat review agencies during Preliminary Plat shall include:
  - Mountain Parks Electric, Inc. (MPEI)
  - Xcel
  - CenturyLink
  - Comcast
  - Colorado State Forest Service
  - East Grand Fire Protection District
  - East Grand School District
  - Winter Park Ranch Water and Sanitation District
  - Grand County Consulting Engineer
  - Grand County Assessor
  - Winter Park Ranch Home Owners Association

Plus any additional required by Planning Commission and Board of County Commissioners.

6. If accepted by the school district, impact fees in lieu of land shall be paid prior to recording the Final Plat.
7. The Applicant shall provide further detail areas of open space on the plan to verify total area.
8. The Applicant shall meet all Preliminary Plat requirements.
9. Letter to the Home Owners Association (HOA) in review of the proposed development.

The owner of the property noted that he has complied with all the requests from staff.

Commissioner Manguso moved to approve the sketch plan Mulligan Estates Townhomes as presented with added condition that the retaining wall is moved back seven feet and it clearly delineates that there is no parking within the seven feet as described in the zoning regulations.

The motion passed unanimously.

#### Continental Divide Vistas, Sketch Plan – David LeCroy

PROJECT NAME: Continental Divide Vistas Subdivision- Sketch Plan  
APPLICANT: David LeCroy  
LOCATION: NE ¼ of the SE ¼ of Section 22, Township 3 North, Range 76 West, of the 6th P.M. less County Road 4 & 4491 Rights-of-Way, 44 GCR 4490

#### APPLICABLE

REGULATIONS: Grand County Master Plan, Grand County Zoning Regulations, Grand County Subdivision Regulations

ZONING: R-Residential District

#### ATTACHMENTS:

- a) Vicinity Map
- b) Sketch Plan (Plat)
- c) Application and Narrative letter
- d) Water Court Decree 97CW203, 05CW201, and 13CW4

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing a subdivision to create ten (10) parcels to be developed for single family dwellings on an approximately 42 acre parcel in Urban Growth Area No. 2 (Grand Lake).

- I. BACKGROUND
- a. PROPOSAL

David LeCroy, the Applicant, is proposing a ten (10) parcel single family residential detached subdivision on approximately forty two (42) acres. The subject property has been owned by David LeCroy since 1991 and has conditional rights to 13 residential wells via plan of augmentation 97CW203, 05CW201, and 13CW4.

The lots being proposed for this subdivision will create ten (10) fee-simple interest parcels. These Residential District parcels will be served by wells and public sewer via Three Lake Water and Sanitation District. They are accessed by a single driveway which extends north from County Road 4490. The site is located in Urban Growth Area No. 2 (Grand Lake) of the Master Plan.

#### b. HISTORY

Water Augmentation has been underway since 1996. The applicant has requested and been granted several extensions to complete due diligence.

The subject property is close enough to be served by Three Lakes Water and Sanitation District (TLWSD) public sewer but has been granted a temporary variance. The Applicant is going to discuss options with TLWSD to extend service where feasible.

#### c. EXISTING REPORTS

The most current files which would supply Staff insight to anticipated site conditions are from the Drainage and Soils Report provided for West Hillside Acres Subdivision in 2003. The Soils Report for West Hillside suggests there are expansive soils on that site.

Staff pulled a web soil survey from Natural Resource Conservation Survey (NRCS) to research if there are any similar soil types to those found in West Hillside Acres. The soil survey suggests that the soil found in the development area is composed of primarily three different types of soil. The soil types differ from what is in the available soil report and require more investigation from the Applicant to confirm site conditions.

## II. STAFF ANALYSIS

As suggested above, water resources are available with a complete augmentation plan. The Applicant has a contract with Middle Park Conservation District for water storage within the Wolford Reservoir. As a portion of due diligence, the Applicant is trying to reasonably firm up approvals from the County to secure the appropriate water supply.

Proposed uses in this proposal include single family uses and “tiny homes” located on the parcels. The proposed “tiny homes” as detailed in the application narrative are intended to be smaller cabins, constructed on site, attached to a foundation, reviewed under the 2015 International Residential Code. Each cabin would be approximately 500ft<sup>2</sup> then allow two or three, placed on the larger lot being created by this land division. The Applicants’ intention is to hold ownership to this parcel and use the cabins as short term rentals as allowed by the Grand County Zoning Regulations.

The ongoing interpretation of the current Grand County regulations, primarily zoning and subdivision, is that a property owner may have up to three units on one lot or parcel provided they have the appropriate water and sewer to accommodate. This interpretation is connected to the ability for an owner, with 35 acres or greater and a domestic well, having the ability to use that domestic well for up to three households. It is also tied to the requirement that the Subdivision Regulations applies to apartments, townhouses, and condos greater than four (4) units. These three units would be subject to review under the current building code and reviewed administratively.

At this stage of review improvements are not typically discussed because they cannot be fully understood without engineering studies and analysis. At a minimum, the improvements will include extension of underground electrical lines and infrastructure, sewer service infrastructure as approved by TLWSD, and roads constructed to local/low volume standards to serve the ten (10) proposed lots. The full extent of these improvements shall be reviewed during Preliminary Plat.

## III. PLANNING COMMISSION RECOMMENDATION

Planning Commission reviewed this application during their regular meeting on January 13, 2021. Following the Staff presentation, Planning Commission began to ask questions and seek further clarification.

A commissioner questioned the proposal to allow up to three (3) units on a single lot, and asked where this came about? Staff clarified the current interpretation of the Zoning and Subdivision Regulations which allowed Staff to arrive at this determination. The policy has been connected to the allowance for a property owner with a domestic well to have up to three dwellings on their property. Single family dwellings are a use by right, and if under a single interest ownership could remain.

Another commissioner asked about the proposed size of the lots, suggesting that 2 acre lots are possibly too small for even a small residence to be developed on the lot. Staff noted that some revision of the proposed plan would make some of the smaller 2 acre lots larger. A comment was made about fire access and concern that there was insufficient space to allow emergency vehicles to turn around. This along with the difficulty of access to and from County Road 4 is of major concern. With this the Commissioners suggested the addition of making a traffic study a part of the Preliminary Plat submittal. Staff met with Road and Bridge to discuss the concern of traffic on County Road 4.

The public shared their concerns about the amount of additional trips on County Road 4, any increase in density beyond the 13 units proposed and impacts of additional water uses on adjacent properties. Several residents asked about how the further subdivision of land and additional wells. The Commissioners responded that is an issue for the State and gave an in depth analysis of the water table reviewed to affect water availability during the water augmentation process.

The Applicant added they envision the proposed project will fit well into the existing development being two cabins on a single lot as opposed to three or a duplex on a lot under one ownership. They emphasized that this proposal was a fact finding mission, so they could work on detailing what is financially feasible.

Planning Commission recommend the approval with one opposed for the Continental Divide Vistas Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat approval:

1. Any slopes equal to or greater than 30% shall be located on a preliminary plat and final plat as non-build zones [2.1 (1 & 2)].
2. Detail within the Phase II Drainage Study submitted at Preliminary Plat shall be added to confirm flood risk. Soils analysis shall be completed and submitted with the Preliminary Plat [2.1 (5)].
3. The proposed road shall be deeded to the public (Grand County) through a Quit Claim Deed recorded in conjunction with the Plat [2.5 (2)].
4. Open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat [2.5 (4)].
5. Compliance with the block being longer than four hundred feet (400') in length but less than one thousand feet (1000') shall be confirmed in the Preliminary Plat submittal [2.3].
6. A Phase II Drainage Report which complies with Grand County Storm Drainage and Technical Criteria Manual shall be submitted with the Preliminary Plat [2.7 (1)].
7. Staff recommends a water attorney or water engineer detail compliance with §29-20-304 C.R.S. in a letter submitted with the Preliminary Plat application, to confirm adequacy of the water supply [2.7 (3)].
8. No burning of slash shall be allowed and disposal shall be included in the Engineers Estimate of Probable Cost provided with Preliminary Plat [2.8].
9. As required by State Law, the Applicant shall research and verify sub-surface mineral extraction rights as referenced in this section below [2.9].
10. Plat notes shall be added to the Final Plat covering the following items related to ditch crossings [2.13].
11. A topographic survey shall be provided with the Preliminary Plat [4.1(1) (b)].
12. Plat review agencies during Preliminary Plat shall include:
  - Mountain Parks Electric, Inc. (MPEI)
  - Xcel
  - Centurylink
  - Comcast
  - Colorado State Forest Service
  - Grand Lake/Grand No. 1 Fire Protection District
  - Colorado Geologic Survey
  - East Grand School District
  - State Engineers Office (Division of Water)
  - Three Lakes Water and Sanitation District
  - Colorado Parks and Wildlife
  - Grand County Consulting Engineer
  - Grand County Assessor's Office
  - Grand County Division of Natural Resources
  - US Army Corps of Engineers
  - The Red Top ditch company/owner

Plus any additional required by Planning Commission and Board of County Commissioners.

13. The Applicant shall meet all Preliminary Plat requirements.
14. A Phase II Traffic Study which complies with the Grand County Road and Bridge Standards shall be submitted with the Preliminary Plat.
15. The Applicant shall supply a completed water augmentation plan decreed by the State of Colorado prior to Submission of Final Plat.

Commissioner Manguso moved to approve the Continental Divide Vistas Subdivision- Sketch Plan as presented (including 20 percent open space).  
The motion passed unanimously.

Sheriff's Office Hiring & Retention Strategies, Wages, Incentives and Recruitment (continued 3/2/2021)

Sheriff Brett Schroetlin presented:

The Sheriff's Office has approximately \$1.08 million vacancy savings based on current hiring trends.

There are two pieces to Sheriff's plan:

1. Hiring
2. Retention

Sheriff Schroetlin stated that he would like to spend \$223,000 of the vacancy savings. That is approximately 20 percent of the overall vacancy savings.

The plan includes money for increased marketing. It also is important to include a wage adjustment. It will increase the starting salaries for the lieutenant rank down. It is important to increase salaries for existing employees. The plan will include a shift differential. The plan also includes hiring incentive of \$5,000. The money will be split with 50 percent of the money being paid at the completion of the training program. The second half will be paid in two years. This will be for detention, dispatch, patrol, and support services.

Finance Director Curtis Lange stated that they have 20 percent of their staff vacant and the Sheriff's Office is asking to use 20 percent of what they expect their hire lag to be. This front loads the expenditures and makes sense.

The Board supports the plan provided by the Sheriff's Department.

There being no further business to come before the Board, the meeting was adjourned at 2:04 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 23<sup>rd</sup> day of March 2021.

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Merrit Linke, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder