

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

April 16, 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
County Manager Kate McIntire
Interim County Manager Ed Moyer
County Attorney Chris Leahy

Those present recited the Pledge of Allegiance.

Commissioner Linke moved to approve the Meeting Minutes of April 9, 2019, of the Board of Commissioners with a correction.

The motion passed unanimously.

Housing Authority

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

Commissioner Linke moved to accept the CHFA automatic OCAF rent increase for Silver Spruce Apartments effective September 1, 2019 as presented by Sheena Darland.

The motion passed unanimously.

Commissioner Linke moved to approve the change of bank for the Operating and Down Payment Assistance bank accounts from Bank of the West to Grand Mountain Bank of the Grand County Housing Authority.

Discussion: Commissioner Cimino expressed his appreciation for Bank of the West in its relationship with the County. This particular Department needs to change to Grand Mountain Bank and that does not affect the overall relationship with the County.

The motion passed unanimously.

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

General Public Comments

Attorney Jack DiCola is an attorney representing Mark Unicom who is doing an affordable housing project with the Town of Granby. The property is adjacent to the Silver Sage Subdivision. The title company for the project is requiring a letter from the County Commissioners allowing the use of Tract D, Lot 3, Silver Sage to access the property.

Mr. Moyer stated that the title company needs in writing the confirmation of Tract D as a public right-of-way and to construct that section of Tract D to County Standards. Mr. Moyer stated that there are two scenarios that could play out with proposed access to this attainable housing project by Unicom Colorado:

1. Tract D would be one of two access points to this property with the other access point directly east out to US Highway 40
2. In the future this access could be a gated emergency access only, if the developer could obtain access through Flying Heels with an amendment to the BLM Land Patent. Both Mr. DiCola and Mr. Leahy have been working on the process of amending the patent to allow for that.

Commissioner Manguso moved to allow Tract D, Silver Sage Subdivision to be used as a public right-of-way to the Town of Granby or Unicom Colorado for the attainable housing project and confirm that the Town or developer may construct necessary access road to County Standards.

Discussion: Commissioner Cimino stated that he is in favor of this but wondered how attainable it is. Mr. Unicom stated that there are 106 HUD units. The entire parcel will accommodate 310 units. Mr. Unicom stated that all the units will be deed restricted.

The motion passed unanimously.

Finance Department

Commissioner Linke moved to authorize the Chair to sign the letter to the auditors allowing the auditors to discuss items of potential litigation with the County Attorney.

The motion passed unanimously.

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on April 17, 2019, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the checks presented on April 16, 2019 for payment on April 17, 2018 for the Grand County Housing Authority.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on April 17, 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 April 16, 2019, for payment on April 17, 2019 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Linke moved to approve the wires payment and vouchers presented on April 16, 2019, for payment on April 17, 2019 for Grand County.

The motion passed unanimously.

Commissioner Manguso moved to approve the letter on the SRS Federal Funding for 2019 to Senators Gardner, Bennet, and Congressman Neguse requesting urgent help to reauthorize the Security Rural Schools and Communities Self-Determination Act.

The motion passed unanimously.

Departmental Contracts, Comments, Issues

Commissioner Manguso moved to approve the IGA for Dispatch backup public safety answering point services that are sharing the enhanced 911 phone system infrastructure between Grand and Routt Counties as presented by Undersheriff Wayne Schafer in the amount of \$512.50 per month.

The motion passed unanimously.

County Sheriff Brett Schroetlin announced that this is National 911 Dispatch Week. He encouraged the Board to stop in and recognize the great work performed by the Grand County Dispatchers.

Sheriff Schroetlin stated that in 2013, the Sheriff's Office initiated a case through some good detective work that was able to bring closure to a multi-state criminal trespass case. As a result of that, the Grand County Sheriff's Office issued a search warrant for a residence in Hot Sulphur Springs and recovered a great deal of property. Over the last few years, Sheriff's Office employees have worked to return property to people across multiple states. It was not possible to identify owners of all the property and the Sheriff has exhausted all investigative options to get items back. The District Attorney has agreed to allow for the disposal of the remaining items by selling at an auction.

As a result, on March 20, 2019, the Sheriff's Office deposited \$55,400 into the Sheriff's fees account as a result of the auction. Sheriff Schroetlin asked for permission to spend no more than \$50,000 for a Weapon Standardization Program. This will allow all sworn deputy sheriffs with a standard issue duty weapon which is a Glock 17. The post certified employees will receive a back-up weapon. The \$50,000 will include holsters, sites, additional magazines and all the accessories that go along with the weapon.

This is no different from any other kind of County-issued property to employees. Upon termination from the County, the weapons and items will be returned.

Commissioner Linke moved to authorize the Sheriff to spend up to \$50,000 for the Weapon Standardization Program and \$5,400 to Search and Rescue. All sworn deputies will have the standard weapon.

Commissioner Linke	aye
Commissioner Manguso	no
Commissioner Cimino	aye

The motion passed.

Commissioner Linke moved to approve the Services Contract between Grand County and the State of Colorado Department of Human Services, Division of Youth Services as presented by Juvenile Services Director Kelly Friesen.

The motion passed unanimously.

County Clerk and Recorder Sara Rosene presented the March 2019 Clerk and Recorder revenue.

Commissioner Linke moved to approve the transfer of ownership for a Tavern Liquor License from CW Revival Enterprise, LLC dba Chuck Wagon Café & Bar to Deborah A. Fitch, owner, Jonah Landy, manager, Farmhouse GL, LLC as presented by Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Commissioner Linke moved to approve the renewal of a Hotel and Restaurant Liquor License for Albert Sapien, President/Manager of Tabernash Food and Beverage Company dba Tabernash Tavern as presented by Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Assistant County Manager Ed Moyer presented information on HB 19-1271, Augmentation of Instream Flows. Mr. Moyer asked the Board to support the bill. The Board agreed that it is in favor of the legislation and asked Mr. Moyer to share that support.

Commissioner Linke moved to allow the Granby Rotary Club to use the Flying Heels Arena on June 1, 8, 15, 22, 29, and July 3 and 4 for concessions.

Discussion: Commissioner Linke is a member of Granby Rotary and noted that he receives no financial gain from this use.

The motion passed unanimously.

Commissioner Manguso moved to authorized up to \$12,500 as financial contribution to extend the engineering between County Road 8 and County Road 5 on Highway 40.

The motion passed unanimously.

Mr. Moyer reported that with regard to the six acres east of Hot Sulphur Springs, it will cost \$1.6 million (plus taps) to develop the site. Of the six acres, it is likely that only three acres can be developed due to site constraints. It would take approximately four acres to place all Sheriff services at one location.

Commissioner Cimino requested a workshop with the Sheriff, Human Services, Grand County Rural Health Network, and Public Health to discuss facilities.

Consent Agenda

Resolution No. 2019-4-2, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AUTHORIZING OUT-OF-STATE TRAVEL FOR TWO GRAND COUNTY EMS BILLING EMPLOYEES"

Resolution No. 2019-4-3, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN HEADWATERS TRAILS ALLIANCE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR A GRANT AWARD FROM THE OPEN LANDS, RIVERS AND TRAILS FUND"

Resolution No. 2019-4-4, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN HEADWATERS TRAILS ALLIANCE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR A GRANT AWARD FROM THE OPEN LANDS, RIVERS AND TRAILS FUND"

Resolution No. 2019-4-5, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN HEADWATERS TRAILS ALLIANCE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR A GRANT AWARD FROM THE OPEN LANDS, RIVERS AND TRAILS FUND"

Resolution No. 2019-4-6, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN HEADWATERS TRAILS ALLIANCE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR A GRANT AWARD FROM THE OPEN LANDS, RIVERS AND TRAILS FUND"

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

River Ranch Subdivision Exemption Sketch Plan

PROJECT NAME: River Ranch Subdivision Exemption- Sketch Plan
APPLICANT: Christina Sammons represented by Alan Hassler, Keller Law P.C.
LOCATION: River Ranch Subdivision Exemption and Outright Exemption Portion of the W ½ SE ¼ located in Section 17, T1S, R75W of the 6th P.M. Grand County, Colorado.

APPLICABLE

REGULATIONS: Zoning Regulations, Subdivision Exemption Regulations, Master plan
ZONING: B- Business District

ATTACHMENTS:

- a) Application and Narrative letter
- b) Sketch Plan (Plat)
- c) Vicinity Map
- d) Kremmling Sanitation District "Will Serve
- e) Title Commitment
- f) Recorded Property Transfer Deeds
- g) Mineral Rights Notification
- h) Attachment to Water Well permit
- i) Draft Declarations and Covenants
- j) River Ranch Outright and Subdivision Exemption Plat

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The applicant is proposing a Subdivision Exemption to subdivide a 6.728 acre parcel bisected by a Right of Way into 3 parcels.

I. BACKGROUND

a. PROPOSAL

Christina Sammons, the Applicant is proposing a Subdivision Exemption Plat with the intent this proposal will not create more than three (3) lots within the Subdivision Exemption. The existing property is served by a well and new lots will be served by a Kremmling Public Water and Sewer. The proposed Lots 2 and 3, are intended to be annexed into the Town of Kremmling The parcel being subdivided through this exemption process has a land area of 6.728 acres. Two of the three parcels being created within this Plat are anticipated to be annexed into the Town for the purpose of residential development. The lots created will have land areas of as following Lot 1 2.798 acres; Lot 2 .944 acres; Lot 3 2.985; that make up the total of 6.728 acres.

b. HISTORY

Beginning in April 2002, John H. McElroy as President of River Ranch Village, Inc., developed the Subdivision Exemption and Outright Exemption. The two (2) lots that were created through this process were split from a 19 acre parcel. Approximately ten (10) acres contains a "non-conforming" mobile home park and the remaining

nine (9) acres contain a lot for a single family dwelling with some additional acreage being included in the deeded Right of Way for County Road 396.

II. STAFF ANALYSIS

The Applicant is proposing this Subdivision Exemption Plat with the intention of annexing parcels into the Town of Kremmling. There are water or sewer taps on or near the property, which the Applicant has submitted “will serve” that allow connection. Pursuant to Town of Kremmling Title 14 - Annexation, the Applicant would need to supply provisions for public sewer and water.

Staff review of Colorado Revised Statutes (C.R.S) Title 31, Article 12, Part 1 Municipal Annexation Act of 1965, finds that this parcel likely meets the eligibility criteria for annexation. Not less than one-sixth of the perimeter of the area is contiguous with the annexing municipality. The Grand County Master Plan identifies all parcels within the Kremmling Growth Area Boundary as an area that will be urbanized in the near future.

Variances have been requested for the minimum area of a lot pursuant to Subdivision Exemption Regulations and minimum area of a lot within Business District. Also, Staff received a request for a variance from Subdivision Exemption Regulations: Section 2.2 which requires standard easements. The proposed Lot 2, totaling .944, acres is under the minimum area for a lot in the Business District which requires 1 acre and within Subdivision Exemption Regulations which requires 2.4 acres. Staff did analysis under Article 4 of the Subdivision Exemption Regulations, the BOCC may authorize variances (see page 7).

III. PLANNING COMMISSION RECOMMENDATION

During the Planning Commission meeting rescheduled for March 20, 2019 because of adverse weather conditions on March 13 the Planning Commission reviewed this application. The Applicant represented by Alan Hassler, Keller Law, P.C., stated that the intention of this proposal was to create lots for the annexation into the town of Kremmling.

The proposed lots will meet the minimum size requirements of any zone district within the Town. The proposal is also to fix a Plat note from River Ranch Outright and Subdivision Exemption Recorded at Reception No. 2002014151. Plat note number 5 and 6 made it impossible to consider the portion of land created by the dedication of Grand County Road 396 for development or annexation. Staff represents that the creation of the new Plat excludes any Plat notes that may have encumbered a previous Plat but agrees that as a portion to the approval Plat notes 5 and 6 from the 2002 Plat shall be excluded from this proposed Plat.

The Applicant also discussed the jurisdiction of Subdivision Exemption which states, the purpose shall be for creating three (3) single family residence lots with one (1) single family residential unit per lot. Existing use on this property is the headquarters for McElroy Ranch and has historically been under this use for a century. Staff and Planning Commission agreed that pursuant to the Grand County Zoning Regulations and Resolution 1999-8-5 the “Right to Farm and Ranch” policy allowed this use to continue.

The Planning Commission added three conditions to Staff’s recommendation:

- This Final Plat if approved shall be contingent on the annexation of Lot 2 and 3 into the Town of Kremmling.
- The variances for required easements within Subdivision Exemption Regulations, Section 2.2 minimum area of a lot within Subdivision Exemption Regulations, Section 2.3 and minimum area of a lot within the Business District.
- The Applicant shall add a Plat note that states continued use of the property pursuant to the Right to Farm and Ranch Act adopted by the County in 1999 under Resolution 1999-8-5.

IV. STAFF RECOMMENDATION

Planning Commission unanimously recommended the approval of the River Ranch Subdivision Exemption Sketch Plan and variance with the following conditions to be met prior to submitting an application for Final Plat approval:

1. The proposed Plat will be referred for comment by utility companies including: Local water and sanitation districts, MPEI, Xcel, CenturyLink, and Comcast [§2.2 (1-14)].
2. The Applicant shall be responsible to pay any impact fees prior to recording the Final Plat associated with this application including but not limited to: School Impact and Fire Impact Fees [§2.10 1-6].
3. Should extension of service be required for a tap on Lot 3, they shall be the obligation of the Applicant pursuant to §29-20-103 [§2.5 1-3].
4. The Applicant shall add a Plat note that states continued use of the property pursuant to the “Right to Farm and Ranch” policy adopted by the County in 1999 under Resolution 1999-8-5.
5. The Applicant shall enter into a Water Quality Agreement with the County [§3.3 (3) (g)].
6. A Subdivision Improvement Agreement shall be discussed as a portion of Annexation with the Town of Kremmling.

7. The title and legal description shall be reviewed by the County Attorney's Office.
8. The Final Plat shall to include the width of adjacent private and County Right-of-Way [§3.3 (2) (f)].
9. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.
10. This Final Plat if approved shall be contingent on the annexation of Lot 2 and 3 into the Town of Kremmling.
11. The variances for required easements within Subdivision Exemption Regulations, Section 2.2 minimum area of a lot within Subdivision Exemption Regulations, Section 2.3 and minimum area of a lot within the Business District.
12. The Applicant shall meet all Final Plat requirements.

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

Attorney Alan Hassler appeared on behalf of Christine Sammons.

Mr. Hassler stated that the applicant would like to annex Lot 2 only. Lot 3 would remain in the County.

Mr. Hassler asked that Numbers 10 and 11 be changed to read:

10. "This Final Plat if approved shall be contingent on the annexation of Lot 2 into the Town of Kremmling."
11. "Variances are granted for Lot 2 as to required sideline easements within Subdivision Exemption Regulations, Section 2.2 minimum area of a lot within Subdivision Exemption Regulations, Section 2.3 and minimum area of a lot within the Business District."

Due to concerns over water, Mr. Moyer suggested the Plat restriction:

"Proof of town water and sewer must be provided prior to issuance of a Building Permit on Lot 3 that is not agriculture and well permit or septic permit will be issued for Lot 3."

Commissioner Manguso moved to approve the River Ranch Subdivision Exemption- Sketch Plan with modified conditions from Mr. Hassler and additional requirement regarding proof of water and sewer.

The motion passed unanimously.

Road and Bridge Safety Improvements – Discussion

Road and Bridge Superintendent Chris Baer stated that it is his goal to provide safe roads for the traveling public.

Mr. Baer received a copy of the reports with regard to the accidents on County Road 1.

The Board gave Mr. Baer direction to install guard rail on County Road 1 at the site of a recent accident. The Board also asked for additional add-on costs for the other section that may need guardrail on County Road 1 near Inspiration Point.

Mr. Baer removed a cattle guard on County Road 2 because there were not fences attached to it. The BLM indicated that it was not its cattle guard, it was not going to lease the land, and was not going to fix the fence.

Mr. Baer stated that he pulled the cattle guard because the land was not going to be grazed.

Commissioner Linke stated that in an emergency situation, the residents would like to know that the cattle guard could be put back in. Mr. Baer stated that the cattle guards can be put back in if necessary.

Water Protection Update

Assistant County Manager Ed Moyer and Water Quality Specialist Katherine Morris presented:

Colorado River Headwaters Connectivity Project

NEPA Watershed Plan

McMillan Jacobs- Draft Watershed Plan EA completed. Target EA Public Notice in August.

Required NRCS evaluation of Windy Gap dam; must meet NRCS standards (not just State of Colorado).

NW under contract with AECOM to complete NRCS required work 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 WGAP.

March 11 Draft Comprehensive Engineering Evaluation meeting with NRCS. Any waiver to NRCS design = 6-8 week approval process. Dam breach analysis and flood hydrology meets with NRCS March 29 and April 5. This unforeseen NRCS requirement has delayed the schedule. Northern Water retained AECOM to complete the evaluation which is expected to be completed in April. Once the evaluation is finalized, it will be incorporated into the draft Watershed Plan - EA. Target date for the EA FONSI is late 2019.

Overall Delay could justify a 6th Year Project Extension request.

Project Final design-build RFP - drafted

RFP will be published upon NEPA Record of Decision. NW will try to contract with a design engineer prior to issuance of a ROD and FONSI with NRCS approval.

Must start Construction in 2021.

Water Court Case

Municipal Subdistrict continues to negotiate with downstream property owner and sent final offer to property owner. If no acceptance, next step could include condemnation/court.

Fundraising:

BOR Carriage Contract Transfer: \$1M to LBD for the Connectivity Channel Project.

\$1M Challenge Donation from Anonymous Donor!!!!

USACE 2019 Continuing Authorities Program (CAP) funding up to \$3M.

CAP team developing Federal Interest Memo (value and feasibility)

Project partners continue to meet with NRCS and USACE.

CAP must follow NRCS timeline. Team to review based on recent \$1M Donation.

NRCS authorization needed to co-mingle Federal funds and amend RCPP Agreements.

If approved, project components may need to be split (Res.Mod. vs. Channel)

Project Schedule

Next Meeting – April 24 with CPW and Partners in Summit Co.

Updates to Design/Construction Schedules, as \$1M of the CPW Habitat Project must be completed as in-kind with the completion of the Colorado River Headwaters Connectivity Project (Construction 2021 and 2022).

Preliminary Timeline

2017 -RCPP Approved Oct. (5 YR Clock Starts...)

2018 -Watershed Plan and NEPA

2019 -Watershed Plan and NEPA Completed (FONSI – Dec. 2019)

-Bid Habitat Project Design (this summer). Northern to fund design.

-Bid Habitat Project Construction (late fall /early winter)

2020 -Reservoir Mod and Channel Final Design, Permit and Bid (spring)

-Award Habitat Project (spring). Construction (fall)

2021 -Reservoir Mod and Channel Construction (summer/fall)

-Habitat Project Construction

2022 -Reservoir Mod and Channel Construction (6th YR Extension request if needed)

-Habitat Project Construction

2023 -Reservoir Mod and Channel Construction (if needed)

1177 Colorado River Basin Roundtable

Last Meeting - March 25

Grants Approved:

Stone Creek Master Plan (Eagle Vail) - \$25K

Blue River Integrated Water Management Plan (TU) - \$17,110

Grant Requests going to April Next Steps Committee:

Perry Ranch agriculture water supply project - \$75K request

Learning By Doing – Hammond Ditch fish screen/Fraser River diversion fish passage - \$27K request

Paul Bruchez working with UCWG on N.Fork SMP community engagement and grant.

Drought Contingency Planning

Lake Powell: WY 2019 most probable inflow = 7.2 MAF (102%) – 9 MAF outflow = 2 MAF deficit in Lower Basin. Low soil moisture = 5%-10% loss factored.

Model L.Powell Elevation down to 3,550' (3,525' = hydro production threshold)

Demand Management

CWCB Policy Adopted. Voluntary, Compensated and Temporary

TBD- Joint West Slope Basin Roundtable Meeting in GJ- rescheduled.

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.

Acquatic Nuisance Species (mussels)

CPW's contract with the boat inspection contractor is pending approval.
Once approved we can publish times and dates for boat ramps.
CPW has inspectors ready to open Stillwater boat ramp in advance of contract when conditions allow, meaning:
USFS must approve,
Water elevation in Granby must exceed 8,246', and Ice is off.

Climax

Climax Standards Update to Stakeholders

Tuesday, April 23 10:00am – 12:00pm, Hoosier Room, Summit County Community & Senior Center, 83 Nancy's Place, Frisco, CO 80443

EGWQB

EGWQB has been spending down a surplus. At the current rate, the surplus will only last another 2.5 years. Options include raising dues and reducing spending on water quality monitoring.
TU echoed an earlier their call for the districts to develop drought contingency plans so that we have better standing when we ask Denver Water to enact drought restrictions.
Members of the Upper Colorado River Watershed Group (UCRWG) presented to members the concept of impact fees on Moffat Tunnel diversions, indicating that the basin roundtables are contemplating these to pay for the Governor's Water Plan. Many EGWQB members signed 3rd party agreements to the CRCA, and it is a legal question whether they could join in seeking such impact fees.
Sample bottles are located at WPWSD in case of an undocumented violation of UPRR's Moffat Tunnel discharge permit.

GC Mutual Ditch & Reservoir Company

GCMDRC continues to work with CWCB and Colorado Water Trust on the Substitute Water Supply Plan as legal instrument for Pilot Project (likely 2020 implementation).
Creates 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.

Team continues to work with Grand County Irrigated Land Company attorney and engineer on CU and Net Depletion Analysis engineering. GCILC will need to formally approve Pilot Project.

GCMDRC responsible for Net Depletions (lagged returns, etc.).

Example: CU = approx. 70 AF July –Sept. = (+.5 cfs for 70 days for ISF)

Once approved by GCILC, GCMDRC will make formal application to CWCB; requires two Board Meetings for approval, including public notice and State Engineer approval.

CWCB Program: 3 in 10 year Program

Potential ISF compensation. Could be used to pay for engineering and leverage needed funding for Vail Ditch improvements to benefit all shareholder and GCILC.

www.gcwin.org

Over 50 stream temperature sensors calibrated and deployed since April 1.

MPHS CREW students trained to conduct River Watch sampling.

Clarity monitoring begins in Grand Lake and Shadow Mountain Reservoir when ice comes off.

www.grandcountyLearningbydoing.org.

Financial: LBD has nearly \$75K in the bank for projects and monitoring

2019 Operations (Forecast, Runoff operations requests)

Denver Water supply update, and Drought Plan revision (LBD to comment in May).

Projects:

Hammond Ditch Fish Screen / Fraser River Diversion (to accommodate fish passage)

Design RFP to be advertised May 1.

\$27K Roundtable Grant Request

TU willow reveg project: 10-2 on May 4, May 18/19

Cabin Creek AOP- USFS NEPA decision memo April, design in fall, construction 2020

Granby Ranch/BLM stream restoration project

BLM/Denver Water Williams Fork restoration project

Special LBD meeting May 1 to review Aquatic Resource Monitoring Plan objectives
Review and gain consensus on macroinvertebrate goals & objectives
Special LBD meeting May 1 to review Aquatic Resource Monitoring Plan objectives
Review and gain consensus on macroinvertebrate goals & objectives
Develop proposals for 2019
Temperature: complete!
Macroinvertebrates: waiting on May 1 meeting
Substrate: waiting on May 1 meeting
Upcoming Technical Committee Presentations
2018 Substrate
USGS
Riparian Area per Windy Gap 1041
Denver Water System Constraints
System is designed to collect water, not to release.
How to selectively release water to provide most benefit?
How to get the biggest bang for our buck with water releases?
Are these releases possible or are there water rights issues?
Operations runoff requests due to Denver Water this month

Grand Lake Clarity

Available at <https://www.co.grand.co.us/819/Grand-Lake-Clarity-Documents>
2017 Annual Three Lakes Report
2017 Grand Lake Clarity Adaptive Management Report
2018 Grand Lake Clarity Adaptive Management Report

Meeting with RMNP April 17 to review history of Grand Lake Clarity

Moffat Firming

Federal Energy Regulatory Commission (FERC) Permit Order Amendment to the Gross Reservoir Hydro Permit.
FERC issued Final EA with a Finding of No Significant Impact (FONSI).
EA was published.
Order pending issuance.
Boulder County 1041 Permit-
Lawsuit: Denver Water file suit appealing Boulder County 1041 permit decision.
http://www.dailycamera.com/boulder-county-news/ci_32570530/denver-water-sues-boulder-county-over-review-process
Denver Water also putting together 1041 Permit Application pending court decision.
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

Monitoring

May 14 2018 Selected Monitoring Program Results Presentation
Jon Ewert, CPW, to present fish survey

Kayli Foulk, GCWIN, to present temperature monitoring

Time permitting, Water Quality Specialist to summarize macroinvertebrates from Learning by Doing and Wild and scenic, and river substrate monitoring conducted by Tetra Tech.

April 17 meeting with NCWCD to discuss riparian monitoring required under the Windy Gap FIRMING Project 1041. Assistance from Seth Mason, Lotic Hydrological, under contract through NWCCOG.

Operation Roundup

Citizens Advisory Committee received letter 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

Rich Newton is gathering Letters of Support from Counties and Towns within the 3 Basins.

Wild and Scenic Stakeholders Group

W&S SG Governance Committee Meeting March 27

New Chair: Kathy Kitzmann / Vice-Chair: Mike Eytel

Approved:

Executive Committee & Charter was approved to continue for one year.

2019 Budget

2019 Floatboating Intercept Survey

Recreational Fishing ORV Indicators (except for confidence interval for CPUE ORV).

Local Government Interest Group (Eagle, Grand and Summit), River District and legal counsel worked with members of the Fishing and Boating Ad-Hoc Committee (East Slope Water Users) to revise frequency criteria language pertaining to ORV Indicator exceedances and making sure the language was consistent with the previous 2015 MOU and did not limit County 1041 Permit Powers. This continues to be discussed for consensus decision.

ACM requested to attend May 7 Cooperative Measures Committee Meeting.

Next W&S GC Meeting - June 20 & 21 in Glenwood

Monitoring Committee

Worked on fine-tuning proposal for W&S contractor RRC regarding surveys regarding recreational experience of visitors to the Colorado River.

Finalizing comments on the Annual Monitoring Report for 2018.

Fishing Ad-Hoc Committee

Working on fishing ORV indicator recommendations and a seasonal flow recommendation for fish.

Channel maintenance flows still at an impasse.

Flushing flow survey will be conducted by USGS this year.

Negotiating on macroinvertebrate sampling frequency & metrics.

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 April 17 to review conditions and expectations.

Colorado River District/Denver Water/Aurora Water 3 day camp program at the Keystone Science School for high schoolers "H2O Outdoors" has been cancelled for 2019. River District staff is not sure if it will return in 2020.

The State of the River meeting will be on May 30, 2019 at 5:30 p.m. at West Grand High School.

Morning Star Meadows Subdivision Exemption – Final Plat

PROJECT NAME: Morningstar Meadows Subdivision Exemption- Sketch Plan

APPLICANT: Morningstar Meadows, LLC, manager Chris Bock represented by Michael Repucci of Johnson & Repucci LLP

LOCATION: Portion of the W ½ SE ¼ located in Section 17, T1S, R75W of the 6th P.M. Grand County, Colorado.

APPLICABLE

REGULATIONS: Zoning Regulations, Subdivision Exemption Regulations, Master plan

ZONING: F– Forestry and Open District

ATTACHMENTS:

- a) Vicinity Map
- b) Application and Narrative letter
- c) Final Plat
- d) Design Public improvements
- e) Title Commitment
- f) State well permit (Permit No. 311557)
- g) Soils engineering for construction of OWTS
- h) Title Commitment
- i) Statement of Taxes due

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing a Subdivision Exemption to subdivide a 39.164 acre parcel into 3 parcels, and creating one parcel for the existing residence on proposed Lot 1.

I. STAFF ANALYSIS

Morningstar Meadows Subdivision Sketch Plan gained a recommendation of approval by Planning Commission November 14, 2018 and approval by the Board of County Commissioners December 18, 2018. The Applicant met the requirements set forth within that stage and submitted a Final Plat.

The neighboring subdivisions and lots are larger tracts that feather density from Winter Park Ranch to the south, agricultural land north and west of the property. The parcel shares its boundary with the Urban Growth Area Boundary, and could therefore be further subdivided. Staff understands that this Subdivision Exemption request is intended to maintain the current character of the area which consist of higher density single family dwellings to the south, decreasing in density as development progresses north and east.

There is also the alternative of acquiring taps from the Town of Fraser because of the agreement established by the Martlings (who were previous owners of the property in the 70s-80s) that runs with the land. The Applicant has addressed this on the Plat for future property owners. Currently, a constructed domestic well exists under Permit No. 311557 and shows current ownership.

II. BACKGROUND

a. PROPOSAL

The Applicant is proposing a subdivision of a 39.164 acre parcel by process of Subdivision Exemption to create three separate lots. The property was transferred via Special Warranty Deed on October 18, 2018 recorded at Reception No. 2018008486. There is currently a single family dwelling on the site constructed in 1976. The Applicant intends to deed the new parcels to family. The 39.164 acre parcel is located north of County Road 8, within the Fraser Urban Growth Area as defined by the Grand County Master Plan. Proposed water and sanitation will be either well or public water or On-Site Wastewater Treatment System (OWTS). There is a constructed domestic well under Permit No. 311557, a permit which had been reissued to the Applicant through the canceling of Permit No. 80376-A. This well permit will serve as a basis to be used on the additional newly created parcels.

b. HISTORY

Former owners, David Zink and Karen Waeschle have owned an approximately 80 acre parcel since 1993 that is now subject to two Subdivision Exemption requests under two separate owners, i.e., Morningstar Vista and Morningstar Meadows. Owners prior to David and Karen, John and Eleanor Martling set up an agreement with the Town of Fraser for public water taps in exchange for a water main easement that runs through the property.

III. COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

Any conditions to be met shall be highlighted in bold in the following sections.

a. Grand County Master Plan

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

Plan Element 2 – Land Use – Growth and Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. This subdivision borders an Urban Growth Area and is surrounded by other larger lot developments. As stated in this section of the Master Plan, “Require a feathering of densities between low densities and high densities...”

Plan Element 3 – Development: The Built Environment

Plan Element 3 in the Grand County Master Plan, speaks to maintaining a high quality of life while taking advantage of existing infrastructure. This subdivision borders existing county roads and surrounded by existing utility infrastructure. The development minimizes additional impacts on open lands adjacent to wildlife corridors. Therefore, this proposed Subdivision Exemption is characteristic of what is desired in Plan Element 3.

b. ZONING – Section 6.1 Forestry and Open District

The zoning for this parcel is Forestry and Open District. This application complies with the regulations in the following ways:

- Single family dwellings have or will be constructed on the parcels, this use is in compliance with the regulations.
- These parcels are within the Urban Growth Area as defined by the Grand County Master Plan, and are allowed to have a minimum lot area of 2 acres per Forestry and Open District. The each of the proposed parcels are in excess of 9 acres and therefore comply.
- These parcels shall comply with the minimum standard yard setbacks of the Forestry and Open District. This application shall comply with standards within 13.3 for any proposed signage and 14.4 Off-street Parking

c. SUBDIVISION EXEMPTION – Article 2 – Design Standards

The application shall be compliant with the Grand County Subdivision Exemption Regulations, the following is how each item was addressed under the submittal of Sketch Plan: [Sketch Plan (2)]

[Special Site Considerations (2.1) (1-6)] This application complies with Article 2.1. There is an existing single family residence on Lot 1. It appears that Lots 2&3 substantially avoid steep slopes.

[Driveways, Roads, Streets and Easements (2.2) (1-14)] All access and Rights-of-Way shall meet Road and Bridge Standards. “Meadows Lane” which connects the lots to County Road 8, south of the property currently shows a dead end. Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. All utilities shall be placed underground where not already existing.

[LOTS (2.3) (1-6)] The proposed lots comply substantially with the provisions in this section for minimum size, and access. Addresses for the new lots shall be determined by Staff and the Applicant to be placed on the Final Plat Mylar.

[DEDICATIONS (2.4) (1-2)] This application shall comply with the provision set forth in the Subdivision Exemption regulations, the dedications are subject to review by the County Attorney.

[DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER (2.5) (1-3)] The proposed lots are created in such a way to avoid potential drainage issues. All residences that shall be served by OWTS shall comply with current County regulations. There is a note on the plat that ensures any future property owners of that requirement. A note shall be added to the Plat that property owners are advised to contact an engineer to locate appropriate building area with proper drainage and soil bearing capacity for new construction.

This application shall comply with State Division of Water Resources (DWR) for the application, distribution and use of any existing or proposed well. Alternatively the Applicant shall provide proof of supply by the Town of Fraser. All residences shall be served by OWTS, and designs shall comply with current County regulations.

[DESIGN STANDARDS FOR NATURAL HAZARD AREAS (2.6)] This Application complies, it appears the proposed lots are not located in or near Natural Hazard Areas.

[IMPROVEMENTS REQUIRED (2.7) (1-5)] Survey monuments shall remain on the Final Plat as referenced in this proposed Plat. Proposed roads shall be subject to the requirements in the current Road and Bridge Standards and approved by the County Engineer.

All lots shall be provided access to electric service at the property line. Currently electric service is installed overhead adjacent to the southern and western property boundaries. Any new extension of utility service to lots shall be placed underground.

The Applicant shall supply an estimate of probable cost for the applicable improvements and enter into a Subdivision Improvements Agreement with the County. The Applicant, shall be aware that this is a condition at Final Plat.

[SLASH REMOVAL/DISPOSAL (2.8) (1-2)] Shall comply with the Subdivision Regulations. Any burning of slash piles shall follow standards as established by Grand County Natural Resources and the local Fire District.

[SOLID FUEL BURNING DEVICES (2.9)] This has been repealed via Resolution No. 2016 - 7 - 34.

[SCHOOL LANDS (2.10) (1-6)] This application is a subject to school impact assessment fees and land dedication which has been calculated below.

Land areas dedicated for future school sites follows the following calculation:

3 units

$3 \times .045 = .135$ acres

Money in Lieu of Land Calculates to:

$3 \times .50 = 1.5$

$1.5 \times .090 = .135$

$.135 \times \$53,936.39/\text{acre} = \$7,281.39$ in school impact fees.

\$53,936.39/acre was calculated using comps from the following properties:

- METES & BOUNDS 75 ALL 471.85 AC +/- LOCATED IN SEC 5,8,9,16 &17 1S LYING SW OF CO RD 83 (also known as The Ranches at Devil's Thumb) Parcel ID: 158709300133.
- METES & BOUNDS 75 ALL PT OF THE W2SE4 SEC 17 T1S R75W AS DESC AT 2018008483 (Morningstar Vista Parcel) Parcel ID: 158717400021;
- METES & BOUNDS 75 ALL PT OF THE W2SE4 SEC 17 T1S R75W AS DESC AT 2018008483 (Morningstar Meadows Parcel) Parcel ID: 158717400022;
- Lot 4, The Ranches at Devils Thumb Parcel ID: 158709301005;
- Lot 11, The Ranches at Devils Thumb Parcel ID: 158709301021;

A letter has been sent to the East Grand School District for a decision on their preference in receiving the impact fee.

[STORMWATER MANAGEMENT (2.11) (1-6)] Areas of disturbance seem to be less than 1 acre triggering a Storm Water Permit through CDPHE, this shall be verified in any engineering report. This application complies

[DESIGN STANDARDS FOR MINERAL RESOURCE AREAS (2.12) (1-6)] This application complies.

[DITCH CROSSINGS (2.13) (1-6)] This application complies. The proposed Plat and Title Commitment does not reference any existing, dedicated waterways or historical irrigation ditches.

[POST CONSTRUCTION (2.14) (1-6)] Post construction procedures are requirements that give satisfactory proof of completion of improvements completed as referenced in engineering drawings. The acceptance of the improvements shall be subject to approval by the Board of County Commissioners.

d. SUBDIVISION EXEMPTION – Section 3.3 – Final Plat

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

[Final Plat (1) (a-b)] The Plat substantially meets the requirements and conditions as included within the Sketch Plan application. A Final Plat drawing has been submitted to be created on a 24"x36" sheet at a scale of one inch (1") equals one hundred feet (100').

[Final Plat (2) (a)] This application complies. The title of the Plat is "Morningstar Meadows Subdivision Exemption" and the drawing includes a scale, North arrow, and was created February 20, 2019.

[Final Plat (2) (b)] This application complies. Conveyance to the owner is referenced following the title Recorded at Reception 2018008486.

[Final Plat (2) (c)] This application complies. Primary control points, or descriptions and similar data are shown on the submitted Plat.

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

[Final Plat (2) (e)] Location and approximate dimensions for all proposed street rights-of-way, easements and lot lines. The 60' width of Grand County Road 8031 shall be labeled prior to recording the Final Plat.

[Sketch Plan (2) (f)] This Plat complies showing location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.

[Final Plat (2) (g)] Lots shown on the submitted Plat are to the nearest 1/100th of an acre, and a statement about the use for single-family residences only has been included within Plat note 7 (b).

[Final Plat (2) (h)] This application complies all lots proposed are for purpose of residential use, and 35' setbacks are applied to all lots to reserve additional open space.

[Final Plat (2) (i-1)] This application complies. Locations, description of monuments, Certificates and Dedications have been provided. The dedication shall be subject to review by Grand County Attorney's Office and Assessors Office for consistency with ownership.

[Final Plat (2) (m)] This plat shows a statement by the owner ensuring compliance with the design standards and all other requirements of the Grand County Subdivision Exemption Regulations, and the statement of requirements issued by the Board of County Commissioners.

[Final Plat (2) (n-q)] This application complies. The plat includes a vertical box for the use by County Clerk and Recorder. A vicinity map and documented proof of access and available water and sewer supply have all been supplied as a portion of this submittal.

[Final Plat (2) (r)] This application shall comply with any such additional information as may be required by the Grand County Board of County Commissioners.

[Final Plat (2) (s)] This application shall comply with any such additional information as may be required by the Grand County Board of County Commissioners.

[Final Plat (2) (t)] An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat.

[Final Plat (2) (u)] Statement of taxes due showing current taxes paid. The Assessor has not created accounts for this property but shall be subject to the current year's taxes.

[Final Plat (3) (f)] Upon final approval of the final plat, the County shall require the payment of an emergency services impact fee, pursuant to Section 3.3 of the Subdivision Regulations of Grand County

[Final Plat (3) (g)] Upon final approval, the County shall require the payment of \$1,000.00 per lot if served by Individual Sewage Disposal Systems, and \$500.00 per lot if served by central wastewater treatment for water quality impact fees to be used by the County. The Applicant is prepared to enter into a Water Quality Agreement with the County with fees to be paid prior to recording the Final Plat.

IV. STAFF RECOMMENDATION

Staff recommends approval of the Morningstar Meadows Subdivision Exemption Final Plat with the following conditions to be met for prior to recording the Final Plat:

1. All utilities shall be placed underground where not already existing [§2.2 (1-14)].
2. Access Rights-of-Way shall meet Road and Bridge Standards [§2.2 (1-14)].
3. Addresses for the new lots shall be determined by Staff and the Applicant to be placed on the Final Plat Mylar. [§2.3 (1-6)].
4. Any burning of slash piles shall follow standards as established by Grand County Natural Resources and the local Fire District [§2.8 1-2].
5. The Applicant shall be responsible to pay any impact fees associated with this application including but not limited to: Emergency Service, School Impact Fees and Water Quality Impact fees (subject to Water quality Agreement)[§2.10 1-6] [§3.3 (2)(f-g)].
6. The title and legal description shall be reviewed by the Grand County Attorney's Office and Grand County Assessor's Office.
7. The 60' width of Grand County Road 8031 shall be labeled prior to recording the Final Plat [§3.3 (2) (e)].
8. An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. [§3.3 (2)(f)]
9. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.
10. The Applicant shall meet all Final Plat requirements.

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

Attorney Michael Repucci stated there are no plans to develop the other two lots. One of the three lots has a home on it (the other two lots are vacant) with a driveway. He wondered if it is necessary to complete a

driveway to Road and Bridge Standards if this home is sold. If there is new development, Mr. Repucci understands that a driveway must be built.

Mr. Repucci would like the Subdivision Improvement Agreement to limit only the sale of Lots 2 and 3 before the improvements are complete.

The Board agreed with Mr. Repucci's request.

Commissioner Manguso moved to approve the Morningstar Meadows Subdivision Exemption- Sketch Plan with conditions and an added condition that the restriction from sale will not include Lot 1. The sale restriction is only for Lots 2 and 3.

The motion passed unanimously.

Morning Star Vista Subdivision Exemption – Final Plat

PROJECT NAME: Morningstar Vista Subdivision Exemption- Final Plat
APPLICANT: Morningstar Vista, LLC, manager Abbott Lawrence, represented by Michael Repucci of Johnson & Repucci LLP
LOCATION: Portion of the W ½ SE ¼ located in Section 17, T1S, R75W of the 6th P.M. Grand County, Colorado.
APPLICABLE REGULATIONS: Zoning Regulations, Subdivision Exemption Regulations, Master Plan
ZONING: F –Forestry and Open District
ATTACHMENTS:
a) Vicinity Map
b) Application and Narrative letter
STAFF PLANNER: Alexander Taft, LEED Green Associate
REQUEST: The Applicant is proposing a Subdivision Exemption to subdivide a 39.126 acre parcel in 3 buildable parcels.

I. STAFF ANALYSIS

Morningstar Vista Subdivision Sketch Plan gained a recommendation of approval by Planning Commission November 14, 2018 and approval by the Board of County Commissioners December 18, 2018. The Applicant met the requirements set forth within that stage and submitted a Final Plat.

This proposed division of land, as provided for under the Subdivision Exemption Regulations, meets the requirements of controlling density as outlined in the Grand County Master Plan. The neighboring subdivisions and lots are larger tracts that feather density from Winter Park Ranch to the south, agricultural land north and west of the property. The parcel shares its boundary with the Urban Growth Area Boundary, and could therefore be further subdivided. Staff understands that this subdivision exemption request is intended to maintain the current character of the area which consist of higher density single family dwellings to the south, decreasing in density as development progresses north and east.

Staff has had discussions with the Applicant's representative in regard to water supply. A State issued well construction permit has been issued for this parcel. There is also the alternative of acquiring taps from the Town of Fraser because of the agreement established by the Martlings (who were previous owners of the property in the 70s-80s) that runs with the land. There is a Plat note that advises any future property owners of "alternative sources of water and sewer."

BACKGROUND

a. PROPOSAL

The Applicant is proposing a subdivision of a 39.126 acre parcel by process of Subdivision Exemption to create three separate lots (see sketch plan within this report). The property was transferred via Special Warranty Deed on October 18, 2018 recorded at Reception No. 2018008483. There are currently no dwellings on the property, but there are a few existing accessory structures. The parcel is located within the Fraser Urban Growth Area as defined by the Grand County Master Plan. A State issued well construction permit has been issued under Permit No. 311556. This permit allows construction of three household use wells and some outdoor irrigation.

b. HISTORY

Former owners, David Zink and Karen Waeschle have owned an approximately 80 acre parcel since 1993 that is now subject to two Subdivision Exemption requests under two separate owners, i.e., Morningstar Vista and Morningstar Meadows. Owners prior to David and Karen, John and Eleanor Martling set up an agreement with the Town of Fraser for public water taps in exchange for a water main easement that runs through the property.

COMPLIANCE/ NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

Any conditions to be met shall be highlighted in bold in the following sections.

a. Grand County Master Plan

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

Plan Element 2 – Land Use – Growth and Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the urban growth areas where existing infrastructure and public services exist. This subdivision borders an Urban Growth Area and is surrounded by other larger lot developments. As stated in this section of the Master Plan, “Require a feathering of densities between low densities and high densities...”

Plan Element 3 – Development: The Built Environment

Plan Element 3 in the Grand County Master Plan, speaks to maintaining a high quality of life while taking advantage of existing infrastructure. This subdivision borders existing county roads and surrounded by existing utility infrastructure. The development minimizes additional impacts on open lands adjacent to wildlife corridors. Therefore, this proposed Subdivision Exemption is characteristic of what is desired in Plan Element 3.

b. ZONING – Section 6.1 Forestry and Open District

The zoning for this parcel is Forestry and Open District. This application complies with the regulations in the following ways:

- Single family dwellings have or will be constructed on the parcels, this use is in compliance with the regulations.
- These parcels are within the urban growth area as defined by the Grand County Master Plan, and are allowed to have a minimum lot area of 2 acres per Forestry and Open District. The each of the proposed parcels are in excess of 12 acres and therefore comply.
- These parcels shall comply with the minimum standard yard setbacks of the Forestry and Open District.

This application shall comply with standards within 13.3 for any proposed signage and 14.4 Off-street Parking

c. SUBDIVISION EXEMPTION – Article 2 – Design Standards

The application shall be compliant with the Grand County Subdivision Exemption Regulations. The following is how each item was addressed under the submittal of Sketch Plan: [Sketch Plan (2)]

[Special Site Considerations (2.1) (1-6)] This application complies with Article 2.1. It appears that all lots substantially avoid steep slopes and drainages.

[Driveways, Roads, Streets and Easements (2.2) (1-14)] Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. All utilities shall be placed underground where not already existing.

[Lots (2.3) (1-6)] This application substantially complies with these provision. All lots have access to a Right-of-Way and meet the minimum area of a lot. Addresses for the new lots shall be determined by Staff and the Applicant to be placed on the Final Plat Mylar.

[DEDICATIONS (2.4) (1-2)] This application shall comply with the provision set forth in the Subdivision Exemption regulations, the dedications are subject to review by the County Attorney.

[DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER (2.5) (1-3)] The proposed lots are created in such a way to avoid potential drainage issues. All residences that shall be served by OWTS shall comply with current County regulations. There is a note on the plat that ensures any future property owners of that requirement. A note shall be added to the Plat that property owners are advised to contact an engineer to locate appropriate building area with proper drainage and soil bearing capacity for new construction.

This application shall comply with State Division of Water Resources (DWR) for the application, distribution and use of any existing or proposed well. Alternatively, the Applicant shall provide proof of supply by the Town of Fraser. This shall be determined prior to Final Plat submittal.

[DESIGN STANDARDS FOR NATURAL HAZARD AREAS (2.6)] This Application complies, it appears there are not lots located in or near Natural Hazard Areas.

[IMPROVEMENTS REQUIRED (2.7) (1-5)] Survey monuments shall remain as referenced on the Final Plat. Proposed roads shall be subject to the requirements in the current Road and Bridge Standards and approved by the County Engineer.

All lots shall be provided access to electric service at the property line. Currently electric service is installed overhead to the southeastern corner. Any new extension of utility service to lots shall be placed underground.

The Applicant shall supply an estimate of probable cost for the applicable improvements and enter into a Subdivision Improvements Agreement with the County. The Applicant shall be aware that this is a condition at Final Plat.

[SLASH REMOVAL/DISPOSAL (2.8) (1-2)] Shall comply with the Subdivision Regulations. Any burning of slash piles shall follow standards as established by Grand County Natural Resources and the local Fire District.

[SOLID FUEL BURNING DEVICES (2.9)] This has been repealed.

[SCHOOL LANDS (2.10) (1-6)] This application is subject to a school impact assessment fees and land dedication which have been calculated below.

Land areas dedicated for future school sites follows the following calculation:

3 units

$3 \times .045 = .135$ acres

Money in Lieu of Land Calculates to:

$3 \times .50 = 1.5$

$1.5 \times .090 = .135$

$.135 \times \$53,809.52/\text{acre} = \$7,281.39$ in school impact fees.

\$53,936.39/acre was calculated using comps from the following properties:

- METES & BOUNDS 75 ALL 471.85 AC +/- LOCATED IN SEC 5,8,9,16 &17 1S LYING SW OF CO RD 83 (also known as The Ranches at Devil's Thumb) Parcel ID: 158709300133.
- METES & BOUNDS 75 ALL PT OF THE W2SE4 SEC 17 T1S R75W AS DESC AT 2018008483 (Morningstar Vista Parcel) Parcel ID: 158717400021;
- METES & BOUNDS 75 ALL PT OF THE W2SE4 SEC 17 T1S R75W AS DESC AT 2018008483 (Morningstar Meadows Parcel) Parcel ID: 158717400022;
- Lot 4, The Ranches at Devils Thumb Parcel ID: 158709301005;
- Lot 11, The Ranches at Devils Thumb Parcel ID: 158709301021;

A letter has been sent to the East Grand School District for a decision on their preference in receiving the impact fee.

[STORMWATER MANAGEMENT (2.11) (1-6)] Areas of disturbance seem to be less than 1 acre triggering a Storm Water Permit through CDPHE, this shall be verified in any engineering report.

[DESIGN STANDARDS FOR MINERAL RESOURCE AREAS (2.12) (1-6)] This Application shall comply.

[DITCH CROSSINGS (2.13) (1-6)] This application complies. The proposed Plat and Title Commitment does not reference any existing, dedicated waterways or historical irrigation ditches.

[POST CONSTRUCTION (2.14) (1-6)] Post construction procedures are requirements that give satisfactory proof of completion of improvements completed as referenced in engineering drawings. The acceptance of the improvements shall be subject to approval by the Board of County Commissioners.

a. SUBDIVISION EXEMPTION – Section 3.3 – Final Plat

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

[Final Plat (1) (a-b)] The Plat substantially meets the requirements and conditions as included within the Sketch Plan application. A Final Plat drawing has been submitted to be created on a 24"x36" sheet at a scale of one inch (1") equals one hundred feet (100').

[Final Plat (2) (a)] This application complies. The title of the Plat is "Morningstar Meadows Subdivision Exemption" and the drawing includes a scale, North arrow, and was created February 20, 2019.

[Final Plat (2) (b)] This application complies. Conveyance to the owner is referenced following the title Recorded at Reception 2018008486.

[Final Plat (2) (c)] This application complies. Primary control points, or descriptions and similar data are shown on the submitted Plat.

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

[Final Plat (2) (e)] Location and approximate dimensions for all proposed street rights-of-way, easements and lot lines.

[Sketch Plan (2) (f)] This Plat complies showing location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.

[Final Plat (2) (g)] Lots shown on the submitted Plat are to the nearest 1/100th of an acre, and a statement about the use for single-family residences only has been included within Plat note 7 (b).

[Final Plat (2) (h)] This application complies all lots proposed are for purpose of residential use, and 35' setbacks are applied to all lots to reserve additional open space.

[Final Plat (2) (i-l)] This application complies. Locations, description of monuments, Certificates and Dedications have been provided. The dedication shall be subject to review by Grand County Attorney's Office and Assessors Office for consistency with ownership.

[Final Plat (2) (m)] This plat shows a statement by the owner ensuring compliance with the design standards and all other requirements of the Grand County Subdivision Exemption Regulations, and the statement of requirements issued by the Board of County Commissioners.

[Final Plat (2) (n-q)] This application complies. The plat includes a vertical box for the use by County Clerk and Recorder. A vicinity map and documented proof of access and available water and sewer supply have all been supplied as a portion of this submittal.

[Final Plat (2) (r)] This application shall comply with any such additional information as may be required by the Grand County Board of County Commissioners.

[Final Plat (2) (s)] This application shall comply with any such additional information as may be required by the Grand County Board of County Commissioners.

[Final Plat (2) (t)] An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat.

[Final Plat (2) (u)] Statement of taxes due showing current taxes paid. The Assessor has not created accounts for this property but shall be subject to the current year's taxes.

[Final Plat (3) (f)] Upon final approval of the final plat, the County shall require the payment of an emergency services impact fee, pursuant to Section 3.3 of the Subdivision Regulations of Grand County.

[Final Plat (3) (g)] Upon final approval, the County shall require the payment of \$1,000.00 per lot if served by Individual Sewage Disposal Systems, and \$500.00 per lot if served by central wastewater treatment for water quality impact fees to be used by the County. The Applicant is prepared to enter into a Water Quality Agreement with the County with fees to be paid prior to recording the Final Plat.

II. STAFF RECOMMENDATION

Staff recommends approval of the Morningstar Vista Subdivision Exemption Final Plat with the following conditions to be met:

1. All utilities shall be placed underground where not already existing [§2.2 (1-14)].
2. Access Rights-of-Way shall meet Road and Bridge Standards [§2.2 (1-14)].
3. Addresses for the new lots shall be determined by Staff and the Applicant to be placed on the Final Plat Mylar. [§2.3 (1-6)].
4. Any burning of slash piles shall follow standards as established by Grand County Natural Resources and the local Fire District [§2.8 1-2].
5. The Applicant shall be responsible to pay any impact fees associated with this application including but not limited to: Emergency Service, School Impact Fees and Water Quality Impact fees (subject to Water quality Agreement)[§2.10 1-6] [§3.3 (2)(f-g)].
6. The title and legal description shall be reviewed by the Grand County Attorney's Office and Grand County Assessor's Office.
7. An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. [§3.3 (2)(f)]
8. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.
9. The Applicant shall meet all Final Plat requirements.

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

Mr. Taft stated that the road vacation will be considered on May 7, 2019.

Commissioner Manguso moved to approve the Morningstar Vista Subdivision Exemption- Final Plat as presented.

The motion passed unanimously.

Grand County Road 137 Vacation (continued from 3/19/2019)

The continued public hearing scheduled to begin at 2:30 p.m. was called to order by Chair Cimino at 2:35 p.m.

PROJECT NAME: Grand County Road 137 aka Pinney Road Vacation
APPLICANT: Grand County
LOCATION: Gore Lakes Unit 1 and Gore Lakes Unit 2
APPLICABLE REGULATIONS: State Statutes regarding Road Vacation Proceedings C.R.S. 43-2, Part 3
EXHIBITS: Exhibit A – Public Notice
Exhibit B – Vicinity map showing the location of the road vacation
Exhibit C - Gore Lakes Unit 1 plat with the location of the locked gate and road vacation indicated.
Exhibit D – Gore Lakes Unit 2 plat with the location of the road vacation indicated
Exhibit E – Amended Plat of Gore Lakes with the location of the road vacation indicated
Exhibit F – Photo of the locked gate
Exhibit G – Survey response map
Exhibit H – Table of unaffected vs. affected lots, survey responses and comments
Exhibit I – Amy Van Den Einde & Robert Clifton letter
Exhibit J – Table of unaffected vs. affected lots, survey responses and comments
Exhibit K – Land Survey Plat Grand County Road 137 also known as Pinney Road
Exhibit L – Draft Resolution
STAFF PLANNER: Alexander Taft
REQUEST: Vacation of an approximately 1.02-mile portion Public Right of Way (ROW) GCR 137, beginning where the road crosses the westerly property line of Lot 23, Amended Plat of Gore Lakes, and terminating at the eastern end of GCR 137 as depicted on the plat of Gore Lakes Unit 2.

I. DISCUSSION

Over the last few years, Grand County Road and Bridge (“GCRB”) has received numerous calls regarding a locked gate across a portion of Grand County Road (“GCR”) 137. This locked gate is located in the Gore Lakes Unit 1 Subdivision.

Based on discussions with residents, the gate has been in existence for at least forty (40) years. It is presumed that residents in either Gore Lakes Unit 1 or Gore Lakes Unit 2 are responsible for constructing the gate. The gate was constructed in order to keep trespassers out of private property and safe guard the few existing cabins. GCR 137 is a publicly dedicated road and this gate is restricting the access to the public for which it was dedicated. According to state law, it is unlawful to obstruct a public Right-Of-Way. To remedy this violation of state law, the gate must be removed or a portion of GCR 137 must be vacated. The solution is vacation of the ROW being proposed today.

Although GCR 137 is an unimproved road, it is classified by GCRB as a Secondary Maintained Road. Secondary roads have 450 average daily traffic (“ADT”) or less. Currently, GCRB performs summer and winter maintenance on GCR 137 up to the locked gate but does not perform any maintenance east of the locked gate

County snow plows plow up to a turnaround area that is approximately 450 feet to the northwest of the locked gate. GCRB brought the issue of the locked gate to the attention of the Board of County Commissioners (BOCC) in late 2015. The BOCC directed GCRB to survey residents of the Gore Lakes Unit 1 and Unit 2 subdivisions to determine the residents’ attitudes in regard to a vacation of a portion of GCR 137.

The previous GCRB survey showed that thirty-six (36) residents are in favor of vacating the portion of the road east of the locked gate (yes responses + y/n responses), while eighteen (18) residents are against vacating the road east of the locked gate. Ownership of land in the neighborhood has or is in transition. The surveyed parties against the vacation of this ROW have either access before the gate or are selling property along the road.

Two residents responded that they had no opinion. Of the twenty-four (24) survey responses collected from property owners who rely on the portion of GCR 137 to be vacated for access to their properties, twenty (20) responded that they were in favor of the road vacation and four (4) were against the road vacation.

Based on this response, the previous proceedings to consider vacating this section of GCR 137 occurred. It should be noted that GCR 137 is a dead end road that does not provide access to any notable public interest. The road provides access to private property, but no public or federal lands. Lots 5, 6, 7, 8, 10, 11, 14, 15, 18, and 25 have spur access easements off the road. Also, because the portion of GCR 137 to be vacated is not maintained due to the gate. Typically, these homes are only used during the warm season.

Due to the lack of timely submission of a BOCC required survey, the original hearing was continued several times. Staff is requesting a final review and decision on this ROW vacation.

II. STAFF COMMENTS

The point of beginning for the road vacation is not at the locked gate, it is approximately 100 feet to the west of the locked gate. The legal description of the road vacation needed a definitive, permanent, platted location. So, the westerly property line of Lot 23, Amended Plat of Gore Lakes, where it crosses GCR 137 is being used as the point of beginning for the legal description of the vacation. The eastern end of GCR 137 as depicted on the plat of Gore Lakes Unit 2 is the description of the ending point of the road vacation. An approximately 1.02-mile portion of GCR 137 is being considered for vacation.

The BOCC may want to consider requiring the affected property owners (property owners that rely on this portion of GCR 137 for legal access) to sign an easement agreement. A complication with requiring an easement agreement such as this is that it may require all affected property owners to come to an agreement and sign the easement agreement. However, having the affected property owners come to an agreement in regard to emergency access, a contact person for the locked gate, maintenance of the road, allowing utilities in the easement, etc. could create a more manageable situation in the future.

A private-access easement will be established regardless if the affected property owners sign an easement agreement or not. However, the BOCC does not have the authority to state that the private-access easement can be used for future utilities. Existing utilities in the right-of-way are permitted to stay. If an easement agreement was signed by all affected property owners, they could address future utilities and the BOCC would not need to establish a private-access easement.

Staff requested comments from Kremmling Fire, the Grand County Sheriff's Department and Grand County EMS regarding the locked gate and the potential road vacation. EMS stated they would treat the locked gate as any gated subdivision. The lock shall be cut or force is used to open the gate in the event of a 911 call. EMS requested that the property owners behind the locked gate be required to sign a letter of understanding where they would acknowledge that law enforcement, fire, and EMS responders will be delayed if the gate is closed and locked. Also, EMS would like this letter of understanding to state that it is the property owners' responsibility to pay for the repairs to the gate (and a new lock) if the gate is damaged by responding units. The Sheriff's Department was in agreement with the idea of a letter of understanding. The Sheriff's Department explained that not all of their officers carry bolt cutters, so delays in response time could be significant. The Sheriff's Department pulled the emergency call records for the last few years. There have been three calls between 2013 and 2016: a car ran out of gas, cattle wandered onto private property and a tree fell on a power line. In these cases, emergency responder access was undocumented.

When a roadway vacation is being considered, the County is required to provide notice by first-class mail to the last-known address of each landowner who owns one acre or more of land adjacent to the roadway. Many property owners rely on GCR 137 to access their properties indirectly. Indirectly, because they have access easements that stem off of GCR 137. For this road vacation, all property owners directly adjacent to the road were notified directly by first-class mail which is compliant with the State Statute. Staff has received two responses to the letter.

The answers to these surveys can be found on a map which is included as Exhibit G. The comments that accompanied these survey responses can be found in a table of unaffected vs. affected properties, survey responses and comments.

To ensure that the County has conveyed all of its interest in GCR 137 behind the locked gate to the affected property owners, Quit Claim Deeds may need to be signed by the County. Easements will be established and granted to the County then vacated as a portion of the ROW vacation.

III. PLANNING COMMISSION RECOMMENDATION

Planning Commission during their regular meeting reviewed this application June 8, 2016. Planning Commission asked for several clarifications about possible alternatives to vacating the ROW. Property owners

at the meeting explained the impact of the gate. Planning Commission after reviewing the materials supplied and public input recommended approval of the partial ROW vacation.

IV. REGULATIONS

A. ROAD VACATION – CRS 43-2-303, Methods of Vacation

The following is the statutory authority and criteria for vacating a county road right-of-way:

I. All right, title, or interest of a county, of an incorporated town or city, or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:

a) The city council or other similar authority of a city or town by ordinance may vacate any roadway or part thereof located within the corporate limits of said city or town, subject to the provisions of the charter of such municipal corporation and the constitution and statutes of the state of Colorado.

(b) The board of county commissioners of any county may vacate any roadway or any part thereof located entirely within said county if such roadway is not within the limits of any city or town.

(c) If such roadway constitutes the boundary line between two counties, such roadway or any part thereof may be vacated only by the joint action of the boards of county commissioners of both counties.

(d) If said roadway constitutes the boundary line of a city or town, it may be vacated only by joint action of the board of county commissioners of the county and the duly constituted authority of the city or town.

(2) (a) No platted or deeded roadway or part thereof or un-platted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road.

(b) If any roadway has been established as a county road at any time, such roadway shall not be vacated by any method other than a resolution approved by the board of county commissioners of the county. No later than ten days prior to any county commissioner meeting at which a resolution to vacate a county roadway is to be presented, the county commissioners shall mail a notice by first-class mail to the last-known address of each landowner who owns one acre or more of land adjacent to the roadway. Such notice shall indicate the time and place of the county commissioner meeting and shall indicate that a resolution to vacate the county roadway will be presented at the meeting.

(c) If any roadway has been established as a municipal street at any time, such street shall not be vacated by any method other than an ordinance approved by the governing body of the municipality.

(d) If any roadway has been established as a state highway, such roadway shall not be vacated or abandoned by any method other than a resolution approved by the transportation commission pursuant to section 43-1-106

(11).

(e) Paragraphs (b), (c), and (d) of this subsection (2) shall not apply to any roadway that has been established but has not been used as a roadway after such establishment.

(f) If any roadway is vacated or abandoned, the documents vacating or abandoning such roadway shall be recorded pursuant to the requirements of section 43-1-202.7.

(3) In the event of vacation under subsection (1) of this section, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

(4) Any written instrument of vacation or a re-subdivision plat purporting to vacate or relocate roadways or portions thereof which remains of record in the counties where the roadways affected are situated for a period of seven years shall be prima facie evidence of an effective vacation of such former roadways. This subsection (4) shall not apply during the pendency of an action commenced prior to the expiration of said seven-year period to set aside, modify, or annul the vacation or when the vacation has been set aside, modified, or annulled by proper order or decree of a competent court and such notice of pendency of action or a certified copy of such decree has been recorded in the recorder's office of the county where the property is located.

Summary of Regulations

The State Statute entitled "Vacation Proceedings: Roads, Streets, Highways" (C.R.S. 43-2-Part 3) governs the vacation of roads. Included in this statute is the authority for the BOCC to vacate roadways. If this request is approved, the County will surrender all of its interest in the road and the associated right-of-way.

C.R.S. 43-2-Part 3 states that once vacated, title in the vacated roadway shall vest in the owners of the abutting land. Each abutting owner will take ownership to the center line of the roadway. The statute also gives the BOCC the authority to establish a private-access easement to ensure that all properties retain the legal access that was provided by the roadway to be vacated. Unless the residents affected by this road vacation decide to draft their own easement agreement, the requirements that are needed to establish a private-access easement will be addressed by the BOCC Resolution (Exhibit L) that will vacate the portion GCR 137. So, as soon as the GCR 137 Right-Of-Way is vacated, the private access easement will be in place.

In review of the proposed road vacation, staff makes the following findings:

- The portion of GCR 137 proposed to be vacated is located entirely within the county and may be vacated by the BOCC.

- No land adjoining the GCR 137 Right-Of-Way or connected to GCR 137 by access easement will be left without a private-access easement connecting said land with an established public road.
- Correct notice has been made that allows the BOCC to consider the proposed vacation.

The proposed vacation request complies with the applicable criteria necessary to approve a road vacation.

V. STAFF RECOMMENDATION

It has been determined that this proposed road vacation meets the requirements of the State Statute. Staff recommends the approval of the vacation of a portion of GCR 137 and the establishment of a private-access easement to provide access to all homes currently relying on this portion of GCR 137 for access to their properties. This recommendation for approval is contingent upon the following conditions:

1. Contingent on the supply of easement deeds being completed by Gore Lakes owner's legal counsel.
2. A letter of notice shall be sent to all properties that rely on GCR 137 for access. This letter of notice shall state:
 - a. Law enforcement, EMS and fire responders will be delayed due to the presence of the locked gate
 - b. It is the property owners' responsibility to pay for any damage to the gate or lock that results from emergency responders opening the gate
3. The code to the lock on the gate shall be provided to the Grand County Dispatch / Communications Center. Community Development staff will confirm with the Sheriff's Department that the code to the lock has been provided.

Property owner Bill Horner of 242 county Road 134 stated that his parents-in-law owned property since 1968 on County Road 137.

The portion of the road is a non-maintained county road.

Mr. Horner stated that all but two of the property owners who own property beyond the gate are in favor of the vacation.

Commissioner Manguso moved to approve the County Road 137 road vacation with conditions.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Board Business/Correspondence/Calendar

Commissioners Cimino and Linke attended the Veterans Dinner at the CSU Extension Hall. The event was very well done.

Commissioner Linke attended the AGNC legislative call. Commissioner Linke attended Club 20 on April 19 and 20.

Commissioner Linke met with the new Grand Lake Fire Protection District Chief.

Commissioner Linke had a meeting with the District Attorney and also had a meeting with the County Manager.

Calendar

- | | |
|----------|---|
| April 17 | Commissioner Linke will meet with Grand County Historical Association members at Java Lava 7:45 a.m. with GCHA |
| April 18 | Medical Director's meeting at 11:00 a.m. at the conference room at Middle Park Medical Center in Granby – Commissioner Manguso |
| April 18 | Commissioner Cimino will testify at the Capital on the reinsurance bill at 2:00 p.m. |
| April 18 | Commissioner Cimino will attend the CCAT meeting in Denver at 5:00 p.m. |
| April 19 | Commissioner Cimino will attend the CCI meeting from 9 to 3 in Denver |
| April 19 | 9 Health Fair in Granby (Commissioner Linke will work at the Health Fair) |
| April 20 | Easter Egg Hunt and Lunch in park in Hot Sulphur Springs at 11:30 a.m. |
| April 23 | Meeting with East Grand School District at 6:00 p.m. at the East Grand School District Office in Granby (All three commissioners) |

- April 24 Legislative Breakfast in Idaho Springs (Commissioners Cimino and Linke)
- April 24 Commissioner Linke will attend the Northwest Resource Advisory Council of the BLM in Meeker at noon
- April 27 Kremmling Health Fair 7:30 a.m. to 1:30 p.m. at West Grand High School sponsored by Middle Park Health
- May 13 Mayor and Manager's meeting

Public Hearing – Grand Fire Protection District #1 Impact Fees, Re-Adoption

The public hearing scheduled for 3:00 p.m. was called to order by Chair Cimino at 2:58 p.m. County Attorney Chris Leahy set the record with the following exhibits:

- A. Grand Fire Protection District No.1 Fire Impact Fee Study, dated October 30, 2018
- B. Public Notice- Middle Park Times, dated March 27, 2019
- C. Proof of Publication- Middle Park Times, dated March 28, 2019
- D. Map depicting Grand Fire Protection District No.1 Boundary
- E. Mailing List of Interested Parties, including all Towns and Fire Protection Districts in Grand County, utility providers, the Grand County Builders Association, and the Grand County Board of Relators
- F. Memorandum to List of Interested Parties, dated April 11, 2019
- G. Grand County Board of County Commissioners Resolution No.2003-10-3
- H. Grand County Board of County Commissioners Resolution No. 2009-1-52
- I. Grand County Board of County Commissioners Resolution No. 2014-5-40
- J. Draft Grand County Board of County Commissioners Resolution No. 2019-4
- K. Draft Grand County Planning Commission Resolution No. 2019-3-1
- L. Public Review Sheets (no signatures)
- M. Certificate of Recommendation dated April 16, 2019

PROJECT NAME: Adoption of a Revised Fire Impact Fee
APPLICANT: Grand Fire Protection District No. 1
LOCATION: Grand Fire Protection District No. 1, County of Grand, State of Colorado
ZONING: Not Applicable
APPLICABLE
REGULATIONS: Senate Bill 15; C.R.S. Title 31 Government – Municipal
ATTACHMENTS:

- A. Grand Fire Protection District No. 1 Boundary (as of October 30, 2018)
- B. Grand Fire Protection District No. 1 Impact Fee Analysis dated October 30, 2018

STAFF PLANNER: Joan Lyons
REQUEST: Grand County Fire Protection District No. 1 is requesting to increase their Fire Impact Fee for both residential and commercial structures.

I. DISCUSSION

The Board of County Commissioners held a public hearing to adopt a policy and procedure to collect Emergency Service Impact Fees for the Grand Fire Protection District (GFPD) on October 2, 2003. The fees were enacted pursuant to Resolution 2003-10-3, Recorded at Reception No. 2003013938, and an Intergovernmental Agreement between GFPD and Grand County was entered into by Resolution 2003-10-2 and recorded at Reception No. 2003013937. Rationale for the policy was based on analysis of growth related costs incurred by the GFPD as part of the expanded population through residential and commercial development in Grand County. The purpose and design of this update is to continue with and maintain the integrity and methodology of the original Impact Study by following the same Proportionate Share and Rational Nexus Theory.

Similar ordinances were put in place by the Town of Granby in 2003 and updated on November 11, 2008, by Ordinance No. 721. Grand County also updated the impact fee at that time by Resolution No. 2009-1-52. The Town of Granby requires by Ordinance that an Impact Fee Study be done every five years. Although Grand County does not have this same five year requirement, it is necessary that the impact fees be consistent within the GFPD boundary. In 2014, the Board of County Commissioners updated the Grand Fire Protection District No. 1 Impact Fees. Revised impact fees discussed in 2014 were adopted until 2018.

This 2019 update continues to provide the GFPD the tools necessary to plan for the future, anticipate new cycles of growth, and strategically prepare to provide fire service within their boundaries (see map below). This report estimates probable District costs and calculates a proposed fire impact fee for the District for the next five years, through 2023.

II. FIRE IMPACT FEE ANALYSIS

Economic and Planning Systems, Inc. (EPS) conducted this most recent Fire Impact Fee Analysis. As stated above, this was a long-term analysis with the intention of normalizing the cyclical growth within the District by

finding an average growth rate over the 17 year period studied. This average growth rate was then compared to the estimated capital (facilities and equipment) necessary to support such growth. The proposed Fire Impact Fee was calculated for the District over the next five years (2019-2023) and can be seen in the chart below, compared to relative historical fees.

Proposed Residential Fire Impact Fees 2019-2023, with Historical Fees

Year Type Current Proposed

2019 Residential \$617/residential unit \$.34/sq. ft.

2020 Residential \$617/residential unit \$.34/sq. ft.

2021 Residential \$617/residential unit \$.34/sq. ft.

2022 Residential \$617/residential unit \$.34/sq. ft.

2023 Residential \$617/residential unit \$.34/sq. ft.

Proposed Non-Residential Fire Impact Fees 2019-2023, with Historical Fees

Year Type Current Proposed

2019 Commercial .28/sq. ft. \$1/sq. ft.

2020 Commercial .28/sq. ft. \$1.10/sq. ft.

2021 Commercial .28/sq. ft. \$1.20/sq. ft.

2022 Commercial .28/sq. ft. \$1.30/sq. ft.

2023 Commercial .28/sq. ft. \$1.40/sq. ft.

Staff has reviewed the study and believes that the fees established in this 2018 study have been determined in a fair and proportional manner by using a “Rational Nexus” and “rough proportionality” as required by Senate Bill 15. Senate Bill 15 provides that a local government may impose an impact fee or other similar development charge to fund expenditures by such local government on capital facilities needed to service new development. This bill also requests that the impact fee or development charge is no greater than necessary to defray such impacts directly related to the proposed development. The standard that must be met in Colorado requires mitigation to be “directly related” to impacts, and this test has been used consistently in Colorado to establish impact fees that have not been legally challenged to date.

Residential Development: EPS, used historic growth trends between 2000 and 2010 that indicated Grand County’s population grew by 235 persons per year, but slowed to 42 between 2010 and 2016. The Town of Granby grew by 33 and 29 persons per year over the same time periods. The number of residential housing units within the GFPD grew at an average annual rate of 2.5%, or approximately 10 units per year. The study projects an average annual increase of 45 new housing units per year through 2023 within the District boundaries. The choice to utilize housing units instead of population is due to the high second home ratio for this district.

Non-Residential Development: Assessor data was used to show an increase of 1,164,049 square feet of non-residential space built within the District in 2018, which equates to approximately 13,573 square feet per year. This includes all non-residential uses such as retail, general commercial, light industrial, lodging/accommodations, and other miscellaneous non-residential improvements.

Capital Costs: GFPD currently has two established stations, the Headquarters located in the Town of Granby and the Red Dirt Station. The Red Dirt Station is owned and jointly operated by East Grand Fire Protection District No. 4 and Grand Fire Protection District No. 1. GFPD intends to replace items in the District’s three main asset categories: vehicles, buildings, and equipment. Estimated costs for replacement costs for GFPD buildings during the next five years are projected to be \$7.4 million. Vehicle replacement costs over the next five years are projected at \$5.6 million, and equipment replacement over the next five years is projected to cost the District \$816,650.

Largest budgeted items needing replacement include the District’s 1984 Grumman Ladder 1500 GPM Pumper, replacement costs associated with the District’s Headquarters and their creation of a planned North Station, and the District’s 2005 Pierce Aerial 1500 GPM Pumper.

Impact Fee Calculations: Subtracting the District’s general obligation funds from the sale of the old station, and an anticipated DOLA grant from the total asset value leads to a net asset value of \$9,196,366.

Apportioning incident types based on call volumes from 2014 to July 1, 2018 for GFPD and dividing existing units of development yields maximums for the impact fee of \$.34 per residential square foot, or \$920 for the average sized home. The non-residential impact fee yields a maximum of \$1.98 per non-residential square foot.

The GFPD Board discussed maximum fees allowed to residents in the District and felt the study was valid, but did not want to impact affordable housing and nonresidential to the extent the study recommends. GFPD board proposes to choose the maximum allotted impact fee per residential square foot of \$.34 per square foot, and take a tier approach to non-residential impact fee maximum by increasing the fee per square foot by \$.10 per year starting in 2019. Because the proposed changes were relatively higher for non-residential units, the GFPD

Board proposed fee for non-residential in 2019 is \$1 per square foot and will increase \$.10 per year accordingly until 2023.

III. COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

It is a goal of the Master Plan to require new development to pay for the capital cost associated with its demand on services. The proposed Fire Impact Fee fulfills this master plan goal. It provides a rational system for identifying and mitigating growth related cost associated with growth and development and the expansion of fire protection services and facilities made necessary by land development activities.

IV. STAFF COMMENTS

It is staff's opinion that the updated rational nexus for the Fire Impact Fee is roughly proportional to the impacts that growth has on fire services.

V. Planning Commission Review

During the regular Planning Commission meeting on March 20, 2019, the Commissioners reviewed this application. Commissioners confirmed with District Chief Brad White that fees that would be readopted through this future resolution would be for new development only. Commissioners had no further questions regarding the application. Planning Commission voted to recommend the approval of this application as presented.

VI. STAFF RECOMMENDATION

Staff recommends approval of the increased Fire Impact Fee within the Grand Fire Protection District No. 1 from \$617 for residential dwelling units to \$.34 per square foot. Staff also recommends approval of increasing the non-residential impact fee from \$.28 per square foot to \$1 per square foot in 2019 with a \$.10 increase to the fee per year until 2023.

Chief Brad White stated that this is on new development and new construction only.

Chief White stated that the Town of Granby would like the County to adopt the fees so it can adopt and the fees between the town and the county will be the same.

The proposed fees from the study were higher than the Fire District is requesting.

After this increase, the District will still be one of the lowest in the state.

The District Board thought long and hard about the fee changes. The District will recognize any existing square footage and apply that to new construction that may replace an existing building. The concern is the new construction and the cost it creates for the district.

East Grand Fire Protection District is the only other fire district that imposing an impact fee.

Commissioner Linke moved to approve the Adoption of a Revised Fire Impact Fee for Grand Fire Protection District No. 1 as presented.

Commissioner Linke	aye
Commissioner Manguso	aye
Commissioner Cimino	no

The motion passed.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

Tyler's Backcountry Awareness, Special Events Permit

Clerk and Recorder Sara Rosene stated that the hearing was properly posted and she received no remonstrance; therefore, she recommended that the hearing be cancelled.

Brian Lundstedt, President of Tyler's Backcountry Awareness is requesting a Special Event Permit. The event will be held on May 4, 2019, at Muddy Creek Trail Head Parking Lot Rabbit Ears 312.1. They will sell malt, vinous and spirituous liquor from 12:00 p.m. until 10:00 p.m.

All fees have been paid to the State and to Grand County. Ms. Rosene recommended approval.

Commissioner Manguso moved to approve the Special Event Permit for Tyler's Backcountry Awareness on May 4, 2019 from 12:00 p.m. to 10:00 p.m. at Muddy Creek Trail Head Parking Lot Rabbit Ears 312.1.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Bureau of Land Management Quarterly Update

Bill Mills from the Kremmling Field Office of the BLM came to present an update.

The BLM is working with the Headwaters Trail Alliance to do work in the Strawberry Area. That work is ongoing and in conjunction with a number of different timber sales.

The BLM has a draft Recreational Management Plan for the upper Colorado River. It will change how they manage permit holders and recreational activities going down the river.

The fee structure will change for camping along the Colorado River.

The BLM hosted its first ever Timbers Industry meeting. It was a success and there were a lot of members of the industry present. There is a desire for the BLM to conduct on-site visits pre-sale to help the industry identify qualities and quantities of timber that may not have been identified.

The management of the timber sales have been turned over to the Colorado State Forest Service.

Grand County currently has two permitted mineral materials pits with the Kremmling Field Office Boundary.

There is a state-wide team to address issues for homeless on public lands.

Mr. Mills stated that they are in the final phase of the Blue Valley Land exchange.

The BLM has met with the Town of Kremmling with regard to the fireworks permit on the cliffs.

Mr. Mills stated that if the County removes a cattle guard and needs to reinstall for the use of a BLM allotment, the BLM will assist in installing the cattle guard.

Executive Session

Commissioner Manguso moved to enter into an Executive Session at 4:13 p.m. pursuant to CRS 24-6-402, Section (4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations; and instructing negotiators regarding Grand County Road 53. Present for the meeting will be the Board, County Manager Kate McIntyre, Assistant County Manager Ed Moyer, County Attorney Chris Leahy, and Road and Bridge Superintendent Chris Baer.

The motion passed unanimously.

The Executive Session ended at 4:30 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 4:47 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 7th day of May 2019.

Richard Cimino, Chair

Attest:

Sara L. Rosene, Clerk and Recorder