

**MEETING MINUTES**  
**GRAND COUNTY BOARD OF COUNTY COMMISSIONERS**  
**GRAND COUNTY DEPARTMENT OF SOCIAL SERVICES**  
**GRAND COUNTY HOUSING AUTHORITY**  
May 7, 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 16, 2019, of the Board of Commissioners as presented.

The motion passed unanimously.

Commissioner Linke moved to approve the Meeting Minutes of April 23, 2019, of the Board of Commissioners as presented.

The motion passed unanimously.

Commissioner Linke moved to approve the Minutes of the Special Meeting of April 29, 2019, of the Board of Commissioners as presented.

The motion passed unanimously.

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

The Housing Authority owns a 1998 Dodge van that is no longer safe to be used. The Board gave Ms. Darland direction to dispose of the van as she sees fit in consultation with the County Manager and the County Road and Bridge Superintendent.

Commissioner Linke moved to authorize the Chair to sign letter of support for Herman and Kittle Properties, Inc. for the Granby Senior Low Income Housing as presented by Sheena Darland.

The motion passed unanimously.

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

General Public Comments

Tom Jones, resident of Grand Living Seniors thanked Sheena and Amy for all the fine work they are doing at the properties. They have done more work than Senior Housing Options ever did at the property.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on May 8, 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 May 7, 2019 for payment on May 8, 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 May 8, 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 May 7, 2019, for payment on May 8, 2019 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Linke moved to approve the wires payment and vouchers transfers presented on May 7, 2019, for payment on May 8, 2019 for Grand County.

The motion passed unanimously.

#### Road and Bridge Update

Commissioner Manguso moved to approve the Second Amendment to the Contract between Grand County and Bowman Consulting Group Ltd. in the amount of \$8,932 for the arch pipe culvert as presented by Road and Bridge Superintendent Chris Baer.

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign the Track Agreement between Grand County and GMCO for the rail facilities in Kremmling.

The motion passed unanimously.

Mr. Baer stated that there has been little to no movement at the Granby Landfill.

Communication Coordinator Alexis Kimbrough presented the Board with a sample map regarding boat ramp inspections. Ms. Kimbrough will make changes to the map per the Board's request.

Commissioner Manguso moved to approve the renewal of the Retail Liquor Store for John R. Waller, Owner of Discount Liquor as presented by Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Commissioner Manguso moved to approve the change of manager from Dale Heckerson to David Craig for Ranch Operations, Inc. dba C Lazy U Ranch as presented by Clerk and Recorder Sara Rosene.

The motion passed unanimously.

#### Manager and Attorney Items

County Manager Kate McIntire presented her weekly update.

Commissioner Linke moved to move the May 21, 2019 Board of Commissioners meeting to Monday, May 20, 2019.

The motion passed unanimously.

Assistant County Manager Ed Moyer presented the cost sharing agreement with the YMCA for County Road 53. The total cost for the work is \$792,966 and will be split 50 / 50. The YMCA and Grand County will be paying \$396,483 toward the project. The YMCA is proposing putting a deposit down within seven days of signing the agreement in the amount of \$350,000. The remaining \$46,483 will be due on January 6, 2020 to get in the next budget year for the YMCA.

Commissioner Linke moved to approve and sign the cost sharing agreement between Grand County and the YMCA of the Rockies known as the YMCA regarding the paving and cost sharing of the work on County Road 53 as described by Ed Moyer.

Discussion: The Board thanked Mr. Moyer for working collaboratively with the YMCA.

The motion passed unanimously.

Mr. Moyer presented information on the Sonoran Institute:

Participants: Team Grand County  
Bruce Hutchins – Grand County W&S District  
James Shockey – Town of Winter Park  
Joan Lyons – Grand County  
Alex Taft – Grand County  
Ed Moyer – Grand County

Facilitators:

Torie Jarvis – NWCCOG QQ  
John Shepard – Sonoran Institute

Team Grand County message about the importance of growing water smart....

“The Colorado River is the lifeblood of the West, and it all begins in Grand County! But, we demand a lot of our river, from recreation, wildlife and agriculture, to our drinking water. As the headwaters of the Colorado River, it is incumbent upon Grand County to be leaders in the conversation for how to become stewards of the river.”

Four goals identified:

- Public Messaging – Share our Story!!!
- Water Efficiency (Conservation Plan)
- Info Gaps/Needs: Growth Projections - Future/Existing Supplies/Demand
- Drought Management Plan

Action Plan

- The Team selected a county-wide Drought Management Plan and Public Engagement Process (through Learning By Doing) as an achievable GOAL.
  - This piggybacks on many recent efforts of Headwaters Chapter of TU, LBD and East Grand Water Quality Board.
- The Team developed an ACTION PLAN and steps over the next 12 months to achieve this GOAL!
  - Action Plan is included in Box.
  - Timelines, Stakeholders, Triggers, TA Resources/Funding

Big Thank you to Sonoran Institute, NWCCOG QQ (Torie), Team Grand County and.... Special Thanks to Joanie Lyons for keeping us organized and on-track.

Request:

The Team selected a county-wide Drought Management Plan and Public Engagement Process (through Learning By Doing) as an achievable GOAL.

This piggybacks on many recent efforts of Headwaters Chapter of TU, LBD and East Grand Water Quality Board.

The Team developed an ACTION PLAN and steps over the next 12 months to achieve this GOAL!

Action Plan is included in Box.

Timelines, Stakeholders, Triggers, TA Resources/Funding

Big Thank you to Sonoran Institute, NWCCOG QQ (Torie), Team Grand County and.... Special Thanks to Joanie Lyons for keeping us organized and on-track.

A Lorax for the Colorado River:

We really really need to know  
Where does our water go?  
We get anxious when the lake is low.  
We get anxious when it does not snow  
While today we are okay, it's not crazy to say  
We are only one drought  
From a very bad day.  
Can you help prosperity grow?  
Commit and bet a water hero!  
Together we can help  
Our Colorado River flow!

The Board gave support to move forward on the goals. The Board is providing support of a drought management plan.

Board Business / Correspondence / Calendar

Consent Agenda

Resolution No. 2019-4-10, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING A CONTRIBUTION TO THE TOWN OF FRASER IN SUPPORT OF PRELIMINARY ENGINEERING TO IMPROVE HIGHWAY 40 CAPACITY BETWEEN ITS INTERSECTIONS WITH COUNTY ROAD 8 AND COUNTY ROAD 5, AND RESCINDING A PRIOR RELATED MOTION FROM APRIL 16, 2019"

Resolution No. 2019-4-16, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, TO EXECUTE A SERVICES CONTRACT BETWEEN MARCIA MCINTOSH AND THE GRAND COUNTY BOARD OF HUMAN SERVICES"

Resolution No. 2019-4-17, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO ACCEPTING THE BID PROPOSAL FROM OLDCASTLE SW GROUP, INC., DBA UNITED COMPANIES, FOR THE 2019 ROAD RECONSTRUCTION PROJECTS"

Resolution No. 2019-4-18, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE WAIVER OF A BUILDING PERMIT FEE FOR THE THREE LAKES WATER AND SANITATION DISTRICT"

Resolution No. 2019-4-20, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO OPENING THE 2019 COUNTY BOARD OF EQUALIZATION HEARINGS AS OF JULY 1, 2019 AND CONTINUING THE HEARINGS AS NEEDED, AND APPROVING THE APPOINTMENT OF REFEREES TO HEAR THE 2019 BOARD OF EQUALIZATION APPEALS"

Resolution No. 2019-4-21, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE ISSUANCE OF A RETAIL LIQUOR STORE LICENSE TO DROWSY WATER RANCH, INC."

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Commissioner Manguso moved to remove Resolution No. 2019-4-19 from the Consent Agenda.

The motion passed unanimously.

Commissioner Manguso moved to convene an Executive Session at 10:05 a.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is the Confluence Energy. Present for the meeting were the Board, the County Manager, County Attorney, and County Treasurer.

The motion passed unanimously.

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

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

---

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

---

Commissioner Manguso moved to authorize the Treasurer to negotiate with Confluence Energy regarding personal property taxes consistent with the negotiation parameters that were established during executive session as part of settlement negotiations in Chapter 11.

The motion passed unanimously.

Public Hearing – Rotary Club of Granby Foundation Special Events Permit

County Clerk and Recorder Sara Rosene stated that this was scheduled as a public hearing for a Special Event Permit for the sale of wine, spirituous, and vinous liquor. The property has been posted and there have been no remonstrance so the Clerk asked that the hearing be cancelled

Ms. Rosene requested approval of a Special Event Permit for Rotary Club of Granby Foundation for events on June 1, 8, 15, 22, 29, July 3 and 4 at the Flying Heels Arena. They will have malt, vinous, and spirituous liquor from 2 p.m. to 11 p.m.

Commissioner Linke stated that he is a member of Granby Rotary and he has no financial interest in this. Commissioner Manguso moved to approve the Special Event Permit for the Rotary Club of Granby Foundation as presented by Clerk and Recorder Sara Rosene.

The motion passed unanimously.

Board Business

Commissioner Manguso moved to approve out-of-state travel for Commissioner Rich Cimino to expend up to \$2,000 for Commissioner Cimino to attend a Club 20 trip in Washington, DC.

The motion passed unanimously.

County Attorney Chris Leahy stated that with regard to Pine Aire Subdivision right of first refusal and impact fees, the County Surveyor and Assistant County Manager determined that Grand County has the right-of-way for the road.

The Board does not want to exercise the right of first refusal and would like to collect the impact fees.

Attorney Leahy stated that he has been approached by Community Development to engage on enforcement actions on two matters; one is blight and one is a building being used as a dwelling and it does not have appropriate water and sanitation.

Mr. Leahy would like to hold these requests off until he can perform further review.

Commissioner Manguso stated that the Board stays out of zoning violations. The blight violations are presented to the Board.

Public Hearing – Ranch Creek Ltd. Special Use Permit (continued from 3/26/2019)

The public hearing scheduled to begin at 11:00 a.m. was called to order by Chair Cimino at 11:00 a.m. County Attorney Leahy set the record with the following exhibits:

- A. Application and Narrative- Dated February 4, 2019
- B. Public Notice- Middle Park Times, Dated February 14, 2019
- C. Proof of Publication - Middle Park Times, Dated N
- D. Certified Mailings list to all property owners within 500' as established by the Grand County GIS dated February 6, 2019
- E. Vicinity Map depicting 500' notification buffer, as established by the Grand County GIS
- F. Mailings list to all property owners within 1000' as established by the Grand County GIS dated February 6, 2019
- G. Vicinity Map depicting 1000' notification buffer, as established by the Grand County GIS
- H. Memo to Ranch Creek LTD and to interested parties dated February 6, 2019
- I. Public Review Sheet with & without signatures
- J. Ranch Creek LTD Operating Plan
- K. Silver Plume Operating Plan
- L. 6 CCR 1007 Code of Colorado Solid Waste Disposal Site & Facilities, Section 7
- M. Power Point Presentation prepared by Staff dated May 7, 2018
- N. Memo to Board of County Commissioner dated March 26, 2019
- O. Grand County Board of County Commissioners Minutes dated March 26, 2019
- P. Letter of opposition from ten (10) surrounding neighbors dated March 11, 2019

PROJECT NAME: STC Solid Waste Transfer Station Special Use Permit, amendment to Ranch Creek Special Use Permit

APPLICANT: STC, LLC represented by Larry Romine and Ranch Creek Ltd. represented by Mike Jolovich

**LOCATION:** SW1/4SW1/4 of Section 23, Township 2 North, Range 77 West; 1/4 mile west of the Grand County Landfill, across State Highway 125

**ZONING:** F -- Forestry and Open District

**APPLICABLE REGULATIONS:** 6 CCR 1007-2 “Solid Waste Disposal Sites and Facilities”, Section VI (6) and XI (11) Grand County Zoning Regulations and Grand County Master Plan

**ATTACHMENTS:**

- A. Application with Narrative Letter
- B. Vicinity Map
- C. Proposed Site Plan
- D. Zoning Map
- E. Draft Special Use Permit (“SUP”) 2019 -X - XX
- F. Transfer Station Operations Plan

**STAFF PLANNER:** Alexander Taft, LEED Green Associate

**REQUEST:** The Applicant is requesting approval a Special Use Permit that allows the construction and operation of a solid waste transfer facility.

## I. BACKGROUND

At the March 20, 2019 Planning Commission meeting, the applicant requested that the body consider and approve the land use proposed for the site. It was expressed that because the applicant was requesting a Special Use Permit, there would need to be conditions provided in the Permit that were consistent to what would be required by the jurisdiction in an Operating Plan. Given that an Operating Plan for the facility was not provided at the meeting, the Commission deemed the application incomplete and the Applicant subsequently tabled the application until the April Planning Commission meeting.

The Applicant, proposes to use this site for construction and operation of a solid waste transfer facility. The facility will take in and hold waste of up to an anticipated two hundred (200) tons per day. The public residents of Grand County will be this site’s primary users. Traffic peak hour volumes are anticipated to be an average of eight (8) vehicles per day. Initially it is anticipated that there will be approximately six incoming commercial loads per peak hour per day and two outgoing loads. Incoming loads will arrive via commercial collection and privately-owned vehicles and outgoing loads will depart via transfer vehicles. Incoming vehicle weights will be no more than 54,000 lbs. and outgoing vehicle weights will be no more than 80,000 lbs., in accordance with State law (C.R.S. 42-4-508). Heavy trucks will be on call for moving full trash containers. The building that houses the sorting floor is located adjacent to an existing warehouse building being used by the logging operation. The color of the building will blend into the surrounding landscape and natural environment.

When the property is unoccupied by employees, the Applicant proposes the installation of a “Knox box” type security device that will allow emergency access if necessary. Security of the site is high priority of the Applicant. An operations plan shall guide all the potential situations that could impact the site and surrounding properties.

### a. HISTORY

The property is a tract of land of approximately 116 acres, with an existing Special Use Permit (SUP) for a lumber operation and heavy equipment storage business on approximately 40 acres of that property. Ranch Creek Ltd. represented by Mike Jolovich, has held the SUP since 2000. In 2002, a portion of the SUP included storage of containers and vehicles for the Trash Company owned and operated by Robert Besse Recorded at Reception No. 2002001958. There is also a lifetime Special Use Permit approved under Resolution 2014-04-28 as Recorded at Reception No. 2014002385.

The following is a more detailed description of the Special Use Permit history:

- 2000-9-32, granting approval of a SUP for a lumber operation and heavy equipment storage.
- 2002-11-25, granting approval of a SUP uses listed above i.e., lumber operation and heavy equipment storage and The Trash Company to operate from this location.
- 2005-05-30, granting renewal and amendment of a SUP for a lumber operation and heavy equipment storage and a term of 5 years.
- 2006-06-40, granting amendment of a SUP to add a saw mill and building to house the lumber operation.
- 2008-01-08, granting amendment of a SUP to generalize the allowable vehicles to be stored and a term of 10 years.
- 2014-04-28, granting amendment of a SUP to a term of lifetime under current ownership.

The site contains a 1,728 ft<sup>2</sup> facility constructed in 2001-2002 under building permit # B01-0308.

The ownership group, Ranch Creek Ltd., is a Colorado corporation that has been registered with the Secretary of State since 2001 is currently in good standing.

## II. STAFF ANALYSIS

The subject property is adjacent to what was previously the Grand County Landfill. To the east is a recreational use and to the south exists a public utility use. It is also bordered to the north by a larger lot, which is a residential use within Parlay Ranch. Of the nearby residential parcels, one has a dwelling that was constructed in 2015, others are vacant or used for agricultural purposes as referenced by the assessment. Also, the benefit of this facility is its public access and the facility will be housed in a steel building that screens odor and transient refuse.

The Ranch Creek lumber and logging operation, that is primary on the site, is decreasing its operations. The owner would like to continue a beneficial use of the property.

Staff reached out to Colorado Department of Public Health and Environment about the requirements within 6 CCR 1007-2 Section 7.2.2 (B) (4).

### a. THE RANCH CREEK TRANSFER STATION OPERATING PLAN

#### COLORADO CODE REGULATIONS 6 CCR 1007-2 Section 7

##### 7.1 PURPOSE, SCOPE AND APPLICABILITY:

(A) The purpose of this section is to establish minimum health and safety standards for the operation of transfer stations. The criteria apply to all transfer stations at which refuse generated off-site awaits transportation to approved solid waste disposal sites and facilities. At such sites, refuse may be transferred from one type of containerized collection receptacle, is processed by shredding, baling, or compaction, and then placed into another receptacle. Other waste management and disposal activities conducted at the site of the transfer station may require regulation by the Department and a certificate of designation from the local governing body having jurisdiction.[emphasis added]

(B) A transfer station shall not be deemed to be a solid waste disposal site and facility and therefore, such a facility shall not be required to apply for and obtain a certificate of designation as outlined in these regulations. The governing body having jurisdiction can request, in writing, that the Department conduct a technical review of the site and facility documents and its operation plan. The Department shall be notified, by the governing body having jurisdiction when a permit approving a transfer station is issued. A copy of the approved operations plan shall be maintained at the transfer station. [emphasis added]

(C) An intermediate processing facility is a transfer station under these regulations and a material recovery facility is a recycling facility under Section 8 of these regulations.

(D) Only residential and commercial waste shall be accepted at transfer stations. Wastes such as asbestos waste and contaminated soil shall not be accepted at transfer stations unless the transfer station is specifically designed and approved for these wastes.

(E) Transfer stations shall comply with the health laws, standards, rules, and regulations of the Department, the storm water rules of the Water Quality Control Commission, the Air Quality Control Commission, and all applicable local laws, ordinances and regulations.

In conformance with Section 1.5.2, portions of these requirements may be waived or modified for small rural transfer stations as long as the performance of the site under the altered requirements is as protective of public health and the environment as these regulations.

Under Colorado Code Regulations 6 CCR 1007-2, the State regulations enforced by the Hazardous Materials and Waste Management Division of Colorado Department of Health and Environment (the Department) guide the development of Solid Waste and Transfer stations. More specifically Section 1.4 "Exemptions" list transfer stations under 1.4.6 and refer to standards listed in Section 7.

The following is an analysis of the Operations Plan requirements and what was provided to Staff:

7.2 OPERATING PLAN CRITERIA Owners or operators of all new transfer stations shall develop an operation plan that contains, as a minimum, descriptive responses of compliance to this subsection.

##### 7.2.1 General data and maps

(A) Name(s) and address(es) and telephone number(s) of the owner/operator. Name and address and phone number of the person(s) operating the facility and having the authority to take corrective action in an emergency.

(B) Facility mailing address, county and legal description including ¼ section, section, township and range.

(C) Regional map depicting service area, existing and proposed.

(D) Vicinity map showing access and service roads, zoning and land use, residences, water wells and the location of all surface water bodies, the location of 100 year flood plain boundaries, and all manmade or natural features relating to the facility within a ½ mile radius.

(E) Site map showing adjacent properties including land use, property owners names and addresses, site property boundaries and area (acres). If proposed site is adjacent to public roads or streets, include the properties across the street or road. The map should show the present site conditions and the projected site utilization including all site structures (such as buildings, fences, gates, entrances and exits, parking areas, on-site roadways, and signs) and the location of all water supplies and utilities. This site map shall be certified by a state licensed surveyor or engineer.

(F) Site maps and drawings showing all the proposed structures and areas designated for unloading, baling, compacting, storage, and loading, including the dimensions, elevations, and floor plans of these structures and areas, including the general process flow.

(G) Facility's drainage system and water supply system.

This information relating to 7.2.1 A-G was provided in the Operations Plan. Staff is recommending that the applicant demonstrate the movement of drop-offs, the redirection (if needed) of trucks on-site containing hazardous material, measures taken to prevent backing, stacking of truck traffic on internal drives and movement relative to any overflow of recyclables.

#### 7.2.2 Design criteria

(A) Unloading and loading areas shall be:

(1) Adequate in size to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles;

Staff will be requesting that the Applicant demonstrate on the site plan and floor plans that there is adequate facilitate the unloading and flow of vehicles through the site.

(2) Constructed of concrete or asphalt paving material and equipped with adequate drainage structures;

The Operating Plan states that there will not be any discharge to the sanitary sewer or surface water bodies. The tipping building will provide for a containment basis that will control up to 13,400 gallons of liquid according to Section 14 of the Operating Plan.

(3) Solid waste handling shall be confined to the smallest practical area. Such handling shall be supervised by competent operating personnel who shall be familiar with proper operational procedures;

Staff will be requesting that the Applicant demonstrate on the floor plans this concern.

(4) Sufficient internal storage areas to provide for incoming solid waste;

Section 7 of the Operating Plan states that there would be sufficient storage. Staff will be requesting that the Applicant demonstrate on the floor plans this concern.

(5) Exhaust removal systems shall be installed in enclosed areas; and

Operating Plan indicated natural ventilation as per 2015 Code. Staff feels the Operating Plan needs to address ventilation in proposed enclosed areas such as any office spaces.

(6) Measures shall be provided to prevent backing into pits while unloading.

Operating Plan indicates there will be no backing of vehicles through the tipping building.

(B) On-site roads

(1) Designed to accommodate expected traffic flow in a safe and efficient manner;



Applicant needs to demonstrate traffic flow on internal roads.

(2) The road surface design shall be suitable for heavy vehicles and the road base shall be capable of withstanding expected loads;

Staff defers to the Road and Bridge Department for their review of the adequacy of the roads to handle heavy truck traffic.

(3) Passable, in all weather conditions, by loaded collection and transfer vehicles. Provisions shall be made for de-icing ramps during winter months; and

Section 19 of the Operating Plan states there will be all weather access drives provided. There was no mention of any provisions for deicing.

(4) Where public dumping is allowed, separate access for passenger vehicles shall be provided.

Section 19 of the Operating Plan states there will be no public drop-off at this time.

“I believe the high level answer is yes as long as the design of the ingress/egress provides for traffic flow in a safe and efficient manner per 7.2.2(B) (1). Please additionally note that the transfer station regulations have a rule (7.2.3(B) discussing continual staffing if there is continually operating mechanical equipment.

As a side note one way we at the state assure safety and compliance is with use of public signage warning the general public and staff of hazards. This site could have signs reminding customers and staff of the potential hazard due to traffic. And based on my consulting experiences with an enclosed or semi-enclosed structure running engines may pose a health risk from vehicle emissions. They may need to have patrons turn off running engines while in the structure, I suggest checking with CDOT to see how they handle that similar situation at vehicle emission testing facilities. An on-site traffic monitor could act as oversight to assure vehicle safety if necessary. These are items that should be included in their plan to clearly state how they will operate safely. Lastly we generally ask for the plan to specify annual training of staff on items that may pose more significant threats at a solid waste site or facility. This traffic consideration could be included in the annual training and refresher training.”

(C) Equipment Number, description and uses of all equipment projected to be employed including the design capacity.

Appendix H of the Operating Plan lists equipment but does not establish numbers of equipment. The Plan explains use of the front end loader in Section 6 and Transfer Trailers in Section 8 but does not provide explanations for how the Bobcat and the excavator will be used.

(D) Gate and fencing-Types and heights of suitable gate and fencing material to be placed on site, to limit unauthorized persons from access to the facility when the facility is closed.

Because the operation will be in an enclosed building, there is no need for a fence.

(E) Signs-A sign shall be posted, at all access points to the facility, with the hours of operation, the types of solid waste accepted and not accepted, the operating hours the facility accepts wastes, and emergency telephone numbers of a responsible party.

Signs and the posting of signs was discussed in Section 12.2 of the Operating Plan.

(F) Buffer zones-Buffer zone of 200 feet around the active operating area to the nearest property line in residential zoned areas, or as otherwise established by the governing body having jurisdiction.

Staff suggests that the Applicant draw a 200 foot buffer around the active operating area of the proposed facility.

### 7.2.3 Operation standards

(A) Waste characterization-The types, composition, and expected daily volume of all solid waste to be accepted at the facility in cubic yards or tons/per day, the maximum time any such waste will be stored, and the proposed capacity of the facility.

The Operating Plan speaks to types of waste in Section 4.1, the volume of wastes in Section 4.4 and speaks to capacity in Section 21.

(B) Supervision-Facilities with permanent continually operating mechanical equipment shall have an attendant on duty at all times the facility is open to the public.

(C) Personnel-The number, classification, and job descriptions of personnel to be employed at the facility when operating at full capacity. A personnel training plan which includes recognizing unauthorized waste such as PCB's and hazardous wastes, equipment operation, and any other personnel concerns.

Both Supervision and Personnel are discussed in Sections 2 and 4.3 of the Operations Plan.

(D) Nuisance conditions-All reasonable measures shall be employed to collect, properly contain, and dispose of scattered litter, including frequent policing of the area, and the use of wind screens where necessary. The facility shall be managed in such a manner that noise, dust and odors do not constitute a hazard to human health. The facility shall be managed in such a manner that the attraction, breeding and emergence of birds, insects, rodents and other vectors do not constitute a health hazard.

Discussed in Sections 2 and 4.3 of the Operations Plan.

(E) Off-site water-Control measures shall be provided to protect surface and ground waters, including run-off collection and discharge, designed and operated to handle a twenty-four (24) hour, twenty-five (25) year storm and equipment cleaning and washdown water.

Equipment cleaning and washdown issues are discussed in the building drainage section of the Operations Plan. As per Section 23 of the Plan, it was indicated that a Stormwater Management Plan will be developed for the facility.

(F) Fire protection-Fire protection equipment shall be available at all times. A fire protection plan including provisions to prevent the spread of fire to adjoining property shall be approved by the local fire department.

Fire protection is discussed in Section 11 of the Plan. Staff will seek approval of the fire protection plan from the Grand Fire Protection District.

(G) Operational records-Records shall be maintained for all facilities. These records shall include a daily log of the quantity of solid waste received and transported, as-built construction details, and variations from approved operations procedures. Records shall be kept on-site whenever practicable or as otherwise approved.

Addressed in Section 10 of the Operating Plan.

(H) Contingency plan-Contingency plans specifying the procedures to be followed to handle situations such as the following shall be available at all times to the transfer station attendants:

(1) Hazardous material incident, including emergency response contacts, equipment, identification of trained personnel, and notification procedures;

(2) Contamination of surface water or ground water;

(3) Nuisance conditions on site or confirmed beyond the site boundary; and

(4) Alternate solid waste handling system for periods of inability to operate or delays in transporting solid waste due to fires, unusual traffic conditions, equipment breakdown, hot loads, or other emergencies or undesirable conditions.

Incidental spills was discussed in Appendix M of the Operations Plan. Section 17 and 18 speaks to nuisance conditions. Section 21 speaks to periods of inability to operate.

(I) Cleaning facilities handling more than 100 cubic yards of waste per day shall be cleaned daily of all loose materials and litter, by wash-down or other approved method, to prevent odors and other nuisance conditions. All residuals shall be properly removed and disposed. All boxes, bins, pits or other container type used shall be cleaned on an approved schedule.

The Operations Plans addresses these concerns in Sections 2, 22, 24 and Appendix 1.1.

(J) Standing water-All floors shall be free from standing water. All drainage from cleaning areas shall be discharged to sanitary sewers or other methods that meet local pre-treatment standards.

The Operations Plans addresses these concerns in Section 21.

(K) Storage-Adequate-Storage space for incoming solid waste shall be available at the transfer station. Solid wastes should be loaded into the containerized collection receptacle on the same day it arrives at the transfer station. Uncompacted wastes will not be allowed to remain on the tipping floor overnight. Removal of all putrescible solid waste from the transfer station whenever transfer containers are full, or weekly, whichever comes first, is also required. Uncleaned transfer vehicles containing putrescible material shall not be parked on public streets or roads except under emergency conditions. Adequate off-street parking for facility vehicles shall be provided.

The Operations Plans addresses these concerns in Section 7.

(L) All solid waste received at a transfer station shall be transferred as soon as practicable. All solid wastes arriving at the transfer station that are not transferred within twenty-four (24) hours of receipt shall be placed in closed containers or in totally enclosed buildings, structures, or other means of cover acceptable to the Department, that deter water, birds, insects, rodents and other vectors from reaching wastes.

The Operations Plans addresses these concerns in Section 7.

(M) Final disposal-All solid waste passing through the transfer station shall be ultimately treated or disposed of in an approved solid waste disposal site and facility.

The Operations Plans addresses these concerns in Section 8.

(N) Water supply-The amounts and source of water for use on site for the control of nuisance conditions, fire protection, construction purposes and personnel use shall be presented.

These concerns have been addressed in the Operations Plan.

7.2.4 Closure plans-For final closure of the transfer station shall include a plan for the removal of all stored solid wastes and washdown liquids. The Department and the local governing authority shall be notified, in writing, of temporary or permanent closure of the transfer station.

This requirement has not been addressed in the Operations Plan.

Overall, Staff finds that the Operations Plan has addressed some of the requirements while not addressing others. Although a site plan and floor plans have been included in the Plan, Staff found that the oral explanation provided concerning the actual movement of vehicles and people throughout the site and building provided to the Planning Commission was sufficient but that it also needed to be documented and made part of the Operation Plan.

### III. PLANNING COMMISSION

Planning Commission hearing March 20, 2019 was rescheduled from March 13, 2019 due to inclement weather. Members of Ranch Creek and STC, LLC were present and explained the application. Mike Jolovich explained that a decline in the forestry industry lead to this transition of use of the property. Craig Abrahamson as the Engineer for STC, LLC explained the Silver Plume transfer station and its similarities to the project proposed in Grand County. During the March meeting there was discussion about operations, concerns from neighbors, and the economics. The Planning Commission felt that if they were to make a recommendation they would like to see a complete application that included the operations plan. At that meeting, the matter was tabled until April 10, 2019.

At the April 10, 2019 regular Planning Commission meeting discussion began with Craig explaining more about the circulation through the site, construction of the building and operations within. Neighbors present spoke to their concerns about a transfer station being located adjacent to their properties. There was further discussion of this becoming the primary use of the property. Planning Commission asked about equipment connected to the operation and storage. The Applicant clarified that additional containers would be on site not for public use and machinery would be stored inside the buildings on site. The Applicant clarified that there was intentions to have public drop off within the site but would wait on clarification requested by Planning Commission.

### IV. RECOMMENDATION

Planning Commission unanimously recommended approval of the STC, LLC solid waste transfer facility Special Use Permit amendment with the following conditions:

- 1) The applicant demonstrate graphically the movement of drop-offs, the redirection (if needed) of trucks on-site containing hazardous material, measures taken to prevent backing, stacking of truck traffic on internal drives and movement relative to any overflow of recyclable.
- 2) Operating Plan needs to address ventilation in proposed enclosed areas such as any office spaces.

- 3) Road and Bridge Department will review site plan of the adequacy of the roads to handle heavy truck traffic.
- 4) Applicant shall supply a list of equipment as per the Operations Plan to be stored onsite, this shall be updated annually and sent to the Community Development Department. Provide explanations for how the Bobcat and the excavator will be used.
- 5) A Stormwater Management Plan will be developed for the facility.
- 6) The Applicant shall seek approval of the fire protection plan from the Grand Fire Protection District.
- 7) Develop a closure plan as per 7.2.4 of the Regulations for Transfer Stations.
- 8) Any buildings to be constructed shall obtain applicable building permits.
- 9) Applicant holds Access Permit #306313 and this shall be updated with CDOT prior to the issuance of a building permit.
- 10) Applicant shall include Best Management Practices for mitigating wildlife impacts.  
The following requirements shall be made a part of the Special Use Permit (Exhibit E):
- 11) The Applicant shall include Best Management Practices in the operations plan to reduce potential impacts of surface drainage from the site.
- 12) Facility operations plan shall be kept on file with the Community Development Department and updated as necessary.
- 13) The permit for the Solid Waste Transfer Station shall be for an initial duration of five (5) years from the issuance of a building permit for the drop-off and tipping floor structure. At the end of this term, or if requested prior, the term shall be reconsidered to allow a life time permit.
- 14) The Permittee is required to keep a current lease on file with the Community Development Department.
- 15) The following Special Use Permit sections shall include: Hours of operation, Equipment and Materials Storage, Equipment Maintenance, Other Uses, and Off-site impacts.
- 16) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:
  - Control of Site
  - Noxious Weed Control
  - Screening
  - Site Maintenance
  - Rehabilitation of Site
  - Storage of Abandoned Equipment
  - Compliance with County, State and Federal Regulations
  - Limitation of Liability
  - Alteration of Terms and Conditions
  - Access and Right to Enter Site
  - Assignability
  - Binding Contract
  - Financial Security
  - Abandonment
  - Violation of Terms and Conditions
  - Non-Transferable
  - Termination.

Commissioner Linke stated that he and Commissioner Manguso attended a Grand County Builders Association meeting in March and this project was discussed. The Builders Association brought up the issue that disposing of waste is a high cost in Grand County.

Commissioner Manguso stated that she listened to the Planning Commission meeting regarding this issue. She noted that Shawn is friend of Commissioner Manguso's brother. She added that her brother has no financial interest in this and neither does Commissioner Manguso.

Larry Romaine is the owner and operator of the transfer station facility once it is built. Mike Jolovich currently owns the property and Mr. Romaine is in negotatins to purchase the property. The firewood side of the business will continue. Mr. Romaine wants to make sure that the permit is transferable if the sale goes through.

Mr. Romaine stated that he has been in the trash business in other counties since 1972.

Mike Jolovich stated that he has seen the effects of the beetles. Wood is beginning to decay. The waste factor is increasing.

There was no one in attendance at the meeting in objection. Mr. Taft noted that there was one letter of objection in the exhibits.

Commissioner Linke moved to approve the Special Use Permit for STC LLC Solid Waste Transfer facility as presented by Alex Taft with all conditions as presented.

The motion passed unanimously.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

#### Attorney Items

County Attorney Chris Leahy stated that the Marijuana Ordinance needs to be updated to show the new Colorado Revised Statutes. Clerk and Recorder Sara Rosene stated that she would like the County to reconsider the fees. Ms. Rosene would also like to know if the Board would consider a penalty for a license that does not remit its sales tax.

The Board would like to wait on changes until the judge makes a decision on the election regarding the Marijuana Tax.

Attorney Leahy stated that there is an interest in a Marijuana booth a festival on Fraser Valley Metropolitan Recreation District property in unincorporated Grand County.

Mr. Taft stated that the proposed applicant wants to have a music festival and they want a Marijuana booth to be a component of the festival.

Attorney Leahy stated that High Ground Music Festival proposes to include a cannabis aspect to the festival. They are proposing a point of sale cannabis site for festival attendees who are over the age of 21. They propose private use sites within the festival for consuming.

The festival promoters claim that nothing prevents the County from initiating its own similar license and tax plan for adult consumption.

Mr. Leahy took a preliminary look and fees that there are a number of difficult hurdles including the license and transportation of product.

Commissioner Cimino stated that if this concert proceeds without a license, there will be hundreds of festival attendees lighting up. They will consume editables. That behavior happened at the Divide Festival in 2016.

The Board is not in support of moving forward with this type of license in 2019.

#### Brewer Subdivision Exemption Sketch Plan

PROJECT NAME: Brewer Subdivision Exemption- Sketch Plan  
APPLICANT: Zdenek Nedele, represented by Parnell Quinn of the Simple Life Team  
LOCATION: 71575 US Highway 40  
APPLICABLE REGULATIONS: Zoning Regulations, Subdivision Exemption Regulations, Master Plan  
ZONING: Split Zone: R – Residential District and T- Tourist District  
ATTACHMENTS:  
a) Application  
b) Sketch Plan (Plat)  
c) Brewer Tracts, Tract 5 Land Survey Plat Rec. No. 94005367  
d) Title Commitment  
e) Attachment to Water Well Permit  
f) Attachment to CDOT Access Permit No. 318009  
g) Vicinity Map  
STAFF PLANNER: Joan Lyons  
REQUEST: The applicant is proposing a Subdivision Exemption to subdivide a 35.01 acre parcel into three (3) buildable parcels.

#### I. BACKGROUND

##### a. PROPOSAL

The applicant is proposing a subdivision of a 35.01 acre parcel by process of Subdivision Exemption to create three separate parcels. There are currently no dwellings on the property. The parcel is located within the Tabernash Urban Growth Area as defined by the Grand County Master Plan and is Split Zoned Residential District and Tourist District.

Water will be serviced to all three proposed parcels by existing Well Permit number 312671 and will be converted to service the new parcels proposed. The use of ground water for this well is limited to fire protection, ordinary household purposes inside not more than three (3) single family dwellings. The Applicant will be required to obtain On-Site Wastewater Treatment System (OWTS) permits from the Building Division upon development of dwellings, or will be required to connect to the Tabernash Meadows Sanitation District and pay for all applicable fees for connectivity.

#### b. HISTORY

The Applicant is the current owner. Zdenek Nedele has owned the approximately 35 acre parcel since 2017. The Applicant plans to sell Lots 1 and 2 for the development of single family dwellings and plans to create a future home for his family on Lot 3. The Applicant's representative has mentioned the potential for the northern portion of Lot 3 to be used for a future commercial use. However, per the current County's Subdivision Exemption Regulations, a Subdivision Exemption Application can only be used to develop up to three (3) tracts of land for single family dwellings. If the Applicant wishes to create a commercial use on the property subject to this proposal in the future, the Applicant will be required to go through one of the subdivision processes and may also require a Special Use Permit (SUP) application depending on the particular commercial use proposed.

#### II. STAFF ANALYSIS

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 to the west and south of the property lots are larger tracts, however, tracts further to the west and southeast near Tabernash provide for a higher density. The parcel is within the Tabernash Urban Growth Area Boundary, and through the Subdivision Exemption process, the proposed use increases density where public sewer is available. 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, such as the Coyote Creek Subdivision and decreasing in density as development progresses north into the Winter Park Highlands Subdivision and its various filings.

Staff has had discussions with the Applicant's representative in regard to sanitation supply. A referral to Tabernash Meadows Sanitation District was requested and Staff is awaiting a reply with the specifics of how the Applicant would connect to the sanitation district. There is also the alternative of acquiring an On-Site Wastewater Treatment System (OWTS). Prior to a Hearing before Board of County Commissioners, Staff will work with the Applicant to establish a sewer source prior to the Final Plat stage of the Subdivision Exemption.

Staff has also had discussions with the Colorado Department of Transportation (CDOT) regarding the applicant's existing CDOT access permit. The Applicant has yet to build access and the access permit will expire on May 17, 2019. The permit is to be for use of one (1) single family dwelling. It is of Staff's determination that the applicant must update their State Highway Access Permit to accommodate for the proposed use of three (3) single family dwellings. The applicant's representative stated this has been updated: The updated permit shall be submitted with Final Plat.

#### III. PLANNING COMMISSION RECOMMENDATION

Planning Commission reviewed the application for the Brewer Subdivision Exemption Sketch Plan on April 10, 2019. Staff and Commissioners discussed that the Applicant will be required to re-apply for each individual lot to be serviced by household use only wells and that because the parcel is split-zoned, the Applicant gets to choose which zoning they want for the properties.

Planning Commission unanimously recommend approval as presented by Staff for the Brewer Subdivision Exemption Sketch Plan 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: MPEI, Xcel, CenturyLink, and Comcast [§2.2 (1-14)].
2. All residences shall be served by OWTS, and designs shall comply with current County regulations or by public sewer service provided by Tabernash Meadows. Applicant shall decide sewer service during the application for Final Plat [§2.5 1-3].
3. The Applicant shall update their State Highway Access Permit to accommodate for the proposed use of three (3) single family dwellings [§2.7 1-5].
4. The Applicant shall supply an estimate of probable cost for these improvements and enter into a Subdivision Improvements Agreement with the County at Final Plat [§2.7 1-5].
5. Any burning of slash piles shall follow standards as established by Grand County Natural Resources and the local Fire District [§2.8 1-2].
6. The Applicant shall be responsible to pay any impact fees associated with this application including but not limited to: School Impact and Fire Impact Fees [§2.10 1-6].

7. The Applicant shall verify if they need to enter into a Water Quality Agreement with the County [§3.3 (3) (g)].
  8. The title and legal description shall be reviewed by the County Attorney.
  9. The Final Plat shall to include the width of proposed private and State Right-of-Way [§3.3 (2) (f)].
  10. The Final Plat shall include any natural drainages that exist on the property, including the Silver Creek Bank.
  11. Statement of taxes due showing current taxes paid shall be provided prior to recording of the Final Plat.
  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.

Parnell Quinn stated that CDOT is being very careful about the accesses permitted. CDOT would like to frontage road.

Community Development will attempt to contact Dave Randall regarding easements in an effort to get a frontage road.

Commissioner Manguso moved to approve the Brewer Subdivision Exemption Sketch Plan as presented by Alex Taft.

The motion passed unanimously.

#### Public Hearing – GCR 8 Right-of-Way Vacation

The public hearing scheduled to begin at 3:00 p.m. was called to order by Chair Cimino at 3:05 p.m. County Attorney Chris Leahy set the record with the following exhibits:

- A. Letter of Application, dated August 3rd, 2018
- B. Vicinity Map depicting the 500 foot Notification buffer as established by the Grand County GIS.
- C. First Class Mailings to all property owners within 500 feet as established by the Grand County GIS
- D. Public Review Sheets with and without signatures
- E. Memo from Community Development Department dated April 16th, 2019
- F. Staff Report dated May 7th, 2019
- G. Proposed Outright Exemption Plat

|                         |  |
|-------------------------|--|
| PROJECT NAME:           | Grand County Road 8 Right - of - Way Vacation  |
| APPLICANT:              | Grand County   |
| LOCATION:               | County Road 8 adjacent and within the proposed Morningstar Meadows Subdivision Exemption                                 |
| APPLICABLE REGULATIONS: | State Statutes regarding Road Vacation Proceedings C.R.S. 43-2, Part 3   |
| ATTACHMENTS:            | Memo from County Surveyor Warren Ward Morningstar Meadows Final Plat Winter Park Ranch First Filing Reception No. 101192 |
| STAFF PLANNER:          | Alexander Taft, LEED Green Associate   |
| REQUEST:                | The Board of County Commissioners should consider the vacation thirty feet (30') GCR 8 Right-of-Way                      |

#### I. DISCUSSION

During the processing of a Subdivision Exemption Plat, the Grand County Surveyor sent Staff a Memo that included the following statement:

“In 1998, at a public meeting, the Board of County Commissioners voted to RETAIN the northerly 30’ right of way as dedicated by Winter Park Ranch First Filing, from the ¼ corner of Sections 17/20, east ¼ mile to the east 1/16 corner of Sections 17/20.

The only legal means for a county road to be expired is for the BOCC to vacate it. Recording of the plat as presented as of 8-3-18 will cause a legal conflict that is unnecessary.”

It is Staff’s opinion that the Board of County Commissioners, BOCC, vacate that northern 30’ R.O.W. as there are no plans to expand the road or the other portions of R.O.W.

#### II. 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:

(1) 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 Rights-of-Way. 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.

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

- The thirty feet (30') of GCR 8 proposed to be vacated is located entirely within the County and may be vacated by the BOCC.

- 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.

### III. STAFF COMMENTS

As stated in the Surveyor's memo this Right-of-Way Vacation will prevent legal issues for property owners in the future that are unnecessary. Staff believes that in conjunction with the proposed plat this was an appropriate time to address and resolve the issue.

### IV. 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 8 Right-of-Way. This recommendation for approval is contingent upon the following conditions:

1. The recording of Quit Claim Deeds to be referenced on the Morningstar Meadows Subdivision Exemption Plat.



Chris Bach, the applicant stated that this is a technical thing. It has not been an issue for him. Mr. Bach does not believe this will have a practical impact on his property.

Commissioner Manguso moved to continue the public hearing for County Road 8 vacation to May 14, 2019 at 3:45 p.m.

The motion passed unanimously.

Public Hearing – Grand County Zoning Amendments, Private Camping, Camping Areas, Special Review Procedure, Definitions

The public hearing scheduled to begin at 3:15 p.m. was called to order by Chair Cimino at 3:19 p.m. County Attorney Chris Leahy added to the public record as follows:

Q Table referencing changes in camping regulations

TO: The Grand County Board of County Commissioners  
FROM: Joan Lyons, Planner I – presented by Community Development Director Robert Davis  
DATE: May 7, 2019  
ATTACHMENTS:  
A. Grand County Proposed Zoning Regulations Proposed Amendments  
SUBJECT: Grand County Zoning Regulations Proposed Amendments: Private Camping, Camping Areas, and Special Use Permit Review Procedure

I. DISCUSSION

a. Background:

After various discussions throughout 2018 before the Planning Commission (October and November), and with members of the community, Staff found it appropriate to propose amendments to the Grand County Zoning Regulations in regards to camping. The proposed amendments adjust the verbiage in existing use permitted by special review from ‘camping’ to ‘camping areas’ in the Accommodations, Forestry and Open, Tourist, and Business Districts. Private Camping, previously outlined in these districts as a use permitted by special review, is added as a separate type of camping as a use permitted by special review to alleviate confusion.

For consistency, the proposed amendments also adjust the technical name for the Department of Planning and Zoning to the Community Development Department in Section 11.8, Special Use Permit Procedures. As well, the proposed amendments specify requirements for Special Use Permit public notice in regards to mailings, signage, and the process for permit changes in Section 11.8 Special Use Permit Procedures.

b. History

The Grand County Zoning Regulations were last changed in regards to camping throughout the County in June of 2014 to allow the use of camping as a non-commercial use on property consisting of 35 acres or more. No other camping changes have been made to the Grand County Zoning Regulations.

Previous Planning Commission meetings (October and November 2018) elaborated on the importance of having allowable uses for private camping stay the same as outlined in Section 11.8 currently. However, to accommodate for the demand of seasonal camping and to not hinder the development of commercial campgrounds, Planning Commission recommended the development of two types of camping; private camping and camping areas.

During the Board of County Commissioners Zoning Amendments Workshop on March 5, 2019, Commissioners explained concern about continuing to allow private camping in the Estate and Residential Districts, as they were under the impression that there were too few of parcels 35 acres or more within these Districts to allow regulation.

Following, during the Board of County Commissioners Zoning Amendments Public Hearing on March 19, 2019, members of the community expressed concern about private camping and proposed changes.

II. STAFF COMMENT AND ANALYSIS: CAMPING

As much of the Grand County’s seasonal tourism includes individuals looking to find campgrounds, camp privately on their property recreationally and during building season, Staff found it pertinent to extend uses of different types of camping. With the help of community members identifying concerns from previous Public Hearings, Staff has amended previous zoning amendment proposals to not only distinguish commercial campgrounds from private camping, but also create of a temporary use permit process for private camping on parcels 35 acres or more in the Accommodations District, Mobile Home District, Tourist District, and Business District. The proposed amendments also allow for private camping as a use permitted provided a property

owner abide by other regulations outlined in 11.8(2). All other regulation changes in regard to camping bring County regulations up to state standards.

Amendment Wording Explanations  
Section V Accommodations District  
Uses Permitted by Special Review

(1) Camping areas

In order to accommodate for current and future commercial camping in the Accommodations District, Camping areas are added as a use permitted by special review.

(2) Private camping

In order to allocate for current and future private camping in the Accommodations District, Private camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

Section VI Forestry and Open District  
Uses Permitted

(15) Private camping subject to the provisions of Section 11.8, Private Camping

In order to allocate for current and future private camping in the Forestry and Open District, Private camping is added as a use permitted. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

Staff discussed the possibility with community members to require parcels in the Forestry and Open District that are adjacent to Residential District Zoned parcels to go through the Temporary Use Process if seeking to privately camp. Staff also took into consideration that 93% of the parcels in Grand County are zoned Forestry and Open. Because of the nature of complexity of the request, Staff found it appropriate to make this an allowable use.

Uses Permitted by Special Review

(1) Camping areas

In order to accommodate for current and future commercial camping in the Forestry and Open District, Camping areas are added as a use permitted by special review.

Section VII Mobile Home District  
Uses Permitted by Special Review

(2) Private camping

In order to allocate for current and future private camping in the Mobile Home District, Private camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

Section VIII Tourist District  
Uses Permitted by Special Review

(1) Camping areas

In order to accommodate for current and future commercial camping in the Tourist District, Camping areas are added as a use permitted by special review.

(2) Private camping

In order to allocate for current and future private camping in the Tourist District, Private Camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

Section IX Business District  
Uses Permitted by Special Review

(1) Camping areas

In order to accommodate for current and future commercial camping in the Business District, Camping areas are added as a use permitted by special review.

(2) Private camping

In order to allocate for current and future private camping in the Business District, Private Camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

## Section XI Uses Permitted by Special Review and Temporary Uses

### Section 11.3 Review Procedure

Prior to submittal of a Special Use Permit Application, the applicant is required to have a pre-application meeting with the Community Development Department. This conference will be to discuss the general suitability of the request and specific submittal requirements.

Unless waived by the Board of County Commissioners (BOCC) pursuant to the provisions contained in Section XI, no application for a Special Use Permit shall be scheduled for consideration by the Board of County Commissioners of Grand County until all of the required material is first filed with the Grand County Community Development Department. The Board of County Commissioners will be guided in their review by the provisions and purposes of these regulations, by the unique conditions of the surrounding neighborhood, and by the countywide need for each use. No use shall be granted under this section without a public hearing being held thereon; notice of which, including a description of the property, the proposed use, and the time and place of hearing, has first been published at least once in a newspaper of general circulation within the area where the property is located and has been mailed to all property owners within one thousand (1000) feet of the proposal, at least twenty (20) days prior to the scheduled hearing in the following manner:

(1) Publication: Public Notice shall be published at least once in a newspaper of general circulation within Grand County where the property in question is located at least twenty (20) days prior to the scheduled hearing; and

(2) Mailing: Written notice shall be mailed by certified mail to all property owners within 500 (500) feet of the proposal and first class within one thousand (1000) feet of the proposal; and

(3) Signage: A sign of twenty four by thirty inches (24"x30") shall be furnished by the Applicant and shall be posted in a location fully visible from the street or county road and no further than twenty-five (10) set back from the road. Photographic proof of the sign shall be provided to the Community Development Department and the sign shall be in the following format:

NOTICE OF (DEVELOPMENT NAME, DATE)

APPLICANT NAME: \_\_\_\_\_

APPLICANT PHONE: \_\_\_\_\_

APPLICANT EMAIL: \_\_\_\_\_

PROPOSED PROJECT: \_\_\_\_\_

LEGAL DESCRIPTION AND ADDRESS: \_\_\_\_\_

Contact the Community Development Department at 970-725-3255 or email [planning@co.grand.co.us](mailto:planning@co.grand.co.us) with questions and concerns. The Planning Commission Agendas and Board of County Commissioner Agendas are available online at [www.co.grand.co.us](http://www.co.grand.co.us)

(4) The cost of publication, certified mailings and sign shall be paid by the applicant for the Special Use Permit.

### Section 11.6 Amendments and Renewal

[1] An Administrative amendment will be considered when there are changes to the original permit, such as but not limited to a change in the name of the Permittee or other minor changes that do not otherwise affect the operation of the permit. An Administrative amendment shall only require an approval by Resolution by the Board of County Commissioners, and shall not require a public hearing or notice as described in Section 11.3.

[2] A Permit Amendment will be considered when there are changes to the original permit, and will be reviewed by the Board of County Commissioners during a public hearing following public notice as described in Section 11.3.

[3] A Permit Renewal will be reviewed by the Board of County Commissioners during a public hearing following public notice as described in Section 11.3

Proposed changes to the review procedure in 11.3 and 11.6 explain the requirement of public notice to potential Special Use Permit applicants. Not only do the proposed changes explain requirements for notice, but also outlines the burden an applicant incurs. Minute changes have also been added to the review process to make projects in the process of obtaining special use permits more visible to the public and surrounding area.

### Section 11.8 Special Uses

The following provisions are required for the applicable Special Uses as allowed within these regulations:

(1) Camping areas are subject to the following additional provisions:

(a) Such areas may be occupied only by persons using travel trailers, truck campers and tents for overnight or short duration camping;

(b) Each space for travel trailers, truck campers and tents shall be at least one thousand five hundred (1,500) square feet in area;

(c) Each space shall be at least thirty feet (30') in width

(d) Each camping area shall provide a central water supply and shall have one (1) sewerage system;

(e) The source, quality, quantity, distribution system, volume and method of storage water and method of collection and treatment of sewage and waste water shall be approved by the Colorado State

Department of Public Health;

(f) No dependent mobile home, travel trailer, truck camper or tent shall be located more than two hundred feet (200') from a service building;

(g) Provisions shall be made adequate for all weather walkways to each space.

Proposed changes to camping areas in 11.8(1) move 11.8(1)(h) to 11.8(2). 11.8(2) creates a separate use by special review for private camping. Other proposed changes bring County regulations up to state standards.

(2) Private camping is subject to the following additional provisions:

Purpose: The purpose of this is to provide for the non-commercial use of an individual self-contained recreational vehicle or other camping shelter (such as a tent) on property consisting of 35 acres or more.

1. Private camping is not permitted in a Residential or Estate Zoned District.

2. Private camping in the Business District, Tourist District, Mobile Home District, and Accommodations District is a use permitted by special review must obtain a camping permit.

A camping permit is a no-fee Temporary Use Permit issued by the Community Development Department. 11.8(2)(2) does not apply to the Forestry and Open District. In addition to requirements of the Temporary Use Permit, the following requirements apply:

a. Applications must be submitted at least fourteen (14) days prior to commencement of camping;

b. The permit shall be posted on the required address post, visible at all times;

c. By applying for a camping permit the applicant(s)/owner(s) authorizes the County to access the parcel(s) to verify compliance.

3. Exemptions: Any seasonal work crews and/or outfitting type business

4. Compensation: there shall be no compensation to the owner of the parcel involved

5. Time Limit: the travel trailer, recreational vehicle, camper or other camping shelter may only be used for camping for a period that does not exceed a total of 14 days during any consecutive three months on the same parcel.

6. Utilities: Utilities are not permitted to be extended to the camping unit.

The proposed addition of private camping in 11.8(2) takes mostly existing language in 11.8(1)(h) and breaks camping into two different definitions. 11.8(2) creates a separate use by special review for private camping. Other proposed changes require the creation of a Temporary Use Permit to be on file with the County for any camping occurring on parcels zoned Tourist, Business, Accommodations, and Mobile Home. Verbiage regarding Temporary Use Permit for private camping is almost directly taken from Park County's camping regulations.

#### Section XX Definitions

**Commercial Camping:** parcel of land available to and principally used by the public for commercial lodging or camping, where persons can camp, secure tents or cabins, or park trailers for camping and sleeping purposes for a fee.

**Mobile Home:** A dwelling that is built on a chassis and designed for long-term residential occupancy, that is capable of being installed in a permanent or semi-permanent location, with or without a permanent location, with or without a permanent foundation, and with major appliances and plumbing, gas, and electrical systems installed but needing the appropriate connections to make them operable, and that may be occasionally drawn over the public highways, by special permit, as a unit or in sections to its permanent or semi-permanent location. This definition shall not include factory built homes which comply with the requirements of the Uniform Building Code as prepared by the International Conference of Building Officials as adopted from time to time by the Board of County Commissioners of Grand County or Manufactured Homes as defined by C.R.S. 30-28-115 as now enacted or hereinafter amended.

Mobile home does not include recreational camping vehicles.

**Recreational Camping Vehicles:** A vehicle which is:

1. Designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle, and is capable of being licensed.

Recreational Camping Vehicles shall include motor homes, camper trailers, 5th wheels, trailers, pickup truck campers, and any similar vehicles.

2. Any recreational vehicle which is used as a residence, on the same site, for 150 days or is regularly used as an additional bedroom for residence shall be considered a mobile home.

**Recreational Vehicle:** Recreational vehicles include recreational camping vehicles (as defined in Section XX, Definitions), boats, OHVs, snowmobiles and similar vehicles. For the purposes of this section, recreational vehicles include only those vehicles designed primarily for seasonal use. Recreational vehicles shall not include mobile homes, park homes or manufactured homes. Recreational vehicles shall not include vehicles as referenced in the Grand County Blight Ordinance.

**Temporary Real Estate Office:** A structure with or without a foundation or footings, temporarily used only as a real estate office and is removed upon expiration of the designated time period. This could include a temporary structure approved by the Division of Building and Sanitation or an office or construction trailer. No mobile home or recreational camping vehicle shall be allowed.

**Private Camping:** Temporary, non-commercial lodging by a lot owner or owners without a fee. No tent, trailer, recreational vehicle, or other camping unit may be permanently affixed to the ground.

- The proposed additions of commercial camping, private camping, mobile home, recreational vehicle, and recreational camping vehicles definitions accommodate for the separation of types of camping in the County. Regulation changes also remove the definition of ‘motor home’, as the verbiage is vague and causes further confusion of separate camping definitions in 11.8(1) and (2): uses permitted by special review.
- Proposed addition definitions are almost directly taken from Park County, Morgan County, Routt Count, Montrose, and the State of Montana’s definitions.

Stan Spenser stated that with regard to incinerators, the section regarding incinerators should be removed.

Commissioner Manguso moved to approve the Grand County Zoning Amendments, private camping, camping areas, special review procedure, and definitions as presented by Rob Davis with the removal of incinerators.

The motion passed unanimously.

Commissioner Manguso moved to close the portion of the hearing with regard to camping.

The motion passed unanimously.

### Board Business

Commissioner Linke attended

- BLM Northwest Resource Advisory Committee meeting
- Children’s Fair
- Attended retirement parties for Bill Clark of Road and Bridge and Jane Reed of the Clerk and Recorder’s Office
- OEM Workshop
- Law Day

Commissioner Cimino attended

- Legislative breakfast in Idaho Springs
- 50<sup>th</sup> Anniversary party for East Grand Fire
- Testified at the legislature
- Retirement party for Bill Clark of Road and Bridge
- Law Day

Commissioner Manguso attended

- Retirement party for Bill Clark of Road and Bridge
- Law Day

### Calendar

- |        |  |
|--------|--|
| May 8  | Grand and Clear Creek Combined Community Partnership Panel at the Grand Park Community Recreation Center at 9:00 a.m. – Commissioners Linke and Cimino |
| May 9  | UCC meeting at Carvers in Winter Park at 7:30 a.m. – Commissioners Manguso and Cimino  |
| May 11 | Mountain Parks Electric annual meeting at 8:00 a.m. at Mountain Parks Electric in Granby – All three commissioners                                     |
| May 13 | Mayor and Managers meeting at the Grand Lake Town Hall at 10:00 a.m. – All three commissioners   |

Commissioner Linke moved to convene an Executive Session at 4:02 p.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is the Sunshine Law and a personnel matter. Present for the meeting were the Board, the County Manager, and the County Attorney.

The motion passed unanimously.

The Executive Session ended at 4:22 p.m.

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

---

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

---

There being no further business to come before the Board, the meeting was adjourned at 4:24 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 14<sup>th</sup> day of May 2019.

---

Richard Cimino, Chair

Attest:

---

Sara L. Rosene, Clerk and Recorder