

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

August 13, 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
Assistant County Manager Ed Moyer
County Attorney Chris Leahy

Those present recited the Pledge of Allegiance.

Commissioner Linke moved to approve the Meeting Minutes of August 5, 2019, of the Board of County Commissioners.

The motion passed unanimously.

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

Commissioner Manguso moved to approve and authorize the Chair to sign the down payment assistance loan in the amount of \$10,000 for Ryan McCay as presented. The Board will wire the money today.

The motion passed unanimously.

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

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on August 14, 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 August 13, 2019 for payment on August 14, 2019 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 August 14, 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 August 13, 2019, for payment on August 14, 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 August 13, 2019, for payment on August 14, 2019 for Grand County.

The motion passed unanimously.

Departmental Contracts, Comments, Issues

Commissioner Manguso moved to approve and authorize the Chair to sign the Services Contract between Grand County Board of County Commissioners and C.G.R.S., Inc. to replace the unleaded and diesel STP flex hoses at the Road and Bridge fuel station located in Kremmling in an amount not to exceed \$6,983.11.

The motion passed unanimously.

Public Comment

Citizen Eden Recor stated that he is all for getting a new Sheriff's Department. He is concerned over the financing.

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

Human Services Director Deb Ruttenberg received a grant from the Health Care Policy and Financing Agency in the amount of \$62,000 to create a position to work with the Peak applications. (Peak is the online application that people can utilize to apply for health care benefits.)

Ms. Ruttenberg has a part-time position in her office and this grant pays for the full benefit load as well as to pay for three-quarters of a position. Ms. Ruttenberg would like to hire a full-time position that would be covered by current budget and the grant through June 2020. The second half of the fiscal year she would put in her budget.

The Board gave direction to the County Manager to work with the Human Services Director to get the position set up as described by Ms. Ruttenberg.

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

Commissioner Manguso moved to approve Resolution No. 2014-12-77, "A RESOLUTION GRANTING APPROVAL OF A SPECIAL USE PERMIT FOR GREEN MOUNTAIN NETWORKS, INC. LOCATED ON A TRACT OF LAND IN THE NORTHEAST ¼, SECTION 31, TOWNSHIP 1 SOUTH, RANGE 79 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO, ALSO KNOWN AS THE BLUE RIDGE WILLIAMS PEAK SITE" and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2018-9-34, "A RESOLUTION APPROVING THE AMENDED FINAL PLAT, AMENDED LOT 13A, STAGECOACH MEADOWS LOCATED IN PART OF SECTION 10 & 11, TOWNSHIP 1 SOUTH, RANGE 76 WEST OF THE 6TH P.M., GRAND COUNTY, COLORADO" and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Manager Update

County Manager McIntire recognized County employees thanking them for their work with Grand County.

The Board recognized Micah Benson for her 20 years of services.

Consent Agenda

Resolution No. 2019-8-1 - A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO ACCEPT AND APPROVE A GRANT AWARD TO THE GRAND COUNTY CLERK AND RECORDER FROM THE ELECTRONIC RECORDING TECHNOLOGY BOARD

Resolution No. 2019-8-2 - A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN INTERGOVERNMENTAL COST-SHARING AGREEMENT BY AND BETWEEN THE TOWN OF FRASER, COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING COST SHARING FOR COUNTY ROAD 8-BRIDGE OVER FRASER RIVER CDOT PROJECT #BRO M210-001 (20441)

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Treasurer's Report

Raenette Bakke presented the Treasurer's Report.

Commissioner Manguso moved to authorize the Board to sign this additional letter to the Bureau of Land Management regarding the Blue Valley Land Exchange.

The motion passed unanimously.

GC Animal Shelter Intern Presentation

Katie Trail, Intern for the Grand County Animal Shelter presented.

GC Sheriff's Office Intern Presentation

Jene Hansen, Intern for the Grand County Sheriff's Office presented.

Haley Weimer, Intern for the Grand County Sheriff's Office presented.

Human Resources Quarterly

Human Resource Director Colleen Reynolds presented.

Ms. Reynolds reported that as of July 2019, Grand County had 367 employees and of those 239 are full-time employees. The average age of Grand County's employees is 49.5 and the average length of employment is 5.8 years.

Ms. Reynolds reported the gross wages for Grand County.

	2017	2018	2019
1 st quarter	2,735,722	2,788,393	3,094,458
2 nd quarter	3,064,675	3,371,791	3,623,080
3 rd quarter	2,707,692	3,076,393	
4 th quarter	3,094,556	3,437,820	
Full year	11,602,645	12,674,398	

Board Business / Correspondence / Calendar

Commissioner Cimino stated that he attended a meeting with Governor Polis with the CCAT group. There was a conversation about short term rentals and having short term rentals becoming commercial property.

Calendar

- August 15 Elected Officials meeting at 7:30 a.m. at the Bait Shop in Hot Sulphur Springs – Commissioners Cimino and Linke
- August 15 Rural Health Network Bulls, Boots, and Barbeque at Bar Lazy 2 – All three commissioners
- August 15 Commissioner Manguso will attend the TPR meeting in Steamboat Springs at 9 a.m.
- August 16 Commissioner Linke will attend a Club 20 call at 10:30 a.m.
- August 17 Demolition Derby – taking tickets from 4 p.m. to 8 p.m. at Middle Park Fairgrounds – Commissioners Cimino and Manguso
- August 20 The Board of Commissioner's Regular meeting will begin at 8:00 a.m.

Public Hearing – Outright Exemption Regulations, Text Amendments

The public hearing scheduled to begin at 1:30 p.m. was called to order by Chair Cimino at 1:25 p.m. County Attorney Chris Leahy set the record with the following exhibits:

- A Public Notice – Middle Park Times, dated July 15, 2019
- B Proof of Publication – Middle Park Times, dated July 26, 2019
- C Public Review Sheet
- D Grand County Planning Commission Meeting minutes dated July 10, 2019
- E Certificate of Recommendation dated August 13, 2019

PROJECT NAME: Outright Exemption, Design Standards Regulation Amendments
 APPLICANT: Grand County Community Development
 LOCATION: Unincorporated Grand County
 APPLICABLE REGULATIONS: Grand County Master Plan, and Outright Exemption Regulations
 EXHIBITS: Land Use Regulations to be Removed, Building Code Local Amendments to be Removed, Boundary Maps
 STAFF PLANNER: Community Development Staff
 REQUEST: Community Development is requesting approval to amend provisions in the Outright Exemption Regulations.

I. DISCUSSION

This is two requests set forth under one certificate, requesting amendment to current language and discussion of future proposed changes.

The first request pertains to amendments that clarify procedure and requirements for an understandable path forward for a future applicant. They also solidify internal and ongoing waiver of requirements because of necessity.

The second request is discussion of changes to this body of regulations to establish “Exemption Regulations” and create, within them, some procedures that are primarily administrative in nature. Staff has researched various other jurisdictions’ regulations to gain clarity of the nature and extent of “exemption regulations” and has reached some conclusions discussed below that will better the process for approval of “low impact” plats. The Department of Local Affairs, commonly known as DOLA, lists on its website within Model Land Use Code for Division of Land:

“Certain divisions of land are exempt from the subdivision regulations if the division is not defined as a subdivision by 30-28-101, C.R.S., or if the Board of County Commissioners determines that such a division is not within the purposes of the subdivision statute, Section 30-28-133, C.R.S., et seq., or the subdivision regulations of this Land Use Code. ...”

II. STAFF ANALYSIS

The most important consideration in this current amendment consideration is that it further clarifies an existing process and allows the Zoning regulation to stand up on its own. There have been different policies that allowed variances or waivers where there has not been a specific procedure. As an example, in 2011 Graber Outright Exemption was granted a variance to allow a lot of .70 acres in a Forestry and Open District. Another example was in 2016-2017 the McKnight Outright Exemption which requested a “waiver” to the provisions within the Outright Exemption Regulations and had to receive a variance through Board of Adjustment. The process could have been a boundary line adjustment alleviating this occurrence. These proposed amendments will further clarify and consolidate conflicting bodies of regulation within the Outright Exemption Regulations.

In summary Planning Commission and Staff are proposing:

- That the minimum area of five (5) acres be removed because this limits the Outright Exemption Regulations jurisdiction.
- Elimination of the requirement of certification by the Applicant’s attorney, professional engineer, designing or planning firm, etc.
- Consider exemption processes that would be more efficient and expeditions.

Staff feels that by implementing these proposed changes, the number of meetings for the applicant could be reduced. An application process could be completed in half of the time that it currently takes today.

III. Proposed Outright Exemption Regulation, Language Amendments

The following changes are being requested because of internal policy that needs to be solidified through adoption of the appropriate language to the current Outright Exemption Regulations. Areas bracketed in bold is new language. Strikethrough in italics is existing language to be deleted.

a. Article II Design Standards

The following paragraph was added to the beginning of Article II.

[Statement of purpose] Each exemption platted in Grand County will, to some degree affect the character and environmental appeal of the land, while still having minimal impact. The design standards shall support a minimum standard of public safety for any new development subject to approval of a plat under these regulations. The following design standards shall be to the greatest extent wherever possible.

Section 2.2 Tracts/Parcels/Lots (1) As a minimum requirement, dimensions shall conform to applicable zoning or other land use requirements and have a minimum area of five (5) acres.

Staff is recommending that the “minimum area of five (5) acres” be removed because this limits the Outright Exemption Regulations jurisdiction, only to the creation of lots consistent with minimum lot area of a lot in Forestry and Open District, outside a growth boundary. The jurisdiction of exemptions is allowed by State Statute to be broader.

b. Article III Procedure, Section 3.2 Plat

(2) (n) Certification by the applicant's attorney, the professional engineering, designing or planning firm, if any, and a statement by the owner insuring compliance with the design standards and all other requirements of the Grand County Outright Exemption Regulations and the statement of requirements issued by the Board of County Commissioners.

The provision above will be eliminated entirely. Typically, Staff has been seeing applications coming from local property owners working with only a surveyor or architect. Compliance with the Outright Exemption Regulations and other applicable is verified through Staff and noted in review of application materials and the Plat.

This provision is a place that could be a missed signature causing delay in finalization of recording an approved Plat. In the case of a Plat dispute, it serves little support from state statutes since there are no statutes that require certain signatory blocks by parties involved with certain professional qualifications.

c. Exemption Regulation Future Changes Discussion

Community Development has recently processed several Outright Exemptions and realized some difficulty with current provisions. The intent of the regulations should be more consistent with exemptions as defined in the state statutes.

CRS 30-28-101 (10) (d) The board of county commissioners may, pursuant to rules and regulations or resolution, exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the board of county commissioners determines that such division is not within the purposes of this part 1[of DOLA Model Land Use Code].

i. Types of Exemptions Considered Throughout Colorado.

The following language has been copied over from DOLA's Model Land Use Code as procedures that are typically considered under the Exemptions listed within Colorado State Statutes. They stand as a template to process many applications that we receive on a regular basis.

Below are the "type of subdivision exemption" as referenced in DOLA's Model Land Use Code:

A. Statutory Exemptions. The divisions of interests in land to which the term "subdivision" and "subdivided land" does not apply pursuant to Section 30- 28-101 (10) (b) (c) and (d), C.R.S. are statutory exemptions.

Easements and rights-of-way shall not be considered interests for the purposes of this Section 5- 301. CRS 30-28-101 (10) (c) (i-viii)

B. Boundary or Lot Line Revision or Correction. Revisions to boundary lines or lot lines under the following conditions are subdivision exemptions. Refer to Article 7, Section 7-502 for the approval criteria for boundary or lot line revisions or corrections.

1. A revision of boundary lines or lot lines which does not increase the number of parcels previously recorded or approved.

2. A revision of boundary lines or lot lines for the purpose of correcting an engineering or survey error in a recorded plat.

C. Condominium and Townhouse Plats. Divisions of land for condominium maps and townhouse plats are subdivision exemptions. Refer to Article 7, Section 7-503 (review criteria) for approval criteria for condominium and townhouse plats.

D. Correction Plats. Corrections of technical errors in approved and recorded final plats are subdivision exemptions. Technical errors include errors to legal descriptions, acknowledgments, dedication language, plat notes and other items which do not constitute substantial modification of the approved plat. Refer to Article 7, Section 7-504 for approval criteria for correction plats.

E. Lot Combinations

Additionally we would like to consider lot combinations, which currently fall under either these regulations or Subdivision Regulations Sections 4.4 or 7.5, since they are lots that are already subdivided and have little to no impact to the overall built environment. Boulder County's regulations grant lot combinations with similar authority under CRS 30-28-139 (below):

(1) Notwithstanding any other provision of law, where a county ordinance, regulation, or resolution provides for the merger of two or more parcels of land for the purpose of eliminating interior lot lines, obsolete subdivisions, or otherwise, the ordinance, regulation, or resolution shall provide that:

(a) Prior to the completion of the merger, the county shall send notice of the county's intent to complete the merger to each owner of the affected parcels by certified mail. The notice shall also specify that each such owner may request a hearing on the proposed merger pursuant to paragraph (b) of this subsection (1), and shall specify action to be taken by such owner to request such hearing, including, without limitation, the requirement that said owner shall request the hearing within one hundred twenty days of the date the notice required by this paragraph (a) is received by said owner.

(b)(I) Prior to the completion of the merger, where each owner of an affected parcel has timely requested a hearing on the proposed merger satisfying the requirements of paragraph (a) of this subsection (1), a public hearing on said merger shall be held before the board of county commissioners of said county. The hearing shall be conducted for the purpose of allowing the board to discuss with the owner of each affected parcel its reasons for proceeding with the merger and to give each owner the opportunity to submit any basis provided under law for challenging the merger. In such case, notice of the time, place, and manner of the hearing shall be provided to each owner of the affected parcels and also published in a newspaper of general circulation in the county in a manner sufficient to notify the public of the time, place, and nature of said hearing.

(II) Where the owner of each affected parcel fails to timely request a hearing on the proposed merger satisfying the requirements of paragraph (a) of this subsection (1), no such hearing is required, and the affected parcels shall be merged in accordance with the requirements of this subsection (1).

(c) In order to give the owner of the parcels the opportunity to take whatever remedial action is allowed under law, the hearing authorized by paragraph (b) of this subsection (1) shall take place no sooner than ninety days following the date of the notice required by paragraph (a) of this subsection (1).

(2) No merger of parcels that is the subject of a hearing pursuant to subsection (1) of this section shall be effective unless:

(a) The owner of the parcels has given his, her, or its consent to the merger of said parcels; and

(b) The merger has been approved by a majority of the board of county commissioners.

(3) Upon completion of any merger of parcels in accordance with the requirements of this section, the county shall:

(a) For purposes of the levying and collection of the tax on real and personal property, assess the merged parcels as one parcel of real property; and (b) File of record a notice of merger in the office of the clerk and recorder of deeds for the county in which the merged parcels of real property are located, and such notice shall constitute prima facie evidence that all of the requirements of subsection (1) of this section have been satisfied.

(4) Notwithstanding any other provision of this section, the requirements of subsections (1) and (2) of this section shall not apply to any merger of parcels of land that is requested in writing by each owner of an affected parcel.

(5) Nothing in this section shall be construed to abrogate or otherwise diminish or expand any rights a landowner may have under article 68 of title 24, C.R.S., pertaining to vested property rights.

d. Review Procedure

Following the template provided by DOLA's Model Land Use Code, this lays out a structure that Staff believes would be more expeditious way to complete an exemption as referenced above. The general intention of this process is to verify that the application materials meet a minimum standard then are reviewed by Staff and ready to proceed to approval by Board of County Commissioners. At the end of this section, Staff has researched how other jurisdictions, such as Boulder County, Chaffee County, and Routt County are applying those procedures listed in the previous section using administrative action.

The following is copied from DOLA's Model Land Use Code for reference.

A. Review Process.

1. Application. The application materials required for final plat review are set forth in Section 5-701 B.

2. Determination of Completeness. The [Administrator/Director] shall review the Final Plat materials for determination of completeness in accordance with the provisions of Article 4, Section 4-103 C, Determination of Completeness.

3. Schedule Review by Board of County Commissioners. Upon a determination of completeness, the [Administrator/Director] shall schedule the application for review by the Board of County Commissioners. The Board of County Commissioners shall consider the final plat at a regularly scheduled public meeting to be held within forty-five (45) calendar days of the date of determination of completeness. Final Plat approval does not require a public hearing.

4. Evaluation by [Administrator/Director], Staff Review. Upon determination of completeness, the [Administrator/Director] shall review the Final Plat for compliance with the conditions set forth in Article 7, Section 7-906, Review Criteria for Final Plat Approval, and prepare a staff report pursuant to Article 4, Section 4-103 E.

5. Review and Action by the Board of County Commissioners. A Final Plat shall be considered by the Board of County Commissioners at a regularly scheduled public meeting.

a. Decision by Board. The Board of County Commissioners shall approve the Final Plat if it satisfies the approval conditions in Article 7, Section 7-906, Review Criteria for Final Plat Approval.

(1) Approval of Application. If the Final Plat satisfies the applicable standards, the Final Plat shall be approved.

(2) Denial of Application. If the Final Plat fails to satisfy the applicable standards, the Final Plat may be denied; or

(3) Conditional Approval of Application. The Final Plat may be approved with conditions determined necessary for compliance with applicable standards.

b. Submittal of Final Plat for Signature by Board. The approved Final Plat shall be submitted to the Board for signature within one hundred twenty (120) calendar days from the date of approval of the final plat. All conditions of approval shall be met prior to submitting the plat for signature by the Board of County Commissioners.

B. Recordation. The Final Plat shall be filed for recording with the County Clerk and Recorder within thirty (30) calendar days from the date of signature by the Board of County Commissioners.

1. Completion of Conditions of Approval. The applicant must complete all conditions of Final Plat approval prior to recording the plat and associated documents.

2. Approval of Improvements Agreement. The Final Plat shall not be filed for recording until the Board has approved an Improvements Agreement.

3. Effective Upon Recording. The Final Plat does not become effective until it is properly filed for recording with the County Clerk and Recorder.

4. Public Sale of Lots. A subdivision becomes complete and eligible for public sale of lots and development only after the Final Plat and associated documents are recorded. Jurisdictions such as Boulder County, Chaffee County, and Routt County to name a few have administrative actions for approval. Specific items of note from those jurisdictions that differ from the language above use their Planning Commission, Board of Adjustment, and Board of County Commissioners as an appeal board to Staff decisions.

IV. PLANNING COMMISSION RECOMMENDATION

There was discussion about the implication of these proposed amendments. Staff outlined that there was a request for text amendments to the current regulations and that it would be framed by a discussion about future proposals for amendments with new additions for procedure. Staff stated that the purpose of these amendments are to both clarify the existing process and update to more regulation consistent to those current regulations in other jurisdictions throughout the State. Staff further described that if there are “orphan” parcels that are bisected by a Right-of-Way or river that could be reabsorbed via a boundary line adjustment as opposed to an Outright Exemption “forever combining, never to be separated or sold separately” as in the past. Staff requested the removal of the provisions listed in this Certificate providing the implications that proved were unnecessary. Planning Commission had questions regarding current practice and procedure to gain understanding of these proposed amendments.

Further discussion went on in the format of a workshop to gain an understanding of Planning Commission concerns to future proposed amendments. The concerns included ensuring safe guards to prevent circumventing of the regulations. Also, provisions that provide notice to adjacent property owners so dense development could not slip through a loop hole.

Planning Commission unanimously recommended the approval of the proposed amendments requested in Section 1 of this certificate and described in the proposed revision of the Grand County Outright Exemption Regulations.

Commissioner Cimino asked for and received no public comment.

Commissioner Manguso moved to approve the Outright Exemption, Design Standards Regulation Amendments as presented.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Commissioner Linke moved to convene an Executive Session at 1:39 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 process. Present for the meeting will be the Board of Commissioners, County Manager, County Attorney and Assistant County Attorney.

The motion passed unanimously.

The Executive Session ended at 2:25 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.

Public Hearing – Public Improvement District, Sunset Ridge

The public hearing scheduled to begin at 2:30 p.m. was called to order by Chair Cimino at 2:35 p.m. County Attorney Chris Leahy set the record.

- A. Letter of Application, dated February 6, 2019
- B. Public Notice –Middle Park Times, dated July 19, 2019
- C. List of property owners within Sunset Ridge Subdivision and Sunset Ridge Estates Subdivision Exemption as established by the Grand County GIS system
- D. Public Review Sheets without signatures
- E. Sunset Ridge Filing No. 1 Subdivision Plat, Recorded at Reception No. 114544
- F. Sunset Ridge Filing No. 2 Subdivision Plat, Recorded at Reception No. 120143

- G. Sunset Ridge Filing No. 3 Subdivision Plat, Recorded at Reception No. 2015006210
- H. Sunset Ridge Estates Subdivision Exemption I and II Final Plat, Recorded at Reception No. 94011066
- I. Letter from Lorence D. Wheeler, PID Coordinator for Sunset Ridge HOA, dated April 29, 2019
- J. Sunset Ridge Subdivision Proposed PID Road Improvement and Maintenance Plan, dated April 25, 2019
- K. Sunset Ridge Subdivision Proposed PID Traffic Analysis and Proposed Pavement Design, dated April 25, 2019
- L. Sunset Ridge Subdivision Proposed PID Engineers Opinion of Probable Cost, dated June 8, 2019
- M. Resolution 2014-8-34, Recorded at Reception No. 201400560
- N. Resolution 2014-11-37, Recorded at Reception No. 2014007914
- O. Certificate of Recommendation, dated August 13, 2019
- P. Letter from Sara Rosene, Grand County Clerk and Recorder, dated July 22, 2019
- Q. Certificate of Mailing, dated August 9, 2019

PROJECT NAME: Sunset Ridge Public Improvement District
APPLICANT: Sunset Ridge Public Improvement District represented by Lorie Wheeler, Chairman, Sunset Ridge Public Improvement District.
LOCATION: Unincorporated Tabernash, Grand County, Colorado
ZONING: N/A
APPLICABLE REGULATIONS: Title 30 Colorado Revised Statutes, Section 30 – 20 – 501 et seq., County Public Improvement District Act

EXHIBITS:

- A. Vicinity Map.
- B. Sunset Ridge Filing 1
- C. Sunset Ridge Filing 2
- D. Sunset Ridge Filing 3

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: A request to consider an establishment of facilities and services provided by Fraser Valley Metropolitan Recreation District.

I. DISCUSSION

a. PROPOSAL

The goal of this application is the formation of a Public Improvement District to pave County Road 8300 aka Sunset Boulevard, County Road 8301 aka Horn Road, County Road 8302 aka Sunset Boulevard, County Road 8303 aka Sunset Boulevard, County Road 8304 aka Sunset Boulevard, County Road 8306 aka Sunset Boulevard, and County Road 8307 aka Sunset Boulevard,. The Applicant is formed by owners within Sunset Ridge Filings 1-3 and owners of Horn Ranch Tracts 2-5. The County has authority to create such Public Improvement Districts via Section 30 – 20 – 501 et seq. of Colorado Revised Statutes to allow for property owners within the established district to do road improvements, storm drainage improvement, public water or sewer systems, and recreational areas.

Current road maintenance is by Grand County, as a secondary maintained road. This includes typical maintenance of plowing in the winter and grading in the summer. While the road is maintained by the County there continues to be issues with pot holes and rutting because of grade and crown of the road. These issues and recommendations to resolve them have been referenced in the Traffic Analysis and Pavement Design reports submitted with the application, such that future road performance and longevity is not hindered.

The one million eight-hundred million dollar (\$1,800,000) bond for the improvements is paid back by taxes levied within the district over 14 years. A preliminary calculation provided by the applicant shows an average estimated burden of approximately one thousand seventy nine dollars (\$1279) per year per lot. Below is a preliminary calculation that shows the general range.

Legal Description	ASSESSED VALUATION	Annual Payment to Bond (Value x Tax rate %) \times .022(rate/\$)
Lot 3, Block 6, SUNSET RIDGE FILING 2 (Vacant Land)	\$125,000	\$797
Lot 1, Block 5, SUNSET RIDGE FILING 2	\$405,260	\$704
Lot 18, Block 1, SUNSET RIDGE FILING 1	\$447,660	\$778
Lot 2, Block 4, SUNSET RIDGE FILING 2	\$545,400	\$947
Lot 8, Block 6, SUNSET RIDGE FILING 2	\$782,650	\$1360
HORN RANCH M & B 75 40.112AC +/- TRACT IN THE NE4 SEC 7, IN THE NW4 SEC 8 T1S R75W DESC AT REC 94011192 (HORN RANCH UNREC SUBD)	\$1,059,900	\$1842
Lot 5, Block 5, SUNSET RIDGE FILING 2 AFP, LOTS 4 & 5, BLK 5	\$1,423,240	\$2473

b. HISTORY

Sunset Ridge Subdivision Filings 1-3 were platted in 1970, 1971 and 2015 respectively. Lying in the Residential District lots range in size from 1 - 2 acres. County Road 8300 also known as Sunset Boulevard is the local transportation route for a majority of the property owners. County Road 8300 connects to the north with County Road 83, which has recently been paved, that leads to Devils Thumb Ranch in the east and US Highway 40 to the west.

As referenced in the application narrative, in 2018 the Sunset Ridge Owners Association wanted to research paving the roads within the subdivision. This effort would be led by a specific "Road Improvements Committee" established to research and carry out the project.

II. RECOMMENDATION

It is Staff's recommendation to the Board of County Commissioners that pursuant to C.R.S. 30 – 20 – 501 et seq., the approval of this is appropriate for the reasons if the Board finds the following:

1. The Clerk and Recorder has found that the petition was signed by 74 individuals, proposed district has 83 registered voters, approximately 50 eligible property owners, and equates to 133 electors in the proposed district.
2. The Clerk and Recorder has found that the Petition filed by the Applicant meets the requirements of CRS 30 - 20 - 505
3. The Board shall determine the road improvements are a general benefit to those properties within the district.
4. The Board shall determine the cost of the burden to repay the bond for improvements is not excessive.

Lorence Wheeler stated that the group has been working on paving the roads for a number of years. Mr. Wheeler stated that improving the roads will improve the value of the property. Mr. Wheeler believes that paving the roads will improve the quality of life.

Jennifer Ivey for Icenogle Seaver Pogue stated that her firm was engaged by the petitioners to help them with the legal requirements of forming the PID. What is for the Board to decide today is whether or not the Board will deem the petition sufficient, that it is a general benefit to the property, and that the cost is not excessive. If those things are true, Ms. Ivey asked the Board to put the question on the ballot to let the voters decide.

Ms. Ivey prepared a working draft of the ballot question.

Jeff Cava stated that he built his home in Sunset Ridge in 1978. Mr. Cava is worried that people will drive even faster on the road once paved. He is concerned for safety.

Mr. Cava noted that he moved away from urbanization. Mr. moved to his home in Grand County because he wanted a different life style.

Mr. Cava does not want to pay more taxes.

Sparky Lyle stated that he was part of the road committee. Mr. Lyle stated that speed is an issue whether the roads are paved or not. Speeds may increase some.

Mr. Lyle stated that the only way to slow people down is to pave the road and install speed dips.

Angie Bass stated that speeding is a real issue and safety needs to be addressed.

Dan Mitchell is a homeowner in Sunset Ridge and is concerned over the loss of a country atmosphere. He does not want paved roads. He does not believe that the speeds will go down with paved roads unless there are speed bumps or speed dips.

Mr. Mitchell stated that the association has not be forthright in all of the expenses. There is a lot of conflicting information. It was asked what it costed to get to this point and no information was made available. Now he sees that it was \$180,000 and that information was provided after the vote.

Mr. Mitchell noted that there has been no information on the cost of maintaining the road once it is built. There is not much communication between the HOA board and the homeowners.

Garrett Tibbets stated that he has owned property in Sunset Ridge for eight years. He purchased the property for the ambience, rural feel, low tax rate, and believes that Grand County does a great job with dirt roads.

Mr. Tibbets stated that it is unfair that out-of-state property owners cannot vote.

John Cribari stated that he is an adjacent property owner of Sunset Ridge. Mr. Cribari owns the Wildhorse Inn. Mr. Cribari stated that he employs up to 60 people in the County.

Mr. Cribari stated that speeding is already an issue.

Mr. Cribari noted that he is not in Sunset Ridge and would like to be excluded from this district.

Robert Hughes has been in Sunset Ridge for 28 years. Mr. Hughes likes the gravel roads and slower speeds.

Ken Hughes has been in Sunset Ridge for over 20 years. He looks at this as an investment, not an expense. Mr. Hughes looks at this as any other investment such as new windows in a home and new shingles.

Allen Nordin lives at 254 County Road 8304 and is on the Sunset Ridge Board of Directors. Mr. Nordin purchased property in Sunset Ridge in 1992 and was looking for the rural character and community. If the PID is approved, the rural character and community will be lost.

Mr. Nordin stated that there are some discrepancies in the project cost information in the packet.

Mr. Nordin is concerned over the long term costs of maintenance.

Pam Hansen stated that she is the engineer of record for the reports. Ms. Hansen was a civil engineer for Boulder County Transportation for 12 years before she retired. Before that she had a 20-year career with a small private firm.

Ms. Hansen bought her property in 2003 in Sunset Ridge. The first time this came up was in 2004 and she was not associated with the project at the time. She believes this is good for the neighborhood. It is valuable for the neighborhood.

Ms. Hansen stated that she is on the HOA board. She believes the time is right for people to have the opportunity to vote.

Ms. Hansen stated that she is retired and no longer has her Professional Engineer license. She has made it very clear that if people want a registered engineer to review the reports, she is happy to answer any questions. She believes that the four inches of asphalt that the County requires is more than adequate.

Kathie Vidmar Mitchel, lives at 529 Silver Lining Circle, stated that this is a huge financial burden. It should have been overwhelmingly passed. It was passed 75 for and 72 against. That is not an overwhelming majority.

John Irwin lives in Sunset Ridge Estates and will be affected by this project. Mr. Irwin is on a straight stretch of County Road 8300. Speeding has been a problem the entire time he has been there. Speeding will continue to be a problem. Whether the road is paved or not, people will still speed.

Lisa Leclair Waldorf, lives at 131 Silver Linking Circle, stated that she sat on the paving committee. Ms. Leclair Waldorf stated that nothing has been hidden. The 2018 meeting minutes are on the website for the Sunset Ridge HOA. The committee has been working with the County Road and Bridge on the proposed district.

Sherwin Artus, lives on County Road 8307, stated that he is on the paving committee. He is in favor of paving the roads and believes it is a good investment.

Clerk and Recorder Sara Rosene stated that the following people can vote:

1. Residents of the proposed district
2. Owner of property in the proposed district or spouse or civil union partner of the property who is a registered voter in the state of Colorado
3. If the property is owned by a non-person (corporation, partnership, limited liability company, or trust), the non-person can appoint someone to vote on its behalf

Road and Bridge Superintendent Chris Baer met with Sunset Ridge. Mr. Baer committed to basic maintenance; pothole repair, blading, and working on ditches and culverts.

Ms. Hansen stated that part of the requirement for submitting to the County was to provide a maintenance plan which is included in the plan. There is a 20-year maintenance plan provided with costs using current costs.

Ms. Hansen noted that as far as crack seal goes, County Road 83 cracked within the first three years after it was paved. Most contracts are written so that the contractor is responsible for doing crack sealing within the first two years after the asphalt is installed.

Commissioner Manguso moved to approve the petition and order an election regarding the Sunset Ridge Public Improvement District, Grand County, Colorado with the resolution and ballot language to be determined. There are three things that the County will do as far as maintenance; repair potholes, plow, and provide work on drainage. All other maintenance requirements (including crack sealing and paving) will fall onto the Public Improvement District or the Homeowners Association.

The motion passed unanimously.

Commissioner Manguso moved to close the public hearing.

The motion passed unanimously.

Commissioner Linke moved to convene an Executive Session at 4:56 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 personnel matters.

The motion passed unanimously.

The Executive Session ended at 5:10 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.

The Board requested that the County Attorney and County Manager rewrite Resolution No. 2018-3-10. That resolution described County Manager authorities on personnel matters. With the new County Manager, the Board would like some review and possible revision.

There being no further business to come before the Board, the meeting was adjourned at 5:17 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 20th day of August 2019.

Richard Cimino, Chair

Attest:

Sara L. Rosene, Clerk and Recorder