

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

September 21, 2021

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

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

Those present recited the Pledge of Allegiance.

Commissioner Cimino moved to approve the minutes of the Regular Board of Commissioner’s meeting of August 24, 2021.
 The motion passed unanimously.

Public Comments

Mariette McGrath stated that she could not join the meeting today regarding the ESCO permit. She asked that the Board note her objection to it.

Finance

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on September 22, 2021, for vendor payments. The list for this period was verified for the Board’s approval.

Commissioner Cimino moved to approve the vouchers presented on September 21, 2021, for payment on September 22, 2021, for the Grand County Department of Human Services.
 The motion passed unanimously.

Commissioner Cimino moved to approve the checks presented on September 21, 2021, for payment on September 22, 2021, for the Grand County Housing Authority.
 The motion passed unanimously.

Commissioner Cimino moved to approve wire payment and vouchers presented on September 21, 2021, for payment on September 22, 2021, for Grand County.
 The motion passed unanimously.

		East Troublesome Fire	
	COVID-19	Paid	Total Fire
2020 Cares Act/ETFire Reimbursement Allocation	\$701,883	\$20,388	\$20,388
Less:			
2020 Personnel costs	\$381,135	\$137,487	\$137,487
2020 Grand Foundation programs funded	\$230,000		
2020 Rural Health grant	\$10,000		
2020 Other operating costs	\$115,852	\$205,974	\$205,974
Total 2020 costs	\$736,987	\$343,461	\$343,461
Net 2020 (costs) after reimbursements	\$(35,104)	\$(323,073)	\$(323,073)
2021 Reimbursements Requested	\$50,540	\$103,867	\$103,867
Less			
2021 Personnel costs	\$275,401	\$118,563	\$118,563
2021 Grand Foundation programs funded			
2021 Rural Health grant			
2021 Other operating costs	\$17,231	\$299,721	\$299,721
Total 2021 costs	\$292,632	\$418,284	\$418,284
Net 2021 (costs) after reimbursements	\$(242,092)	\$(314,416)	\$(314,416)
Total costs after reimbursements	\$(277,196)	\$(637,489)	\$(637,489)
Unrestricted Fund Balance calculation			
2020 Operating Revenues		\$27,100,000	
2020 Operating Expenditures		\$21,176,000	
2020 Unrestricted Fund Balance		\$10,760,000	
% of operating revenues		40%	
% of operating expenses		51%	

Department Contracts, Comments, Issues

Commissioner Manguso moved to approve the renewal of the Hotel and Restaurant Liquor License for SD & AD Inc. dba Roadhouse Bar & Grill as presented.

The motion passed unanimously.

Commissioner Cimino moved to approve the Ownership Transfer of Airplane Hangar from Donald M. Neff Tabernash Aviation Services, Ltd. For Hangar No. 7 at the Granby-Grand County Airport as presented.

The motion passed unanimously.

Commissioner Manguso moved to approve and authorize the Chair to sign the Amendment to Granby Airport Hangar Ground Lease for Hangar No. 7 to allow renting on a nightly basis or longer as presented. The term of the ground lease is until December 31, 2021.

The motion passed unanimously.

Commissioner Manguso moved to approve the Kremmling Airport-McElroy Airfield Airport Hangar Ground Lease (Aircraft Hangar to be constructed by Lessee) between Grand County and Vince Lombardo through September 30, 2046.

The motion passed unanimously.

Commissioner Cimino moved to approve the out-of-state travel request for EMS Chief Robert Good to Atlanta for the National EMS Conference.

The motion passed unanimously.

Commissioner Cimino moved to enter into the Services Contract between Grand County Board of Commissioners and Snow Martin, Inc. dba Cabin Works for janitorial cleaning services for its Department of Human Services building in the amount of \$1,213.33 per month for one year.

The motion passed unanimously.

Commissioner Cimino moved to amend his motion to allow the Manager to sign the Services Contract with Snow Martin, Inc. dba Cabin Works.

The motion passed unanimously.

Commissioner Manguso moved to approve the Right-of-Way Grant / Temporary Use Permit between Grand County and the United States Department of Interior Bureau of Land Management with regard to Drowsy Water Creek and authorize the Chair to sign.

The motion passed unanimously.

Commissioner Manguso moved approve and authorize the Chair to sign the Services Contract between Grand County and Whinnery Construction, Inc. in the amount of \$473,582 regarding damage caused by the East Troublesome Fire. The funds will be paid for by the Natural Resource Conservation Service and the Emergency Watershed Protection Program.

The motion passed unanimously.

Commissioner Cimino moved approve and authorize the Chair to sign the Services Contract between Grand County and Western States Reclamation, Inc. in the amount of \$904,671 regarding damage caused by the East Troublesome Fire. The funds will be paid for by the Natural Resource Conservation Service and the Emergency Watershed Protection Program.

The motion passed unanimously.

Commissioner Cimino moved approve and authorize the Chair to sign the Services Contract between Grand County and Meridian Partners, LLC in the amount of \$117,402.56 regarding damage caused by the East Troublesome Fire. The funds will be paid for by the Natural Resource Conservation Service and the Emergency Watershed Protection Program.

The motion passed unanimously.

Mr. Moyer thanked Micah Benson and Katherine Morris for all the work they have done on this.

Commissioner Manguso moved to approve and authorize the Chair to sign the Use of School Facilities at East Grand School District for the Incredible Years Parent Classes program.

The motion passed unanimously.

Grand County Board of Health

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

Public Health Director Abby Baker stated that there were 101 cases of COVID-19 in the last seven days. There were 144 cases in the last two weeks.

There are five currently hospitalized and four current outbreaks.

In the last two weeks, 40 vaccines have been given in Grand County. That has gone up in the last month or so. Approximately 61 percent of the eligible population has been vaccinated. The County is at 69.9 percent when the people with one dose are added in. With natural immunity in the last 90 days, the County is at 72.1 percent with some level of immunity.

Grand County transmission rate is 642 cases per 100,000 which puts Grand County in high incidence rate. The positivity rate in Grand County is 21.5 percent.

There were 24 break through cases. Those are people that were vaccinated and then tested positive for COVID-19. Of the breakthrough cases, there has been one hospitalization.

There have been 48 pediatric cases (age 18 and under) since August.

In the Foothills RETAK Region there are 15 percent of ICU beds available (45 beds). There about 222 acute care beds (19 percent) available.

Manager and Attorney Items

Commissioner Manguso moved to approve and authorize the Chair to sign the 2021 Amended Memorandum of Understanding between County of Grand, State of Colorado, by and through its Board of County Commissioners and the town of Fraser for an OLRT grant from \$14,385.50 to \$8,263. The motion passed unanimously.

Mr. Moyer stated that building inspection workload is increasing. Mr. Moyer recommended hiring an accommodation inspector. The Board has not objection to that request.

The Board agreed to waive the \$1.1 insurance requirement when contracting with a company to review building plans.

Mr. Moyer stated that the towns of Winter Park and Fraser are working on a regional housing authority.

Manager and Attorney Items

Resolution No. 2021-9-8, "APPROVING THE LEASE AGREEMENT WITH COLORADO TIMBER RESOURCES LLC"

Resolution No. 2021-9-13, "APPROVING THE SERVICES CONTRACT WITH RAVEN CLI CONSTRUCTION, INC. TO RELINE THE GRANBY LANDFILL COVER"

Resolution No. 2021-9-14, "APPROVING THE APPLICATIONS FOR FEDERAL ASSISTANCE FOR COSTS RELATED TO OPERATIONS AT GRAND COUNTY AIRPORTS"

Resolution No. 2021-9 -15, "APPROVING THE SERVICES CONTRACT WITH MAK VALUATIONS, LLC FOR ANALYSIS AND VALUATION OF REAL PROPERTY WITHIN GRAND COUNTY"

Resolution No. 2021-9-16, "AUTHORIZING THE GRAND COUNTY CORONER TO PURCHASE A VEHICLE AND AUTHORIZING THE COUNTY MANAGER TO SIGN THE PURCHASE AGREEMENT"

Resolution No. 2021-9-17, "AMENDING RESOLUTION NO. 2021-1-3 BY RESCHEDULING THE DECEMBER 14, 2021 BOARD OF COUNTY COMMISSIONERS MEETING TO DECEMBER 13, 2021"

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

Board Business / Correspondence / Calendar

Commissioner Manguso moved to approve the CCI Legislative Commissioner Designation form appointing Rich Cimino. The motion passed unanimously.

The Board agreed that it does not want to be the fiscal agent for the opioid funds. The Board gave direction for Ellen Parri to be designated to the Northwest group for the opioid group.

Calendar

Sept. 22	Monthly Legislative Breakfast Meeting via Zoom 8 to 10 am
Sept. 22	Club 20 Grand County Caucus Virtual Meeting, starting at 2:30 pm
Sept. 23	Open Lands, Rivers and Trails Field Trip in east Grand County 3 to 5 pm
Sept. 24	Colorado Counties, Inc. Steering Committee Meetings via Zoom 9 to 10:30 am
Sept. 27	Colorado Basin Roundtable from noon to 2:00 p.m. via zoom
Sept. 28	Bi-Annual BOCC Update to the Town of Granby, Granby Town Hall, starting at 5:30 pm
Sept. 30	CSU Extension Conversation and Dinner at Kremmling Fairgrounds, starting at 6 pm
Sept. 30	TPR at 10:00 a.m. in Steamboat Springs
Oct. 14	Freeport McMoRan Inc. / Henderson Mill Tour, starting at 8:30 am

Wireless Research Center

Jeremy Kimmel of the Wireless Research Center presented:

Progress continues in both development and funding for the Digital Innovation Hubs in Grand County.

Highlights include:

- WRC has applied for the American Rescue Plan Act (ARPA) EDA funding for ~\$1.3 MM to deliver programming to Grand County. 100% of Grand County's funding will be used as a cash match. Timing for notification of the Grant Award could be up to 120 days.
- WRC has submitted a grant application to the Freeport-McMoRan Foundation and the Office of the Future of Remote Work for the Colorado Department of Labor for a total amount of \$125,000 to support this project. These funds are pending. This funding, if awarded, will also be used as a cash match towards the EDA Grant
- The Connected Communities Website is scheduled to be live in the first part of October with a focus on our plans in Grand County and the region, as well as outreach and community portal/functionality.
- A virtual/in-person event being planned to engage the local community in late fall. WRC is also in conversations with the Grand County Office of Economic Development to participate/collaborate in any events they are hosting to socialize the program.
- WRC has been in conversations with the Northwest Council of Governments Economic Development District Board to deploy additional Digital Training Hubs across Region 12 and Clear Creek County in mid-2022 to create a regional model.
- Hired full time local project leader
- Additional programming information, including initial training courses to be rolled out, are available in the accompanying slide deck

Programming services to meet the needs of the learner

Each individual is unique, and our program philosophy is to meet each client where they are and develop a pathway to get them to where they want to achieve. This approach includes an intake survey and a meeting with one of our staff to identify their potential path.

Including

- Basic digital literacy
- Upskilling / retraining on skills to advance their career
- Highly skilled digital workers

As the learner pathway is defined with the learner, we;

- Evaluate their current digital skills
- Develop a learning plan based upon their learning styles, and
- Create a learner contract that meets their schedule and plan

This approach creates expectations for both the learner and the staff while keeping eye on their unique set of goals.

Target Populations

Mountain Communities in Colorado face a unique challenge with a significant pay divide between tourist/service-based jobs and professional, living wage-earning jobs.

Programming is available to any post-high school individual that wants to improve their skills through enhanced digital literacy.

Including:

- Unemployed/Underemployed

- Professional seeking career advancement
- High skilled technology professionals who want to advance their career
- Trailing spouses and individuals in lower-wage jobs

Job Pairing

Once the desired skill level is achieved, the client has the opportunity to explore job pairing either through the BPO or with placement through our list of available options. Local workforce partners are utilized to provide an array of placement opportunities.

Measurement and Evaluation

Unique for this program, we are working with an outside researcher to develop an organizational-wide M&E program to measure results. Indicators are focused on impacts for:

- The individual & their family
- Participating employers
- Job performance and the impact of increased skills for businesses
- Economic impact on the community including business creation, growth, job creation, wage index, and prosperity measurement

Year One & Two Results

- \$2,890,244 invested into workforce training, development & support
- 600 non-exclusive participants
- Expand from one county to a cluster of counties in the region (separate funding)
- 100% self-funded within 18 months
- \$266,476 in-kind donations

Ten-Year Results

- 46 new businesses in 10 years
- 2,441 new digital workers
- 80 new associated jobs
- Delivering to over 4,000 attendees
- 30% increase to the current workforce (2,521 new workers added)
- \$3,68,348,728 in new wages

CDOT – Safety Circuit Rider Program

Presented by Dan Roussin, CDOT Traffic and Safety Branch

What is the Safety Circuit Program?

- ▶ The SCR program is designed to provide safety-related information, training, and support to agencies responsible for local roadway safety. The primary focus is on local roads, and therefore local agencies.
- ▶ Local agencies are typically the focus of the SCR because they are more likely than State agencies to need safety-related assistance.
- ▶ SCR program fits well within existing Local Technical Assistance Program and Tribal Technical Assistance Program (LTAP/TTAP) Centers.
- ▶ No cost to the counties for using this program \$\$\$\$, except for staff time.
- ▶ Local agencies bring the willingness(resolve) to solve problems and provide staff time.

CDOT Safety Circuit Rider Staff

Dan Roussin -SCR Program Manager

- ▶ 20 plus years of Transportation Experience
- ▶ Managed the Statewide Access Program
- ▶ Worked with local governments on local projects

Manjari Bhat, PE -STSP Manager

- ▶ 20 plus years of Transportation Experience
- ▶ Safety Champion for implementation of the Strategic Transportation Safety Plan (STSP)
- ▶ Traffic & Safety Engineering Services Manager

Current Safety Circuit Rider (SCR)

- ▶ James Nall, P.E.
- ▶ 22 years at CDOT
- ▶ 5 years Highway Design and Construction
- ▶ 17 Years Region 3 Traffic and Safety Engineer
- ▶ Worked closely with FHWA on a variety of projects

- ▶ 9 years as Mesa County Traffic Division Director
- ▶ Served as a Planning Commissioner for the City of Grand Junction
- ▶ Currently Employed by Bechtolt Engineering

- ▶ Joni Brookes, P.E.
- ▶ Texas Department of Transportation
- ▶ CDOT
- ▶ Instrumental in starting ITS in Colorado
- ▶ Responsible for Traffic Operation Center
- ▶ Currently Employed by Bechtolt Engineering

Data is confidential in this Presentation

- Federal law (23 U.S.C. Section 409) established that information generated as part of the statewide safety planning process is considered privileged and unavailable to the public.
- The privileged status includes crash data, where value/detail has been added by analysts during the safety planning process (for example; computation of crash rates, disaggregation of crashes by type or severity, documentation of contributing factors), the lists of at-risk locations, and information supporting the development and evaluation of potential safety projects. The federal law and the privileged status of the safety information was upheld by the U. S. Supreme Court in the case of Pierce County (Washington) v. Guillen.
- The safety circuit rider program is part of the state safety planning process.

Benefits of a Local Road Safety Plan

Benefits	Details
Proactive Approach	Shows the public and policy makers that something is being done
Develop Partnerships	Opportunity to improve relationships with the public, stakeholders, and other agencies
Multidisciplinary Cooperation	Agencies are better able to develop effective solutions with a 4-E approach
Safer Roadways	Comprehensive approach can lead to projects that reduce severe crashes
Safety Funding	Prioritized list of improvements can help agencies better justify funding requests
Managing Liability	Proactive risk management technique demonstrating an agency's responsiveness

Funding -How SCRP Can Help Grand County

- ▶ Highway Safety Improvement Program(HSIP) is a core federal-aid program to States for the purpose of achieving significant reduction in fatalities and serious injuries on all public roadways, including non-State-owned roads and roads on tribal land.
 - ▶ The HSIP requires a data-driven, strategic approach to improving highway safety on all public roads with a focus on performance to support zero deaths and serious injuries on Colorado roads.
 - ▶ HSIP provides federal funds (90% federal, 10% state/local) for infrastructure projects that improve roadway safety at locations where there is potential for crash reduction.

Highway Safety Improvement Program

- ▶ \$15 million dollar program a year.
- ▶ 25% of the money is set aside for High Risk Rural Roads.
- ▶ Applications should request no less than \$150,000 (It not worth the hard work for less than that).
- ▶ Fill out the application (It is only 2 pages). SCRP can help fill out the application for the local government and recommend project that have a high success rate.
- ▶ Consultant Funding for your safety project is also eligible for HSIP. Get the help that you need to make it a successful project.
- ▶ The Key to a successful project is the planning and financial planning. Have a really good idea what it will take to do the project. Spend the extra time

Re-Cap

- ▶ Safety Circuit Rider has proven successful around the country
- ▶ Free service offered to the Counties
- ▶ Provides
 - ▶ Training Technology
 - ▶ Technology Transfer LTAP
 - ▶ Technical Assistance (boots on the ground)
 - ▶ Good communication is key
 - ▶ Willingness to take advantage of the program
 - ▶ Helps local entities go after funding

Aspen Pine Estates Amended Final Plat

PROJECT NAME: Aspen Pine Estates, Filing 1, Amended Final Plat
APPLICANT: Aspen Pine Estates HOA, represented by Kenneth Wright
LOCATION: Aspen Pine Estates Subdivision
ZONING: Forestry & Open (F/O)
APPLICABLE
REGULATIONS: Grand County Zoning Regulations, Grand County Subdivision Regulations, Three Lakes Design Review Area Regulations

ATTACHMENTS

- A. Development Application
- B. Project Narrative
- C. Proposed Amended Final Plat
- D. Aspen Pine Estates Subdivision, Reception #
- E. Site Map
- F. Colorado Parks and Wildlife Letter, dated June 21, 2021
- G. Plat Note Language Change

STAFF PLANNER: Taylor Schlueter, Planner I

REQUEST: Approval of an Amended Final Plat to remove a plat note prohibiting fences.

PURPOSE OF REQUEST

The Aspen Pine Acres Home Owners' Association is request this Amended Final Plat in order to remove a note from the original 1998 plat, recorded at #98001697. The plat note states "No fences shall be constructed around the perimeter of the community area or along or adjacent to the boundary or lot line of any site". This plat note was created based on Colorado Parks and Wildlife comments to the original plat, which stressed the importance of a historic wildlife migration corridor in the area.

The area was heavily impacted by the 2020 East Troublesome Fire, which destroyed many houses in the area as well as local trees and vegetation. This impact to local forested areas has resulted in a prevalence of hidden tree stumps in the subdivision, left over from efforts to remove downed and compromised trees in the area. This hazard will be especially significant in the winter months when GCR 492 and the surrounding stumps may be hidden underneath snowfall. The Aspen Pine Estates HOA is concerned the effect the stumps may have on snowmobile and other traffic that moves through the area to access the Supply Jeep Trail.

Colorado Parks and Wildlife(CPW), following a site visit on June 12, 2021, have provided a letter of support to remove the plat note for this reason, with the following caveats:

- Only placing wildlife friendly fencing, on perimeter areas that have known trespassing issues and allowing areas without trespass issues to remain open as movement corridors for wildlife.
- CPW also recommends placing high visibility HOA "No Trespassing" signs every 440-yards and at all entry points and fence gaps.

BACKGROUND AND HISTORY

The Aspen Pine Acres Subdivision is located near Sun Valley Lake, northwest of the Town of Grand Lake. It was platted in 1998, with a total of 13 lots.

PLAT

A plat with updated plat note language has not been provided at this time, and provision of such shall be made a requirement before presentation to the Board of County Commissioners.

STAFF ANALYSIS AND PLANNING COMMISSION COMMENTS

The subject parcels are all the Forestry & Open Zoning District, and most properties are located within or near the East Troublesome Fire burn scar. The original 1998 plat note was added due to concerns from CPW in their comment letter, following a site visit to the site. CPW has provided comment conditionally approving certain types of fencing, which is reflected in the Applicant's proposed updated plat note language. Given this update comment letter from CPW, Staff is recommending approval of this Amended Final Plat to change a plat note.

In discussions with the applicant, Staff stated that if the HOA would allow for the fencing of building envelopes, there would not be a need to fence the perimeter of the lot. Staff would require the HOA Covenants to match the proposed plat note revision prior to recording of the plat.

STAFF RECOMMENDATION

Planning Commission recommends approval of the Amended Final Plat through Resolution Number 2021-5-1 the following conditions shall be met prior to the recording of the Amended Final Plat:

1. The Title of the Amended Final Plat shall be written as recommended in this Certificate of Recommendation.
2. The Dedication shall be amended as recommended.
3. An electronic copy of the Final Plat shall be submitted as recommended.
4. All recording fees are to be paid by the Applicant.
5. Quit Claim Deeds to describe the amended legal description of the parcels shall be completed and recorded with the Grand County Clerk and Recorder's Office.
6. HOA Covenants shall match the proposed plat note revision prior to recording of the plat.
7. The proposed plat will be provided prior to presentation to the BOCC.

Ed Moyer stated that a courtesy notification about this meeting was sent to the local residents.

Jeffrey Holland, president of the Aspen Pine Estates Homeowners Association, stated that he is here to request the allowance of some fencing.

Because of the East Troublesome Fire, the natural barrier (trees) is no longer there. There have been a great deal of trespassing due to loss of the trees.

The homeowners are concerned over the trespassing. The homeowners are concerned over people being hurt due to unseen sewer taps, wells, stumps, and downed trees, and foundations.

Wendy Engleman stated that she lived in Aspen Pine Acres. Ms. Engleman requested that this process be revisited. Ms. Engleman stated that an illegal fence has been on the property for quite some time.

Kirk Engleman lived in Aspen Pine Acres and will be rebuilding. Mr. Engleman is concerned over the wildlife in the area. Mr. Engleman requested that the request for additional fencing be denied.

Amelia Engleman stated that her family has owned property in the subdivision for most of her life. Ms. Engleman stated that she understands why people do not want snowmobiles moving through the area.

Carol Romero Bruegger stated that wildlife in the area are in the area more often than trespassing snowmobilers. Ms. Romero and Bruegger does not want a fence.

Mr. Wright stated that Colorado Parks and Wildlife has approved the fencing he is proposing.

Commissioner Manguso stated that some limited vending along County Road might work. No trespassing signs need to be added.

Commissioner Cimino favors changing the plat note and letting landowner do what they want with their property.

Commissioner Linke is in favor of allowing the fencing with some consideration.

Commissioner Manguso moved to continue the meeting to October 12, 2021 at 2:30 p.m.
Commissioner Manguso withdrew the motion.

The meeting was tabled to October 12, 2021 at 2:30 p.m.

Public Hearing – ESCO Sand & Gravel LLC Special Use Permit Amendment

The public hearing scheduled to begin at 1:00 p.m. was called to order by Chair Linke at 1:01 p.m. County Attorney Chris Leahy set the record as follows:

- A. Public Review Sheet
- B. Grand County Development Application
- C. Map of Adjacent Property Owners within 1000 feet, Notified for Board of County Commissioners Meeting on September 21st, 2021
- D. List of Adjacent Property Owners as determined by GIS within 1000 feet, Notified for Board of County Commissioners Meeting on September 21st, 2021
- E. Memo sent to Property Owners as determined by GIS within 1000 feet, Notified for Board of County Commissioners Meeting on September 21st, 2021
- F. Public Notice Sign on property
- G. Public Notice dated August 27th, 2021

- H. Proof of Publication in September 2nd, 2021 issue of Middle Park Times
- I. Resolution no. 2020-1-12. Grand Gravel Special Use Permit
- J. Certificate of Recommendation dated September 21st, 2021
- K. Location Map of ESCO Sand & Gravel, LLC, Kattenburg Pit
- L. Discharge Permit Site Sketch Map of ESCO Sand & Gravel, LLC, Kattenburg Pit
- M. Letter from Charlie Johnson, Dated September 9th, 2021
- N. Letter from Brent Chicken, Dated July 19th, 2021
- O. Letter from Patrick Abate, Dated July 27th, 2021
- P. Letter from Ted Cherry, Dated August 12th, 2021
- Q. Variance Request from Granby Sand & Gravel, Dated August 12th, 2021
- R. Application for COPS General Permit COGS00000, Dated June 14th, 2021
- S. Letter from Debbie Jessop to ESCO Sand and Gravel, LLC regarding Transfer Certification, Colorado Discharge Permit System
- T. Certification to Discharge Under CDPS General Permit COGS00000
- U. Granby Sand & Gravel Turning Movements Inbound
- V. Granby Sand & Gravel Turning Movements outbound
- W. Granby Sand & Gravel Traffic Impact Study, dated August 2nd, 2021
- X. Email from Brian Killian, Dated September 13th, 2021
- Y. Email from Eric Taylor, Dated August 10th, 2021
- Z. Email from Ian & Holly Welsh, Dated July 1st, 2021
- AA. Email from David C Rogers, Dated July 15th 2021
- BB. Email from Aila Holley, Dated July 2nd, 2021
- CC. Email from Dianna Hutchinson, Dated July 1st, 2021
- DD. Email from Scott Hunsaker, Dated July 2nd 2021
- EE. Email from Jenny Dems, Dated July 1st, 2021
- FF. Email from Howard Roitman and Carole Duncan, Dated July 2nd, 2021
- GG. Email from Alexandra Bash, Dated July 5th, 2021 HH. Email from Tammy Granger, Dated July 15th, 2021
- II. Email from Scott Sloan, Dated July 2nd, 2021
- JJ. Email from Debbie Briggs, Dated July 19th, 2021
- KK. Email from Doug And Susie Buttery, Dated September 15th, 2021
- LL. Letter regarding Stormwater Plan from Colorado Department of Public Health and Environment, Dated September 1st, 2021
- MM. Email from Mike Holmes dated July 9th, 2021

PROJECT NAME: Granby Sand & Gravel SUP Amendment
APPLICANT: Granby Sand & Gravel, LLC represented by Eric Taylor
LOCATION: 1830 CR 60, 1 ½ miles east of the Granby in the SE1/4 SE1/4, Section 33, Township 2 North, Range 76 West of the 6th PM

APPLICABLE REGULATIONS: Grand County Zoning Regulations Section XI
EXHIBITS: Shown above
STAFF PLANNER: Robert C. Davis, AICP Director
REQUESTS: Part I - The inclusion of a Portable Asphalt Materials Facility and a Portable Concrete Batch Plant to produce both Asphalt Concrete and Portland Cement Concrete.
Part II - A request for three (3) Special Projects exceeding permit limitations.

Granby Sand and Gravel requested an increase in loads and therefore truck trips from what is permitted at 110 total trips to a requested 131 total trips. The applicant, however, understands the concerns of the Town of Granby and the County associated with the potential for increased truck traffic on the community and has withdrawn the request for additional total trips beyond the permitted amount. Total truck trips on GCR 60 west through Granby will remain the same at 110 per day from April 1 to November 30, and 32 daily truck trips from December 1 to March 31.

The applicant considers the request to amend the SUP to include a Portable Asphalt Materials Facility and a Portable Concrete Batch Plant to produce both Asphalt Concrete and Portland Cement Concrete as most critical. The second part of the new request is for three Special Projects a year.

Granby Sand & Gravel is a sand and gravel operation on 10.6-acres that includes the mining and processing of aggregate material (crushing, screening and washing). Mining is permitted over the 38-acres, except for a 25-foot setback/buffer from all property boundaries of the property and an approximate 2 acre "do not disturb area" located in the southwest corner of the site. This site has been a gravel permit for the past 15-years and previous to that in the 1970's. Granby Sand and Gravel is the successor operator of Willits Company Inc. gravel operation special use permit and took over the operation in 2015.

Impact of Truck Traffic

The impact of truck traffic has raised concerns with regard to pedestrians along CR 60 and within the Town of Granby as well as maintenance concerns of CR 60. The existing SUP stipulated requirements for the applicant to coordinate with Road and Bridge on paying a proportional share of dust control measures on CR 60, help address issues on US Hwy 40 and if necessary provide a contribution for improvements to the intersection of CR 60, Sixth Street and US Hwy 40. Many comments from residents suggest that the County look at CR 60 from the Town of Granby to Legacy Park and to develop a plan for future maintenance and improvements. This would involve identifying users of CR 60 including those business that generate truck traffic as well and to include those users in any proportional share of the cost for any improvements.

Portable Asphalt Materials Facility and a Portable Concrete Batch Plant

The applicant is proposing these facilities in order to become more competitive in the market. The Asphalt Materials Facility and the Concrete Batch Plant will both be portable and will not be on the site year-round. Both facilities will operate during the same permitted times as the gravel pit. The number of truck trips generated by the portable plants will not exceed the 110 truck trips through the Town of Granby for the period between April 1 and November 30. Additionally, the truck trips generated by the asphalt and concrete batch plants will not exceed the 32 daily truck trips through Granby for the period between December 1 and March 31. The number of truck trips through Legacy Park remains as having no trip limits.

As with similar uses in the County, the applicant will have to comply with all local and state permits provided prior to issuance of the SUP including:

- a. Air Pollution Emissions Notice and any required air quality permits
- b. Stormwater Management Plan (SWMP).
- c. Proof of water for the concrete and asphalt operations.

The following condition will also be added to the SUP:

The Permittee is required to take appropriate action to avoid air quality issues in the Granby area. Once the asphalt and concrete batch plants are in operation and if a state air quality violation notice is issued, the Permittee will immediately be required to appear before the Board of County Commissioners and the Permittee is on notice that hours of operation may be limited and the permit may be revoked.

The applicant has provided the original Stormwater Permit that was provided at the time of ownership transfer to Granby Sand & Gravel. Also provided is the application for renewal sent (certified E Mail 6-14-2021, required 180 days before expiration) on time to the Colorado Department of Health, as the permit expires 12/31/2021. Additionally, the applicant has provided the receipt for renewal from the Colorado Department of Health stating that a letter will be provided at a later date for the permit extension. The applicant states all quarterly and monitoring requirements are current, and have been submitted timely. All other permits including mining are current and have been paid in a timely manner.

Special Projects

The second part of this request is to allow for three special projects which may exceed permit limitations. There is already a Special Projects provision in the current SUP which would require a public hearing before the Board of County Commissioners. It was suggested that because the public hearing requires a notice period that perhaps the notice period could be reduced in order for the applicant to get expedited approval. Staff realized that in order to do this, all similar uses would have to be treated the same and all similar SUPs would have to be amended as such. Staff advises the applicant to alert the County as soon as possible to any request for a Special Project.

Recommendation

Staff recommends approval of the SUP Amendment with the following conditions:

1. The applicant will have to comply with all local and state permits provided prior to issuance of the SUP including:
 - a. Air Pollution Emissions Notice and any required air quality permits
 - b. Proof of water for the concrete and asphalt operations.
2. The Permittee will clarify and identify equipment to be contained within the asphalt and concrete batch plant operations.
3. Permittee will provide an on-site wash-out area for the cleaning of the concrete trucks.
4. All other terms and conditions as contained within the existing ESCO Sand and Gravel Special Use Permit, Grand County Board of County Commissioners Resolution No. 2020-1-12, recorded at Reception No. 2020000414 shall remain in full force and effect.

Additional Exhibits added:

- NN. John Henley letter dated September 20, 2021
- OO. Mariette McGrath email dated September 20, 2021
- PP. Materials presented by Gust Geralis regarding air pollution
- QQ. Email from Maura Bishop dated September 20, 2021
- RR. Email from Todd Winczenwski dated August 13, 2021
- SS. Letter from Patrick Brower in opposition of any expansion of the permit (no date on letter)

Eric Taylor, representing Granby Sand & Gravel, stated that he started this process in January 2021. Mr. Taylor stated that he has done everything he has been asked to do.

Mr. Taylor stated that they have very strict standards. The drivers do not speed.

Hal Simmons read a letter from the Grand County Irrigated Land Company. This will be added to the exhibits.

Kim Trygg stated that she lives adjacent to the pit. Ms. Trick stated that the drivers do speed. Ms. Trygg stated that she is a close neighbor but the pit owner has never contacted her.

Brenda Simmons stated that she lives on County Road 60. There is no diversion point for the applicant.

Gust Geralis is the adjacent property owner to the pit. Ms. Geralis stated that he has never be contacted by the pit owner. Mr. Geralis stated that he is the landing zone for all the dust. Mr. Geralis stated that he cannot sit outside. He bought the property knowing there was a gravel company next to him. He never expected a concrete plant. He has concerns for the future.

Mr. Geralis' concerns include pollution, health hazards, carcinogens in the air, noise, more dust, water supply, property values, and wildlife concerns.

Tammy Granger lives on County Road 60 stated that truck traffic will increase. The intersection of 6th Street, County Road 60 and Highway 40 and Jasper Court is very dangerous. County Road 60 is narrow and it does not provide sufficient space for trucks turning onto County Road 60 without impeded west bound traffic on County Road 60.

Ms. Granger stated that the certificate by staff does not sufficient address air and noise pollution created by the batch plants. The prevailing winds blow from the west and will carry odors, pollution, and dust to residents.

Ms. Granger asked that the vote on this request be delayed until the issue with pollution be addressed and it is reviewed by the neighbors.

George Jackson who lives on County Road 60 is the second parcel over from the proposed batch plant. Mr. Jackson agrees with the comments of those who are opposed.

Justin Trygg who lives on County Road 60 stated that he is opposed to the permit. He wonders where the water will go after it is used for washing. Mr. Trygg asked what to expect with regard to noise pollution.

Terry Pratt stated that she lives on County Road 60 asked about increased hours. Ms. Pratt asked about the consequences of non-compliance. Ms. Pratt stated that she does not want trucks going past her come seven days per week.

Ms. Pratt stated that the applicant needs to prove that they can have commercial water.

Community Development Director Robert Davis stated that there was no request for additional hours. The applicant is asking for three special projects, not ten and that is in the permit.

Deb Pellini lives on County Road 60 concerns with the people opposed to the application. Ms. Pellini stated that Grand County is in a boom of development. Ms. Pellini stated that she was born and raised in Grand County. Ms. Pellini believes there is a moral and ethical obligation on how this County should develop. With regard to the irrigation, she is not sure water is available.

Troy Neiberger lives on County Road 60 stated that he is a business guy. He would like to know the backup plant if the Vale Ditch is not available. Mr. Neiberger stated that the washboard on the road is terrible.

Gail Bendirut lives on County Road 60 and is four doors down from the applicant. She is concerned over the wildlife.

Wendy McGuire lives on County Road 6237 at the south end of Legacy Park. Ms. McGuire asked the Board to consider the need for another asphalt and concrete plant in the County. The pit was not a good idea in the first place. Ms. McGuire stated that she is concerned over the senior apartments and the families living in the area.

Hal Simmons who lives on County Road 60, wondered about recourse people will have if this does not work out.

Lauren Huber of Destination Granby stated that they are starting a comprehensive plan for the area. Destination Granby is working to plan for smart growth and local centric.

Granby Town Manager Ted Cherry stated that he would like the issues addressed that are identified in Exhibit P.

Mr. Cherry would like to know more about the Special Projects process and how the Town will be informed. Mr. Cherry would also like to know the guidelines the applicant will have on the Special Projects.

Robert Davis stated that the items from the Town of Granby are:

1. School Bus Stops in the town of Granby. Mr. Davis reached out to East Grand School District to get a map of the school bus stops in the Town of Granby.
2. There was a request for right hand turns from Highway 40 as the curbs are being affected by other turns. The applicant and CDOT met extensively on this issue. Mr. Davis stated that the applicant uses smaller dump trucks. Community Development looked at turning foot print of the trucks used by the applicant. It was demonstrated that the trucks the applicant is using will not negatively impact the curbs.
3. The town would like traffic counts on County Road 60. Staff did not speak to the traffic count request because there is not a request for additional trips.
4. The Town requested a sidewalk be added along the north side of County Road 60 within the town limits. Mr. Davis stated that at one time, a former owner of the pit spoke to consideration of adding sidewalks. It was not a requirement. Mr. Davis added that the applicant agreed to spend up to \$100,000 on any improvements as long as it was shared equally with other users. Mr. Davis noted that he will be working with the Town of Granby to look at improvements for the entire corridor (County Road 60).
5. The 110 trips will be monitored and will include all type of travel, not just the large trucks.
6. The Town of Granby believes that the traffic count needs to be looked at in different seasons.
7. The Town of Granby asked if the County has a plan in place for the deterioration of County Road 60. Mr. Davis stated that he will be working with the Town of Granby to determine the proportional share of work that needs to be done.

Mr. Cherry stated that there is a bus stop at the corner of 6th and Jasper Court. This is right where the trucks are going north on 6th Street and turning on Jasper Court. If there is a Special Project or the hours of operation for the hauling is up for consideration, children at the bus stop need to be taken into consideration.

Mr. Cherry would like to know when the study of County Road 60 will take place.

County Manager Moyer stated that County Road 60 is in the current permit and it requires the permittee to contribute a proportional share not to exceed \$100,000 for the intersection improvements.

Mr. Moyer asked the application about Special Projects because it requires the applicant to go before the Board of Commissioners to get a Special Project approved after public notice has been done. If this public hearing is being used for that notice, the Board needs to understand what special projects are being proposed, the hours of operation and when they will take place.

Mr. Davis stated that if the applicant violates the terms of the permit, the permit can be revoked by the Board of Commissioners.

Brent Chicken, Legacy Park Ranch Homeowners Association, stated that the Board submitted a letter. The letter was primarily submitted on the truck trip issue.

Mr. Chicken stated that the Legacy Park Ranch Homeowners Association has had some good faith reasonable discussions with ESCO. The discussions started with the issues regarding the roads and speeds on the roads. Mr. Chicken stated that he believes that ESCO has been in operating in good faith.

Mr. Chicken stated that when requested, ESCO has limited the number of trucks in Legacy Park Ranch.

Mr. Chicken stated that when concerns are expressed about the trucks, the trucks need to be identified. Not all the trucks are ESCO. Mr. Chicken stated that there is only one place to go to get product without this permit. Keith Bergon stated that he lives on County Road 608. This plant is in his visual impact area. Mr. Bergon stated that he is concerned over a big column of smoke similar to what happens in Fraser.

Daniela Gosselova lives in Granby and owns a lot in Legacy Park Ranch. She is concerned over the dust. Ms. Gosselova believes that the idea is not well thought through.

Rhonda Grougon stated that her parents live on County Road 60 and they are concerned over the dust, noise, property values, and traffic concerns at intersection of County Road 60 and Highway 40.

Sharon Geralis lives on County Road 60 and loves her home. She is at the point that it is palpable but not pleasurable. Ms. Geralis stated that this is in a residential area.

Tammy Granger stated that the trucks do go onto the curb. Ms. Granger witnesses it every day and noted that the traffic study is wrong.

Todd Winczewski of County Road 60 is concerned over the trucks being used. If someone brings in a large truck, it should be counted as two.

A resident asked about FAA approval with regard to the glide path and staff will look into the matter.

Eric Taylor stated that there are 16 businesses on County Road 60. There are trucks longer than the ESCO trucks turning onto County Road 60 and causing damage to the curb.

Mr. Taylor stated that he understands that water will need to be addressed. That is part of permit.

Mr. Taylor stated that ESCO is required to pay a proportional share of the work done on the road due to damage.

Tom Peterson of Colorado Asphalt Pavement Association stated that he can speak to the health and safety issues with regard to asphalt material facilities. There are 65 stationary plants in Colorado in 42 counties. A majority of those plants are near people.

An asphalt facility from years ago cannot be compared to what is being planned by ESCO. The plant being considered by ESCO has a top of silo recovery system. A modern asphalt plant emits steam, not smoke. The volatile compounds are put back into the bake house.

Mr. Peterson stated that information regarding the type of plant being considered by ESCO can be found at www.co-asphalt.com.

Mr. Taylor stated that he is not asking for a Special Project today.

Mr. Taylor stated that there are no Sunday hours requested at this time.

Commissioner Cimino stated that the County is concerned over air quality. The County will provide contact information for the state.

Commissioner Linke stated that the state has shut down asphalt plants in Grand County due to air quality issues. Once the state has shut down a plant, the operator has an opportunity to correct the problems.

Mr. Taylor stated that he must submit a storm water plan to the state. It has to be approved. It could include lining ponds so that residual water can go into those ponds or the water can be reused.

Commissioner Cimino moved to approve the application for an amendment to the Granby Sand & Gravel Special Use Permit with recommended conditions plus the following:

1. Agreed upon fixed formula for cost share of road maintenance to be agreed upon between the County and applicant.
2. Renewal of the amendment for the Special Use Permit is reviewed by the end of March 2023 to be considered for extension or cancellation.
3. Verification of glide path at the airport.

The motion passed unanimously.

Commissioner Manguso moved to close the Public Hearing.
The motion passed unanimously.

Public Hearing – Short-term Rentals, Amendment to Section 14.8 Short-Term Rental in the Grand County Zoning Regulations

The Public Hearing scheduled to begin at 2:00 p.m. was called to order by Chair Linke at 3:32 p.m. County Attorney Leahy set the record as follows:

- A. Public Review Sheet
- B. Public Notice dated August 12
- C. Proof of Publication in the Middle Park Times on Thursday, August 19, 2021
- D. Memo from Community Development regarding Short Term Rentals since 27th day of July until the 16th of September 2021.
- E. Short Term Rental Update Memorandum, Dated September 3, 2021
- F. Zoning Amendments Memo for Short-term Rentals, Dated September 21, 2021
- G. Proposed Amended Short-Term Rental Regulations
- H. Proposed contract agreement between Jack Gerstein and Winter Park House.
- I. Email from Ralph Fitch received July 27, 2021
- J. Email from Brad White received August 2, 2021
- K. Email from Catherine Ross received August 2, 2021
- L. Email from Elizabeth Kurtak received August 2, 2021
- M. Email from Shanna Ganne received August 2, 2021
- N. Email from Jason Heine received August 2, 2021
- O. Email from Eric Rector received August 2, 2021
- P. Email from Sky Foulkes received August 2, 2021
- Q. Email from Kajsa Anderson received August 2, 2021
- R. Email from Katherine Mowrey received August 2, 2021
- S. Email from Kristine Meyer received August 2, 2021
- T. Email from Penny Hamilton received August 3, 2021
- U. Email from Adam & Cristina Wells received August 4, 2021
- V. Email from Philip Brinkmann received August 8, 2021
- W. Email from Katie Nicholls received August 9, 2021
- X. Email from Susan Schneider received August 19, 2021
- Y. Email from Noelle Kristin Klehr received August 21, 2021
- Z. Email from John & Keri Schuller received August 28, 2021
- AA. Email from Cam Moerman received August 31, 2021
- BB. Email from Don Lew.is received September 1, 2021
- BB. Email regarding Short Term Rental Safety Checklist received September 7, 2021
- CC. Short Term Rental Misconceptions by Granicus
- DD. Article from Summit Daily on August 6, 2021

The County advertised for a September 7 Public Hearing to consider amendments to the Zoning Regulations to insert language requiring operators and platforms to include a license number in any listing for a short-term rental on the platform and to post the operator license number for the short-term rental on every listing advertisement. Staff recommends opening the hearing and then continuing it to another date for notice requirements purposes. Proposed zoning amendments will be taken up by the Planning Commission at its September 8 meeting.

A working group consisting of Staff, representatives from property management companies, concerned neighbors, and representatives from the various Grand County Fire Protection Districts came together to develop the following longer-term goals:

1. Bring registration compliance to at least 90% of all Short-Term Rentals in unincorporated Grand County by December 31, 2021.
2. Engage in a county-wide nexus study to define the effects of Short-Term Rental saturation on the Grand County community.
3. Develop a process and expectations for safety compliance:
 - a. Establish requirements for inspections of residential units being used for Short Term Rentals in unincorporated Grand County
 - b. Incorporate proof of inspection into STR licensing process.

The first of these goals stems from ensuring that STR registration numbers appear on platforms and advertisements. This makes it easier to track advertisers who may not have registered with the county.

Other compliance issue that were discussed include:

- Fee increases and fines. Fines need to be re-examined to find ways to deal with multiple violators. As the Working Group continues to meet, Staff will provide ideas presenting in the past as it relates to the number of communications to the applicant, limitations on warnings, when fines would take effect, etc.

- Host Compliance will start sending out compliance letters immediately. Staff and Legal has reviewed the Host Compliance contract and will present the contract and amendment for compliance letter mailings to the BOCC.
- There is the issue of permit numbers changing annually. The Working Group will coordinate with Staff to determine if Host Compliance can provide a way to retain the same STR permit numbers year after year.
- The Fire Districts have been sent links to the Host Compliance program that would allow them to access STR information.

With regard to the other two goals, they stem from the following issues:

- Regulation of key neighborhood impacts (parking, noise, trash, etc.)
- Regulation of life safety issues (e.g., smoke detectors, proper location signage, etc.)
- An effective compliance-monitoring and enforcement system

The belief that STRs decrease the supply of housing resulting in housing shortages with housing costs out of the reach of median income households will be addressed in a proposed nexus study. Staff is aware of a Colorado community currently undergoing a study. The Town of Breckenridge has engaged EPS out of Denver to complete a nexus study for the Town related to STR properties and workforce housing. The Town of Vail is also using EPS to conduct the same study for them. Since the 2ih BOCC Workshop, Community Development has received a total of 191 Short-term Rental Applications:

- 142 of these applications have been renewals
- 49 are new permit holders
- The average occupancy of the recently received applications is 9 persons (pillows)
- From the recently received 191 applications we have raised \$42,050
- The 191 applications we have received equate to 39% of the 493 non-compliant listings. Below are brief summaries of the various changes to the Short-Term Rental regulations below:

- **Resolution No. 2011-10-3-** Establishing the Grand County's Short-Term Rental program and amending the Zoning Regulations was implemented and is regulated through the Grand County Zoning Regulations. A \$20 annual registration fee was also established.
- **Resolution No. 2017-5-23** -A resolution was passed amending the Zoning Regulations to allow for amending the definition of short-term rentals, defining administrative use in each of the zoning districts while also making it a zoning violation if a property is not registered as a Short- term Rental. The fee for a permit was changed to a flat fee of \$150. The permit was specified to be required on an 'annual' basis. **The amendment further stated that the Board of County Commissioners will review the short-term rental amendment on an annual basis.**
- **Resolution No. 2018-6-58** - The fee structure was again changed to reflect an annual \$25 fee per occupant advertised. This amendment also further specified the term of a permit to be 'one year from the date the permit is issued barring violation of the permit'. The amendment further stated that **additional impact cost investigations will occur, without specifying a time frame to do so.**

Since the 27 BOCC Workshop, Community Development has received a total of 250 Short- term Rental Applications:

- 182 of those applications have been renewals
- 68 are new permit holders
- The average occupancy of the recently received applications is 9 persons(pillows)
- From the recently received 249 applications we have raised \$53,375
- The 250 applications we have received equate to 50% of the 493 non-compliant listings.

Bob Saint stated that it might be good to have the occupancy numbers match between the towns and the county. The County may consider limiting the number of days a rental can be rented every year.

Commissioner Cimino moved to adopt the Short-term Rentals, Amendment to Section 14.8 Short-Term Rental in the Grand County Zoning Regulations with changes to the letters and sales tax section. The motion passed unanimously.

Commissioner Cimino stated that he would like to consider fees and fines in January 2022.

Commissioner Cimino moved to close the Public Hearing.
The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 4:34 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 12th day of October 2021.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder