

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

October 22, 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  
Assistant County Manager Ed Moyer  
County Attorney Chris Leahy

Those present recited the Pledge of Allegiance.

Commissioner Manguso moved to approve the Meeting Minutes of October 15, 2019, of the Board of Commissioners.

The motion passed.

Commissioner Linke joined the meeting.

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

Commissioner Linke moved to approve and authorize the Chair to sign the Tier 1 Environmental Review for the Grand County Single Family Owner Occupied Rehabilitation Program.

Commissioner Linke	aye
Commissioner Manguso	no
Commissioner Cimino	aye

The motion passed.

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

General Public Comments

Kim Long of the Silver Sage Subdivision thanked the County for encouraging no construction traffic on Silver Sage Road or Rodeo Road

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on October 23, 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 October 22, 2019 for payment on October 23 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 October 23, 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 October 22, 2019, for payment on October 23, 2019 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Linke moved to approve the wire payments and vouchers presented on October 22, 2019, for payment on October 23, 2019 for Grand County.

The motion passed unanimously.

Departmental Contracts, Comments

Commissioner Manguso moved to authorize the Chair to sign the 2019 EMPG-LEMS Annual Program Paper with a correction to the number of staff hours from 40 to 80 hours.

The motion passed unanimously.

Commissioner Manguso moved to waive the Building Permit Fee request from Historic Fraser for reconstruction of the Stagecoach 4 Bar 4 Hotel.

The motion passed unanimously.

Commissioner Manguso moved to waive the Building Permit Fee request from Grand Lake for window replacement at the Grand Lake Center.

The motion passed unanimously.

Commissioner Manguso moved to approve Resolution No. 2019-10-18, "A RESOLUTION APPROVING THE AMENDED FINAL PLAT, AMENDED LOT 72A AND AMENDED LOT 73A, WINTER PARK HIGHLANDS UNIT 1, BEING A REPLAT OF LOTS 72 AND 73 RECORDED AT RECEPTION NO. 109677, PART OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 76 WEST OF THE 6TH P.M., COUNTY OF GRAND, COLORADO" and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

#### Manager and Attorney Items

Assistant County Manager Ed Moyer presented the weekly update.

Commissioner Manguso amended her motion from last week with regard to the fees for Public Health to be a flat fee of \$150.

The motion passed unanimously.

#### Consent Agenda

Resolution No. 2019HA-10-12, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, ACTING IN THE CAPACITY AS THE GRAND COUNTY HOUSING AUTHORITY, APPROVING AN APPLICATION FOR EXEMPTION FROM THE AFFORDABLE HOUSING TRANSFER FEE OF THE RESTRICTIVE COVENANTS, COYOTE CREEK AT WINTER PARK SUBDIVISION, GRAND COUNTY, COLORADO CONCERNING THE REAL PROPERTY LOCATED AT LOT 21, UNITS 4, 5, 6, 7, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 37, 38, 39, COYOTE CREEK AT WINTER PARK (2ND AMENDED FINAL PLAT), GRAND COUNTY, COLORADO"

Resolution No. 2019-10-13, "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 AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE SERVICES OF A VETERANS SERVICE OFFICER"

Resolution No. 2019-10-14, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AN AMENDMENT TO RESOLUTION NO. 2019-1-3 AND THEREBY CANCELLING A REGULAR MEETING OF THE BOARD ON JANUARY 2, 2020"

Resolution No. 2019-10-15, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND ADOPTING THE CHANGES TO THE GRAND COUNTY SHERIFF DEPARTMENT'S FEE SCHEDULE"

Resolution No. 2019-10-16, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND ADOPTING THE IMPOSITION OF PENALTIES AND INTEREST ON UNPAID MARIJUANA SALES TAX AND MARIJUANA EXCISE TAX"

Resolution No. 2019-10-17, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND ADOPTING THE CHANGES TO THE GRAND COUNTY PUBLIC HEALTH DEPARTMENT’S RETAIL ESTABLISHMENT APPLICATION AND PLAN REVIEW FEE SCHEDULE”

Resolution No. 2019-10-19, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND ADOPTING THE CHANGES TO THE GRAND COUNTY COMMUNITY DEVELOPMENT DEPARTMENT’S PUBLIC IMPROVEMENT DISTRICT FEE SCHEDULE”

Commissioner Manguso moved to approve Consent Agenda.

The motion passed unanimously.

### Calendars

The Board attended the County Road 8 bridge replacement ribbon cutting.

Commissioner Cimino attended the CCAT Fall Retreat. Commissioners Manguso and Cimino attended the CDOT Highway 40 review.

Commissioner Linke attended the Grand County Wildfire Council meeting. Commissioner Linke attended the Club 20 Leadership Call. Club 20 will host a Climate Science Summit in April 2020.

Commissioner Manguso attended the Hot Sulphur Springs town board meeting.

- October 22 Board to attend the Granby Town Board meeting at 6:00 p.m.
- October 23 Legislative Breakfast at Two Brothers Deli in Summit County – 10 a.m. (All three commissioners)
- October 24 Board to attend the Local Emergency Planning Committee meeting at Road and Bridge in Fraser from 9:00 a.m. to 11:30 a.m.
- October 24 Commissioner Linke will attend the HB 1264 Conservation Easement working group call at 1:00 p.m.
- October 25 STAC meeting at 9:00 a.m. – CDOT Headquarters in Denver (Commissioner Manguso)
- October 29 Board to attend Rural Health Network – Mental Health presentation at West Grand School District Board Room from 6 p.m. to 8 p.m.
- October 30 Board to attend Rural Health Network – Mental Health presentation at East Grand School district Board Room from 7:30 a.m. to 9:30 a.m. and 1 p.m. to 3 p.m.
- October 31 Board to attend Project THOR discussions at 1000 Granby Park Drive from 11:30 a.m. to 1:30 p.m.
- November 6 Board to attend Elected Officials meeting at Grand County Administration Building from 8:00 a.m. to 10:00 a.m.
- November 18 Board to attend Mayor and Managers meeting from 10 a.m. to noon at the Kremmling Town Hall
- November 21 Board to attend “All Hands” meeting at the Grand County Administration Building from 8:30 a.m. to 10:00 a.m.
- November 27 Board to attend monthly Legislative breakfast in Clear Creek County
- December 2 Board to hold a Special meeting of the Board of Commissioners at 8:30 a.m. in the Board of County Commissioner’s meeting room at 8:30 a.m.
- December 4 Board to attend an Elected Officials meeting in the Grand County Administration Building from 8 to 10 a.m.
- December 12 Board to attend County Christmas Party from 11 am to 2 pm at the County Administration Building
- December 19 Board to attend “All Hands” meeting at the Grand County Board of Commissioner’s meeting room
- December 19 Board with hold a special meeting to approve the Certification of Levies and Revenues at 8:00 a.m.

### Grand County Water Information Network – Environmental Education Program, Storm Drain Stencil Project

Presented by GCWIN Executive Director Kayli Foulk.

Mission: To coordinate, manage and consolidate the comprehensive water quality monitoring, information, and educational programs in Grand County.

How do we accomplish our mission?

Water Quality Programs

Environmental Education Programs

Data management through our online database

Environmental Education:

- Facilitates hands-on activities that enable students to interact with their watershed
- Reinforce the ethic of scientific inquiry and environmental stewardship
- This past September over 500 students participated from both East and West Grand School Districts
- Thank you to our members who participate and support these programs

Tiny Trout's Program

- Pre-school program to expand our range of students reached
  - Study has shown that even by 6<sup>th</sup> grade it may be too old to make a difference in their attitudes towards the environment
- Goals:
  - Respect for other creatures and our natural resources, with focus being water
  - Appreciation for the beauty and mystery of the natural world
  - Ignite passion and interest in learning

Watershed Week(s)

- Celebrating 9 years:
  - Over 4,000 students have engaged in our environmental education programs
  - 2,500 parents and volunteers who have helped support our programs
  - \$50,000 in grants awarded
  - All programs and lessons developed meet the Colorado State Science Standards
  - Collaborations with RMNP, USFS, CPW, Northern Water, Denver Water, Colorado State Forest Service, NSCD, Kremmling Water Treatment Plant, BLM, Middle Park Conservation District, Trout Unlimited, Grand County 4-H, and Granby Sanitation District.
  - East and West Grand School Districts, Winter Park Christian School and home school students

6<sup>th</sup> Grad West Grand

- Field Trip to Pumphouse Recreation Area
- Hike up Gore Canyon to learn about their watershed and the Whitewater Park
- Station learning about non-point source pollution and how we can prevent pollution from getting into our rivers and lakes
- Water hauling game where they develop an awareness and appreciation for the readily available water from our tap

7<sup>th</sup> Grade West Grand

- Spend the first half of the day on the Colorado River at Bruschez's property.
- Students learn about macroinvertebrates, fish biology, plants and animals within the riparian zone, and soil properties.
- In the afternoon students travel to Williams Fork Dam to tour the facility that few people get to see.

8<sup>th</sup> Grade West Grand

- Tour Kremmling Water Treatment Plant to learn about where their water comes from
- Water chemistry testing on the Blue River
- In collaboration with the BLM, students learn about stream velocity and recognize differences in water quality measuring techniques.

6<sup>th</sup> Grade East Grand

- While in Grand Lake students learn about the importance of water clarity and how to collect the data using a Secchi disk
- Visit Adams Tunnel to learn about trans-basin diversions
- Learn about healthy riparian zones and recognize how water flows in a watershed based on land uses
- Visit Rocky Mountain National Park to learn about stressors affecting willow growth and reproduction as well as the history of the Holzwarth Historic Site

7<sup>th</sup> Grade East Grand

- Toured the new Headwaters River Journey Museum
- Fish Shocking with Jon Ewert
- Macroinvertebrate collection to learn how to identify the bugs
- Hike up Second Creek on Berthoud Pass to see a pristine headwaters stream

8<sup>th</sup> Grade East Grand

- Water chemistry testing on the Fraser River
- Tour Granby Sanitation District

## New in 2019: Storm Drain Stencil Project

Educate students, as well as citizens, in the Town of Granby about nonpoint source pollution which is the number one water quality problem in the United States.

Nonpoint source pollution occurs when rain, snow melt, or irrigation runs over the land and picks up pollutants which is then deposited into rivers and lakes through storm drains.

Many believe that storm drains are treated for pollutants the way household sewage is treated. GCWIN educated the 8th grade students on these misconceptions by having them stencil, "No dumping, drains to river" next to storm drains in the Town of Granby.

Storm drain stenciling is a course of action that alerts the community of the connection between their yards and nearby waterways. The project will suggest ways students and citizens can improve their environmental habits to eliminate part of this pollution problem.

## Fraser River Valley Source Water Partnership / Protection Plan

Presented by Paul Hempel of the Colorado Rural Water Association.

CRWA's Mission: "Provide professional training, technical assistance and political representation to rural and small communities as they endeavor to maintain industry standards, meet regulatory deadlines and attain multi-level certifications of their water and wastewater systems operators."

### Programs and Services:

- Trainings
- Circuit Riders
  - Water
  - Wastewater
- Annual Conference
- Energy Efficiency Assessment
- Source Water Protection

### What is Source Water Assessment and Protection?

Multi-step, two-phased process designed to assist public water supply systems in preventing accidental contamination of their untreated drinking water supply by developing protection plans.

### Colorado's SWAP Program

- **Voluntary/Non-Regulatory** Program
- Main focus – stakeholder involvement, public education
- Two –phase Program
  - Assessment Phase
  - Protection Phase

Source Water Protection: The first barrier to providing safe drinking water

1. Source Water Protection
2. Water Treatment System
3. Water Quality Testing
4. Secure Distribution System
5. Safe, Clean Drinking Water

### Why protect drinking water supplies:

- To protect a valuable resource
- To protect public health
- To reduce risk of contamination
- To reduce cost for treatment
- To avoid expensive clean up costs
- To coordinate land use
- \$5,000 SWP Grant via CDPHE

### What is included in a plan?

- Stakeholder involvement
- A Steering Committee to develop and implement the plan
  - This is your plan!

- A map outlining the source water assessment area
- An inventory of all ground and surface water intakes
- An inventory of potential sources of contamination
  - Discrete (point source)
  - Dispersed (non-point source)
- Identify and prioritize potential sources of contamination
- Delineate a source water protection area
- Development of protection measures
- A contingency plan for supplying safe water

#### Steps to developing a Source Water Protection Plan

1. Stakeholder involvement
2. Form a Steering Committee
3. Delineate the Source Water Protection Area
4. Inventory potential of sources of contamination and prioritize
5. Identify Best Management Practices
6. Write Source Water Protection Plan
7. Implement BMPs in Plan

“Source water protection was founded on the concept that informed citizens, equipped with fundamental knowledge about their drinking water source and the threats to it, will be the most effective advocates for protecting this valuable resource”

In summary, Source Water Protection is...

- A local community’s proactive approach to protecting the source of their drinking water.
- The identification, prioritization and mitigation of known or potentially harmful contaminants to drinking water supplies.
- Public awareness and stewardship of healthy watershed resources.

The Plan is on the Grand County web page.

#### Grand County Board of County Commissioners Jail Tour

The Board attended a tour of the Grand County Public Safety facility.

#### Approve Preliminary 2020 Budget Determination

Finance Director Curtis Lange presented the Preliminary Budget for 2020.

#### Original Budget requests

Revenues	\$51,796,774
Expenses	(\$52,260,813)
Grand County Projected: Deficit	(\$ 464,039)

#### Budget after presentations:

Grand County Projection: Surplus \$ 384,425

Grand County Projection: Surplus	\$ 384,425
Adjustments made:	
Fairgrounds flooring cost removed	\$ 21,600
OEM EMPG grant adjusted to actual	(\$ 5,500)
Cliffview deficit adjusted to actual	\$ 10,513
GCHA interfund transfers balanced	\$ 87,720
Health insurance costs adjusted to actual	\$ 24,026
Preliminary Budget Surplus	\$ 522,784

Commissioner Manguso moved to convene an Executive Session at 1:22 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 budget. Present for the meeting were the Board, the County Attorney, Assistant County Manager, and Finance Director.

The motion passed unanimously.

The executive session ended at 1:30 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.

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

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The Board will be accepting a proposed budget today. The rebuttal hearings are November 4, 2019.

Commissioner Manguso moved to accept the proposed preliminary budget for 2020 and make this available to the public with the clear understanding that it can be changed.

The motion passed unanimously

#### Peterson Outright Exemption

PROJECT NAME: Peterson Outright Exemption  
APPLICANT: Lynn A. and Lynn E. Peterson as representatives for GLBear, LLC  
LOCATION: Appleman Outright Exemption Parcel A and B, and Metes & Bounds parcel consisting of 1.373 acres within Government Lot 9, Section 4, Township 3 North, Range 75 West of the 6th P.M., commonly known as 2210 Grand Ave.

APPLICABLE REGULATIONS: Grand County Master Plan, Zoning Regulations, Outright Exemption Regulations  
ZONING: R – Residential District  
ATTACHMENTS:  
A. Vicinity Map  
B. Application and Narrative Letter  
C. Title Commitment  
D. Proposed Outright Exemption Plat  
E. Metes & Bounds Parcel Deed Book 95 Page 626  
F. Appleman Outright Exemption Plat Reception No. 94013954  
STAFF PLANNER: Alexander Taft, LEED Green Associate  
REQUEST: The Applicant is proposing a boundary line adjustment with the adjacent legal Metes and Bounds parcel through an Outright Exemption.

#### I. BACKGROUND

##### a. Proposal

GLBear, LLC represented by Lynn A. and Lynn E. Peterson hereafter referred to as “the Applicant,” purchased Parcel A, Appleman Outright Exemption by Warranty Deed recorded February 28, 2012, at Reception No. 2012001631 and Parcel B, Appleman Outright Exemption and the Adjacent Metes and Bounds Parcel by Special Warranty Deed recorded March 31, 2014 at Reception No. 2014001872. The Applicant approached the County with a request to realign the property boundaries for the purpose of building a boat house and docks. Staff understands this request is a boundary line adjustment between a Metes & Bounds parcel and Outright Exemption parcels.

The subject properties in this application consist of a Metes & Bounds parcel adjacent to two (2) existing Outright Exemption parcels. A single family dwelling exists on the Metes & Bounds parcel, a proposed boat house will also be located on this lot.

##### b. History

The previous owner Mark Unicum purchased a 1.373 acre Metes & Bounds parcel on September 15, 1997 from John S. Toll. The 1.373 acre Metes & Bounds parcel was originally deeded at Book 95, Page 626, and was determined to be a legal parcel by this Department based on a memo dated September 9, 1997. This correspondence was included in a recent memorandum from the Department dated December 2013 regarding the site.

The original tracts were a portion of United States patent Recorded Book 17, Page 183. Robert Appleman was the owner of two tracts Recorded in Book 154 Page 657 as early as 1966. Appleman Outright Exemption was created on December 13, 1994 at Reception No. 94013607 by Robert Appleman. The Appleman Outright

Exemption Plat created a boundary adjustment of two (2) lots of approximately 3.35 acres to create two (2) buildable lots.

The Applicant’s Metes & Bounds parcel of 1.373 acres was traced back to a Quit Claim Deed Recorded on May 26, 1948 by a transfer from Oliver W. Toll to John S. Toll. Oliver W. Toll was transferred 20.16 acres by Warranty Deed in 1926 which staff interprets this as the beginning of several transfers of property within the Toll family.

**II. STAFF ANALYSIS**

This proposed Outright Exemption is a boundary line adjustment for three (3) parcels (see proposed plat next page). The lots all have exceptionally steep topography which makes construction challenging. The Appleman Outright Exemption Plat notes grades of 22, 24, and 28%. The proposed boundary line adjustment will prevent future issues with construction projects and boundary disputes that may arise when the Applicant is no longer the owner.

No additional lots are being created through this process, the intention is effectively a boundary or lot line adjustment.

Lot Description	Existing	Proposed
Appleman Outright Parcel A	2.740 Acres (119,354.4 ft <sup>2</sup> )	2.65 Acres (115,434 ft <sup>2</sup> ) (Lot 1)
Appleman Outright Parcel B	.616 Acres (26,832.9 ft <sup>2</sup> )	.99 Acres (43,124.4 ft <sup>2</sup> )(Lot 2)
Metes and Bounds Parcel	1.373 Acres (59,807.9 ft <sup>2</sup> )	1.11 Acres (48,351.6 ft <sup>2</sup> )(Lot 3)

The subject site is surrounded by a residential use to the north, vacant land to the east, residential to the south and Grand Lake to the west.

The lots as they exist are conformant with the Residential District. The boundary line adjustment of these three (3) lots will comply with the minimum area of a lot served by public sewage within a Residential District.

The following are references from 30-28-302, C.R.S.

(7) "Exemption plat" or "subdivision exemption plat" means a subdivision plat which includes all of the information required by section 38-51-106 and which depicts a division of land or the creation of an interest in property for which the board of county commissioners has granted an exemption from subdivision regulations pursuant to section 30-28-101 (10)(d), C.R.S.

(20) "Subdivision plat" means a map of a platted subdivision recorded for the purpose of creating land parcels which can be identified uniquely by reference to such map.

Staff would interpret any subdivision plat as referenced above as a method to alter and simplify the legal description from a Metes and Bounds (i.e., Government Lot 9, Section 4, Township 3 North, range 75 West of the 6th P.M. Being more particularly described as follows:...) to the shortened Lot, Block, Subdivision (i.e., Tract 1, Peterson Outright Exemption according to the Plat Recorded [Date] Under Reception No. XXXXX County of Grand, State of Colorado).

**III. PLANNING COMMISSION RECOMMENDATION**

During the initial hearing August 14, 2019, Staff and the Planning Commission could not come to agreeance about the proper method to process this application causing it to be tabled until the September 11, 2019 Planning Commission meeting so that Staff could work with the County Attorney on the approach as recommended by Planning Commission.

During the September 11, 2019 Planning Commission meeting, Staff presented substantially what is in this current Certificate of Recommendation. Staff has suggested the surveyor make some additions and corrections to the plat that achieve the following:

- Create an Outright Exemption Parcel from the existing Metes and Bounds Parcel.
- Join that parcel to be forever combined, never to be sold, transferred, or mortgaged separately.
- Create an Amended Final Plat of Appleman Outright Exemption Parcel A and Parcel B with the altered total area.

Then calling all three parcels Peterson Outright Exemption, Lots (formerly tract) 1, 2, and 3 therefore “legalizing” the remainder of Metes and Bounds parcel and solidifying the amendment of the others.

Staff had presented the boundary adjustment to move away from the language, “to be forever combined, never to be sold, transferred, or mortgaged separately” which can cause unnecessary burden or difficulty later. Also Staff’s current interpretation is the Outright Exemption Regulations allow for this boundary adjustment proposal consistent with the following information (below) referenced from State Statute.



Following Senate Bill 35, which required review by the local jurisdiction of transfers of land under thirty five 35 acres, any proposed alteration to a property boundaries, specifically those under 35 acres, are therefore going to require a plat as defined in Section 30-28-101 (5) C.R.S:

(5) "Plat" means a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder. This language is very closely mimicked in the Outright Exemption Regulations.

(4) Plat

A map and supporting materials of certain described land prepared in accordance with Grand County Outright Exemption Regulations and State Statutes as which shows the information developed by a land survey including all information required by C.R.S. § 38-51-106 for recording of real estate interests with the Grand County Clerk and Recorder.

As far back as 1947, the Parcel described in Book 95 Page 626 has been a legal, stand-alone lot created prior to Senate Bill 35 as adopted in 1972 and capable of obtaining a well permit from the State.

Staff considers the above referenced parcel an irregular parcel as defined in Section 38-51-102 C.R.S. below:

(10) "Irregular parcel" means a parcel of land which is not uniquely defined on a subdivision plat but which is described by any of the following methods:

- (a) A metes and bounds description;
- (b) A book and page or reception number reference;
- (c) Any so-called "assessor's tract"; or
- (d) A description which calls only for the owner's or adjoiner's name.

Planning Commission unanimously recommended the approval of the Peterson Outright Exemption with the above referenced corrections and following conditions to be met:

1. The Title of the Plat shall be corrected as shown above [3.2 (2) (a)].
2. Location, dimensions and purpose of easements, including reference by book and page to any preexisting recorded easements have been provided on the Plat shall be shown [3.2 (2) (f)].
3. Location and description of monuments shall be provided [3.2 (2) (i)].
4. A lien holder's certificate shall be added to the Plat [3.2 (2) (j)].
5. A draft Quit Claim Deed shall be supplied for review by the County Attorney and recorded with the Amended Final Plat [3.2 (2) (j)].
6. The Applicant shall comply with State Well permitting procedure and update the existing permit following the recording of the Plat [3.2(2) (q)].
7. Statement of taxes due showing current taxes paid [3.2(2) (r)].
8. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [3.2 (2) (t)].
9. The Applicant shall meet all Plat requirements and such additional information as may be required by the Grand County Board of County Commissioners.

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

Commissioner Manguso moved to approve the Peterson Outright Exemption Plat as presented.

The motion passed unanimously.

Steinmo Outright Exemption Plat

PROJECT NAME: Steinmo Outright Exemption  
APPLICANT: Sven Steinmo and Rita Kungel  
LOCATION: Tract 12, Batson Tracts Unrecorded Subdivision Parcel 4, Hurd Creek Meadows Subdivision Exemption, Part of the N ½ SE ¼, and the S ½ of the NE ¼, Section 33, Township 1 North, Range 75 West, of the 6th P.M.  
APPLICABLE REGULATIONS: Grand County Master Plan, Zoning Regulations, Outright Exemption Regulations  
ZONING: F/O – Forestry and Open District  
ATTACHMENTS:  
A. Vicinity Map  
B. Application and Narrative Letter  
C. Title Commitments  
D. Proposed Outright Exemption Plat  
E. "Tract 12" Batson Tracts parcel Warranty Deed Book 149 Page 723  
F. Hurd Creek Meadows Subdivision Exemption Plat Reception No. 94006488

STAFF PLANNER: Alexander Taft, LEED Green Associate  
REQUEST: The Applicant is proposing a boundary line adjustment with the adjacent legal Metes and Bounds parcel through an Outright Exemption.

These properties were purchased by a timber company, then purchased by Paul Batson, who created Batson Tracts, an unrecorded preexisting, non-conforming subdivision. Some of the larger Batson Tracts which were between 10 and 60 acres, helped with the creation of Hurd Creek Meadows Subdivision. Paul Batson purchased 360 acres from the Kearns Timber Co. in 1949. Paul Batson conveyed several smaller "tracts" to other ownership creating property with areas of .47 acres to 10 acres. Paul Batson also conveyed a large portion, approximately 300 acres, to Claude Batson. Staff assumes Claude was a relative of Paul. Claude Batson continued to convey smaller tracts of land to various property owners between 1957 and 1970. Daniel Albert Girdano and Dorothy Dusek Girdano owned two tracts that had been created from "Batson Tracts" being 39 acres and 25.8 acres. The Girdano's, proposed Hurd Creek Meadows Subdivision Exemption, creating 4 Tracts ranging from 3 to 24 acres. This was one of the last 4 unit subdivision exemptions since those provisions reduced the allowed units from four (4) to three (3) in October 1994. The Certificate of Recommendation for the proposed division also makes reference to both existing tracts being 39 acres and 25.8 acres as standalone, legally separate parcels. This is crucial in understanding available water for the parcels involved. II. STAFF ANALYSIS

The subject properties are surrounded by residential use to the north, east, south and west. At the exterior boundaries of Batson Tracts and Hurd Creek Ranch Subdivision Exemption lies US Forest Service property and larger 40 acre and greater parcels that are undeveloped.

The Applicant has constructed a rudimentary bridge that crosses Hurd Creek but does not create any disturbance to the banks or creek bed. This has been installed to provide access to both Parcel 4 and Tract 12. The bridge requires occasional maintenance for which the Applicant has noted he is actively monitoring.

The most important portion of this is access in the winter to Tract 12 which the Applicant has previously traversed lots that bordered County Road 848 in order to access the Tract.

The lots, as they exist, are of various sizes and are considered pre-existing, non-conforming within the Forestry and Open District. The proposed access is being obtained through Parcel 4 to connect Tract 12 to County Road 848. Staff believes that the context of the existing parcels in Batson Tracts range in size from 1 acre to 24.

Following Senate Bill 35, which required review by the local jurisdiction of transfers of land under thirty five (35) acres, any proposed alteration to a property boundaries, specifically those under 35 acres, are therefore going to require a plat as defined in Section 30-28-101 (5) C.R.S:

(5) "Plat" means a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder. In connection with compliance with the local jurisdictions adopted regulations.

As far back as 1965, Tract 12 has been a legal, stand-alone lot created prior to Senate Bill 35 as adopted in 1972 the property owner has obtained a well permit from the State. Attachment E, is the reference deed which describes Tract 12.

Staff considers Tract 12 of Batson Tracts unrecorded subdivision an irregular parcel as defined in Section 38-51-102 C.R.S. below:

(10) "Irregular parcel" means a parcel of land which is not uniquely defined on a subdivision plat but which is described by any of the following methods:

- (a) A metes and bounds description;
- (b) A book and page or reception number reference;
- (c) Any so-called "assessor's tract"; or
- (d) A description which calls only for the owner's or adjoiner's name.

This Outright Exemption creates a "Subdivision plat" as defined in section 38-51-102 C.R.S. as defined below:

(20) "Subdivision plat" means a map of a platted subdivision recorded for the purpose of creating land parcels which can be identified uniquely by reference to such map.

A subdivision plat is interchangeable with an exemption plat as defined in section 38-51-102 C.R.S. defined below:

(7) "Exemption plat" or "subdivision exemption plat" means a subdivision plat which includes all of the information required by section 38-51-106 ("Land Survey Plats") and which depicts a division of land or the creation of an interest in property for which the board of county commissioners has granted an exemption from subdivision regulations pursuant to section 30-28-101 (10) (d), C.R.S. [emphasis added]

The “irregular lot” Tract 12 and “subdivision exemption plat” Parcel 4, neither were created under the rigor of Grand County Subdivision Regulations consistent with Section 30-28-101 (10) and section 30-28-133 C.R.S. Therefore this plat is compliant to be reviewed as an Outright Exemption.

The Outright Exemption, which is an “exemption plat” can then be used to refer all transfers of property to the Parcels created within this Plat. Legal descriptions will become:

Parcel A, Steinmo Outright Exemption according to the Plat recorded at Reception No. 201900XXXX;  
 Parcel B, Steinmo Outright Exemption according to the Plat recorded at Reception No. 201900XXXX

Lot Description	Existing	Proposed
Parcel 4, Hurd Creek Meadows Subdivision Exemption	2.59 Acres (112,820 ft <sup>2</sup> )	2.04 Acres (87,556 ft <sup>2</sup> )(less CR 848 ROW)
Tract 12, Batson Tracts Unrecorded	3.4 Acres (148,104 ft <sup>2</sup> )	3.79 Acres (165,092 ft <sup>2</sup> )
	5.99 Acres (260,924 ft <sup>2</sup> )	5.80 Acres (252,648 ft <sup>2</sup> ) (less CR 848 ROW)

III. PLANNING COMMISSION RECOMMENDATION

Planning Commission reviewed this application during their regular hearing scheduled on October 9, 2019. Staff made the Planning Commission aware that the Proposed Parcel A (formerly Parcel 4) was granted a variance that allowed the lot to be two (2) acres which was less than the required five (5) acres. The Planning Commission asked about access to utilities, future public improvements and maintenance of the bridge over Hurd Creek. Staff clarified that public utilities such as water and sewer would be very difficult because of the development through the valley. Maintenance would be completed by the Applicant for as long as possible, and an agreement would be set up between the Applicant and future owners of Parcel A who are currently intended to be family.

The Planning Commission recommended two additional conditions to further solidify the variance that Staff has added below:

- The approved Board of Adjustment variance shall be recorded prior to the Final Plat.
- The Reception No. for the recorded variance shall be included on the Final Plat Mylar.

Planning Commission unanimously recommended the approval of the Steinmo Outright Exemption with the following conditions to be met:

1. An easement shall also be established that grants access to Parcel A access through Parcel B [2.1(1)].
2. A twenty feet (20’) wide easement shall be established that is ten feet (10’) either side of the western property boundary (having a length of 242’) of Parcel A [2.1 (2)].
3. The Title of the Plat shall be corrected as shown above [3.2 (2) (a)].
4. The forty foot (40’) Easement for CR 8482 shall be correctly labeled, noted as access and utilities dedicated to the public with the plat [3.2 (2) (e) & (k)].
5. Location, dimensions and purpose of easements, including reference by book and page to any preexisting recorded easements have been provided on the Plat shall be shown [3.2 (2) (f)].
6. Location and description of monuments shall be provided [3.2 (2) (i)].
7. A draft Quit Claim Deed shall be supplied for review by the County Attorney and recorded with the Amended Final Plat [3.2 (2) (j)].
8. A corrected Board of County Commissioners Certificate shall be shown [3.2 (2) (m)].
9. The Applicant shall comply with State Well permitting procedure and update the existing permit following the recording of the Plat [3.2(2) (q)].
10. The Applicant shall be aware that if the plat is not recorded by the end of the year, annual taxes due and payable shall be provided prior to recording the plat [3.2(2) (r)].
11. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [3.2 (2) (s)].
12. Any drafting and clerical errors that shall be corrected to be in compliance with this body of regulations and the standards of plats referenced in article 51, title 38, part 1 et seq.
13. The Applicant shall meet all Plat requirements and such additional information as may be required by the Grand County Board of County Commissioners.
14. The approved Board of Adjustment variance shall be recorded prior to the Final Plat.
15. The Reception No. for the recorded variance shall be included on the Final Plat Mylar.

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

Commissioner Manguso moved to approve the Steinmo Outright Exemption as presented.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 1:43 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 4<sup>th</sup> day of November 2019.

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Richard Cimino, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder