

STATE OF COLORADO }
 } SS.
County of Grand }

At a regular meeting of the Board of County Commissioners for the County of Grand, State of Colorado, held at the Grand County Administration Building in Hot Sulphur Springs on Tuesday, the 26th day of January, 2021, there were present:

- Merrit Linke, Commissioner Chair
- Kristen Manguso, Commissioner
- Richard D. Cimino, Commissioner
- Christopher Leahy, County Attorney
- Ed Moyer, Acting County Manager
- Sara L. Rosene, Clerk of the Board

when the following proceedings, among others, were had and done, to wit:

RESOLUTION NO. 2021-1-29

TEMPORARY EMERGENCY PLANNING AND ZONING AND PERMIT FEES RELIEF FOR HOMEOWNERS AFFECTED BY FIRE DAMAGE TO THEIR HOMES ASSOCIATED WITH THE EAST TROUBLESOME FIRE LOCAL DISASTER EMERGENCY DECLARED IN RESOLUTION NUMBER 2020-10-22

WHEREAS, by Resolution No. 2020-10-22 (Emergency Declaration) the Board of County Commissioners of the County of Grand, State of Colorado (Board) declared a state of local disaster emergency, effective October 14, 2020 through June 30, 2021, associated with the significant imminent threats posed by the East Troublesome Creek Fire (the Disaster), and;

WHEREAS, the Disaster has destroyed and damaged hundreds of homes, requiring owners to rebuild or engage in major repairs, as shown on the map attached as Exhibit A and;

WHEREAS, the Board is authorized to declare a local disaster pursuant to §24-33.5-709, C.R.S. and the emergency management and operations plans and resolutions of Grand County and to provide emergency assistance and relief to people, entities, and communities impacted by the Disaster, and;

WHEREAS, pursuant to its emergency powers, §30-28-101 *et seq.* C.R.S. county planning and zoning powers, and §30-11-101(2) C.R.S. authority to adopt and enforce resolutions regarding health, safety, and welfare issues, the Board wishes to temporarily modify provisions of the Grand County Zoning Regulations and to temporarily reduce building permit fees to help homeowners affected by the Disaster rebuild their homes.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Grand, State of Colorado that:

1. A flat fee reduction of \$500.00 will be granted for new building permits issued to replace single-family structures destroyed in the East Troublesome Fire, as shown on Exhibit A.
2. In the aftermath of the East Troublesome Fire, the Grand County Community Development Department (Community Development) is authorized to make temporary modifications to specific county planning and zoning regulations, as set forth herein, to ease the burden of rebuilding homes destroyed by the East Troublesome Fire.
3. Any temporary suspension, modification, or waiver of zoning regulations authorized herein is intended solely for property directly impacted by the Troublesome Fire Disaster (Affected Property) and is only authorized and available to the owners of the Affected

Property so long as a building permit for rebuilding or repairs to damaged residences on Affected Property is applied for by October 21, 2021.

4. **Temporary Camping on Affected Property While Building:** The restrictions in Section 13.2(f) of the county zoning regulations pertaining to Accessory Buildings and Use during construction of an owner built single-family dwelling are temporarily modified for Troublesome Fire Disaster Affected Property to allow the one (1) self-contained recreational camping vehicle use authorized therein for up to three (3) years so long as reconstruction is being diligently pursued and notice of said use is timely provided to Community Development. In addition, the requirement that an approved building permit be issued before this Section 13.2(f) temporary use is allowed is hereby temporarily waived.

Campers in self-contained units, including Recreational Vehicles as described in Section 13.2(f) of county zoning regulations, are temporarily allowed to reside on Affected and non-Affected Properties in the County while rebuilding residences on Affected Property provided there is permission from the landowner.

5. In addition to the extension of time allowed for utilization of self-contained recreational camping vehicles as temporary housing while building on an Affected Property, so long as reconstruction is being diligently pursued on the Affected Property, and notice is timely provided to Community Development, the Community Development Director has the discretion to also allow other emergency, temporary types of housing on the Affected Property provided the homeowner acknowledges in writing their understanding and agreement that the housing is temporary and that they must remove the temporary emergency shelter structure after the permanent home is complete.

Any temporary emergency housing should not be placed on a permanent foundation.

Temporary housing units shall be located in a manner that provides safety from natural hazards, including floods, fire damage, unstable soils and geological hazards.

Non self-contained units must meet applicable County building requirements, connect to sewer and water, and at the discretion of Community Development Director, only be placed or constructed on the Affected Property, and occupied, after applying for and securing a building permit and letter of occupancy in addition to applying for a building permit for the permanent replacement structure on the Affected Property.

The Community Development Department may consider granting a Temporary Letter of Occupancy for the Temporary Emergency Housing after inspections have been finalized.

6. All other requirements of the accessory buildings and use provisions of the county zoning regulations, including Section 13.2(f), remain in full force and effect, and under no circumstances shall any temporary uses authorized pursuant to this emergency resolution be permitted to continue past December 31, 2023, at which time these emergency modifications sunset and cease to have any force and effect.

7. **Non-Conforming Uses & Buildings:**

Section 15.4 of the county zoning regulations' twelve (12) month time period for abandonment of an otherwise permissible non-conforming use shall be extended to thirty-six (36) months from the date of October 21, 2020 for Affected Properties

Legal non-conforming buildings will be allowed to be reconstructed as long as any alterations do not increase the degree of non-conformity.

Section 15.5 of the zoning regulations' timeframes for restoration of an otherwise permissible non-conforming building/use shall be extended to one year and three years from the date October 21, 2020, respectively, for the timeframes within which to commence and complete work on restored structures.

For those sites that are relatively small or have irregular shapes, the Community Development Director may approve By-Right variances.

- 8. **SUNSET PROVISION:** These emergency relief planning and zoning provisions are temporary, shall be in effect only through December 31, 2023, will sunset and expire on their own at that time, and shall have no further force and effect after December 31, 2023, unless expressly extended by formal action of the Grand County Board of County Commissioners. The Board may earlier terminate this temporary relief by formal action of the Board.
- 9. True copies of this Resolution providing further clarification on relief authorized pursuant to the Emergency Declaration shall be promptly filed with the Grand County Clerk and Recorder and the Colorado Division of Emergency Management, and promptly distributed to the appropriate representatives of the news media.

Upon motion duly made the foregoing resolution was adopted by the following vote:

Marin Link Aye
Kristen Longue Aye
Richard Longue Aye

Commissioners

STATE OF COLORADO }
 } SS.
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I,, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Hot Sulphur Springs, this day of A.D. 20.....

County Clerk and ex-officio Clerk of the Board of Commissioners.

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