

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

August 4, 2020

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

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

Those present recited the Pledge of Allegiance.

Commissioner Linke moved to approve the Minutes of the Regular Board of Commissioner’s Meeting of July 28, 2020, as presented.

The motion passed unanimously.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on August 5, 2020, for vendor payments. The list for this period was verified for the Board’s approval.

Commissioner Cimino moved to approve the checks presented on August 4, 2020 for payment on August 5, 2020 for the Grand County Housing Authority.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on August 5, 2020, for vendor payments. The list for this period was verified for the Board’s approval.

Commissioner Cimino moved to approve the vouchers presented on August 4, 2020, for payment on August 5, 2020, for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Cimino moved to approve the wire payment and vouchers presented on August 4, 2020, for payment on August 5, 2020 for Grand County.

The motion passed unanimously.

Potential Coronavirus effect to 2020 budget  
 REVENUES

Sales and Lodging taxes, Building and Short-Term Rental fees, and Highway Users taxes are all expected to be lower than originally budgeted for 2020. Sales taxes are now projected to be only 75% of the budgeted level and Lodging taxes are projected to be 50% of the annual budget. Building permits and Short-Term Rental renewals are projected to be 50% of the original budgeted amount. Highway User Taxes are projected to be slightly lower than budgeted for 2020. Airport reimbursements for projects are projected to be increased from 95%to 100% of costs. Federal Cares Act reimbursements for COVID 19 expenses estimated to be \$700k .

	Current expected	2020 Budget
Sales tax	\$5,422,500	\$7,230,000
Lodging tax	\$ 646,000	\$1,292,000
Building permits	\$ 468,350	\$ 936,700
Short-term rental fees	\$ 68,150	\$ 136,300
Clerk & Recorder	\$ 800,000	\$ 800,000
Airport project reimbursements	\$4,849,000	\$4,624,000
Highway Users tax	\$1,909,000	\$2,009,000
Cares Act Reimbursement	\$ 583,503	\$ -
Total	\$14,746,503	\$17,028,000

Revenues expected to be down \$2.3 million in 2020

EXPENDITURES in excess of budget per month

	Spent 3/14 thru 8/5	Projected Monthly	Expected Costs thru 9/30
Emergency Operation Center personnel	\$ 202,994	\$ 43,499	\$ 289,992.07
Grand Foundation Business Grant Program & PPE	\$ 130,000	\$ -	\$ 130,000

Isolation facility @ 100k/ mo	\$ -	\$ -	\$ -
County OT (predominately PH & Sheriff thru 7-24)	\$ 14,576	\$ 3,123	\$ 20,822.61
Other Operating expenses	\$ 99,882	\$ 21,403	\$ 140,688.40
Totals	\$ 447,452	\$ 68,025	\$ 583,503

Expenditures expected to be higher \$583k  
 Expected effect to 2020 budget (2.9 million)

Projected Budget Deficits and Postponed or Eliminated Operations and Projects	
Projected County wide effects to Fund Balance	\$(2,900,000)
Add back Restricted Funds using restricted fund balance to cover deficits	
Lodging taxes	\$ 646,000
Open Lands, Rivers and Trails	\$ 417,115
Use TABOR emergency reserve for COVID-19 unbudgeted expenditures	\$ -
Less Restricted Funds using surplus to cover costs	
Airports - FFA increased project funding to 100%	\$ (285,000)
Total budget shortfall less restricted funds	\$(2,121,885)
% Unrestricted fund balance of operating budget	24%

Postponed or Eliminated Operations and Projects	
Hiring freeze projected savings	\$ 500,000
Excess Hire Lag savings over budget	\$ 420,500
Pay plan consultant cancelled	\$ 40,000
Windy Gap pumping plan cancelled	\$ 35,000
Internship program cancelled	\$ 25,000
Total Budget Shortfall less restricted funds and these projects	\$(1,101,385)
% Unrestricted fund balance of operating budget	29%

Departmental Contracts, Comments, Issues

Commissioner Manguso announced that the Board is sitting as the Board of Health.

Commissioner Cimino moved to approve WIC Contract Amendment #2 between Grand County Board of Commissioners for the benefit of Grand County Public Health Agency and Colorado Department of Public Health and Environment as presented and authorize the Chair to sign.

The motion passed unanimously.

Commissioner Manguso announced that the Board is sitting as the Board of Commissioners.

Peak Materials Asphalt Odor Complaint

Presented by Community Development Director Robert Davis.

Commissioner Cimino notified Staff of odor complaints from the Peak Asphalt Plant. Staff responded by contacting Dave Huber, Environmental Protection Specialist with CDPHE and visiting the site. I met with Randy Ficklin on July 29 at Peak Asphalt. At that time, I was directly adjacent to the machine making the asphalt and I could barely detect an odor.

Mr. Ficklin stated the plant is very concerned about being a good neighbor and that many of his employees live in the county and desire the same. He stated the plant has made a number of significant changes to improve operations that result in less dust and air pollution. I will spare the technical language but:

- The result in the change in technology is that more dust is being pushed into the bag house and the constant flow reduces dust being put back through. "Replace the parallel flow drum to a counter flow drum and we went to an auger system from a blower system to reduce dust issue from pressure system to gravity flow to help with dust overflowing the baghouse".
- Other improvements in the future involves creating a 'parallel flow instead of a constant flow'. This technology is expensive (one million dollars), state-of-the-art and would improve air quality.
- The biggest challenge for the plant is getting away from parallel flow.
- There is also a way to improve the 'heat mix' from 280 or 290 to 250 or 260 which could reduce odor. They tried mixing in a chemical to reduce the odor, but the extreme heat in the stack burned the chemical off.

I see these potential technological improvements as something to look forward to in the future for the company and the surrounding community. Staff could work with the State to discuss bringing a mobile air quality monitor in late July/August timeframe since they will not be deployed for fire season. Also, Public Health/Environmental Health has an air quality sensor which could be mounted to the Fraser R&B shop although the information provided by this sensor is not the same as regulatory (CDPHE or EPA)

sensors/equipment. These are a few actions that could be conducted in the short term to help mitigate the impact of this plant on the surrounding area.

Heat and wind affects odor. Mr. Ficklin stated he felt the opacity looks good with a range of 5 to 10. He suggested when looking for opacity, to do so with the sun at our back and to look 30-40 feet above the stack. During the site visit, I tried to photograph the very faint exhaust coming out of the stack of the asphalt plant but it was too faint to show up on the picture. cursory monitoring of opacity perhaps is something the county could do fairly quickly in a response to a complaint.

Dave Huber has been in contact with the residents in the area about the plant. He has stopped by the site when traveling through the area several times in the past and has not documented a violation. The most recent full compliance evaluation was conducted in October 2019 and did not identify any non-compliance issues. Mr. Hubler stated he would keep this plant on his radar and continue to conduct unannounced site visits.

#### Permits

Everist Materials, LLC, aka, Peak Materials was granted a construction permits on June 16, 2011 to allow the processing of Recycled Asphalt (RAP). This required the drum to be cut down and a collar placed on the drum to allow for RAP processing. The permit stipulated 20 strict guidelines for controlling emissions (see Asphalt RAP State Permit 2011).

Resolution No. 2013-12-48 was recorded on October 20, 2014 at Reception # 2014006944 changed the permittee from Morrow and Sons to Everist Materials LLC and granted renewal and amendments to the previously approved permit (see attached Morrow SUP Everist Materials).

#### Violations and Compliance Issues

The following is a history of complaints, violations and compliance relative to Everist Materials:

- February 2006 -(Morrow & Sons) inspection found several violations including operating equipment without a permit. Settlement on 6/14/2006 with penalty of \$3,375.
- May 2007 -inspection found several violations, including opacity (smoke) from two rock crushers. Settlement on 12/19/07 with penalty of \$15,200.
- October 2007 -(Everist Materials) inspection observed opacity violation from the concrete batch plant in the pit (owned by Mountain Park Concrete, operated by Everist Materials). Settlement on 12/1/08 with penalty of \$16,200.
- July 22, 2009 -Jay Clough called regarding the Everist Asphalt Plant located on the Morrow Pit on CR 5. The Air Quality was bad this morning and he wanted it on record –he also contacted the Air Quality Control Division and Al White’s office.
- September 2, 2009 –there were daily site visits over a 2-3 week period; opacity violation observed on 9/10/09. Settlement on 2/25/2011 with penalty of \$12,950.  September 10, 2009 –Shannon McMillian indicated the plant exceeded the opacity limit as the reading was 23.96% and the maximum opacity reading permitted under state limits is 20%. This was for one day during the Granby Airport asphalt project, and an inspector was taking readings almost every day for 3 weeks. Because they exceeded the limit that one day, the state had enforcement action in their queue, but Shannon stated they were at least 6 months behind.
- June 17, 2010 -Jay Clough called stating that a concrete truck was entering the pit (and had to unlock the gate) at 8:20pm last night (June 16, 2010 –a Wednesday) in violation of their hours of operation –7am to 7pm.
- June 28, 2010 -Jay Clough called and is concerned about traffic on the road, operating out of hours, smoke and windblown dust. Operating in an inversion is also a concern to him.
- October 3, 2010 –Sharry Erzinger complains about the spew coming from the Peak Materials plant and provided photographs.
- October 7, 2010 –Jay Clough complains the air quality is at times horrid and hazardous to the health of those in near proximity. He said that his family, Jerry Nissan, Dr. Chua and his wife, at times cannot come out of their houses because of air quality. Jay feels that there should be an on-site engineer to monitor the air quality and submit results and this should be the cost to the applicant.
- November 12, 2010 –Sharry Erzinger and Robert Drickey complain about air pollution in the valley from plant activities. They state, ‘the plant's rock crusher is only one source of air contamination. An unmentioned major source of air contamination is the unlimited trips of high capacity diesel trucks per hour along County Road 5. The spewed exhaust of these diesel vehicles emit black smoke into the air, and a stench that remains until the next truck adds its contribution. As you know, truck exhaust contributes many known toxins and carcinogens to the environment’.
- June 24, 2011 -Jay Clough visited the Planning and Zoning Department to inform that the asphalt plant was emitting significant amounts of smoke. Mr. Clough followed up with emailed pictures taken from June 24, 2011. Staff contacted the CDPHE, and forwarded the pictures to Shannon McMillan. This resulted in a conference call between the CDPHE, Everist and the Colorado Asphalt Paving Association (CAPA).

□ On Monday June 27, 2011, a phone call was received from Mr. Clough reporting the asphalt plant was again operating, producing excessive smoke. Staff contacted Everist, and the plant was shut down shortly thereafter. The reason given for the smoke was that RAP was being processed and this was a new procedure.

□ August 2, 2011-Morrow Special Use Permit (SUP) was reviewed by the BOCC to determine if a violation of Condition “J”, Off Site Impacts as outlined within the SUP, had occurred on two occasions –June 24, and June 27, 2011. This was in response to pictures and complaints regarding high opacity from the Everist Asphalt Plant.

During the BOCC hearing, an inspector from the Colorado Department of Public Health and Safety (CDPHE) performed a site visit to the Morrow pit, testing the Everist Asphalt Plant. As a result a notice of violation for exceeding their 20% opacity limit was issued to Everist. The enforcement action for this was effective 7/20/12 and they paid a penalty of \$4,900.

The Board allowed the asphalt plant to continue operations, however, a “Stack Test” was required to be performed to determine the level of particulates being released into the air. The test was performed on August 10, 2011, and the results showed the plant was in compliance with air quality regulations.

□ August 5, 2011 –Victor Berman complained about seeing smoky releases from the plant from time to time.  
□ The Board held a meeting on August 16, 2011, and a discussion on January 10, 2012. Neighbor Jerry Nissen, who is performing independent monitoring of the situation, stated at the August hearing that during his 12-15 visits, what he has seen has been “generally good”. Minutes reflect that testimony from neighbors reflect that it was more than just the asphalt plant operation, their issue is a “bigger picture”, such as added equipment, back up horns and fumes.

Testimony by Mr. Bob Jorgenson, Supervisor of the CDPHE Air Quality Control Enforcement Division stated the plant is permitted by the CDPHE, and that permit is irrevocable. They ensure compliance by invoking fines or penalties. He also stated that they have decided that this plant will not cause a public health risk because any possible pollutants coming out of the stack are disbursed and diluted by the time they cross the property boundary, and the further from the plant, the more diluted pollutants, if any, become. He discussed that even minor daily tasks, such as putting gasoline in your vehicle or using nail polish remover, expose individuals to pollutants.

Additional testimony was heard from Mr. Glassmire, an asphalt plant specialist with 31 years of experience, hired by Everist. Mr. Glassmire was brought in to do a thorough inspection of the plant, and perform any necessary repairs. It was noted that there have been some mechanical problems with the plant that are now repaired, and some adjustments were made to the plant, which he said would help with the opacity issue. He stated that in his opinion, this plant is fully capable of complying with state regulations, including opacity, while mixing 20% RAP.

Evidence during both hearings clearly pointed to the fact that this Asphalt Plant can operate while mixing up to 20% Recycled Asphalt, (RAP) under compliance with State Regulations. Opacity will continue to be enforced by the CDPHE, Air Quality Control Division. Further, the stack test showed that the plant operates well within the permitted allowance of particulates.

□ August 30, 2011 –Joanna Hopkins provides results of the stack test performed on August 10, 2011. It stated the table shows the amount of particulate matter in each of the runs against our permit limits (both runs were well below the limit). Run 1 was at 150tons/hour with 20% RAP and Run 2 was at 150 tons/hour with 10% RAP.

□ September 6, 2011 -Jay called stating the smoke is really thick, and he smells asphalt. It is raining and cold outside, maybe an inversion.

□ September 7, 2011 -Jay Clough and Barbara Parker both called about the inversion and the emissions from the asphalt plant. Rainy and cold today and yesterday.

□ September 21, 2011 –BOCC passed Resolution No. 2011-8-30 finding a violation of the Morrow and Sons Gravel Pit SUP (attached as 2011-8-30 PDF).

□ August 20, 2012 -Jay called, stating they are starting too early again, and causing problems and feels his issues are not being adequately addressed.

oJoanna Hopkins, Environmental Permitting Coordinator for Everist Materials responded in an August 20, 2012 email, ‘We continue to be very diligent with our operations in the Morrow Pit with respect to start times and how it might affect our neighbors. Our silo storage capacity enables us to start later and store for the next day deliveries and we’ve been able to make that work effectively for our customers. Last week we had several orders from CDOT and other customers that exceeded our storage capacity which required us to start up between 9 and 9:30 on three occasions last week as well as today. We did our best and were able to work with most of our customers to delay asphalt pick up until later in the morning or divert them to other locations but others required earlier deliveries due to the location of the job and other factors.

Our action plan for the rest of the season will be to utilize our silos for the bulk of our orders(start up later and store for the morning pick-ups) and to notify our neighbor in advance in the event that we have a large order that will exceed our storage.

- February 28, 2012 –By BOCC Resolution No. 2012-2-36 allowed the asphalt plant to resume operations, with a condition that no more than 20% consist of recycled materials during asphalt production.
- August 13, 2012 -State Air Pollution Control Division conducted an onsite full compliance evaluation (inspection) of both the hot mix asphalt plant and the concrete batch plant owned by Everist (operating in the Morrow pit) and they were found to be in compliance.
- October 25, 2013 –Jay called saying there is an inversion today and he cannot be outside for more than 15 minutes without getting a headache.
- November 4, 2013 -Shannon L. McMillan, Field Services, Program Manager, Air Pollution Control Division, Colorado Department of Public Health & Environment stated they conducted an onsite full compliance evaluation (inspection) of both the hot mix asphalt plant and the concrete batch plant owned by Everist (operating in the Morrow pit) on 8/13/12 and they were found to be in compliance.
- December 9, 2013 –Janis Lund complains about commercial truck traffic on County Road 5.
- July 22, 2020 –Commissioner Cimino alerted me via email about recent complaints of asphalt smell and air pollution

Joanna Hopkins for Peak Materials stated the operations has been since the 1970s. The neighborhood has built up over time.

Ms. Hopkins stated that she has not seen any detailed complaint. She has heard that the complaints were odor and visual impact.

Ms. Hopkins stated that they do not operate all of the haul trucks out of the pit.

Ms. Hopkins stated that they have put a lot of improvements into the plant. There was a surprise inspection by the state last week. Overall the plant was operating in compliance. There was a request to put more water on the road.

Commissioner Cimino asked what was being done about the odor.

Ms. Hopkins stated that the state does not regulate odor. Peak would like to work with the County to mitigate odors from the plant.

County Attorney Leahy suggested that complaints go directly to Robert Davis.

### Grand County Board of Health

Commissioner Manguso announced that the Board is sitting as the Board of Health.

Public Health Nurse Brene Belew-LaDue reported that Office of Emergency Manager Director Kat Conrad stated that the group has a written a transition plan from the IMT to the County.

The team has been working to get the fair up and running in a safe manner.

The team has also been working with the school districts.

The number of COVID cases have gone down.

There is a push toward rapid testing.

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

### Manager & Attorney Items

County Manager McIntire presented her weekly update.

### Consent Agenda

Resolution No. 2020HA-7-20, "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 BOARD, APPROVING A LOAN FROM THE GRAND COUNTY

**HOUSING AUTHORITY DOWN PAYMENT ASSISTANCE PROGRAM, AND AUTHORIZING A BOARD MEMBER TO WIRE TRANSFER FUNDS”**

Resolution No. 2020-7-21, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE AN ASSIGNMENT OF HANGAR GROUND LEASE FOR AIRPLANE HANGAR NO. 10 LOCATED AT THE GRANBY-GRAND COUNTY AIRPORT, EMILY WARNER FIELD”

Resolution No. 2020-7-22, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A FIRST AMENDMENT TO THE SERVICES CONTRACT BETWEEN LOTIC HYDROLOGICAL, LLC AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO CONCERNING REVIEW OF NUTRIENT MONITORING PLAN AND ADAPTIVE MANAGEMENT PLAN ASSOCIATED WITH CONDITION 22 OF THE WINDY GAP FIRING PROJECT 1041”

Resolution No. 2020-7-23, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A NOTICE TO PROCEED DIRECTING OLDCASTLE SW GROUP, INC. DBA UNITED COMPANIES TO BEGIN WORK ON THE 2020 RUNWAY REHABILITATION PROJECT, AIRPORT IMPROVEMENT PROGRAM PROJECT NO. 3-08-0034-017-2020 AT KREMMLING MCELROY AIRFIELD”

Resolution No. 2020-7-24, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING THE REQUEST BY HISTORIC FRASER, INC FOR A DONATION OF 5 LOADS OF CLASS C GRAVEL FOR FILL NEEDED FOR PROPER DRAINAGE AT THE STAGECOACH HOTEL IN FRASER”

Commissioner Cimino moved to approve the Consent Agenda.

The motion passed unanimously.

Board Business / Correspondence / Calendar

Commissioner Cimino announced that he is part of the Colorado Geographic Renaming Advisory Committee.

Commissioner Linke moved to approve request from the Fair Board for EMS to cover the Fair during August 8 from 6 p.m. to 9 p.m. for the CPRA Rodeo; August 7 from 5 p.m. to 10 p.m. for the Junior Rodeo; August 5 from 6 p.m. to 8 p.m. for the Queen’s Barrel Race; and August 9 from 11 a.m. to 3:00 p.m. for the Ranch Rodeo and Horse Races at no charge.

The motion passed unanimously.

Calendar

- August 5 Commissioner Linke will attend Club 20 meetings in Grand Junction
- August 6 Commissioner Manguso will attend the TPR meeting
- August 7 Commissioner Cimino will attend CCI meetings
- August 8 Commissioners Cimino and Linke will attend the 4-H sale at fair
- August 8 Two or more Board members will meet at the Grand County Emergency Operations Center on County Road 5 at 9:00 a.m. regarding exploding targets discussion
- August 12 Mandatory Budget meeting at 9:00 a.m. at County Administration Building

Commissioner Cimino noted that he has been attending the Winter Park Transportation Advisory Committee meetings.

Commissioner Cimino and Linke attended the ground breaking for Church of the Eternal Hills.

Public Hearing – Lots 4 & 5, Block 5, Grand View Highlands Amended Final Plat & Easement Vacation

The public hearing scheduled to begin at 10:30 a.m. was called to order by Chair Manguso at 10:30 a.m. County Attorney Chris Leahy set the record as follows:

- A. Application and Project Narrative Letter, dated June 11, 2020

- B. Public Notice Memo to all adjacent property owners from Community Development Department, Planning & Zoning, dated July 21, 2020
- C. List of Mailings property to all adjacent property owners as established by the Grand County GIS
- D. Vicinity Map depicting the notification buffer as established by the Grand County GIS
- E. Certificate of Recommendation dated August 4, 2020
- F. Proposed Amended Final Plat, Created by Tim Shenk Land Surveying, Inc. dated June 12, 2020
- G. Grand View Highlands Filing 1, Final Plat, Reception No. 115969, dated October 23, 1970

PROJECT NAME: Lots 4&5, Block 5, Grand View Highlands–Filing No. 1, Amended Final Plat and Vacation of Easements

APPLICANT: Charles E. and Diana Lynn Rau; Faustina Chandler

LOCATION: Lots 4&5, Block 5, Grand View Highlands –Filing No. 1 commonly known as 71 & 76 GCR 8511 (Fawn Lane)

#### APPLICABLE

REGULATIONS: Grand County Master Plan, Zoning Regulations, Outright Exemption Regulations

ZONING: R/B–Residential and Business District (split zoned)

#### ATTACHMENTS:

- A. Vicinity Map
- B. Application and Narrative Letter
- C. Title Commitment
- D. Proposed Amended Final Plat
- E. Grand View Highlands –Filing No. 1 Final Plat

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing a boundary adjustment to prevent encroachment of a new garage on Lot 5 owned by the Rau’s.

## I. BACKGROUND

### a. Proposal

Charles E. “Charlie” and Diana Lynn Rau own Lot 5, Block 5, Grand View Highlands –Filing No. 1 via Warranty Deed recorded at Book 400 and Page 975 dated August 15, 1986. There is an existing single family residence on the property which was originally built in Year 1990 according to Assessor records. Faustina Chandler owns Lot 4, Block 5, Grand View Highlands –Filing No. 1 via Warranty Deed recorded at Reception No. 2003-016438. There is an existing single family residence and garage on the property which was originally built in 1993 according to Assessor records.

### a. History

Grand View Highlands –Filing No. 1 was created in October 23, 1970 recorded at Reception No. 115969. It consists of approximately 76 lots within 125 acres more or less. This subdivision was platted with the intention of creating single family home sites. Grand View Highlands Subdivision lies approximately 3 miles west of Tabernash and approximately 6.5 miles southeast from the Town of Granby. The lots range in size from 1 acre to 2.16 acres (see Attachment E-Grand View Highlands –Filing No. 1 Final Plat).

## II. STAFF ANALYSIS

This proposal is a boundary adjustment to provide additional area on the Rau’s property (Lot 5) to place a garage where they currently only have a parking area. Staff and the Applicant have discussed the options, one of which was a variance to the required front yard. Staff suggested we would not support that request because the amended plat was an alternative which upholds the current zoning regulations. Given that both lots are split zoned, the zoning district with the highest standards, i.e., Business governs. CRS 30-28-123 Higher Standards Govern Wherever the regulations made under authority of this part 1 require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this part 1 shall govern. Wherever the provisions of any other statute require a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this part 1, the provisions of such statute shall govern. According to the Colorado Revised Statute language above, Staff reviewed the requirements of each zoning district for this parcel and found the following, Business District requires a 1 acre minimum area of the lot which is more restrictive, minimum side yard requirements are 10 feet “...when adjacent to residential use...”

## III. PLANNING COMMISSION RECOMMENDATION

This application was reviewed by Planning Commission during their regular meeting July 8, 2020. During the review, Planning Commissioners asked questions confirming both property owners were participating in this amendment and verification that the proposed lots met the required minimum area. Following questions from Planning Commission to Staff, Planning Commission voted on the application. Planning Commission unanimously recommended the approval of the Amended Lots 4A and 5A, Block 3, Grand View Highlands –

Filing No. 1 Amended Final Plat and vacation of interior lot line easements as identified on the Grand View Highlands –Filing No. 1 Final Plat with the following conditions to be met:

1. Quit Claim Deeds back to the current owner with the new legal description shall follow the recording of the plat [4.3 (2) (b)].
2. Total width (being both sides or circumference of cul-de-sac) of each street or other rights-of-way shall be shown [4.3 (2) (e)].
3. Any draft Deeds shall be supplied for review by the County Attorney and recorded with Final Plat [4.3 (2) (j)].
4. Statement of taxes due showing current taxes paid shall be included prior to recording the Final Plat Mylar [4.3(2) (x)].
5. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [4.3(2) (y)].
6. The Applicant shall be responsible for fees associated with recording the plat. 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 Cimino moved to approve Lots 4 & 5, Block 5, Grand View Highlands–Filing No. 1, Amended Final Plat and Vacation of Easements as presented.

The motion passed unanimously.

Commissioner Linke moved to close the public hearing.

The motion passed unanimously.

#### Dennis and Kathy Johnson Blight Hearing

The public hearing scheduled to begin at 10:45 a.m. was called to order by Chair Manguso at 10:45 a.m.

The scheduled Johnson Blight Hearing is to provide recourse for Dennis & Kathy Johnson concerning blight observed at 6121 GCR 5 near Tabernash. Mr. Johnson has three previous violations on record, from 2002, 2009, and 2014. Mr. Johnson received a Warning Letter dated October 11, 2019, after which he was verbally notified by staff that he would receive a Notice of Violation if he did not remove the blighting factors. A Notice of Violation letter dated July 8, 2020 was sent to Mr. Johnson, who on July 14, 2020 submitted a signed Blight Hearing request form.

#### Timeline:

May 17, 2002 -Notice of Violation sent for blight

- June 26, 2002 -Staff concluded the blight was removed
- May 28, 2009 -Notice of Violation sent for blight
- August 21, 2018 -Warning Letter sent for blight
- October, 2019 -Mr. Johnson visited the Community Development Department and was notified in person that that he would receive a Notice of Violation if he did not remove the blight
- July 9, 2020 -Notice of Violation sent for blight via certified mail along with Blight Hearing Request form
- July 14, 2020 -Blight Hearing Request form received

Mr. Johnson stated that the equipment on the property is for sale. The equipment is in running order.

Mr. Johnson stated that he has a sawmill on the property. There are some extra parts on the property.

Mr. Johnson is working to get rid of some of the cars on the property that do not run.

Chris Bergquist stated that under exemptions, any property of 10 acres or more that are agricultural or industrial land are immune from the blight ordinance.

Staff noted that the property is zoned forestry and open as well as tourist. Parcel C is split zoned forestry and open and tourist. The property across County Road 5 to the west is mobile and forestry and open.

Commissioner Cimino stated that the property owner allows the use of the eastern property for a trail.

Commissioner Cimino stated that someone has dumped a snow machine on the property.



It was noted that the property is being cleaned up some.

A neighbor of the property stated that this has been going on for a long time.

Other people have been have been in blight hearings and have been asked to clean up their property. The request was that the Johnsons be held to the same standard.

Mr. Johnson has agreed to get rid of inoperable vehicles. He will get the clean-up of junk cars, snowmobiles, olds signs, televisions and other items by October 15, 2020.

#### Christopher Bergquist Blight Hearing

The scheduled Bergquist Blight Hearing is to provide recourse for Bergquist, Christopher R. Concerning blight observed at 5947 GCR 5 near Tabernash. Mr. Bergquist has two previous violations on record, from 2010 and 2014. A Notice of Violation letter dated July 9, 2020 was sent to Mr. Bergquist, who on July 24, 2020 submitted a signed Blight Hearing request form.

#### Timeline:

- December 30, 2010 -Notice of Violation sent for blight
- September 9, 2014-Notice of Violation sent for blight
- July 9, 2020 -Notice of Violation sent for blight
- July 24, 2020 -Blight Hearing Request form returned signed

Mr. Bergquist agreed to move the vehicles by the trailer. He will also move the tires. He believes that he can complete the work by the 1<sup>st</sup> of October.

There being no further business to come before the Board, the meeting was adjourned at 1:15 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 11<sup>th</sup> day of August 2020.

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Kristen Manguso, Chair

Attest:

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Sara L. Rosene, Clerk and Recorder