County opts to 'keep thumbs' on Kane Creek development

Commission unanimously approved a request for a new special service district by the current owners of a 180-acre parcel along Kane Creek Boulevard.

At its Tuesday meeting, the county commission noted community concern in voting to appoint itself board of trustees of the new Kane Springs Special Service District.

The decision was in response to concerns by local residents and a developer looking to pursue the wastewater plant for the area.

According to county policy, district boards could not be composed entirely of owners or agents of the entities providing services.

However, the county commissioners have the option to have an all-commission board, as long as only the county commission is involved.

"We are the only ones on the board that can make the decisions," Smith said. "It doesn't exist just to exist."

The commission would have the authority to determine tax rates and how services would beadministered.

Smith said his clients are "anxious to move forward" and schedule the district’s first board meeting.

Development, LLC is seeking a permit to construct a wastewater plant in the area.

Woytek said "engaging with the developers and the entity involved … would be really useful to this situation."

The districts provide a mechanism for owners of property within a service area to finance improvements by taxing and assessing lands within the service district. In this case, the two LLCs comprise 100% of the Kane Springs district area.

Kovash added that given recent flooding, she thinks the county needs time to "reassess a lot of our notions about making improvements to flood zones."

Smith additionally expressed concern over workload and potential conflicts of interest on an all-commission board.

McGann said the Arches Special Service District, which has a mixed board and provides water, sewer, drainage and flood control services, has been a "real resource" to the community.

For that reason, Walker said he thought an all-commissioner board would be a "no-brainer."

Legally, the commission could have chosen two other board compositions: one composed entirely of owners or agents of the companies, and another with a mix of owners and county commissioners.

Vice Chair Mary McGann. "…I think we owe it to the citizens of Grand County to keep our thumbs on it as much as possible."

"This is a development that the community is very interested in given the sensitivity of the lands involved and also the sensitive nature of the water issues."

McGann said the Arches Special Service District, which has a mixed board and provides water, sewer, drainage and flood control services, has been a "real resource" to the community.

Walker clarified that the responsibility lies with that body alone. Other elected county officials "will not be involved."

Other commissioners and officials seemed less convinced.

Smith said that development-specific districts in both Grand and San Juan counties "don't function as well as we would hope."

According to state statute, an all-commissioner board could later be changed to a mixed or all-owner board, but not the other way around.

Other commissioners and officials seemed less convinced.

The morning meeting ended with discussion of the "100k summer tourism with $100k ad campaign."

"It has a job," Smith said. "…It doesn't exist just to exist."

Smith said his clients are "anxious to move forward" and schedule the district’s first board meeting.

"I recognize this could be more than the commission can take on in the long range," agreed Commissioner Josie Kovash.

In this case, the entities providing services would be the Kane Creek Development LLC and its agents.

The entities involved in the development are Cove Creek, LLC and Kane Springs, LLC. Kane Springs, LLC purchased 180 acres along the scenic Colorado River corridor and began moving out the property’s existing rights-of-way maintenance to the companies, or one with a mix of owners and county commissioners.

At least for now, the Grand County Commission will manage a new improvement district that’s responsible for providing specific infrastructure to a forthcoming development on Kane Creek Boulevard.