



## DEPARTMENT OF COMMUNITY DEVELOPMENT

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# Grand County Planning Commission

Staff Report May 11, 2016

**PROJECT NAME:** Lake Granby Tract B Subdivision – Sketch Plan  
**APPLICANT:** Lake Granby Tract B, LLC and Thompson Investment Trust 12/8/2010 represented by Jim and Jake Donahue  
**LOCATION:** 3.374 – acres located SW ¼ SW ¼, Section 34, Township 3 North, Range 76 West, County of Grand, State of Colorado  
**ZONING:** Mobile Home District  
**APPLICABLE REGULATIONS:** Master Plan, Zoning Regulations, and Subdivision Regulations  
**EXHIBITS:** Vicinity Map, Preliminary Subdivision Plan  
**STAFF PLANNER:** Bill Gray, County Planner

**REQUEST:** The Applicant is requesting sketch plan approval of a three (3) lot subdivision.

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### I. DISCUSSION

In 2001, L. Richard Thompson transferred a 3.348 acre metes and bounds parcel to Lionel Richard and Thelma C. Thompson Living Trust with Lionel Richard Thompson A/K/A L. Richard Thompson A/K/A R.L. Thompson A/K/A Dick Thompson and Thelma C. Thompson as Trustee by Quit Claim Deed recorded at Reception No. 2001-005665. In 2006, Lake Granby Tract B, LLC, (James E. Donahue) purchased 1.217 acres of the 3.348 acres by Warranty Deed recorded at Reception No. 2006-005559. This purchase by Lake Granby Tract B, LLC resulted in a violation of Senate Bill 35, which states splitting any land under 35 acres in size is subject to subdivision regulations. This subdivision request will encompass the entire 3.374 parcel of land.

At the time the property was purchased by Lake Granby Tract B, LLC, Grand Lake Title and Escrow Inc. required James E. Donahue as registered agent, to sign a Hold Harmless Agreement dated May 30, 2006, stating the following:

“WHEREAS, James E. Donahue as registered agent of the Lake Granby Tract B LLC and purchaser of the described property attached, understand that said parcel has not been properly subdivided according to Grand County regulations. By signing this agreement, Grand Lake Title LLC and Agents Title Insurance Company are hereby waived of any claim, responsibility, for the property not being correctly subdivided.”

Section 1.8 of the Grand County Subdivision Regulations regarding violations reads, in part, as follows:

“No person shall be prosecuted, tried, or punished under this paragraph unless indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen (18) months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land. The Board of County Commissioners may provide for the enforcement of subdivision regulations by means of withholding Building Permits.”

Since the transaction was more than eighteen (18) months ago, staff is withholding building permits on the property until the violation is cured.

This project was originally submitted in 2006. The Applicant was required to amend the property into a growth boundary prior to subdivision, which occurred at the October 2006 Planning Commission meeting by Resolution No. 2006-10-1. The Applicant originally had a sketch plan approved for this subdivision by the County in 2010 and its approval expired. The Applicant has resubmitted the 2010 sketch plan application again to initiate the subdivision process.

The Applicant is proposing a three (3) lot subdivision of 3.374 acres. It is located near Highland Marina, Lake Shore Mobile Home Park and McElwain Subdivision approximately 7.5 miles north of Granby. The lots range in size from 1.5 acres to .5 acres and an open space parcel (Tract “B”) .6 acres. Main access to the subdivision is proposed from US 34. Water is to be provided by individual wells for each of the 3 lots. The property has an approved augmentation plan for three (3) household use only wells (Case No. 07CW134). Wastewater treatment is planned to be provided by Three Lakes Water and Sanitation District.

Proposed lot 3 is under the ownership of the Thompson Investment Trust and is currently used as a gravel and heavy equipment storage area. This use has been in existence for over fifty (50) years and remains a pre-existing, non-conforming use.

## II. GRAND COUNTY MASTER PLAN

The proposed development is located in a Growth Boundary of Grand County. The Planning Commission incorporated this area as a growth area by Planning Commission Resolution No. 2006-10-1. Growth areas are intended to recognize existing higher density residential areas within the County as potential growth areas and allow for infill and limited expansions on a case by case basis. This development request will be served by Three Lakes Water and Sanitation District for central sewage facilities. Central water services are not available, and lots will be served by individual wells. From a location standpoint the proposed subdivision is located in an area where the County would like to see infill development.

With the above in mind, this request is in substantial compliance with the Master Plan.

### III. GRAND COUNTY ZONING REGULATIONS

The property is zoned Mobile according to Grand County Zoning Maps. Single family dwellings are a use by right in this zone district. All lots are to be served by Three Lakes Water and Sanitation District for the sewage requirements. The minimum area of a lot on subdivision land served by either public water or public sewage facilities in this zone district is 15,000 square feet, and all proposed lots comply with this requirement. Zoning regulations have a requirement that each lot also meet a minimum width of sixty (60) feet in this zone district. All lots meet this requirement as well.

Staff originally raised concerns regarding the location of the high water mark on the northern property boundary of Lot 1. The letter of application states the property to the north is owned by Highland Marina, and it is apparent that the property is used by the Marina. However, it appears the property to the north is part of Lake Granby, and not actually owned by the Marina. Vision Land Consultants has prepared a document that shows the highwater mark to the north of the property is 115 feet from the actual property line, which complies with the required 30 foot water quality setback requirement.

The eastern boundary is in compliance with water quality setback requirements as “according to the Bureau of Land Reclamation, the entity controlling the reservoir’s water level, the site’s eastern property boundary represents what they have determined to be a “highwater line.” The sketch plan shows the required 30 foot setback from the lake along both proposed lots.

The development is located within the Three Lakes Design Review Area. It is an overlay zone district that exists from approximately Rocky Mountain National Park on the north end to County Road 6 on the south end. The district specifies various design criteria to be used when developing plans. It is the intent of the standards to foster sensitive and creative design. The key element of design that is stressed is the achievement of blending and appropriateness of the built form to the natural environment and to protect views from public spaces. Compliance with the design standards is extremely important for this project due to its shoreline location. Staff believes that this development should be required to address the design standards for the subdivision and the covenants should specifically relate to the design standards. That is to say, they need to be much more specific than simply referencing the design standards for the area. The following minimum recommendations are to be considered for the Three Lakes Design Review Area:

Applicant shall submit Architectural Design Guidelines with any preliminary plat for review. The guidelines shall address siting, architecture, and landscaping and address the requirements of the Three Lakes Design Review Area.

All buildings and structures shall incorporate articulation, both vertical and horizontal planes, in their architectural design to reduce the apparent size (height, mass, and bulk) and give them more visual interest. Articulation is the giving of emphasis to architectural elements (i.e., windows, decks, entries, roof lines, facades, etc.) that divides larger structures or buildings into smaller, identifiable pieces.

No mobile homes shall be allowed to be constructed on any of the three lots.

By implementing specific standards at the platting stage, it will create better direction for lot development by future property owners. These standards should be specifically set forth on the plat in a note section titled design standards or other acceptable terminology. It is staff's position by including the standards on the plat, it identifies the minimum requirements that will have to meet at building permit phase for compliance with building and zoning requirements, which are specific for this proposed subdivision.

In regard to landscaping and lighting, the following standards are recommended:

- Existing vegetation shall be preserved in areas where disturbance is not necessary outside the building envelope.
- Individual landscape plans shall be required at the building permit stage for each lot. The landscape plan shall seek to retain existing vegetation, minimize site disturbance, and buffer structures from public view. Native plant species shall be included in the design. All landscape plans for the lots are to be submitted with any building permit application and must be approved by Grand County prior to issuance of a building permit. Landscape Plans are required to be designed by a professional landscape architect, landscape business or like professional and installed/constructed by the same. If permitted by the augmentation plan, each plan shall include a drip irrigation system or other commensurate irrigation system to ensure plant viability. No letter of occupancy for the home will be issued unless the landscaping has completed in substantial compliance with the plan, or an improvements agreement and cash bond to guarantee completion of the plan has been approved and executed by the Board of County Commissioners. An estimate of the cost of the landscaping must be submitted with any request for bonding. In no instance shall the cash bond be less than \$5,000.00. This shall be noted on the plat.
- Exterior lighting shall be minimized and shall be designed and installed to subtly illuminate functional areas only. The source of light shall not be visible above a horizontal plane and shall direct the light inward and downward onto the site and away from the adjoining properties. Fixtures shall be hooded and shall not be located above the eave lines. Use of "Dark Sky" fixtures is encouraged. This shall be so noted on the plat.

Lastly, the Applicant shall address window standards and fencing standards, and note that this project is subject to all design standards for the Three Lakes Design Review Area. The following standards are required to be applied to this subdivision:

- All windows will have to be high technology glass, double or triple pane or low-emissivity glass for purposes of reducing exterior glare. Window specifications shall be provided with building permit application and shall be subject to Grand Count approval.

- **Fencing:**  
The sketch plan shows a rock/berm on the western border of the property to shield the subdivision from the Highland Marina. A design for this landscape screen need provided with the preliminary plat.

As this project is located in the geographic area of the County known as the Three Lakes Design Review Area, the following note shall be placed on the plat:

- This development is located in the geographic area of the County known as the Three Lakes Design Review Area and is subject to all Design Criteria of this overlay zoning district.

The project will comply with the Grand County Zoning Regulations if the above requirements are met. By implementing the site specific standards at subdivision platting stage it establishes the means for compliance with the Three Lakes Design Standards, reduces application review time at building permit stage and sets out the site planning process for property owners. Lastly, it provides more guarantee for both the Applicant and the County that the project will be built out, now and in the future, at a quality standard.

#### **IV. GRAND COUNTY SUBDIVISION REGULATIONS**

##### **7.1 SKETCH PLAN**

- (1) The following items shall be submitted by the applicant with the sketch plan:
  - (a) Relevant site characteristics and analyses applicable to the proposed subdivision.

According to the proposal, the properties eastern boundary is adjacent to Lake Granby. The sketch plan shows the required thirty (30) foot buffer from the high water line to the building envelopes, on the east side. Vision Land Consultants has prepared a document that shows the highwater mark to the north of the property is 115 feet from the actual property line, which complies with the required 30 foot water quality setback requirement. YSince all building envelopes are shown at the thirty (30) foot water quality setback, the following note shall be placed on the plat to ensure compliance with the water quality setback;

*All building permits in this subdivision are required to submit a foundation verification survey once the foundation is poured to ensure that the foundation is located within the required setbacks and within the building envelope.*

Staff is concerned with building height and the visual impact from both U.S. Highway 34 which is designated as a National Scenic Byway, as well from recreational users on Lake Granby. YThe applicant will be required to develop building architecture (size, materials) and design infrastructure based on the Three Lakes Design Review Overlay in order to minimize intrusion into the view shed. The design requirements shall be submitted for review with any preliminary plat.

## **ROADS**

The traffic impact analysis states there is a 30 foot access and utility easement through Highland Marina that connects to Lot 1. Further, aerial photographs of the site show this gravel driveway extending through the proposed subdivision and connecting with an existing road that accesses US Highway 34 through the Highland Marina. This access easement shall be shown on any preliminary plat and refer to the recording information of the easement. With the secondary access through Highland Marina, the proposed access is in compliance with Section 2.2(1) and (14) of the Grand County Subdivision regulations which requires that all subdivisions provide two (2) points of ingress/egress.

This request is to allow for three (3) lots, with the access to Lot 3 located immediately upon entering the property off Hwy 34. Grand County Road & Bridge Standards consider the access to be a driveway, as there would be two (2) lots served, resulting in 16 ADT's, below the 20 ADT's allowed. Section 3.3 of the Road and Bridge Standards states that the County has the authority to determine which classification applies to any given road. In this case, staff is recommending the County classify the entire roadway as a driveway, as the access to Lot 3 will be immediately off Hwy 34 and the access and utility easement will truly serve only two (2) lots. This is supported by the fact that lots 1 and 2 are bordered on two sides by lake frontage, and no additional lots or properties will be served by this private access easement. If the Board defines the access as a driveway, the letter of application states that Lake Granby Tract B, LLC plans to request a variance to the road and bridge standard which requires a 25' wide easement for a driveway, asking for 20' instead. It also states the driveway will be constructed in accordance with driveway standards, and be built to the required 14' width. Any request for a variance shall be submitted with the preliminary plat.

A portion of the proposed private access easement is shown to be adjacent to the Lake, and an aerial photograph shows gravel roadways along the lakeshore. Grand County is very mindful of water quality, and believes that permanent water quality/erosion control measures need to be installed along the common boundary of the access easement and the lakeshore. A document showing how the Applicant is proposing to provide adequate protection of the lake from the driveway and access easement shall be submitted with any preliminary plat.

There is an existing access to Hwy 34 that serves the Thompson's gravel storage area. A Colorado Department of Transportation (CDOT) access permit or written acknowledgement from CDOT that no permit is required shall be provided with any preliminary plat submittal.

## **UTILITIES, WATER AND SEWER**

Subdivision Regulations require all electric utilities to be placed underground. YA note shall be added to any preliminary plat stating that all utility services must be placed underground.

The sketch plan delineates utility easements along all roadways. Staff would like to note that the public utility companies will be reviewing this development request at the preliminary plat stage, which will determine if the proposed utility easement layout is sufficient in accommodating necessary utility services for said subdivision. The location and size of existing and proposed utilities and/or easements contained within or adjacent to this property is required to be provided with any preliminary plat submittal.

These lots will be served by central sewage facilities operated by the Three Lakes Water and Sanitation District. The applicant shall provide guarantee of available sanitation facilities for this development request in the form of written verification from the Three Lakes Water and Sanitation District stating that they have the ability to serve the three (3) single-family residential lots contained within this request.

The three (3) single-family residential lots will be served by individual wells. Staff understands that an approved augmentation plan for three (3) water wells has been obtained by the Applicant. A copy of the approved water augmentation plan shall be provided with any preliminary plat submittal. Individual well permits shall be provided for all approved lots prior to any recording of any approved final plat. All wells approved for this subdivision will require meters to be installed at the time of construction. The meter will be required to be verified by the State Water Commissioner, a licensed engineer or licensed plumber, that it was installed correctly, prior to any issuance of a letter of occupancy for any dwelling.

In order to address long term water quality concerns, if this proposal is approved, the applicant will be required to provide \$500.00 per lot to be held either by Grand County, or turned over to a properly formed Sanitation District, for future water quality measures. The applicant will be required to enter into a water quality agreement as well.

**b. Reports concerning streams, lakes, topography, geology, soils and vegetation.**

This site primarily consists of grasses, shrubs and coniferous trees of moderate density. The site containing proposed lots 1 and 2 slopes at approximately ten percent (10%) to the north/northeast, well below the county requirement of thirty percent (30%) or less. According to information obtained from the Soil Survey Conservation Service, the majority of soils on site consists of Cowdrey and Binco Clay Loams and deep, well drained soils. A preliminary site analysis by Ground Engineering determined that the subsurface consists primarily of sand, siltstone and claystone. The report described these soils as “moderately to very highly expansive.” The report further states that geotechnical evaluations of individual building sites should be done to determine if swelling materials and/or collapsible materials are present in the foundation soils. With this in mind, the following note shall be placed on any preliminary plat:

*A site specific soil and foundation report is required to be provided with submittal of a building permit application to the Grand County Building Department that recommends the most appropriate foundation system for each structure. The soils and foundation engineer should inspect all foundations prior to the placement of*

*any footing structures within the excavation and certify that the foundation is designed correctly for existing soils. This certification is required prior to request for a footing inspection by the Grand County Building Department.*

According to the letter of application, the general drainage concept associated with this development will route on-site generated stormwater via drainage swales and roadside ditches that will discharge to historic drainageways. The Phase 1 drainage report does not propose a detention facility at this time, however, it does recognize the proximity of this proposed development to Lake Granby and states that “water quality will be addressed, designed and analyzed as a part of future submittals”. The Applicant is placed on notice that this will be extremely important on this project, considering the proximity of the driving surface and the building envelopes to the lake.

All design of these improvements will adhere to the Grand County Storm Drainage Design and Criteria Manual and the Denver Regional Council of Governments and Urban Drainage and Flood Control District Criteria. The drainage plan provided in conjunction with the preliminary plat submittal shall address water quality concerns, the retention of stormwater run-off and how erosion/sedimentation will be minimized. The applicants engineer should be aware that this project will be reviewed under the 208 Water Quality Standards, in addition to the Grand County Drainage Standards, and should be designed accordingly.

**c. Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.**

The Geologic Hazard Assessment and Preliminary Geotechnical Recommendations dated December 7, 2006, and prepared by Ground Engineering, Consultants state the site appears to be feasible for development with respect to geologic concerns. The report discusses the possibility of swelling materials and/or collapsible materials being present in the foundation soils. As stated above, a plat note will be required to address this possibility. Further, the Colorado Geological Survey is a preliminary plat review agency and will be commenting on the proposal.

**d. In the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.**

Staff understands that the potential for radon gas exists countywide, specifically in areas underlain by the Troublesome formation (Tt). Currently, the US EPA guideline for acceptable indoor radon gas levels is 4.0 picoCuries of Radon per liter of air ( $4 \text{ pCi/l}$ ). Reports have indicated that radon sample results from an EPA Radon Study, in association with the Tt formation, has an average radon concentration of twice (2x) the US EPA guideline ( $8.0 \text{ pCi/l}$ ). Reports have also concluded that 1 of 6 sample results was (5x) the EPA guideline.

The only way to determine if radon is present is to test for it after construction. In many cases where the structure is built over a ventilated crawl space, radon will not present a problem, since buildup is minimized. However, homes with at grade or below grade levels need to have an underslab ventilation system installed during construction to

minimize buildup. The report prepared by Ground Engineering recommends that the Architect consider radon mitigation measures for the proposed structures and incorporate appropriate systems into the design. YWith the above in mind, the following note shall be added to any preliminary plat: *Units with at grade or below grade levels shall be required to have an underslab ventilation system installed during construction to minimize radon build up.*

- e. Repealed.
- f. A sketch drawing and other documentation showing the proposed layout or plan of development, including the total development area, the total number and types of dwelling units and other buildings, the total area of green belt and open space and their location, and the proposed area for school sites if applicable.

This subdivision request will create three (3) single-family residential lots; lots 1 and 2 are proposed to be 0.53 acres in size and lot 3 will be 1.53 acres in size. Open space is shown as two (2) separate tracts; Tract “A” being 0.073 acres and Tract “B” consisting of 0.597 acres, combining into 0.670 acres or 20.02%, which complies with the 20% open space requirement.

The Grand County Subdivision Regulations require that all subdivisions provide for on-site fire suppression facilities, in compliance with the requirements contained therein. The applicant is put on notice that the Grand Lake Fire Protection District (GLFPD) is a preliminary plat review agency and may require that this subdivision provide additional means of fire suppression. Therefore, the applicant should meet with GLFPD to determine what their requirements will be in conjunction with this proposal. A fire suppression plan specific to this development request shall be provided with any preliminary plat submittal. Staff would also note that any approved augmentation plan for this development request must also include sufficient water rights necessary for fire suppression.

It appears there are no trees located on the area proposed to contain lots 1 and 2. The open space parcel does appear to have trees on site. Staff is requiring the Applicant to consult with the Grand County Department of Natural Resources regarding whether or not the lodgepole pines on the property should be removed. Their recommendation shall be provided, in writing, with any preliminary plat submittal. YCost estimates for their recommendation shall be required to be provided with any preliminary plat submittal.

A landscape/revegetation plan and cost estimates are required to be submitted with the preliminary plat.

The Board of County Commissioners have determined that any division of land produces an impact on Grand County Schools and therefore fees will be required in lieu of school land dedication. The Grand County Subdivision Regulations allow the Board of County Commissioners the latitude to apply these fees. The calculation of school fees will be provided at Preliminary Plat.

Colorado Parks and Wildlife is a preliminary plat review agency for all proposed subdivisions. Review of CPW maps indicate that the parcel is not within a critical winter range, nor in a migratory route for any species. YIn any case, the applicant should meet with CPW to determine if there will be any requirements associated with this proposal.

Comprehensive cost estimates for extension and underground placement of utilities, road construction, revegetation and all other improvements should be provided with any preliminary plat submittal. These cost estimates must be reviewed and approved by Grand County.

All required on and off-site improvements outlined with this certificate shall be required to be guaranteed through a Subdivision Improvements Agreement (SIA).

The applicant shall provide a current title commitment, prepared within the last six (6) months, with any preliminary plat submittal for this request. If any Deed of Trust is found to encumber the property, proper releases or amendments to the Deed of Trust will be required. In addition, the lien holder will be required to sign off on any final plat, with an appropriate Mortgage Holders Certificate provided on said plat.

Covenants for this proposed development must be provided with any preliminary plat submittal and be reviewed and accepted by the County Attorney.

## **V. STAFF RECOMMENDATION**

Staff recommends approval of the Lake Granby Tract B Sketch Plan with the following conditions to be met with any preliminary plat submittal:

1. A copy of the approved water augmentation plan showing water for three (3) lots shall be provided with any preliminary plat submittal.
2. All variance requests shall be submitted.
3. A landscape plan detailing permanent water quality/erosion control measures along the common boundary of the access easement and the lakeshore shall be provided.
4. A current title commitment for all property contained within this request, prepared within the last six (6) months, shall be submitted with any preliminary plat. If any Deed of Trust is found to encumber the property, proper releases or amendments to the Deed of Trust will be required. In addition, the lien holder will be required to sign off on any final plat, with an appropriate Mortgage Holders Certificate provided on said plat.
5. Comprehensive cost estimates for extension and underground placement of utilities, road construction, revegetation, tree removal and all other improvements should be provided with any preliminary plat submittal. These cost estimates must be reviewed and approved by Grand County.

6. The applicant will be required to develop building architecture (mass, materials) and design infrastructure based on the Three Lakes Design Review Overlay in order to minimize intrusion into the view shed. The design requirements shall be submitted for review with any preliminary plat.
7. A proposal showing how the Applicant is proposing to provide adequate protection of the lake from the driveway and access easement shall be submitted.
8. A fire suppression plan specific to this development request shall be provided with any preliminary plat submittal. Staff would also note that any approved augmentation plan for this development request must also include sufficient water rights necessary for fire suppression.
9. Draft Covenants for this proposed development must be provided with any preliminary plat submittal and be reviewed and accepted by the County Attorney.
10. The 30 foot access and utility easement through Highland Marina shall be shown on any preliminary plat and refer to the recording information of the easement.
11. The following notes shall be added to any preliminary plat:
- 12.

*This property is located within the geographic area of the County known as the Three Lakes Design Review Area and is subject to all design criteria of the overlay zoning district.*

*Units with at grade or below grade levels shall be required to have an underslab ventilation system installed during construction to minimize radon build up.*

*All extension of utility services shall be placed underground.*

*A site specific soil and foundation report is required to be provided with submittal of a building permit application to the Grand County Building Department that recommends the most appropriate foundation system for each structure. The soils and foundation engineer should inspect all foundations prior to the placement of any footing structures within the excavation and certify that the foundation is designed correctly for existing soils. This certification is required prior to request for a footing inspection by the Grand County Building Department.*

*All building permits in this subdivision are required to submit a foundation survey once the foundation is poured to ensure that the foundation is not located within any setbacks.*

13. All items addressed in the sketch staff report and all preliminary plat requirement are met.