

MINUTES OF A REGULAR BOARD OF COMMISSIONERS MEETING GRAND COUNTY, COLORADO

Present: James L. Newberry, Chairman – Commissioner District 1; Nancy Stuart – Commissioner District 2; Duane E. Dailey – Commissioner District 3; Lurline Underbrink Curran, County Manager; Anthony J. DiCola, County Attorney; Sara L. Rosene, County Clerk and Recorder

September 20, 2005

Chairman Newberry called the regular Board of Commissioners meeting to order at 8:30 a.m.

Board Business/Correspondence/Calendar

Department heads present for the Board's business portion of the meeting were Deb Campbell, Stu Findley, Billy Sumerlin, Scott Penson, and Sara Rosene.

Those present recited the Pledge of Allegiance.

Commissioner Dailey moved to approve the minutes of the special Board of Equalization hearing of August 2, 2005.

The motion passed unanimously.

Commissioner Dailey moved to authorize the Board to sign letter to the following:

Kadie Huse recognizing her honor by Colorado Cares as the Outstanding Environmental Volunteer for her work with the trail system in Grand County.

Susie Masterson recognizing her honor by Colorado Cares as the Outstanding Environmental Volunteer for her work with the trail system in Grand County.

The motion passed unanimously.

Commissioner Dailey moved to increase the County's reimbursement for mileage to \$.485 at the first of the fourth quarter of 2005. The Board will review the mileage rate at the first of 2006.

The motion passed unanimously.

The Board received a letter from Dan Straight, President of the Rollins Pass Restoration Association, suggesting that, if the Board is going to visit Rollins Pass, the Needles Eye Tunnel, the Devil's Slide Trestles, and the Wagon Road over the pass, a date should be set that is convenient for all parties.

Commissioner Dailey has been reappointed to the Public Lands Steering Committee for NACO.

The Board received a letter from Tom Hale, Granby Town Manager, regarding the extension of central sewer to Val Moritz Village. The letter stated:

It has been a high priority for the Granby Board of Trustees to limit the number of septic systems within

and near the town of Granby. We believe and appreciate that the Village Lot Owners Association, Inc. have made great efforts to avoid the use of the septic systems and create a connection to central collection and treatment systems. This is beyond what my homeowners association would be willing to undertake.

We understand that the process is, to say the least, not the most streamlined or understandable. It does however provide an outline to numerous government entities on how to provide service in a coordinated basis. We would note that several projects have navigated the process and will obtain services from this structure.

We understand the complexity and cost of the process. There is not legal mechanism to keep your property owners at the table and we would understand if you decide to proceed with using wells and septic systems. Perhaps, when the south of the mountain portion of Granby Ranch comes online we might re-visit the concept. Thank you again for your efforts.

The Board reviewed the permit information from the Department of Building and Sanitation. The number of permits is down, but the dollar value of the buildings is higher.

The Board received an invitation from the Kremmling Mayor inviting the Board to attend a dinner at the Rocky Mountain Bar and Grill beginning at 7:00 p.m. on September 27, 2005. The dinner is being hosted by the Governor's Office of Economic Development and the Economic Developers Council of Colorado. The Commissioners were selected to attend the dinner because the two groups believe that the Board's participation is needed as an important leader of the community.

Commissioner Dailey will attend the Western Counties Alliance regarding PILT payment.

A meeting has been scheduled for September 21, 2005, in Grand Lake, regarding an Amended Planned Development Plan for the Grand Lake Lodge. The Plan is for 107 dwelling units and 25,000 square feet of commercial space. Ms. Campbell stated that it appears that no reviewing agency comments have been requested.

The Board received a request for a lottery donation for a Halloween Carnival at the Granby Elementary. Chairman Newberry would like to obtain additional information from the group.

The Board received a letter requesting that the County remove beetle kill trees from the County right-of-way on County Road 8. Chairman Newberry will look into the matter with Road and Bridge.

Commissioner Stuart stated that she attended a meeting regarding the housing of juveniles. A group is working to get the State to comply with federal regulations and guidelines. Mr. DiCola prepared a bill to make changes to State law.

September 21	Workshop with the Planning Commission regarding the repeal of the Subdivision Exemption Regulations from 12:30 p.m. to 4:30 p.m.
	Grand County Rural Health Network Executive Board meeting from 3:00 p.m. to 4:30 p.m.
	Fraser Town Board meeting at 6:30 p.m.
	Meeting at Marion's in Idaho Springs with the Commissioners from Senate
District 16	
	Behavioral Task Force meeting at CCI
	Meeting with the town of Grand Lake at 6:30 p.m.
September 22	Homebuilders Association meeting at 6:30 p.m. at the Inn at Silver Creek
September 23	River District budget workshop from 9:00 a.m. to 2:00 p.m.

Meeting with Scott Haus on the proposed wrap-up for a DOLA grant for biomass furnaces from 9:00 a.m. to 10:30 a.m.
September 24 Second home study meeting with NWCCOG at the Eagle Library
September 24 Public Lands Day at Silvercreek
September 26 Budget workshop from 12:00 p.m. to 5:00 p.m.
September 27 Bark beetle seminar
September 27 Kremmling economic assessment meeting at the Rocky Mountain Bar & Grill
September 28 District Attorney budget meeting in Steamboat Springs at 2:00 p.m.
September 28 Department heads meeting

Road and Bridge Update

Ken Haynes, Road and Bridge Supervisor, and Billy Clark, Assistant Supervisor, appeared before the Board for the weekly Road and Bridge Update.

The following is all or part of staff's Memo to the Board of County Commissioners as presented at the meeting on September 20, 2005.

All districts report maintenance of road conditions. Dist one is working with Elam const on the grinding of the high spots on the fresh overlay of CR50. Elam's Subcontractor should be completed by Wednesday. Dist Two continues to work on the rehabilitation of the CR 41 landslide. All districts plus Granby Landfill expansion crew are assisting with this project. Dist three and four are maintaining roads, repairing snow fence and helping with clean up from the recent Fair.

Maintenance on the heavy snow plow equipment is nearing completion with just a few minor items to correct prior to the plowing season.

Crusher – has 124,500 tons on the ground. Still at the Northern Pit to support the CR41 project and to produce Northern's requirements for use in their pit.

Solid Waste – operations normal. Still working on the proposals for installation of a scale.

GLEP – working at Northern Pit to produce riprap for storm water. Assisting CR41 project.

Bonneville Asphalt is scheduled to start crack sealing at the Granby Grand County airport next week. NOTAMs will be issued.

Three trucks will leave around noon for the annual salt run. Schafer, Townley and Young.

{End of Staff's Memo}

Commissioner Dailey moved to approve the Sales Agreement with Wagner Equipment for the two 627s and the Oshkosh.

The motion passed unanimously.

Chairman Newberry stated that there needs to be a meeting regarding County Road 8 and the beetle kill.

Manager and Attorney Items

County Manager Underbrink Curran stated that she prepared a memo on the Colorado River Basin proposal.

The Board received a draft Amended Service Plan for the Kremmling Memorial Hospital. The District believes that it does not need to amend the Service Plan with the County because it is a health service. County Manager Underbrink Curran will forward the draft to the County Attorney to review. Ms. Underbrink Curran stated that the draft document is not an official submission.

County Attorney DiCola stated that there will be a meeting on September 29, 2005, regarding a staff-certified bed for a juvenile in the Sheriff's Office.

Assistant County Attorney Vidergar has been working on a case for the Housing Authority. There was a gentlemen who checked his father into Cliffview. The father had a Federal Employees Annuity and Social Security. For approximately three years, none of the bills were paid. The County sued the son, who agreed to pay his father's bills, and got a judgment for around \$50,000. The son promptly declared bankruptcy. The County can object to a discharge in bankruptcy if there is fraud.

Christina Whitmer, County Treasurer, stated that she would like a workshop regarding investments. The Board scheduled a workshop on September 26, 2005, at 11:00 a.m.

Finance Director

Donette Schmiedbauer, Finance Director, presented the Warrant Register and Expenditure List to be paid on September 21, 2005, for vendor payments. The list for this period was verified by the Finance Director for the Board's approval.

Commissioner Stuart moved to approve and sign the warrants to be paid on September 21, 2005.

The motion passed unanimously.

Planning & Zoning Issues

Commissioner Dailey moved to approve Resolution No. 2004-7-46, "A RESOLUTION GRANTING APPROVAL OF A SPECIAL USE PERMIT TO UNION TELEPHONE COMPANY AND ACCEPTING A \$25,000 PERMIT BOND FOR A 60' CELLULAR PHONE TOWER TO BE LOCATED ATOP TABLE MOUNTAIN, MORE SPECIFICALLY LOCATED IN THE NE1/4 SE1/4 OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 76 WEST OF THE 6TH P.M. GRAND COUNTY, COLORADO" and authorize the Chairman to sign all applicable documents.

The motion passed unanimously.

Commissioner Dailey moved to approve Resolution No. 2005-9-11, "A RESOLUTION TO AMEND THE LEGAL DESCRIPTION FOR THE GRAND GRAVEL SPECIAL USE PERMIT AND TO ALLOW OPERATION OF A GRAVEL PIT CONTAINING 21.21 ACRES ON CERTAIN PROPERTY LOCATED ON A PORTION OF SE 1/4 SE 1/4 SE 1/4 OF SECTION 1 AND THE NE 1/4 NE 1/4 OF SECTION 12, T1N, R80W OF THE 6TH P.M., GRAND COUNTY, COLORADO" and authorize the Chairman to sign all applicable documents.

The motion passed unanimously.

Commissioner Stuart moved to approve Resolution No. 2005-9-10, "A RESOLUTION GRANTING APPROVAL OF THE COMNET CELLULAR LICENSE HOLDING LLC D/B/A VERIZON WIRELESS SPECIAL USE PERMIT AMENDMENT TO ADD A 4' IN DIAMETER MICROWAVE TOWER TO THE CELL TOWER LOCATED ON North Cottonwood Peak, located in Section 10, Township 1 North, Range 77 West of the 6th P.M., Grand County,

Colorado" and authorize the Chairman to sign all applicable documents.

The motion passed unanimously.

The Board reviewed the Activities Summary for the Grand County Planning and Zoning Department.

Board Business

Commissioner Stuart moved to give Granby Elementary \$250 for its Halloween party.

The motion passed unanimously.

Requested Vacation of a Utility Easement Located on the Property Boundary Between Lots 10 and 11, Block 18, of the Innsbruck/Val Moritz Subdivision

The public hearing scheduled to begin at 10:45 a.m. was called to order by Chairman Newberry at 10:46 a.m. County Attorney DiCola set the record.

- Exhibit A Letter of application, dated June 16, 2005
- Exhibit B Public Notice – Sky-Hi News, dated July 18, 2005
- Exhibit C Proof of Publication – Sky-Hi News, dated August 11, 2005
- Exhibit D Vicinity map depicting the 500-foot notification buffer as established by the Grand County GIS
- Exhibit E Certified mailings to all property owners within 500 feet as established by the Grand County GIS
- Exhibit F Public review sheets – without signatures
- Exhibit G Information maps of utility easement vacation
- Exhibit H Letter from Xcel Energy to Larry Wergin regarding vacation of easement – No objections
- Exhibit I Letter from the Silvercreek Water and Sanitation District to Larry Wergin, dated May 25, 2005, regarding vacation of easement – No objections
- Exhibit J Letter from the Silvercreek Master Homeowner Association to Larry Wergin, dated June 8, 2005, regarding vacation of easement – No objections
- Exhibit K Grand County Planning Commission Resolution No. 2005-7-1
- Exhibit L Certificate of Recommendation, dated September 20, 2005, recommending approval

The following is all or part of staff's Certificate of Recommendation to the Board of County Commissioners as presented at the meeting on September 20, 2005.

To: Grand County Board of Commissioners
From: Department of Planning and Zoning
Date: September 20, 2005
Re: Requested Vacation of a Utility Easement located on the property boundary between Lots 10 and 11, Block 18 of the Innsbruck/Val Moritz Subdivision
Applicant: Mr Larry Wergin
Location: Lot 10 and Lot 11, Block 18, Innsbruck/Val Moritz Subdivision located in the SE 1/4 of the NW 1/4 of Section 17, Township 1 North, Range 76 West of the 6th P.M.
Zoning: Forestry and Open
Applicable Code Section: Colorado Revised Statutes § 43-2-301 et al
Exhibits: Application letter, maps
Staff

Contact: Libby Aron
Request: The applicant requests the vacation of a 20' wide utility easement located on the property boundary between Lots 10 and 11, Block 18 of the Innsbruck/Val Moritz Subdivision

DISCUSSION:

Mr. Larry Wergin, the applicant, is requesting the vacation of a 20' wide utility easement plated along the lot line separating Lot 10 from Lot 11 of Block 18 of the Innsbruck-Val Moritz Subdivision as recorded under Resolution No. 128907 of the records of the Grand County Clerk and Recorder. The easement is dedicated to the public and requires a vacation hearing to be held by the Board of County Commissioners.

The applicant is asking for the vacation to allow for the consolidation of Lots 10 and 11, by consolidation deed. Staff believes a consolidation of these lots is the best use of the land due to exceptional constraints on the buildable area on the lots. Staff has visited the site with Mr. Tony Curtis of the U.S. Army Corps of Engineers. During that visit it was determined that most of Lot 10 seems to be unbuildable due to extensive wetlands. The applicant is currently working with Western Ecological Resources to delineate the wetlands on the property and is planning to build a home on Lot 11 while leaving the wetland areas undisturbed.

The applicant has provided information from the Silver Creek Water and Sanitation District and Xcel Energy, indicating that these entities do not object to the vacation. The applicant has also provided a letter from the Silver Creek Master Homeowners Association, indicating that the HOA does not oppose the vacation.

Compliance With Colorado Revised Statutes §43-2-303:

The utility easement was dedicated to the public with the filing of the Innsbruck-Val Moritz Subdivision, Recorded at Reception No. 128907. Grand County treats utility easements which are dedicated to the public in the same way it treats roads which are dedicated to the public. For this reason the vacation of the easement must comply with the Colorado Revised Statutes §43-2-303 as stated below:

A vacation can only be authorized by the County if it meets one or more of the criteria that is outlined hereforth

(1) All right, title, or interest of a county, of an incorporated town or city, or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:

(a) The city council or similar authority of a city or town by ordinance may vacate any roadway or part thereof located within the corporate limits of said city or town, subject to the provisions of the charter of such municipal corporation and the constitution and statutes of the state of Colorado.

(b) The board of county commissioner of any county may vacate any roadway or any part thereof located entirely within said county if such roadway is not within the limits of any city or town.

(c) If such roadway constitutes the boundary line between two counties, such roadway or any part thereof may be vacated only by the joint action of the boards of county commissioners of both counties

(d) If said roadway constitutes the boundary line of a city or town, it may be vacated only by joint action of the board of county commissioners of the county and the duly constituted authority of the city or town.

(2) *(a) No platted or deeded roadway or part thereof or unplatted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an*

established public road or private-access easement connecting said land with another established public road

(b) If any roadway has been established as a county road at any time, such roadway shall not be vacated by any method other than a resolution approved by the board of county commissioners of the county. No later than ten days prior to any county commissioner meeting at which a resolution to vacate a county roadway is to be presented, the county commissioners shall mail a notice by first-class mail to the last-known address of each landowner who owns one acre or more of land adjacent to the roadway. Such notice shall indicate the time and place of the county commissioner meeting and shall indicate that a resolution to vacate the county roadway will be presented at the meeting.

(c) If any roadway had been established as a municipal street at any time, such street shall not be vacated by any method other than an ordinance approved by the governing body of the municipality

(d) If any roadway has been established as a state highway, such roadway shall not be vacated or abandoned by any method other than the resolution approved by the transportation commission pursuant to Section 43-1-106(11).

(e) Paragraphs (b), (c) and (d) of this subsection (2) shall not apply to any roadway that had been established but has not been used as a roadway after such establishment.

(f) If any roadway is vacated or abandoned, the documents, vacating or abandoning such roadway shall be recorded pursuant to the requirements of Section 43-1-202.7

(3) In the event of vacation under subsection (1) of this section, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

(4) Any written instrument of vacation or a resubdivision plat purporting to vacate or relocate roadways or portions thereof which remains on record in the counties where the roadways affected are situated for a period of seven years shall be prima facie evidence of an effective vacation of such former roadways. This subsection (4) shall not apply during the pendency of any action commenced prior to the expiration of said seven-year period to set aside, modify, or annul the vacation or when the vacation has been set aside, modified, or annulled by proper order or decree of a competent court and such notice of pendency of action or a certified copy of such decree has been recorded in the recorder's office of the county where the property is located.

This vacation request is in compliance under subsection (1)(b) of C.R.S §43-2-303. In addition, it will not leave any property without utility access as required under subsection 2.

STAFF COMMENTS

The existence of wetlands along the property boundary is one of the reasons staff supports this vacation request. Staff would discourage placing utilities in such a sensitive area unless absolutely necessary. This is not a case where such a necessity exists as utility easements have been provided on all lot lines in the Innsbruck-Val Moritz Subdivision. Staff believes there is adequate utility coverage in other areas.

PLANNING COMMISSION COMMENTS

The vacation request was approved unanimously by the Grand County Planning Commission during its meeting July 13, 2005 with the following condition, which has been met:

üPublic Notice shall be provided to the utilities and adjacent landowners prior to the public hearing for

the Board of County Commissioners.

PUBLIC NOTICE

As stated above, proper public notice was provided in the Sky-Hi News on August 11, 2005 at least 30 days prior to the date of the public hearing. This notice included a legal description of the affected property, as well as the time, date and location of the public hearing. In addition notice was sent via certified mail to all property owners within 500 feet of the proposed vacation as well as all affected utility providers.

STAFF RECOMMENDATION

Staff recommends approval of the requested vacation of a 20-foot wide utility easement located on the property boundary between Lots 10 and 11, Block 18 of the Innsbruck/Val Moritz Subdivision.

{End of Staff's Certificate}

Chairman Newberry asked for public comments.

Commission Stuart moved to approve the requested vacation of a utility easement located on the property boundary between Lots 10 and 11, Block 18, of the Innsbruck/Val Moritz Subdivision.

Discussion: Chairman Newberry asked if this will combine the lots into one lot never to be sold or transferred. Ms. Aron replied that there will be a combination deed. The applicant is not doing an amended final plat. They are not removing the lot line, but they are doing a combination deed. Recording a combination deed combines the two lots. The applicant will be building across the lot lines.

Ms. Underbrink Curran stated that the Board could make a condition of approval of the vacation the fact that the applicant must execute and record a combination deed.

Chairman Newberry asked if Commissioner Stuart would accept the friendly amendment to her motion that a condition of the vacation would be an executed and recorded combination deed.

Commissioner Stuart accepted the amendment.

County Attorney DiCola stated that the resolution will include the condition of the vacation and it will also include the language, "Nothing contained herein shall affect the fees assessed by the Homeowner's Association."

The motion passed unanimously.

Commissioner Dailey moved to close the public hearing.

The motion passed unanimously.

Board Business

Commissioner Dailey moved to approve the Service Contract between Grand County and Coalfire Systems Inc. in the amount of \$22,220 payable in six payments.

Discussion: Chairman Newberry wondered why the amount wasn't paid at once. County Manager Underbrink Curran replied that the County Attorney stated that he would like product tied to certain payment

dates.

The motion passed unanimously.

CDOT Annual Update on Projects and Issues – Ed Fink and Jeff Coleman

Ed Fink, CDOT Transportation Director for Region 3, and Rich Perske appeared before the Board.

Also present with Mr. Fink were:

Charles Myers, representing the Traffic Section
Mark Rogers, Planner
Tammy Smith, Region Environmental Manager and Planning Manager
Adam Padilla, representing Maintenance out of the Craig Maintenance Section
Jeff Snider, Senior Supervisor
Christine Rees
John Bardonie, on behalf of Region 1
Van Pilaud, Resident Engineer
Skip Hudson, Access Engineer

Rich Perske is retiring and Dave Eller will be taking his place.

Mr. Fink provided the Board with all the contacts for Region 3.

CDOT's entire budget is \$817.2 million. There is \$168 million in Strategic Projects. Of the \$168 million, \$160 million will be used to pay debt service on current TRANS bonds. The debt service has around 15 years to finish the payout.

Mr. Fink provided the Board with the resource allocation of the budget. The total fund is approximately \$42 million. Most of the hit to this fund is because of debt service.

Mr. Fink provided a quick description of Referenda C and D:

Referendum C: Allow the State of Colorado to retain revenues in excess of the state fiscal year spending levels set forth in TABOR (Taxpayer's Bill of Rights) for the next five fiscal years.

Referendum D: Companion measure that gives CDOT the authority to bond in order to fund 55 transportation projects totaling nearly \$1.2 billion. Excess revenues identified in Referendum C would be used to pay back the bonds.

Rich Perske stated that local projects will be surface treatment and design work on the Snow Mountain Ranch intersection. There will be resurfacing on Gore Pass this fall. They are looking at a turn lane into Homestead Hills.

Mr. Perske stated that he just received plans of a conceptual moderation or lengthening of the Kremmling Airport. It could conceivably require the relocation of a portion of Highway 40. It may be as much as two miles.

Chairman Newberry stated that he would like CDOT to consider partnering with the County to work on the Homestead Hills project. Mr. Perske replied that the Homestead Hills project would be in fiscal year 2009. There have been preliminary planning type layouts for the YMCA and Homestead Hills. Property owners have been working on an Access Control Plan.

Commissioner Dailey stated that he is concerned over the rock fall in Byers Canyon. Mr. Fink replied that there is a

Rock Fall Mitigation Plan through 2010. None of Grand County is in that Plan. All of that money is on Highway 133. There is a contingency fund for emergencies.

Commissioner Dailey asked Mr. Perske about traffic counts on Highway 40 and whether or not it is the busiest two-lane road on the western slope. Mr. Perske replied that traffic counts are handled out of the Denver Headquarters. There is a real peak of traffic counts when Rocky Mountain National Park opens. The peak is 2,200 vehicles per hour. Because of the peak flow, night time paving has become standard.

The Traffic Section consists of 3 units. One is the Permitting Unit, the second is the Traffic Construction Unit, and the third is the Traffic Operations Unit. Grand County has approximately 8 percent of the highway lane miles of its region. This past year, CDOT spent less than 8 percent of the funds in Grand County. CDOT is in the process of designing and putting out to advertising the region-wide projects for signing and striping.

Mr. Meyers stated that there was a question about the speed limit change east of Tabernash. He stated that a sign was taken down and not replaced. The speed zone should be the same in both directions.

The Moffat Tunnel overlook signage was not replaced upon the completion of the project. It will be replaced eastbound. It will not be replaced westbound.

Commissioner Dailey stated that Highway 40 at Homestead Hills has been changed, and it does not have an accel lane. Mr. Gagnon stated that the sight distance may be a problem with the 65 mph limit. Chairman Newberry stated that there is a similar problem at County Road 5 on Highway 40.

Adam Padilla stated that he covers 6 counties. The Counties are Grand, Jackson, Routt, part of Garfield, Rio Blanco, and Moffat.

County Manager Underbrink Curran asked about the pond created near the overpass between Hot Sulphur Springs and Kremmling. CDOT is working on the pond and the mitigation.

County Manager Underbrink Curran asked about putting a passing lane back into Byers Canyon. CDOT will look into the matter.

David Wilson, a business owner in Kremmling, stated that he is concerned about the speed limit and the fact that there are no pedestrian crosswalks. It seems that Kremmling has become a passing lane. Children cannot cross the highway. Mr. Wilson has a petition signed by over 100 people to get the crossings in. CDOT is working with the town on the crossings. CDOT has found that speeds are still very high. Signs are being considered to be put on the highway.

Adoption of Revised Grand County Zoning Regulations

The public hearing scheduled to begin at 1:30 p.m. was called to order by Chairman Newberry at 1:40 p.m. County Attorney DiCola set the record.

- Exhibit A Public Notice – Middle Park Times, Winter Park Manifest, and Sky-Hi News, dated July 27, 2005
- Exhibit B Proof of Publication – Middle Park Times, dated August 16, 2005
- Exhibit C Proof of Publication – Winter Park Manifest, dated August 17, 2005
- Exhibit D Proof of Publication – Sky-Hi News, dated August 18, 2005
- Exhibit E Certified mailings to interested party list
- Exhibit F Public review sheet – with signatures
 - a. Tish Linke – August 3, 2005

- b. Jack Randall – e-mail regulation revisions – August 4, 2005
- c. Kent Whitmer – e-mail certificates – August 4, 2005
- d. MP Land Trust – e-mail certificates – August 4, 2005
- e. Don Smith and Bud Crawford – zoning changes – July 18, 2005
- f. David – e-mail subdivision exemption revisions – August 23, 2005
- g. Jerry Nissen – public notice and subdivision regulations - August 31, 2005
- h. Todd Holzwarth – comments – August 30, 2005

- Exhibit G Proposed Subdivision Regulation revisions
- Exhibit H Proposed Rural Land Use Regulation revisions
- Exhibit I Proposed Planned Unit Development Regulation revisions
- Exhibit J Proposed Zoning Regulation revisions
- Exhibit K Letter from Grand County Planning and Zoning to people on the interested party list notifying them of the date and time of the public hearing
- Exhibit L Letter from Anthony Curtis, USACOE, to Debra Campbell, regarding adoption of revised Grand County Zoning Regulations, dated August 25, 2005
- Exhibit M E-mail from Todd Holzwarth to Debra Campbell, dated August 30, 2005, regarding Emergency Impact Fees
- Exhibit N Grand County Planning Commission Resolution No. 2005-6-7
- Exhibit O Grand County Planning Commission Resolution No. 2005-8-8
- Exhibit P Additional item – Grand County Subdivision Regulations – abolishment of the Colorado Land Use Commission
- Exhibit Q Certificate of Recommendation, for the Subdivision Regulations, Rural Land Use Regulations, and Planned Unit Development Regulations, dated September 20, 2005, recommending approval
- Exhibit R Certificate of Recommendation, for the Zoning Regulations, dated September 20, 2005, recommending approval
- Exhibit S Power Point presentation from the Planning Director

Chairman Newberry stated that everyone is invited to see the presentation on the screen. He asked that anyone with comments on the proposed changes speak up as the changes are being shown.

Ms. Campbell stated that she would go through the Land Use Regulations first. These were reviewed by the Planning Commission in June of 2005. The Outright Exemption Regulations were tabled at the Planning Commission meeting. Those will not be going forward. The Zoning Regulations will be done in the second half.

The following is all or part of staff's Certificate of Recommendation, regarding the adoption of revised Planned Unit Development Regulations, Rural Land Use Regulations, Subdivision Regulations, and Subdivision Exemption Regulations, as it was presented at the meeting on September 20, 2005.

TO: Board of County Commissioners
DATE: September 20, 2005
RE: Adoption of a Revised Grand County Planned Unit Development, Rural Land Use Regulations, Subdivision Regulations and Subdivision Exemption Regulations
APPLICANT: Grand County, Represented by Debra Campbell, Director, Department of Planning and Zoning
LOCATION: County-wide, Grand County, Colorado
ZONING: Not Applicable

APPLICABLE SECTION OF

CODE: Grand County Subdivision Regulations, Rural Land Use Regulations and

Planned Unit Development Regulations

STAFF

CONTACT: Debra Campbell

EXHIBITS: September 2005 Draft Revisions to: Grand County Planned Unit Development Regulations, Rural Land Use Regulations, and Subdivision Regulations, Planning Commission Resolution 2005-6-7

REQUEST: The applicant is requesting minor revision to the four main land use regulations used by Grand County, Colorado, including the Rural Land Use Regulations, Planned Unit Development Regulations, and Subdivision Regulations.

DISCUSSION:

Grand County is requesting revisions to the current land use regulations. The last revision completed was in August 3, 2002. Staff initially became interested in updating the regulations due to the need to convert the last revised files from 'Word Perfect' to 'Microsoft Word'. This was required to be consistent with the Department of Planning and Zoning Office Standard. At the same time, Staff elected to post the electronic files of the regulations on the Grand County Web Site. The obvious benefit would be to direct questions and potential applicants to this site, to reduce the need for paper copies. As staff began to review the land use documents in preparation for conversion to the web site, the following issues became apparent.

- § Inconsistencies with format (outline form, font)
- § Inconsistencies with text description with resolutions (i.e. Emergency Impact Fees).
- § Spelling errors
- § Outdated reference to fees
- § Missing sections (i.e. Emergency Services Impact Fees in Rural Land Use

Copies of the updated regulations are attached for your review. The revised sections are highlighted. The following text identifies specific changes, by regulation, and section.

REVISIONS TO THE GRAND COUNTY SUBDIVISION REGULATIONS (Authority C.R.S. § 30-28-101)

The following changes, revisions and corrections were made to the August 3, 2002 update:

- a) Front page and Footers: Added revised date.
- b) Article II, Item 2.13: Add design information on Ditch Crossings.
- c) Article III, Introduction. Added that letter of credit must be secured by a Colorado Bank.
- d) Article III, Item 3.2.5: Edit Emergency Impact Fees to that it reads consistent with the original resolution (Item 8, Refund of Impact Fee).
- e) Article IV, 4.4: Add section for Amended Final Plat process.
- f) Article IV, Item 4.1.(2) (a), 4.2(3)(a) and 4.3 (3)(c). Change reference for fees to be based on current approved fee schedule from the Department of Planning and Zoning.
- g) Article V, and Article VI 6.3 (3) and (5) : Change in number of units from Four (4) to Two (20) in multi-family sections.
- h) Article V, 5.3.1. Specify that the meter arrangement must be communicated at the time of application for multi-family developments.

- i) Article V, 5.7.(3). Include reference to shut off access for multi-family developments.
- j) Article VII, Item 7.1.(2) (a), 7.2(3)(a) and 7.3 (1)(c). Change reference for fees to be based on current approved fee schedule from the Department of Planning and Zoning.
- k) Article VII, 7.3: Add section for Amended Final Plat process.

COMPLIANCE WITH THE GRAND COUNTY RURAL LAND USE REGULATIONS (Authority under C.R.S. § 30-28-401)

The following changes, revisions and corrections were made to the August 3, 2002 update:

- a) Cover page and footers: Add date of revision.
- b) Article II, Item 2.12: Add design information on Ditch Crossings.
- c) Article III: Added information related to Emergency Impact Fees.
- d) Article VI, Item 4.1.(2) (a), 4.2(3)(a) and 4.3 (1)(c). Change reference for fees to be based on current approved fee schedule from the Department of Planning and Zoning.
- e) Article IV, Item 4.4: Added section for Amended Final Plat process.

COMPLIANCE WITH THE PLANNED UNIT DEVELOPMENT REGULATIONS (Authority under C.R.S. §24-67-102)

The following changes, revisions and corrections were made to the August 3, 2002 update:

- a) Article III, Item V: Revised reference to fees to be based on current approved fee schedule from the Department of Planning and Zoning.

PUBLIC NOTICE

Public notice was published in all county newspapers:

- § Middlepark Times on 8/16/05
- § Winter Park Manifest on 8/17/05
- § Sky-Hi News on 8/18/05

In addition, notice of the public hearing was sent certified mail to:

- § Towns: Towns of Granby, Grand Lake, Hot Sulphur Springs, Fraser and Winter Park

§ Utility companies: Mountain Parks Electric, Qwest, Comcast, Xcel, Grand County W&S No. 1, Winter Park West W&S, Winter Park W&S, Tabernash Meadows Water & Sanitation District, Three Lakes W&S, Kremmling Sanitation, Granby Sanitation District, SilverCreek W&S District

§ Federal Agencies: US Army Corps of Engineers, U.S. Forest Service, National Park Service, U.S. Bureau of Reclamation, U.S Bureau of Land Management

§ State Agencies: Division of Wildlife, Colorado Department of Public Health and Environment and Colorado Department of Transportation, Union Pacific Railroad

§ Other Interested Parties: Board of Realtors, Builders Association, West Grand School District, East Grand School District

PLANNING COMMISSION

The Grand County Planning Commission reviewed and approved this application, with Staff recommendations on June 8, 2005, under Resolution 2005-6-7.

STAFF RECOMMENDATION

Staff recommends that the Grand County Board of County Commissioners approve the proposed revisions to the Grand County Subdivision Regulations, Rural Land Use Regulations, and Planned Unit Development Regulations.

{End of Staff's Certificate}

Ms. Campbell stated that she received comments. She stated that the comment was:

In the comment it stated that Ms. Campbell had neglected to identify the rights of the landowner. The person disagreed that the County should do shortest distance for driveway or road crossing. There will other comments regarding detail.

Norm Larkins stated that the Planning Department did a good job with the ditch crossing standards.

The following is all or part of staff's Certificate of Recommendation, regarding the adoption of revised Zoning Regulations, as it was presented at the meeting on September 20, 2005.

TO:	Grand County Board of County Commissioners
DATE:	September 20, 2005
RE:	Adoption of Revised Grand County Zoning Regulations
APPLICANT:	Grand County, Represented by Debra Campbell, Director, Department of Planning and Zoning
LOCATION:	County-wide, Grand County, Colorado
ZONING:	Not Applicable

APPLICABLE SECTION OF

CODE: Grand County Zoning Regulations, Grand County Master Plan

STAFF

CONTACT: Debra Campbell

EXHIBITS: September 2005 Draft Grand County Zoning Regulations, US Army Corps of Engineering letter (8/25/05) Planning Commission Resolution 2005-8-8

REQUEST: The applicant is requesting revision to the Grand County Zoning Regulations.

DISCUSSION:

Grand County is requesting revisions to the Grand County Zoning Regulations. The last revision completed was in August 3, 2002. Staff initially became interested in updating the regulations due to the need to convert the last revised files from 'Word Perfect' to 'Microsoft Word'. This was required to be consistent with the Department of Planning and Zoning Office Standard. At the same time, Staff elected to post the electronic files of the regulations on the Grand County Web Site. The obvious benefit would be to direct questions and potential applicants to this site, to reduce the need for a 'paper' product.

As staff began to review the Zoning Regulations, in preparation for conversion to the web site, the following issues became apparent.

Staff is also requesting revisions to the Zoning regulations to incorporate the following changes:

- Clarify water setback definition, typical in every zone district.
- Revise the sign code to make it more readable, and user-friendly.
- Implement quality development overlay design standards county-wide.

Ultimately, the revisions are being presented to clarify the Grand County Regulations by providing more readable, consistent and user-friendly regulations.

In discussion with the Planning Commission, and County Attorney, staff believes that there are merits to a comprehensive revision of the zoning regulations may be appropriate. Staff notes the issues raised by recent applications (i.e. zoning change request) related to 'use by right' allowed in the tourist and business zone districts. However, at this time it was an impossible task to take on with current staffing levels and workload (i.e. application level).

Copies of the updated Grand County Zoning Regulations are attached for your review.

PROPOSED REVISIONS TO THE GRAND COUNTY ZONING REGULATIONS: THE FOLLOWING CHANGES WERE ANALYZED BY STAFF:

REVISION: REVISE DEFINITION OF WATER QUALITY SETBACK: Section III 3.1 (8), Section IV, 4.1 (11), Section V 5.1 (13), Section VI, 6.1 (14), Section VII, 7.1 (11), Section VIII, 8.1 (13), Section IX, 9.1 (14), and Section X, 10.1: Revise Definition of Water Quality Setback.

Current definition found in text for all zone districts is as follows:

Water Quality Setback: Setback from the edge of waterway or water body shall be a minimum of 30' and a maximum of 150'.

The proposed language change is as follows:

Water Quality Setback: Setback from the edge of water body shall be a minimum of 30' or a greater distance depending on actual on-site conditions.

REVISION: DELETED REDUNDANCY IN SECTION IX,(10):

Delete Item (10), Veterinary Clinic from the Business Zone, Section IX, 9.1.10.. The reason is that veterinary clinics are listed in two places under this Zone District as a 'use by right'.

REVISION: IMPROVE LANGUAGE FOR ADMINISTRATION OF SPECIAL USE PERMITS: ADD SECTION XI, ITEMS 11.5 AND 11.6, AMENDMENT AND RENEWAL:

The current regulations do not specify the requirements for a special use permit renewal, or amendment. It also does not clarify procedures for each. The question of what constitutes an amendment has been questioned more frequently. Staff believes that this should be clarified, and included in the regulations. The proposed additions include:

11.5 AMENDMENTS: A permit amendment will be considered when there are changes to the original permit, such as but not limited to changes in permittee, changes in the operation, and increases to the operation (impacted area, hours of operation, traffic, etc.). A permit amendment will be reviewed by both the Grand County Planning Commission and after a twenty- (20) day public notice, by the Board of County Commissioners.

11.6 RENEWALS: A permit renewal will be considered under the based on the automatic time of renewal set

forth as a condition of the original permit time. Renewals may include changes that reduce the impacts, such as but not limited to reduction in the total permitted areas, and a reduction in type or extent of operations. A permit renewal will be reviewed by the Board of County Commissioners following a twenty (20) day public notice.

REVISION: Add to SECTION XII, Item 2 (l). Add Columbarium

Grand County Department of Planning and Zoning is requesting the addition of an accessory use for Churches.

Cemeteries are allowed as Special Uses under the Zoning regulations, however they are only allowed in the Forestry and Open zone with a special use permit. Churches are allowed in all zones as uses by right. The fact that churches in other zones are not allowed to have intermittent seems inconsistent with history and tradition. Grand County Attorney Anthony J. DiCola suggested the language for the addition of a columbarium as an auxiliary use for churches.

Section XIII includes different types of structures and uses which are considered subordinate to another use of the land. Staff recommends that Columbarium be added as an "accessory building and use". This will be done with the addition to Section 13, Accessory Buildings and Uses, adding item (i) *a columbarium adjacent to a church* for the following reasons:

- Under the current zoning regulations, an accessory use is a structure, or use, that a columbarium would be clearly incidental to the use of the building as a church and meet the definition of an accessory building, Section XIII, 13.1 (1) (a) "is clearly incidental to the use of the principal building, other structure or use of the land;
- The churches and areas of burial have been traditionally associated with each other. Therefore, staff believes this a consistent and natural use in conjunction with any church., therefore, meets the second criteria of Section XIII, 13.1 (1) (b) is customarily in connection with the principal building, other structure or use of the land;
- Finally, the idea of a columbarium in conjunction with a church is historically consistent and would be ordinarily located on the same lot with the principal building, and meets the last criteria of Section XIII, 13.1 (1) (c) is ordinarily located on the same lot with the principal building, other structure or use of the land"

This request was prompted by a request from, the congregation of the Church of the Eternal Hills, represented by Mr. Don Smith. The facility would consist of a walking path, with a series of small turnouts which will hold the niches that, in turn, will each hold the ashes of two deceased individuals. There is a need for such a facility in Grand County as there are few designated areas for the interment of ashes. Currently cremated remains are either spread over the ground, kept on private property or buried in cemeteries. In addition, some of the cemeteries have residency restriction for burials. Therefore, this would provide a viable option for those who wish to visit loved ones in a setting near their place of worship. It would also provide a welcome option for newcomers.

The proposed addition of subsection (l) under 13.1 (2) of the Grand County Zoning Regulations as follows:

(l) a columbarium adjacent to a church.

REVISION: REPLACE SECTION XIII, ITEM 13.3 SIGNS WITH NEW LANGUAGE:

The original text related to sign type, location, use, design/construction and permitting was outdated, and confusing. The current Grand County Zoning Regulation Sign language (Section 13.3) is provided as Exhibit A.

Revised Sign Regulations are provided on pages 4-17. The revisions are proposed to offer a more readable , organized format. It clarifies what zone district signs are allowed, and presents the procedure for sign permits in a more user-friendly format. The figures have been updated to assist with readability (i.e. dimensions).

PROPOSED NEW LANGUAGE: Section 13.3 SIGNS

Signs shall be permitted as accessory uses in accordance with the following regulations:

General Provisions

The provisions of this Article 13.3 shall apply to all signs in all Zone Districts in unincorporated areas of Grand County.

- (1) **Purpose:** It is the intent of these regulations to authorize the use of signs and sign structures that are compatible with their surroundings, appropriate to the activity that displays them, and legible in the circumstances in which they are seen. These regulations are intended to create a framework for signs and sign structures that:
 - (a) Promotes use of signs that are aesthetically pleasing, of appropriate scale and integrated with surroundings in order to meet the county's expressed desire for quality development and protection of view sheds;
 - (b) Protects the public from injury and property damage caused by or partially attributable to distracting or hazardous signage;
 - (c) Minimizes visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance;
 - (d) Provides communication between people and their environment;
 - (e) Preserves the right of free speech and expression.
- (2) **Sign Permit Required:** A sign permit shall be required for all signs except as described in Section 13.3.4. A sign permit shall be required whenever the area of a permitted sign is modified. Routine maintenance, repair, and repainting which does not alter a sign may be performed on previously permitted sign without first obtaining a new permit. A sign permit fee shall be based on the fee schedule approved by the Grand County Board of County Commissioners.
- (3) **Sign Permit Application:** A complete application for a sign permit shall be submitted to the Grand County Department of Planning and Zoning by the owner or his/her authorized agent and shall include, at a minimum, the following information:
 - (a) Name and address of the owner or other person in control of the real property upon which the sign is to be constructed, erected, posted or displayed and proof of ownership or interest in the property.
 - (b) The name of the person erecting the sign.
 - (c) The address and legal description of the property upon which the proposed sign is to be located.
 - (d) The type of sign.
 - (e) The proposed location of the sign on the property identified. The location and total surface area of all other permitted signs existing on the property or buildings.

(f) Detailed drawings, drawn to scale, containing complete plans and specifications which indicate the method of construction and anchoring to the building or ground, the total area of the proposed sign in square feet and the height of the proposed sign from the ground level.

(g) A detailed site plan, drawn to scale, which shall indicate all existing and proposed signs for the site including dimensions, colors, materials and/or illumination, if applicable, for each sign.

(h) Building elevations with signs depicted.

(i) Any other information deemed necessary by the Planning Director.

(j) Sign permit fee as established by the current fee schedule.

(4) **Sign Permit Review and Issuance:** Within ten (10) days of filing a completed application the Grand County Department of Planning and Zoning shall review the sign application in accordance with the established review criteria. The Department of Planning and Zoning shall approve, approve with conditions, or deny the sign permit application.

(5) **Sign Permit Review Criteria:** The following review criteria will be used by the Department of Planning and Zoning to evaluate all sign permit applications:

(a) Sign meets the requirements of this Article and other applicable codes;

(b) Sign conforms to the requirements of the Zoning Code for the Zone District in which it is located;

(c) Sign will not interfere with pedestrian or vehicular safety;

(6) **Appeal of Sign Permit Denial or Approval with Conditions:** Any appeal of the Department of Planning and Zoning staff's interpretation of these Regulations resulting in denial of a sign permit or approval with conditions shall be made to the Board of County Commissioners. The Board of County Commissioners shall review the application at the next regularly scheduled meeting. The decision by the Board of County Commissioners to approve, approve with conditions or deny the application shall be final.

(7) **Variations:** Any request for an increase in the maximum allowable area for a sign, a variance from any of the requirements of this ordinance, or for signs not expressly permitted in these regulations, must be approved through a variance granted by the Board of Adjustment in accordance with the provisions of the Zoning Ordinance.

(8) **Removal of Signs:** Whenever a business, service or other use is discontinued, the sign(s) pertaining to the use shall be removed or obscured by the person or entity owning or having possession over the property within thirty (30) days after the discontinuance of such use. This provision shall not apply to signs officially designated as landmarks, or to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is clear intent to continue operation of the business.

(9) **Maintenance:** Signs and sign structures shall be maintained in good repair at all times and shall not constitute a hazard to safety, health or public welfare by reason of inadequate maintenance or deterioration. Signs and sign structures shall be constructed and maintained such that they are able to withstand the extreme wind and weather conditions of Grand County. The County Building Department shall have the authority to order the repair, alteration or removal of a sign or structure that constitutes a hazard to life or

property. Any sign that has not been repaired, altered or removed within 30 days after written notification from the County Building Department shall be removed by the County at the expense of the owner of the premises on which the sign is located.

(10) **Nonconforming Signs:** A sign that was lawfully constructed or installed prior to adoption or amendment of this regulation and was in compliance with all provisions of any regulation in effect at the time of construction or installation, but which does not currently comply with this regulation is a nonconforming sign. Any nonconforming sign may be continued in operation and maintained after the effective date of this regulation, provided, however, that no such sign shall be changed in any manner that increases the noncompliance of such sign with the provisions of this regulation and provided, further, that the burden of establishing a sign to be non-conforming under this regulation rests entirely upon the person or other entity claiming such status for a sign. The right to maintain a nonconforming sign terminates immediately upon any of the following:

- (a) Abandonment of a sign for a continuous period of six (6) months.
- (b) Any violation of Grand County Zoning Regulations
- (c) Destruction, damage or obsolescence whenever the sign is damaged or destroyed by any cause whatsoever, or becomes obsolescent or substandard under any applicable regulation of Grand County such that the sign becomes a hazard or danger.

Sign Types Permitted

(1) **Banner:** A temporary sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by wind.

(2) **Directional Sign:** A sign at the exit or entrance to a property that designates the entrance or exit or provides other directional information.

(3) **Freestanding Sign:** A sign which is supported by one or more columns, posts or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of the building, structure, or other sign. This term includes a "pole sign" and "ground sign". No free standing sign shall exceed fifteen feet in height. (Refer to Figure II for height determination.) A premises may display one (1) ground sign on each street or highway on which it has frontage. A multi-use building may display one ground sign facing each street or highway on which the building has frontage, provided that no ground signs are displayed by the individual occupants of the building.

(4) **Monument Sign:** A ground sign permanently affixed to the ground at its base, supported entirely by a base structure and not mounted on a pole. Monument signs:

- (i) Shall require a building permit from the Grand County Department of Building, as well as a sign permit;
- (ii) Shall not exceed eight feet (8') in height. (Refer to Figure II for height determination);
- (iii) Shall be designed as an integral architectural element of the site and building to which it principally relates;

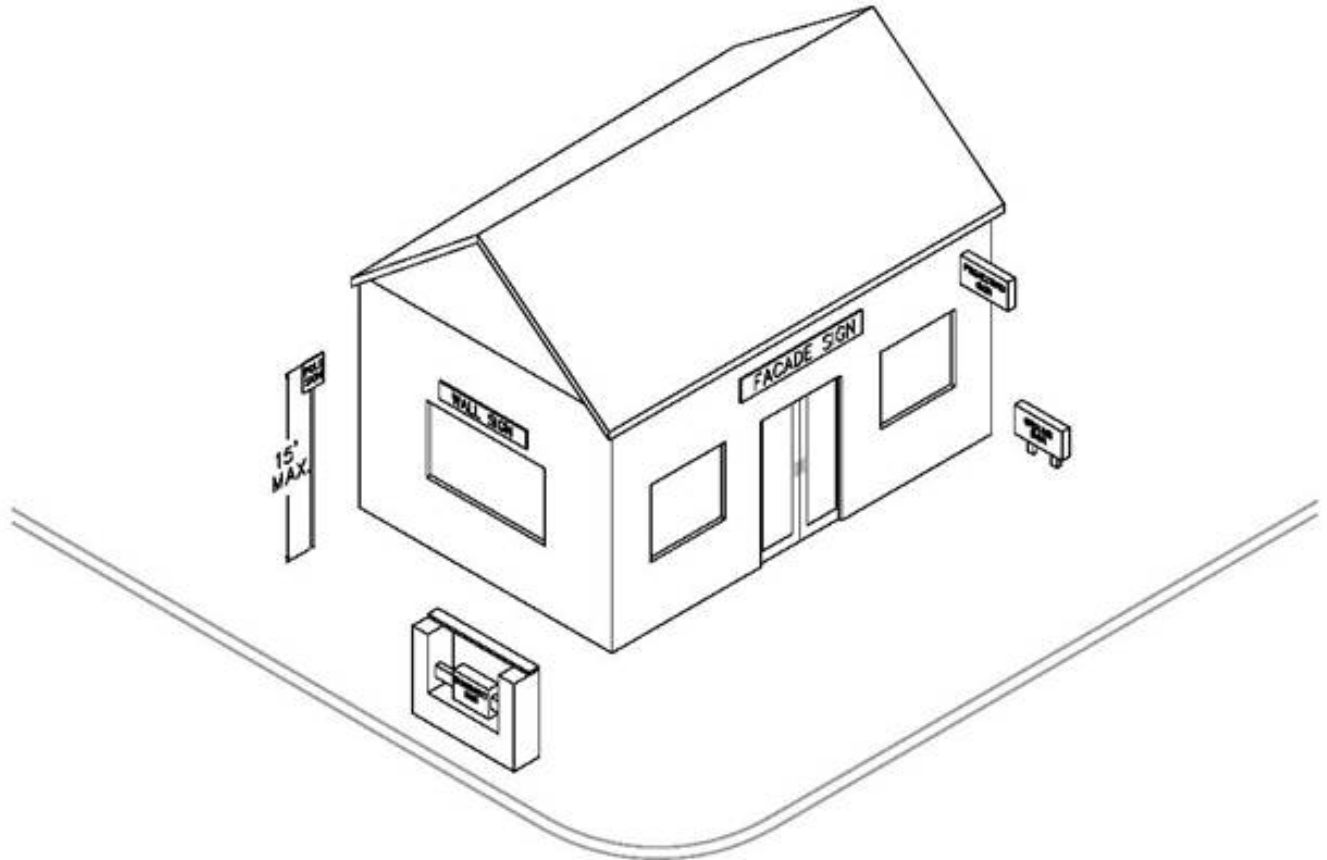
(iv) Shall incorporate predominantly natural construction materials such as wood and native stone. Natural colors (earthen tones) are favored. Use of penetrating stains rather than paint on wood surfaces is encouraged. Any metal flashing or trim must be anodized or painted so as to be non-reflective.

(5) **Projecting Sign:** A sign which is attached and projecting from the wall of a building six inches (6") or more and is not on the same plane as the wall. Projecting signs shall not be located above the eave line or parapet wall of any building. No projecting sign shall extend more than four feet (4') from a building wall. There shall be a minimum clearance of at least eight feet (8') between the bottom of the projecting sign and the ground at grade.

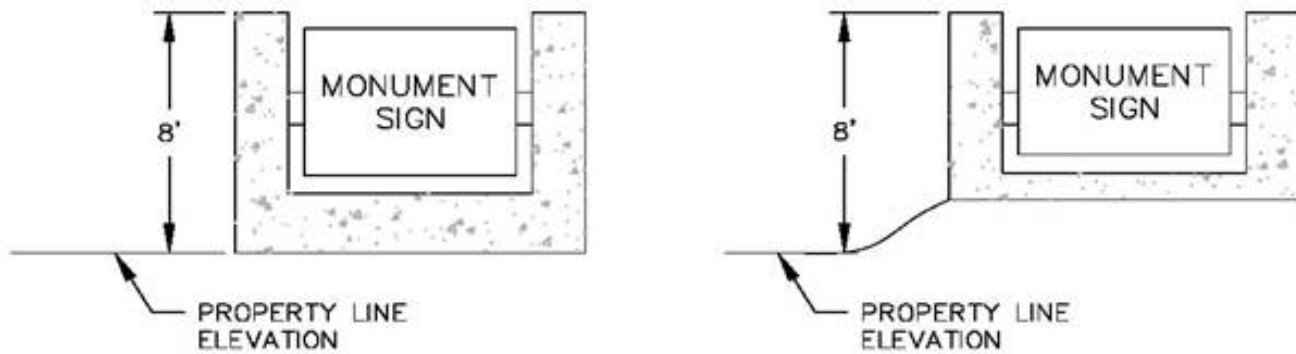
(6) **Sign:** A device, fixture, placard, structure or visual display that uses any form, graphic, illumination, symbol or writing to advertise, announce, direct, inform or identify that is visible from the public right-of-way. A double sided sign, one having two faces that are parallel but not more than one foot apart, shall be regarded as a single sign if mounted on a single supporting structure and both sides of the sign are identical. Sign size shall be the total area of the face used to display a sign, not including supporting poles or structures.

(7) **Temporary Sign:** A sign that is displayed for a limited period of time. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

(8) **Wall Sign:** A sign painted on, incorporated in or affixed to the building wall, on the same plane as the wall and dependent on the wall for support. Wall signs shall not be mounted higher than the parapet wall or eave line of the principal building. No sign part may project from the surface upon which it is attached more than six inches (6").



PLACEMENT OF SIGNS
FIGURE I



MAX HEIGHT FOR A FREE STANDING SIGNS

FIGURE II

Signs Subject to a Permit

No person shall display, erect, relocate or alter the physical characteristics of any sign without first filing a written application with the Grand County Department of Planning and Zoning, pursuant to Section 13.3.1, and obtaining a sign permit, except for those signs described in Section 13.3.3.

(1) **Signs in the "E," "R," "F" and "M" Districts:** On-site identification signs shall have the number of graphic elements held to a minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face. The following signs are allowed, subject to permitting:

- (a) One (1) freestanding sign per subdivision entrance for residential developments provided such sign does not exceed thirty-five (35) square feet in area per face.
- (b) One (1) on-site identification sign identifying any other use authorized in the zone district provided such sign does not exceed twelve (12) square feet in area per face.
- (c) One (1) on-site identification sign identifying an approved community facility provided such sign does not exceed thirty-five (35) square feet in area per face.
- (d) One (1) on-site identification sign for uses approved by special review provided such sign does not exceed thirty-five (35) square feet in area per face.
- (e) One (1) sign located on a property, posting prohibitions on trespassing, hunting, fishing, snowmobiling or other prohibited activities, provided such sign does not exceed nine (9) square feet in area per face and is unlighted. Such signs shall be spaced no closer than four hundred fifty feet (450') apart and not to exceed one (1) sign per eighty (80) acres. Exempt "no trespassing" signs issued by the Grand County Sheriff's Department.

(2) **Signs in the "A", and "T" Districts:** On-site identification signs shall have the number of graphic elements held to a minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face. The following signs are allowed, subject to permitting:

- (a) All signs allowed in the "E," "R," "F" and "M" Districts.
- (b) One (1) on-site identification sign per principal use, provided such sign does not exceed fifty (50) square feet in area per face.
- (c) On-site signs advertising the sale of products produced on the premises provided the total area of all such signs does not exceed thirty-five (35) square feet in area per face.
- (d) Off-site directional signs, not exceeding six (6) square feet in area per face, and limited to not more than two (2) such off-site signs per principal use.

(3) **Signs in the "B" District:** On-site identification signs shall have the number of graphic elements held to a minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face. The following signs are allowed, subject to permitting:

- (a) Two (2) free standing or projecting signs per principal building provided such signs do not exceed fifty (50) square feet in area per face.

(b) One (1) wall sign not exceeding one hundred (100) square feet in total area, with the exception that a principal building with more than five (5) independent businesses shall be allowed twenty (20) square feet of wall per independent business.

Signs Not Subject to a Permit

The following signs do not require a permit under this Article and may be placed in any Zone District subject to the provisions of this Article.

(1) **Public Purpose Signs:** Signs required or specifically authorized for a public purpose by any law do not require a permit. Uniform directional signs, signs which identify public facilities or provide instructions as required by law or necessity and such signs as are approved by the Grand County Board of County Commissioners and the Colorado Department of Transportation do not require a permit.

(2) **Residential Building Identification Signs:** Such signs shall be used to identify individual residences and shall be limited in content to the name of the occupant and the address of the premises. No more than one (1) sign may be placed on the frontage for each application use of land or one (1) for each dwelling unit, whichever is greater. Such signs shall be limited to four (4) square feet for each single family dwelling and twelve (12) square feet for each multi-family dwelling.

(3) **Bulletin Boards:** On-site bulletin boards, notice boards, menu boards or display boards not exceeding six (6) square feet in gross surface area and accessory to a church, school, public or nonprofit institution or restaurant as primarily intended for pedestrians.

(4) **Construction Signs:** On-site construction signs are exempt, provided that:

(a) Signs in conjunction with any residential use shall not exceed six (6) square feet each.

(b) Signs in conjunction with all other uses shall not exceed twenty (20) square feet each.

(c) Only one (1) such sign shall be permitted per lot.

(d) Such signs shall identify an architect, contractor, subcontractor, material supplier, owner and/or financial lender only.

(e) Such signs shall be removed within thirty (30) days after completion of the project.

(5) **Garage, Estate, or Yard Sale:** Signs not in excess of six (6) square feet which advertise a garage sale, estate sale or yard sale on the lot on which the sign is located may be erected no sooner than two (2) days prior to the date of the sale and must be removed within twenty four (24) hours after the date of sale.

(6) **Warning Signs:** Any sign erected by a public entity, public utility company or construction company to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(7) **Historical Markers:** Cornerstones, commemorative tablets, or historical signs shall not exceed six (6) square feet in size and shall be permanently affixed to buildings or structures for the purpose of identifying the name of a building or other historical information.

(8) **Real Estate Signs:** Temporary signs used to offer for sale, lease or rent the land or buildings upon

which the sign is located are exempt, provided:

- (a) One (1) sign per lot advertising real estate not to exceed six (6) square feet in area.
- (b) All such temporary signs shall be removed within seven (7) days after the real estate closing or lease transaction.

Seasonal Decorations: Temporary, noncommercial decorations or displays (including strings of lights), when such are clearly incidental to, and are customarily and commonly associated with any national, state, local or religious holiday or celebration; provided that such decorations or displays are maintained and do not constitute a hazard.

Prohibited Signs

The following are prohibited in all zoning districts within Grand County:

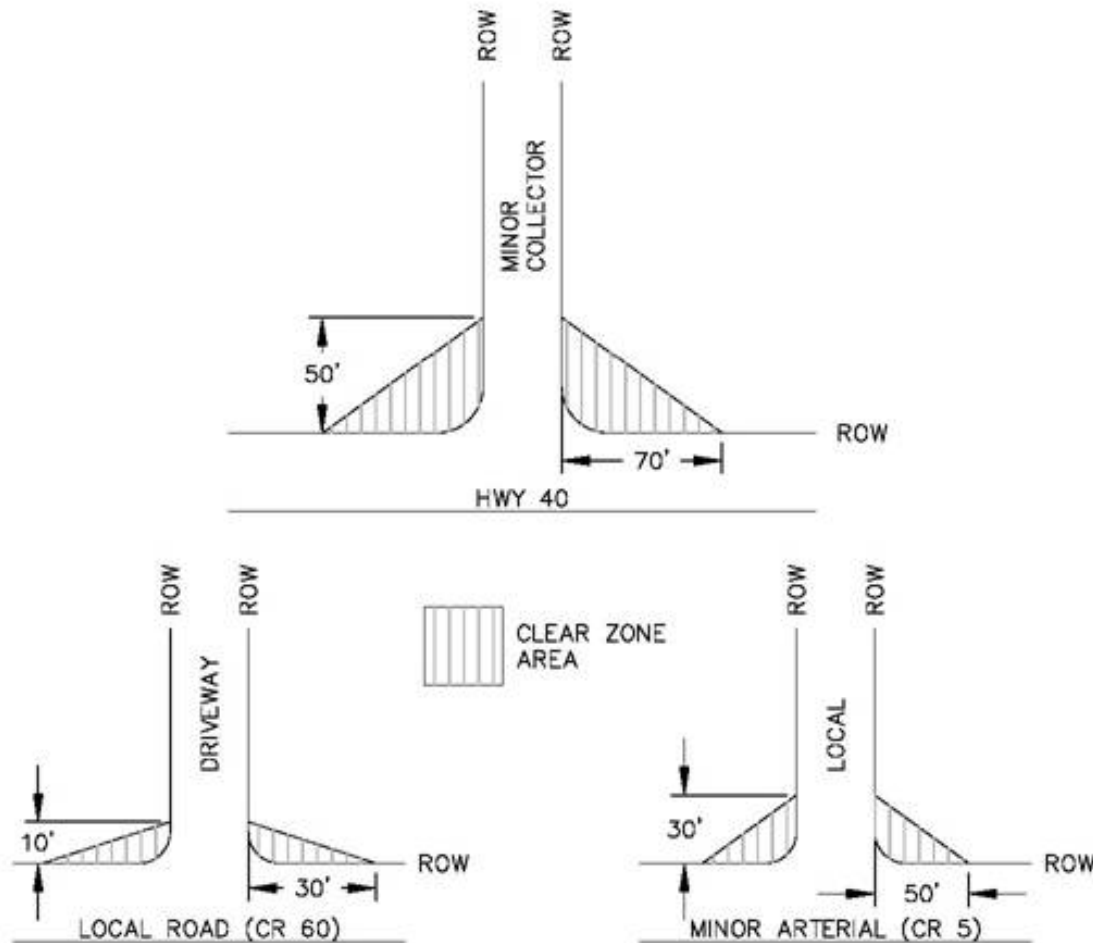
- (1) Signs with any type of flashing, rotating or blinking light or component; signs with any type of animation or intermittent lighting effects, except for time and temperature devices and electronic reader boards.
- (2) Signs with any sound-emitting component.
- (3) Strobe lights, searchlights, beacons and laser light or similar upward or outward oriented lighting.
- (4) Signs in the public right-of-way or on public property.
- (5) Flags, banners or other devices designed or allowed to wave, flap or rotate with the wind.
 - (a) This provision does not apply to flags of any government or its agencies, or any civic, charitable, religious, or fraternal organization.
 - (b) This provision does not apply to banners displayed for special civic events for a period not to exceed two (2) weeks. Such banners may be erected two (2) weeks prior to the beginning of the event advertised and must be removed promptly upon termination of the event.
- (6) Any sign that could be confused with or interfere with a traffic control device or that may be determined to interfere with the safe flow of traffic. Any sign that interferes with sight distance triangles at intersections as required by Grand County Department of Road and Bridge.
- (7) Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress.
- (8) Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation
- (9) Any sign which projects a distance of more than eighteen (18) inches perpendicular from the building to which it is attached.
- (10) Any sign attached parallel to the wall of a building but mounted more than eighteen (18) inches from the wall.

- (11) Any roof-mounted sign or sign which projects above the highest point of the roof line or fascia of a building.
- (12) Off-premise advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located.
- (13) Signs mounted, attached or painted on motor vehicles, trailers or boats when used as additional advertising signs on or near the premises and not used in conducting a business or service.
- (14) Signs identifying a home occupation.
- (15) Any sign, including its supporting structure, in existence thirty (30) days or more after the premises have been vacated, which advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located.
- (16) Portable signs which are not permanently affixed to any structure on the site or permanently mounted to the ground.

Sign Setbacks and Height

Signs shall not be located within utility easements or public rights-of-way, or closer than ten feet (10') from the property line. Signs are restricted to a maximum height of fifteen feet (15').

- (1) **Sight Distances:** Signs within the sight distance area at intersections of roads and driveways, as defined by the Grand County Road and Bridge Standards, shall be reviewed and approved by the Grand County Engineer. (See Figure III)
- (2) **Temporary Signs:** Temporary signs not exceeding six (6) square feet shall not be required to meet the minimum setback; however, such signs shall not impair visibility for traffic movement.
- (3) **Setbacks Related to Height:** Signs fifteen feet (15') or higher shall be setback in accordance with the applicable setback of the zoning district in which the sign is located. Signs five feet (5') or higher shall be setback a minimum of fifteen feet (15') from the property line. Signs ten feet (10') or higher shall be setback a minimum of twenty feet (20') from the property line.



TYPICAL SIGHT TRIANGLES

FIGURE III

Illuminated Signs

(1) **Direction of Lighting:** Fixtures to illuminate signs shall be shielded, shaded or hooded to direct the light inward and downward onto the sign and away from adjoining properties and adjacent public rights-of-way; no light shall trespass into the sky.

(a) All signs will be externally illuminated, that is no sign will be allowed to have any internal lighting that projects outward through a translucent material such as plastic to illuminate the sign.

(b) Ground-mounted light fixtures shall be permanently secured to prevent inadvertent or accidental misalignment. Illumination of a flag on a flagpole is permitted, provided that a narrow spread lamp is used and aimed to illuminate only the top of the flagpole. The source of illumination must be shielded in a manner so as not to be visible from adjacent property or public right-of-way.

(2) **Subdued Lighting:** The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent right-of-way; and the illumination of a sign shall not be noticeably brighter than other lighting in the vicinity or objectionable to surrounding areas.

(a) No sign shall have blinking, flashing or fluttering lights or other illuminating

devices which has a changing light intensity, brightness or color. Beacon or strobe lights are not permitted.

(b) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices; neither the external nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

(3) **Underground Electricity:** Electrical supply to free standing illuminated signs must be underground. An electrical permit may be required per electrical code for illuminated signs.

REVISION NO. 6: Revised Section XIII, Item 14.5, Design Review Area:

The current Grand County Zoning Regulations provide a design review area overlay limited to the Three Lakes area. These guidelines were established in partnership with the U.S. Forest Service, Rocky Mountain National Park and Grand County. These regulations have been used to successfully appropriate, and environmentally sensitive development in that area. A copy of the current regulations is provided as Exhibit B to staff recommendations.

Staff analyzed a proposal to expand the current regulations to the entire county. This included adoption of the language to include other sensitive environments beyond the 'riparian, or water based environments'. This included ridge line, meadow, forested, and environmentally sensitive development areas. A copy of this re-write is included as Exhibit C.

This was presented to the Planning Commission at their August 1005. There were many concerns expressed by the Commission members, including issues related to

- The text needed to be modified and gave an example on lighting.
- Concern with intrusiveness.
- Issues with fairness and compatibility with the surroundings.
- How it would be enforced.
- Request for more flexibility in their use.
- Conflicts with Homeowner's Associations.

Staff has reflected on their comments and concerns and will not recommend that the Board of County Commissioners act on this request at this time. Staff believes that it is critical to examine comments and concerns raised at the Planning Commission. Staff plans to conduct workshop with the Planning Commission to analyze, and review these issues will be more effective in producing effective, and enforceable county-wide standards.

REVISION:REVISE SECTION XVI, ITEM 16.3 PROCEDURES:

Staff believes that revisions to the current language in Section XVI regarding the submittal process for the Board of Adjustment would clarify the submittal requirements, and improve the applicant's submittal. Staff requests the addition of this item to inform the public of the requirements for variance requests. Currently, the intent is to provide clear communication to the applicant regarding submittal, and consistent information to the Board of Adjustment members to review for a given variance request.

The proposal is to add the following text to Section XIII, Item 16.3:

(3) **Board of Adjustment Application Package shall consist of the following:**

(a) **Site Plan: This shall be a graphic that depicts both the existing and proposed site conditions.**

(b) **Site Photos, architectural renderings: As appropriate, the applicant shall include**

images that support the requested variance.

(c) Letters: Letters of support will be required from adjacent property owners and, the Homeowner's Association if the property is looted within a platted subdivision.

(d) Letter of Application: This shall include a description of the requested variance, justification, applicant name and address.

REVISION: REVISE SECTION XX, DEFINITIONS:

Eight (8) definitions have been revised. The changes are proposed for several reasons, including improved readability (alphabetize definitions), providing definitions that are consistent with codes used by the Grand County Building Department, and to better clarify the intent of the regulations. The other change includes relocating definitions that were previously located in other sections of the documents, which again, improves readability (i.e. Boathouses, found previously in the Three Lakes Design Review Section). Add the following definitions to Section XX:

Revise definition to match definition used by Grand County Building Department:

(7) BUILDING HEIGHT: The vertical distance above a reference datum measured to the highest point of the structure. The reference datum shall be selected by either of the following, whichever yields a greater height of building;

1. The elevation of the highest adjoining sidewalk or ground surface within a 10 foot horizontal distance of the exterior wall of the building or structure when such sidewalk or ground surface is not more than 5 feet above the lowest grade.
2. An elevation 5 feet higher than the lowest grade when the sidewalk or ground surface described in item 1 above is more than 5 feet above lowest grade.

The height of a stepped or terraced building is maximum height of any segment of the building or structure.

Add definition to implement 'columbariums' added as an accessory building, Section XII, Accessory Buildings and Uses:

(10) CHURCH: Church means any formal place of worship, owned and used solely and exclusively for religious purposes and not for private gain or corporate profit including a mosque, synagogue, etc.

Revise definition to match definition used by Grand County Building Department:

(25) KITCHEN: A room or area that is designated to be used for the preparation of food which contains more than one standard size kitchen appliance or fixture.

Revise definition to match definition used by Grand County Building Department:

(38) MOTOR HOME: A motor home is designed to provide temporary living quarters. These living quarters are built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van. Motor homes must contain permanently installed independent life support systems and at least 4 of the following facilities: 1) cooking, 2) refrigeration or ice box, 3) self-contained toilet, 4) heating and/or air conditioning, 5) potable water supply system including a faucet and sink 6) separate 110-125 volt electrical power supply and/or LP gas supply

Revise definition to match definition used by Grand County Building Department:

(48) PUBLIC WATER AND PUBLIC SEWERAGE FACILITIES: Those facilities of a municipality or sanitation district approved by the Colorado State Health Department.

Revise definition to match definition used by Grand County Building Department:

(52) **Riparian:** Lands adjacent to streams, creeks, lakes and other waterways whether intermittent or constantly flowing.

Revise definition to match definition used by Grand County Building Department:

(57) **STRUCTURES:** Anything constructed or erected such as buildings, mobile homes, fences, etc. which requires location on the ground or attached to something having a location on the grounds. Excluded are docks, posts, pilings, other boat mooring devices, head gates and other structures necessary for agricultural, public (municipal, etc.) and private water diversion facilities.

Revise definition to include wetlands, in order to manage the siting of structures consistent with the intent of the water quality setback, and to assist the Department of Planning & Zoning to manage built structures so that they are in compliance with regulations of the U.S. Army Corps of Engineers related to siting and impacts to wetlands. Staff has had to oversee several 'red tag' job sites due to impact of construction to wetlands. Staff believes that this language will assist to prevent violations of these codes, in particular, in older subdivisions through the building permit review process. The present review process of new subdivision plats includes a delineation of wetlands as part of the technical review.

(62) **WATER-BODY:** Water body means a perennial or intermittent river, stream, lake, reservoir, pond or irrigation ditch, **wetlands**, whether natural or artificial.

Note that the Planning Commission did not agree with staff on the last definition change, regarding the inclusion of 'wetlands' in the definition of Water-Body.

PUBLIC NOTICE

The Board of County Commissioners of Grand County will hold a public hearing on September 20 2005 AT 1:30 p.m. the Commissioners Meeting Room, Grand County Courthouse, 308 Byers Avenue, Hot Sulphur Springs, Colorado. The public notice will be published in all county newspapers (Middlepark Times, Winter Park Manifest and Sky-Hi News):

- § Tuesday, August 16, 2005, Middle Park Times,
- § Wednesday, August 17, 2005 Winter Park Manifest,
- § Thursday, August 18, 2005 issue of the Sky-Hi News.

In addition, notice was sent by Certified Mail to:

- § Towns: Towns of Granby, Grand Lake, Hot Sulphur Springs, Fraser and Winter Park
- § Utility companies: Mountain Parks Electric, Qwest, Comcast, Xcel, Grand County W&S No. 1, Winter Park West W&S, Winter Park W&S, Three Lakes W&S, Kremmling Sanitation, Granby Sanitation District, SilverCreek W&S District
- § Federal Agencies: US Army Corps of Engineers, U.S. Forest Service, National Park Service, U.S. Bureau of Reclamation, U.S Bureau of Land Management
- § State Agencies: Division of Wildlife, Colorado Department of Public Health and Environment, and Colorado Department of Transportation, Union Pacific Railroad
- § Interested Parties: Board of Realtors, Builders Association, West Grand School District, East Grand School District

PLANNING COMMISSION RECOMMENDATION:

The Grand County Planning Commission reviewed the application at their August 10, 2005 meeting. They concurred with staff with proposed revisions with two exception.

1. The Planning Commission did not approve the change to expand the Three Lakes Design Review Overlay to the entire county.
2. The Planning Commission did not approve the change in the definition of 'water body' to include 'wetlands':

STAFF RECOMMENDATION

Staff recommends that the Grand County Board of County Commissioners approve the following proposed revisions to the Grand County Zoning Regulations,

REVISION NO. 1: REVISE DEFINITION OF WATER QUALITY SETBACK: Section III 3.1 (8), Section IV, 4.1 (11), Section V 5.1 (13), Section VI, 6.1 (14), Section VII, 7.1 (11), Section VIII, 8.1 (13), Section IX, 9.1 (14), and Section X, 10.1: Revise Definition of Water Quality Setback.

REVISION NO. 2: DELETED REDUNDANCY IN SECTION IX,(10):

REVISION NO. 3: IMPROVE LANGUAGE FOR ADMINISTRATION OF SPECIAL USE PERMITS: ADD SECTION XI, ITEMS 11.5 AND 11.6, AMENDMENT AND RENEWAL:

REVISION NO. 4:SECTION XII, Item 2 (l). Add Columbarium

REVISION NO. 5:SECTION XIII, ITEM 13.3 SIGNS:

REVISION NO. 7:REVISE SECTION XVI, ITEM 16.3 PROCEDURE:

REVISION NO. 8:REVISE SECTION XX, DEFINITIONS:

Finally, Staff does not recommend changes to the Design Review Area (Section 14.5) at this time. Staff intends to conduct a workshop with the Planning Commission in order to analyze and review the concerns raised by the members.

{End of Staff's Certificate}

Carl Wood stated that he is concerned over "Water quality set-backs shall be a minimum of 30 feet or greater distance depending on the actual on-site condition." He is concerned over what the definition of "actual on-site conditions" would be. Ms. Campbell replied that it could be up to 150 feet based on the way it is written.

Alta Orr asked what is meant by water quality. Ms. Campbell replied that the definition of water body is "a water body means a perennial or intermittent river, stream, lake, reservoir, pond, or irrigation ditch whether natural or artificial." Ms. Campbell stated that she wants to include "wetlands" in that list.

Norm Larkins stated that some agencies treat irrigated hay meadows as wetlands. He stated the Corps of Engineers does not. He wondered if there should be an exclusion of irrigated hay meadows from the definition of wetlands. Ms. Campbell stated that she would not consider irrigated hay meadows because it does not meet the definition of wetlands.

Chairman Newberry stated that the question would be: "In the Corps of Engineers standards for wetlands, do irrigated hay meadows qualify as wetlands?" Ms. Underbrink Curran stated that she has understood from the Corps of Engineers that, if you want to have a meadow determined as a man-made wetland, you had to prove that it was man-made. That comes from not irrigating for 2 years and showing that it was not a natural wetlands. The County needs to get a definition from the Corp.

Jack Orr stated that he believes that irrigated hay meadows should be excluded from wetlands.

Tish Linke stated that wetlands contained in a hay meadow come and go. She does not like the idea of leaving an open ended maximum distance. She stated that she likes a set maximum distance.

Gary Bumgarner stated that irrigated pasture needs to be included. He also stated he would like a definition of "stream."

Mr. Wood suggested that 30 feet be the only number in the definition.

Ms. Campbell stated that she understood that Water Quality Setback should state: "Set back from the edge of the water body shall be a minimum of 30 feet."

Sue Bennett stated that, if you build a house on a cliff overlooking a river, there may be some concern over the undercut of the bank. There may be a need to clarify the setback. She added that a minimum of 30 feet is appropriate.

County Attorney DiCola stated that the County's concern is to protect the quality of the water body that the land use action is next to. As a practical matter, staff can support 30 feet or staff can recommend further with a valid reason.

Lorene Linke stated that, a few years ago, the Corps of Engineers said that they have jurisdiction over anything that would float a cake of Ivory soap. That would include hay meadows. Ms. Linke is concerned over the Corps coming in. Ms. Underbrink Curran stated that this regulation is with regard to a building or a structure that requires a building permit. That is the setback from a water body. Agricultural structures do not require a building permit.

Margaret Sonic, with the Grand County Board of Realtors, stated that the Design Review has been a concern of the group. The Board of Realtors is happy that the County is waiting to consider a County-wide Design Review.

Norm Larkins stated that the membership believes that the Three Lakes Design Review has not been consistently applied. The Design Review is proper, but the enforcement has not been consistent. The existing regulations are quite subjective, and it has been difficult to apply them uniformly and evenly in the past. The Board would like the requirements to be more objective.

Carl Wood stated that he thought that the ridge line issues were addressed in the Smart Growth Plan. Ms. Underbrink Curran stated that it was addressed, but the County was not able to address it in the regulations.

Lisa Palmer, a member of the Planning Commission, stated that the ridge line issue was denied for a number of reasons. There were a lot of issues that the public needed to see. She suggested that it might not have been addressed after the Smart Growth process because it was too controversial.

Commissioner Stuart stated that she heard from people all over the County. The concerns she heard were that people do not want someone to tell them what color they can paint their house or what color their roof can be.

Alta Orr stated that the Board should hesitate before it gets into any regulation that gets so paternalistic. She stated that she does not need big brother watching over her. She protects the land.

Chairman Newberry stated that he agrees, the locals do nurture and value the land. Outside developers sometime do change the landscape.

Jack Orr asked if the Board is considering telling people what color to paint their houses. Chairman Newberry stated that the Board is considering looking at standards.

Ms. Campbell stated that Planning's staff suggested that "waterbody" should be defined as: "Waterbody means a perennial or intermittent river, stream, lake, reservoir, pond, or irrigation ditch, wetlands whether natural or artificial." The Planning Commission did not want to include wetlands. Ms. Campbell stated that, from the conversation today, she believes she should add after "artificial" the words "excluding hay meadows and irrigated pastures."

Commissioner Stuart moved to approve the PUD, Subdivision, and Rural Land Use Regulations as presented.

The motion passed unanimously.

Commissioner Stuart moved to have the wetland change in the waterbody reviewed by the Planning Commission before the Board of Commissioners makes a decision. The motion is to table the one item.

Discussion: Chairman Newberry stated that he thought the Board could approve the "housekeeping" work but exclude the overlay zone and wetlands. He thought the Board could have the Planning Commission work on overlay zones and wetlands after the vote.

County Attorney DiCola stated that there was question about the setback from a waterbody. Ms. Campbell replied that the matter was revised and corrected with a minimum distance.

Commissioner Stuart moved to withdraw her motion.

The motion passed unanimously.

Commissioner Stuart moved to approve all the "housekeeping items" in the Zoning Regulations and to table the definition of waterbodies, which would include wetlands, until the Planning Commission has reviewed it again.

Discussion: Commissioner Dailey offered a friendly amendment that, "Planning Commission review after input through a series of one or more public input sessions."

Commissioner Stuart accepted the amendment.

Planning Director Campbell stated that there was a correction to the definition of water quality setback that was not reflected in the motion.

Commissioner Stuart stated that her motion includes that the water quality setback will be a minimum of 30 feet.

The motion passed unanimously.

Commissioner Dailey moved to close the public hearing.

The motion passed unanimously.

Colorado River Ranch Special Use Permit Renewal

The public hearing scheduled for 3:00 p.m. was called to order by Chairman Newberry at 3:31 p.m.

Commissioner Dailey moved to open the hearing.

The motion passed unanimously.

Ms. Irene Cooke stated that the Department of Planning and Zoning and the applicant have requested that the Board of County Commissioners continue the public hearing.

Ms. Cooke stated that the applicant and staff need additional time to discuss the conditions being recommended for the Special Use Permit. Staff therefore requests that the Board table this matter and that the hearing be continued until some time in October.

Commissioner Dailey moved to continue the hearing to October 11, 2005, at 4:00 p.m.

The motion passed unanimously.

Leveque Town Homes Sketch Plan

The following is all or part of the staff's Certificate of Recommendation to the Board of County Commissioners as presented at the meeting on September 20, 2005.

TO: GRAND COUNTY BOARD OF COUNTY COMMISSIONERS
FROM: Department of Planning & Zoning
DATE: September 20, 2005
RE: Trillium Townhomes – Sketch Plan
APPLICANT: Marc Leveque
LOCATION: Lot 30, Winter Park Ranch First Filing, 916 County Road 8, Fraser, Colorado

ZONING:
APPLICABLE SECTION OF
CODE: Master Plan, Subdivision Regulations

EXHIBITS: Sketch Plan, Drainage Plan, Road Plan View

STAFF CONTACT: Irene Cooke

REQUEST: The Applicant is requesting Sketch Plan approval for development of Lot 30 with four (4) townhomes (two duplexes).

DISCUSSION

The Trillium Townhomes Sketch Plan proposes to develop two duplexes on Lot 30, Winter Park Ranch First Filing, 916 Grand County Road 8, Fraser, Colorado. Applicant has provided a thorough submittal.

COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The primary goals of the Grand County Master Plan include:

- A. Maintaining open space and wildlife habitat;
- B. Protecting the county's rural character while maintaining the economy;
- C. Improving the quality of new development and minimizing its impact ;
- D. Targeting new development to suitable land around existing development areas.
- E. Promoting a range of affordable housing choices; and
- F. Ensuring that new development is served by adequate infrastructure.

The County created Growth Areas to promote the Master Plan goals. This project is located in Grand County Urban Growth Area No. 2. The purpose of growth areas is to plan land development where it is best accommodated and where

growth already occurs.

This project appears to promote the goal of **A. Maintaining open space and wildlife habitat**, as the required 60% of the area is dedicated to open space.

The Master Plan goal **B. Protecting the county's rural character while maintaining the economy** will be achieved by locating the project within the Urban Growth Area.

The project will be in compliance with Master Plan goal **C. Improving the quality of new development and minimizing its impact** and **D. Targeting new development to suitable land around existing development areas**. As noted above, the site is within Grand County Urban Growth Area No. 2.

E. Affordable Housing is an issue in Grand County and an important element of the Master Plan. Grand County is in the planning stages of a County-wide Housing Needs Assessment so that the issue of affordable housing can be adequately addressed. Other developers within the county have voluntarily contributed funds for the cause of affordable housing.

ü **The Applicant should meet with the Department of Planning & Zoning to discuss possible ways to promote affordable housing.**

F. Ensuring that new development is served by adequate infrastructure: The project will have public water and sewer service from Winter Park West Water and Sanitation District and will have electric and natural gas service from Mountain Parks Electric and Xcel Energy.

Staff believes that the application is in compliance with the Grand County Master Plan.

COMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS

Section IV: This property is zoned Residential. The plan shows 30' front, 20' rear and 5' side setbacks as required by Section IV. However, the Winter Park Ranch Amended First Filing Plat shows that ten foot (10') front, rear and side setbacks are required for bridle paths.

ü **The Preliminary Plat shall show ten foot (10') easements on the front, side and rear lot lines for bridle paths, consistent with the Winter Park Ranch Amended First Filing.**

Section XIV Supplementary Regulations:

14.4 Off-Street Parking: (1)(b) provides that single family or multi-family dwellings with two (2) bedrooms or more are required to have two (2) spaces per dwelling unit. The Sketch Plan indicates that the required parking spaces are provided.

The plan is in compliance with the Grand County Zoning Regulations.

COMPLIANCE WITH GRAND COUNTY SUBDIVISION REGULATIONS:

ARTICLE VII: PROCEDURE

Section 7.1 Sketch Plan: The Applicant has submitted the following information as part of the sketch plan.

(1)(a) Relevant site characteristics and analyses applicable to the proposed subdivision: The site is a vacant lot with moderate grass cover and tall pine trees. The site slopes south at an approximate grade of 2%.

(1)(b) Reports concerning streams, lakes, topography, geology, soils and vegetation: The Applicant has included a Soils and Foundation Investigation prepared by Church and Associates. The soil is generally clay with some sand to depths of 10 to 23 feet. Groundwater was not encountered in the test drilling. The report gives recommendations for foundation and slab on grade construction.

(1)(c) Reports concerning geological characteristics of the area: As noted above, Applicant has included a Soils and Foundation Investigation prepared by Church and Associates.

(1)(d) Potential radiation hazard to the proposed future land use: The submittal does not address the history or evidence of radiation hazard at or near the development site. Since the potential for radon gas exists countywide, a site specific evaluation of potential radiation (radon gas) hazards should be provided with Preliminary Plat submittal.

ü **Preliminary Plat submittal should address presence of radon on this site.**

(1)(e) n/a

(1)(f) A sketch drawing and other documentation showing the proposed layout or plan of development area: A land-use breakdown, including the total area, open space and improvement coverage, has been provided by the Sketch Plan.

Total Area	24,290 s.f.	100%
Area of Drives/Parking	2,880 s.f.	12%
Building Footprint	6,200 s.f.	26 %
Concrete Walkways	675 s.f.	3%
Open Space	14,535 s.f.	60%

The Sketch Plan also includes the total number and types of dwelling units (2 duplexes) and other buildings. No area for a monument sign is shown on the Sketch Plan.

ü **If a monument sign is planned, the area for such a sign should be subtracted from the total open space calculation.**

(1)(g) Additional materials or activities requested by the Planning Director: Applicant has submitted the following materials in addition to the plat sketch: Drainage Report, Geotechnical Engineering Report, Artist's Sketch of Proposed Structures, Wildfire Hazard Analysis. No additional materials were requested.

COMPLIANCE WITH ROAD AND BRIDGE STANDARDS

According to Road & Bridge Standards 2.2 Sketch Plan, Applicant is required to submit a general planview of proposed roads within the subdivision and all accesses to County roads with offset distances to other intersections (including driveways) within 1,500 feet. This has been provided. A Transportation Impact Study is not required for a development of this size. The proposal is in compliance with the Grand County Road and Bridge Standards.

COMPLIANCE WITH GRAND COUNTY STORM DRAINAGE DESIGN AND CRITERIA MANUAL

The Drainage Report submitted with the Sketch Plan complies with the requirements of the Grand County Storm Drainage Design and Criteria Manual.

PLANNING COMMISSION RECOMMENDATION

At the time of Planning Commission approval, the project had not been named and was then known as the "Leveque Townhomes Subdivision." The Sketch Plan was approved by the Planning Commission on July 13, 2005 by Resolution 2005-7-6, with conditions 2 and 3 below under Staff Recommendation.

STAFF RECOMMENDATION

Staff recommends approval of the Trillium Townhomes Subdivision with the following two conditions to be addressed with the Preliminary Plat:

1. **The Preliminary Plat shall show ten foot (10') easements on the front, side and rear lot lines for bridle paths, consistent with the Winter Park Ranch Amended First Filing.**
2. **Preliminary Plat submittal should address presence of radon on this site.**
3. **If a monument sign is planned, the area for such a sign should be subtracted from the total open space calculation.**

{End of Staff's Certificate}

Chairman Newberry stated that the County is trying to clean up the right-of-way and the setbacks on County Road 8. He wants to make sure that the clean-up is a part of this.

Commissioner Stuart moved to approve the Trillium Townhomes Sketch Plan with staff's recommendations.

The motion passed unanimously.

East Grand School District - County Road 611

Rob Rankin, School Superintendent, appeared before the Board.

Chairman Newberry stated that this discussion is about County Road 611. The property owners on County Road 611 are present at the meeting today.

Chairman Newberry stated that the East Grand School District came to the County asking whether they could pave County Road 611 to the new bus barn, which is on the west side of the administration office. The concern came from the School District that they could not use the money that they had available to them unless the road was on the District's property. The County looked to see if it owns the land. The County Surveyor surveyed the land. The Road and Bridge Department was asked to look at the history of County Road 611. The County was originally asking for a 60-foot road easement through the property. The County Attorney stated that the only way that the County could do this would be a Quit Claim Deed.

County Attorney DiCola stated that he believes that the County could deed the underlying ground and whatever interest the County has in it to the School District. The School District would then own the property. The County would reserve a right-of-way for the county road. The road would then be a county road right-of-way or easement across the School District's property. It would still be a county road. It would still be a public road.

Chairman Newberry stated that the School District asked the County to bring the road up to appropriate County standards using County materials, labor, and equipment. Once it was brought up to standard, the District would then asphalt to the west end of the property line. The County would be asked to maintain the roadway as well.

Chairman Newberry stated that there were some concerns from people who live further down the road.

Commissioner Dailey asked the people present who live further down the road, if they had been contacted by the School

District. Those present stated that they had not been contacted by the School District.

County Attorney DiCola stated that a lot of times the County owns land under a road. The County may own the land under this road. Most of the time, the County only owns the land on top of the ground where the road is. That would be a county road easement or a county road right-of-way. The only impact of this transfer would be that the road would be paved for part of the way.

Mr. Rankin stated that, according to the research, he understands that the School District owns the land except the first 400 feet, which is half of the road. Mr. DiCola stated that the information was inconclusive.

Mr. Rankin stated that he did not know that the School District was to contact the property owners. Commissioner Dailey stated that he has been in contact with the owners and believes that each owner is here or has some representation. Commissioner Dailey stated that he called Mr. Bujonovich and asked him, as a good neighbor, to contact the owners down the road so that they would have a good understanding of what was going on.

Commissioner Dailey stated that he understood that only one owner was contacted by the School District. Those present confirmed that statement.

Commissioner Stuart stated that the County sent an invitation to the landowners to attend the meeting today.

Mr. Rankin stated that, with the transportation facility moving to County Road 611, the District wanted to make sure that the standard of the road was appropriate for their school business. The School District wants to be the best neighbor they can be. The condition of County Road 611 right now is bad. The District would like to use some of its bond premium money to asphalt the road. Asphaltting the road would reduce some of the dust.

The issue in terms of the ownership is that the District can use School District Bond proceeds, or the premium money for those bond proceeds, to improve School District property. It has to be the School District's property.

The School District needs to own the underlying property to ensure that there is a full 60-foot wide easement there. That would guarantee complete access. There has been some muddled legal paperwork, and it could be argued either way. The School District wants the County Attorney to draw up the legal paperwork so that there is no question about the easement. The legal paperwork should include that the County will continue to maintain the road. There would also need to be a long-term agreement with regard to maintaining the asphalt. The School District would be willing to help with the maintenance of the asphalt.

One of the property owners stated that she requested that a sign be put across from the football field that made it clear where the Middle School is and directions to it. She stated that there are a large number of people that come down the road only to turn around because they cannot find the Middle School. Mr. Rankin stated that signs will be put up after the construction is complete.

One of the property owners stated that there are utilities in the 60-foot easement. Mr. Rankin stated that the District is aware of that.

Chairman Newberry stated that he does not anticipate the road changing a lot. In order to bring it up to standard, the ditches can be worked on either side and then the paving area can be done. The County is not going to move the road into the 60-foot easement.

Road and Bridge Supervisor Haynes stated that his Department is a little shorthanded this year with the timeframe. He stated that he would like to see engineering with a centerline and drainage.

Billy Clark stated that the asphalt plant is here only for a certain amount of time. The County is working on a tight schedule. Mr. Clark stated that drainages need to be determined.

County Surveyor Ward stated that the road is in a 40-foot easement. The road lies on the south side of the easement.

Commissioner Stuart stated that she understands that the road crowds Ms. Mosman's property on the north side. She stated that, if that is the case, all the leverage is on the south side of the road.

Bill Goodwin stated that his main issue is that he gave the road to the County for the price of a new garage. He does not want to give up the County easement. Mr. DiCola stated that the County will not be giving up the easement.

Billy Clark wondered about moving snow off the property. He stated that it appears that the County's grader will come through and plow and then the School District will plow and leave frozen wind rows in the road. Mr. Rankin stated that there would not be a problem. The snow will go to the north side of the building. The District will not plow across the county road.

Chairman Newberry asked what has been accepted on the County HUTF maps on County Road 611. Mr. Clark replied that he understands that the County receives funds to end of the road, which is around eight-tenths of a mile.

Mr. DiCola stated that he will write a letter to Mr. Prather describing what will be taking place with the road.

Chairman Newberry stated that it makes sense to transfer the property, get the easements through the property, and get a 60-foot right-of-way through the property. He wondered who will bring the road up to County Road Standards. Mr. Clark stated that it will be expensive to bring the road up to true County Road Standards. Ms. Underbrink Curran stated that, if Road and Bridge were providing engineering, they could provide a better estimate for time and materials.

Mr. Rankin stated that he understands that paving will not likely happen until next spring.

Chairman Newberry asked who would do the engineering and dirt moving. Mr. Rankin stated that he would need to go back and look for available funds.

Chairman Newberry asked from the School District's point of view, whether it would be worthwhile to go ahead and do the Quit Claim Deed and the easements. Mr. Rankin stated that it is in everyone's best interest to get the deeds done. He can not do anything on the road until the School District owns it.

Commissioner Dailey stated that he has multiple requests for paving in different areas. The County has a 5-year capital plan for paving. Commissioner Dailey stated that, to be fair and consistent, he wonders if it is fair to move forward on this.

Chairman Newberry stated that if a developer came forward with this type of request, the developer would bear the entire brunt of the cost.

Commissioner Stuart stated that she is concerned over the cost to the County if it were to bring the road up to County Road Standards. Chairman Newberry stated that the County will not know the cost of bringing the road up to the County Road Standards until the engineering is done. He stated that it appears that the issue is who is paying for the cost of the engineering. Road and Bridge Supervisor Haynes stated that he cannot pay for the engineering and believes the School District should do so. Rob Rankin stated that the School District can pay for the engineering. It is a legitimate expense for the District. If the easement and title work are in the process, the District can get the engineering work done.

Chairman Newberry acknowledged that the School District will pay for the engineering and then the County can look at the cost and see if it will fit into the budget and what the benefit will be to the County, the citizens at the end of the road, and the School District.

Even if the School District cannot pave the road, the transfer of ownership and the easement conveyance to the County should still go through. Chairman Newberry stated that the County will continue to maintain the road. He added that the County may end up fixing the drainage problem.

County Manager Underbrink Curran stated that the engineering work can be done, hopefully in 30 to 60 days. That would be prior to winter maintenance. That would allow the County and the District to decide if the work can be done this year. The maintenance of the road may continue as it has been for one or more years.

Chairman Newberry stated that the County will copy the landowners on all the correspondence with regard to the road.

County Manager Underbrink Curran stated that she understands that:

1. The District will provide engineering
2. County Attorney DiCola will do the title work

County Manager Underbrink Curran stated that, after these things are done, the County will look into what it can do. Commissioner Dailey stated that no paving will be performed this fall.

Mr. Rankin stated that he has a Board meeting tonight and will explain the status to the School Board.

Maternal Child Health Contract

Brene Belew-LaDue, Public Health Nurse, presented the Maternal Child Health Contract:

The following is all or part of staff's Contract Review to the Board of County Commissioners as presented at the meeting on September 20, 2005.

Contract Name: Maternal & Child Health – MCH Task Order
Status: Combined task order
Contract Period: 10/10/05 through 09/30/06

Synopsis:

- ◆ Title V dollars from feds via CDPHE
- ◆ Combined MCH/HCP \$
- ◆ MCH \$ taken out of PHN contract (signed in 06/05)
- ◆ PHN contract & MCH/HCP contract require community assessment every 5 years

Discussion:

- ◆ Must serve 3 population groups:
 1. Prenatal
 2. Child/Adolescent
 3. Children with special health care needs
- ◆ MCH –
 1. Collaborate with private and public partners
 2. Facilitate outreach & enrollment efforts into Medicaid programs

3. Referral for families & direct care if needed
4. Community assessment

{End of Staff's Review}

Commissioner Dailey moved to authorize the Chairman to sign the MCH Task Order in the amount of \$4,829

The motion passed unanimously.

Board Business

County Manager Underbrink Curran stated that the Board spoke with Cindy Southway regarding \$3,000 for a Conservation Easement. Ms. Underbrink Curran contacted the Middle Park Land Trust to see if the easement had come to fruition. The easement has come to completion.

Commissioner Dailey moved to spend \$3,000 out of Conservation Trust Fund money from District 3 the Middle Park Land Trust.

The motion passed unanimously.

The Board was invited to attend a dinner with the Northern District at 5:30 p.m. at the YMCA on October 6, 2005.

There being no further business to come before the Board, the regular meeting was adjourned at 4:40 p.m. Minutes were taken and prepared by Sara L. Rosene, County Clerk and Recorder. Approved this _____ day of January 2006.

Nancy Stuart, Chairman

ATTEST:

Sara L. Rosene
Grand County Clerk and Recorder