

VILLA HARBOR 3ND AMENDED FINAL PLAT

Planning Commission, January 19, 2022 PROJECT NAME	Amended Final Plat, Lot 22A, Block 1, Villa Harbor Subdivision
APPLICANT	Larry Page
LOCATION	Lots 22 & 23, Block 1, Villa Harbor Subdivision 74 GCR 691/LAKESIDE LN
ZONING	Tourist District (T)
APPLICABLE REGULATIONS	Grand County Zoning Regulations, Grand County Subdivision Regulations, Grand County Master Plan
ATTACHMENTS	Development Application Project Narrative Vicinity and Detail Map Title Commitments Warranty Deed, Rec. No.: 2018004305 Proposed Amended Final Plat Original Villa Harbor Plat, Reception No. 76295 Amended Final Plat, Reception No. 99009502 Second Amended Final Plat, Reception No. 2009003075 Denied Third Amended Final Plat, 2018
STAFF PLANNER	Taylor Schlueter, Planner I
REQUEST	Approval of an Amended Final Plat joining two adjacent lots

Presented by: Taylor Schlueter, Planner I

CERTIFICATE OF RECOMMENDATION

I. DISCUSSION

a. Background:

Larry Page, the “Applicant” is currently the owner of Lots 22 and 23 of Villa Harbor Subdivision. These lots were transferred from Bell Crest Enterprises LLLP, Debra Carringer as general manager. The Applicant is proposing an Amended Final Plat that would vacate the lot line between lots 22 and 23. The existing lots 22 and 23 comprise 0.293 and 0.281 acres each, (12,763 and 12,240 square feet, respectively) and when combined would total 0.570 acres, or 25,003 ft².

Lots 18, 20-25 have under gone two previous amendments. Most recently, the Second

Amended Final Plat was approved in 2009, recorded at Reception No. 2009003075, as owned by Bell Crest Enterprises LLLP. In 2015, due to a discovery upon application of a building permit for Lot 24, staff required a variance. A variance was granted to allow 5' side setbacks via Board of Adjustment Resolution 2015-6-2.

The Applicant intends to make Lots 22 & 23 more suitable to single family home construction. There are existing newly constructed residences on adjacent lots 18 and 24. The applicant has removed two structures on lots 22 and 23 in order to construct a new single family home.

The property is located within the Grand Lake Urban Growth Area. The property is zoned Tourist and surrounded by residential and recreational uses. The property is bordered by single family residential uses to the east, south, and west, and Shadow Mountain Lake to the east.

b. History:

Villa Harbor was originally platted in 1953 at Reception No. 76295. It contained two blocks, each consisting of 25 lots, Block 1 on the east side of Highway 34 and Block 2 on the west side of Highway 34.

The First Amended Plat, as completed by developers William and Kathryn Bell, was processed and recorded in the spring of 1999. This Amended Final Plat included Lot 18, 20-25 Block 1, to remove an awkward platted roadway that caused Lot 22 and Lot 23 to be unbuildable. With the roadway vacated, the existing Three Lakes easement encumbers Lots 18, 20-25, and existing building envelopes are identified on the proposed plat. The applicant is not requesting a change in the building envelopes nor vacation of any easements.

II. COMPLIANCE WITH GRAND COUNTY REGULATIONS

A. MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one (1) is relevant to this proposal.

Plan Element 2 – Land Use – The Pattern of Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the Urban Growth Area where existing infrastructure and public services exist. The density of this development as it exists is approximately 3du/acre. Community members participated in a study of preferred density within the Grand Lake Urban Growth Area and

arrived at 1.2du/acre as preferred density. Therefore, this Amended Final Plat reduces the density toward the preferable limit as established by the community.

B. ZONING REGULATIONS

The two parcels in this proposal lie within the Tourist District.

- (a) The amended lot will be for the purpose of constructing a single family dwelling.
- (b) This zone requires 30' minimum front yard setbacks, 10' minimum side yard setbacks and 20' minimum rear yard setbacks. A variance was granted to allow 5' side setbacks via Board of Adjustment Resolution 2015-6-2.
- (c) Minimum area of lot in this District is one (1) acre. The Applicant's amended lot will total 0.570 acres, or 25,003 ft², and will therefore not meet the minimum area of lot requirement. However, these lots are pre-existing, legal non-conforming lots of record. Increasing the size of the lots will decrease the degree of non-conformance.

These lots are within an overlay district in the county referred to as the Three Lakes Design Review Area. ✓ **A note shall be added to the plat that reads as following:**

THREE LAKES DESIGN REVIEW AREA

The subject properties are located within the Three Lakes Design Review Area. All requirements for this overlay district as found in Grand County Zoning Regulations §14.5 apply to all structures constructed on these parcels.

C. SUBDIVISION REGULATIONS – 4.3 Final Plat

The Amended Final Plat shall contain or be accompanied by the following information:

Section 4.3 (1) (a-c) the final plat shall be representative of the preliminary plat proposed for immediate recording. The drawing supplied shall be at a scale of not less than 1" = 100' on a 24" x 36" Mylar sheet.

Section 4.3 (2) (a) the title of the Amended Final Plat shall be amended to read:

THIRD AMENDED FINAL PLAT
AMENDED LOT 22A, BLOCK 1, VILLA HARBOR SUBDIVISION
A REPLAT OF LOTS 22 and 23, BLOCK 1, VILLA HARBOR SUBDIVISION
PORTION OF THE SW ¼ OF THE SW ¼ OF SECTION 6, T 3 N, R 76 WEST OF THE 6TH P.M.
COUNTY OF GRAND, STATE OF COLORADO
CONVEYANCE TO OWNERS RECORDED AT RECEPTION # 2018004305

Section 4.3 (2) (b) the legal description shall be written as follows:

Third Amended Final Plat, Lot 22A, Block 1, Villa Harbor Subdivision

Section 4.3 (2) (b-d) these requirements have been met. One monument has been found, dimensions, angles, bearings, and similar have been referred. Rights of Way and easements are shown with recording information.

Section 4.3 (2) (g-h) this requirement has been met. Each amended lot displays acreage and square footage. Lots are dedicated for residential use.

Section 4.3 (2) (i) the final plat shall locate and describe all monuments and their ties to section corners and monuments.

Section 4.3 (2) (j) this requirement has been met. A title commitment has been supplied.

Section 4.3 (2) (k) A portion of the Dedication Statement shall be amended to read as follows (revisions in bold):

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS: That Larry Page is the owner of that real property situated in Grand County, Colorado, more fully described as follows: **THIRD AMENDED FINAL PLAT, LOTS 22 and 23, BLOCK 1, Villa Harbor Subdivision**. That he has caused said real property to be laid out and surveyed as : **THIRD AMENDED FINAL PLAT, LOT 22A, Block 1, Villa Harbor Subdivision, A replat of Lots 22 and 23, Block 1, Villa Harbor Subdivision**, and does hereby dedicate and set apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

Section 4.3 (2) (l) the surveyor's certificate shall be amended to read as follows (revisions in bold):

SURVEYOR'S CERTIFICATE

I, Jerald W. Richmond , a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **THIRD AMENDED FINAL PLAT, LOT 22A, Block 1, Villa Harbor Subdivision, A replat of Lots 22 and 23, Block 1, Villa Harbor Subdivision** truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.

(Surveyor's Signature)

(Surveyor's stamp and registration number shall appear with this certificate)

Section 4.3 (2) (m-o) These requirements have been met, all Planning Commission, Board of County Commissioners, and "Planning" certificates have been added to the plat. **A box is provided for use by the Clerk and Recorder.**

Section 4.3 (2) (p-s) this requirement has been met.

Section 4.3 (2) (q) this requirement has been met.

Section 4.3 (2) (r-v) these provisions are not applicable.

Section 4.3 (2) (w) the physical address will be placed on the Final Plat Mylar. Addresses for the amended lot shall be: 74 GCR 691 aka Lakeside Lane.

Section 4.3 (2) (x-y) A statement of taxes showing that all current taxes have been paid shall be submitted prior to the recording of this Amended Final Plat. Electronic copy in .dwg or .dxf format of the Final Plat shall be submitted prior to the recording of this Amended Final Plat.

D. STAFF COMMENTS AND ANALYSIS

Staff feels that this proposal allows for acceptable densities within the Grand Lake region. Although reducing the previously platted density further protects visual corridors within cultural resource areas, it does not meet the zoning ordinance minimum area of a lot requirement.

E. STAFF RECOMMENDATION

Staff recommends the approval of the Third Amended Final Plat Lot 22A, Block 1, Villa Harbor Subdivision with the following conditions to be met prior to the recording of the Final Plat.

1. A note shall be added to the Final Plat regarding the Three Lakes Design Review Area (see above).
2. The title of the Amended Final Plat shall be amended (see 4.3 (2) (a) above).
3. The legal description shall be amended (see 4.3 (2) (b) above).
4. Amend the dedication statement (see 4.3 (2) (k) above).
5. Amend the surveyor's certificate (see 4.3 (2) (l) above).
6. Add a physical address to the plat (see 4.3 (2) (w) above).
7. Proof that all taxes have been paid shall be submitted (see 4.3 (2) (x) above).
8. An electronic copy of the Final Plat shall be submitted (see 4.3 (2) (y) above).
9. Quit Claim Deeds to describe the amended the legal description of the lots.
10. All recording fees shall be paid by the Applicant.

Commissioner Marcus Davis asks the applicant Larry Page if he received and reviewed the Staff Certificate.

Larry Page confirms.

Commissioner Marcus Davis opens questions to the Board.

Commissioner Will MacDonald states no comment.

Commissioner Ryan McNertney confirms that we are here to combine lots 22 & 23. Ryan states on the plat it is listed as 22A is that showing them already combine?

Taylor Schlueter, Community Development, confirms.

Commissioner Ryan McNertney clarifies, in paragraph 2 of the history on the staff report states "The applicant is not requesting a change in the building envelopes nor vacation of any easements." Then on the plat just below where it says lot 22A it says lots lines and attached easements hear by vacated by this plat.

Taylor Schlueter, Community Development, states that that is an error.

Larry Page confirms.

Commissioner Ryan McNertney also states that the plat shows both third and second amend final plat.

Commissioner Deb Fitch states no comments.

Commissioner Ingrid Karlstrom states no comments.

Commissioner Kim Shepton states no comments.

Commissioner Bob Gnuse states no comments.

Commissioner Marcus Davis states the problem that I have is that the original villa harbor plat block 1 Lots 22 and 23 there is a road in between. Your satellite image is much different. Is the road vacated? The utility easement between lots 22 & 23 is not vacated? If we are not vacating the utility easement we are wasting this gentleman's time.

Taylor Schlueter, Community Development, states that appears to be correct, that was an oversight on staff.

Commissioner Marcus Davis asks can we reconcile this. What are we asking for? If we don't vacate the easement they will still not be able to build. Does the Title commitment show an easement?

Taylor Schlueter, Community Development, states he does not have an updated Title.

Commissioner Marcus Davis states we can't approve the wrong thing.

Commissioner Deb Fitch asks what was requested.

Larry Page states that he requested to move the lot line to allow the building envelopes to merge.

Commissioner Marcus Davis states that we need to add the following conditions:

- 11. Vacating any easements & lot lines*
- 12. Combination of the building envelopes*
- 13. Adjustment of plat tie bars lots 22/23*

Motion to recommend approval by Ryan McNertney for 3rd Amended Final Plat, Of Block: 1 Lot: 22 A of Villa Harbor Subdivision as amended. Seconded by Ingrid Karlstrom. No further discussion. All in favor "aye", none opposed. Motion of approval carries.

COLUMBINE LAKE LOTS 85 AND 87 – AMENDED FINAL PLAT

Presented by: Taylor Schlueter, Planner I

CERTIFICATE OF RECOMMENDATION

Planning Commission January 19, 2022

PROJECT NAME	Amended Final Plat, Lot 85A and Lot 87A, Block 6, Columbine Lake
APPLICANT	Applicant 1: BONNETT, CHRISTINE & CHRISTOPHER Applicant 2: SILVERTHORN, MARK HAROLD & MARY SUZANNE
LOCATION	Lots 85-87 Block 6, Columbine Lake 34, 54 & 72 GCR 4981/Marigold Lane
ZONING	Residential District (R)
APPLICABLE REGULATIONS	Grand County Zoning Regulations, Grand County Subdivision Regulations, Grand County Master Plan
ATTACHMENTS	Development Application Project Narrative Vicinity and Detail Map Title Commitments Lots 85-87 Warranty Deeds Rec. Nos.: 2020005578, 2021009337, and 2021009421 Proposed Amended Final Plat Original Columbine Lake Final Plat, Reception no. 110970
STAFF PLANNER	Taylor Schlueter, Planner I
REQUEST	Approval of an Amended Final Plat splitting Lot 86 into halves, with each respective half being combined with the whole of adjacent Lots 85 and 87.

III. BACKGROUND

a. Proposal

The Applicants, CHRISTINE & CHRISTOPHER BONNET and MARK HAROLD & MARY SUZANNE SILVERTHORN, own Lot 85 and Lot 87, respectively, of Block 6, Columbine Lake subdivision via Warranty Deeds recorded at Reception Nos. 2020005578 and 2021009421, respectively. They jointly purchased lot 86, which lies in between their respective lots, in August 2021, via a Warranty Deed recorded at Reception No. 2021009337.

The Applicants' desire in this project is simply to preserve open space that currently exists on the undeveloped Lot 86. At this time no development of accessory structures is planned.

The Applicant is not requesting a vacation of the 5-foot utility easement that runs along each side of the interior property lines of Lot 86. This non-exclusive easement was then conveyed to the Columbine Lake Water District (Rec. No. 176297) and Three Lakes Water and Sanitation District (Rec.

No. 176299) in 1980.

When the lot combination is completed, Lots 85A and 87A will total 0.31 and 0.34 acres (13,503 and 14,810 square feet), respectively. The minimum lot size for properties zoned Residential, served by both public water and sewer, is 0.161 acres, or 7,000 square feet.

b. History

Columbine Lake Subdivision was created May 2, 1969 recorded at Reception No. 110970. It consists of approximately 543 lots within 207 acres. It is a covenant controlled community with a very active Home Owners Association (HOA).

The utility easement to remain is a non-exclusive easement not included on the original 1969 plat. It was conveyed to the Three Lakes Water and Sanitation District via an Easement Deed (Rec. # 176297) in 1980. Grand County cannot process the vacation of an easement that is not dedicated to the public. It is Staff's determination that both the Columbine Lake Homeowners' Association (AKA Columbine Lake Country Club) and the Three Lakes Water and Sanitation District have a legal interest in the utility easement and therefore both of these entities will need to take all necessary formal actions to vacate this easement. Any vacation of an interior lot line easement shall be via Quit Claim Deed which shall be recorded prior to recording of any approved Plat. Again, the Applicants have not expressed a desire to vacate this easement, as no development is planned on the vacated lot lines.

IV. STAFF ANALYSIS

The lots are located in the Columbine Lake Subdivision. Recently, Staff has been made aware that the Owners Association has been desirous of having owners who own multiple lots combine them through this process. Columbine Lake Subdivision is located within Grand County Urban Growth Area 2 and is served by both public water and sewer, making it a location where Staff would desire that lots be used for more dwellings to create density. However, without maximum lot areas or other defined restrictions within our regulations, the County is limited in preventing lot combinations and will continue to support allowing property owners to use their land as they desire.

V. COMPLIANCE/NON-COMPLIANCE WITH REGULATIONS

Any conditions to be met shall be highlighted in **bold** in the following sections.

A. Grand County Master Plan

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one (1) is most relevant to this proposal.

Plan Element 3 – Development: the Built Environment

As stated in Plan Element 3 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. Although in an Urban Growth Area, The Master Plan does not prohibit the merger or combination of parcels. Columbine

Lake was a development platted in the 1960's prior to review for features that would deem some lots undevelopable. The majority of the lots in the subdivision have been developed, the remaining lots are typically much more difficult being steep or too rocky. All lots within this subdivision have access to public water and sewer.

B. ZONING –Section IV - Residential District – R

The parcels involved in this proposal lie within the Residential District, existing inside Grand Lake Urban Growth Area. The site is surrounded by vacant land or other commercial and light industrial uses.

- (a) Lots 85 and 87 contain a single family dwelling, which is a use by right, and 86 is vacant.
- (b) This zone requires 30' minimum front yard setbacks, 10' minimum side yard setbacks and 20' minimum rear yard setbacks. The existing and proposed building envelope, which remains unchanged, complies with those setbacks.
- (c) Minimum area of lot is 7,000 ft² for properties served by both public water and sewer. The total area of proposed Lot 85A and 87A is **13,503 sq. ft. and 14,810 sq. ft. or 0.31 and 0.34 acres**, complying with the minimum area requirement.

C. Subdivision Regulations – Section 4.3/4.4 – AMENDED FINAL PLAT

§4.3 (1) (a-b) The Final Plat Mylar shall be printed on a 24" x 36" sheet, maintained at the provided scale of 1"=20'.

§4.3 (2) (a) ✓ **The Title of the Amended Final Plat shall read:**

Amended Final Plat

Amended Lots 85A, and 87A, Block 6, Columbine Lake

Being a Replat of Lots 85, 86, and 87, Block 6, Columbine Lake at Reception No. 110970.

Part of North ½ of Section 1, Township 3 North, Range 76 West of the 6th P.M.

Grand County, Colorado

Ownership recorded at Reception Nos. , 2020005578, 2021009337, and 2021009421

§4.3 (2) (b) *the legal description shall be written as follows:*

Amended Lot 85A and Amended Lot 87A, Block 6, Columbine Lake

§4.3 (2) (c) *Primary control points, or description and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.*

This proposed plat complies, showing a tie back with Section 1 corner.

§4.3 (2) (d) *Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lot and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances.*

Boundaries, ROW lines and easements, property lines of residential lots are all shown on the proposed plat.

§4.3 (2) (e) *Names and right-of-way width of each street or other rights-of-way.*

Grand County Road 4981, or Marigold Lane is shown and width is labeled including both sides (full radius).

§4.3 (2) (f) *Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.*

Easements created by Easement Deed recorded at Reception No. 176297 which are existing adjacent to the existing interior property line.

§4.3 (2) (g) *Number to identify each lot or site and acreage of each site to the nearest 1/100th of an acre.*

A label showing acreage to the hundredths place is on the Plat, complying with this provision.

§4.3 (2) (h) *Purpose for which sites, other than residential lots, are dedicated or reserved.*

This provision is non-applicable; the lot is intended to be used for residential purposes.

§4.3 (2) (i) *Location and description of monuments.*

All existing found monuments are shown, labeled, and described.

§4.3 (2) (j) *Current title commitment.*

Title commitments have been provided dated April 27, 2021, July 14, 2021, and July 14, 2021. ✓ **An updated copy of each title commitment shall be provided prior to recording of the Final Plat.**

§4.3 (2) (k) *Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:*

DEDICATION

KNOWN ALL PEOPLE BY THESE PRESENTS: That BONNETT, CHRISTINE & CHRISTOPHER and SILVERTHORN, MARK HAROLD & MARY SUZANNE are the owners of that real property situated in Grand County, Colorado, more fully described as follows:

Lots 85, 86, and 87, Block 6, Columbine Lake Subdivision according to the Plat Filed May 2, 1969 at Reception No. 110970.

That they have caused said real property to be laid out and surveyed as Amended Final Plat Amended Lots 85A and 87A, Block 6, Columbine Lake, and do hereby dedicate and set apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF, has caused their name to be hereunto subscribed this _____ day of _____, 20__.

By: CHRISTOPHER BONNET

By: CHRISTINE BONNET

IN WITNESS WHEREOF, SILVERTHORN, MARK HAROLD & MARY SUZANNE has caused their name to be hereunto subscribed this _____ day of _____, 20__.

By: MARK HAROLD SILVERTHORN

By: MARY SUZANNE SILVERTHORN

STATE OF COLORADO)

ss

COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this ___ day of _____, 20__ by Christopher & Christine Bonnet and Mark & Mary Silverthorne

My Commission Expires: _____

Notary Public

§4.3 (2) (l) Certification by a Surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title

38, Article 51, and the requirements of these Regulations in the preparation of the final subdivision plat, to be in substantially the following form:

SURVEYOR'S CERTIFICATE

I, _____, a duly registered land surveyor in the State of Colorado, do hereby certify that this Amended Final Plat Amended Lot 62A, Block 6, Columbine Lake shows the result of a field survey done by me or under my responsible charge, based on facts known to me. And that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.

(Surveyor's Signature)

(Surveyor's stamp and registration number shall appear with this certificate)

§4.3 (2) (m) *Certificates for approval by the Planning Commission and the Board of County Commissioners as follows:*

Certifications for Grand County Signature have been provided on the proposed Amended Final Plat according to these regulations.

§4.3 (2) (n) *Certification by a qualified professional engineering, designing or planning firm, insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations.*

This provision is non-applicable as there are no other requirements specific to this proposed Amended Final Plat.

§4.3 (2) (o) *A two and one-half by three inch (2-1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.*

This requirement has been met.

§4.3 (2) (p) *The executed original of the Restrictive Covenants and Articles of Incorporation and Bylaws of any owners' association showing filing of the Articles in the office of the Secretary of State and the State of Colorado.*

This provision is non-applicable; there are no changes to the existing Articles, Bylaws, or Owners' Associations subject to this Amended Final Plat.

§4.3 (2) (q) *A vicinity map.*

This requirement has been met.

§4.3 (2) (r) *the subdivider shall provide:*

- (i) *Storm drainage plans and related designs, in order to insure proper drainage ways.*
- (ii) *Property survey and proof of ownership.*
- (iii) *Sanitary sewer plans and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems.*

Provisions (i) and (iii) are non-applicable to be reviewed at this scale or intensity of development. Property survey and proof of ownership are provided.

§4.3 (2) (s) *the subdivider shall provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof.*

This provision is non-applicable, this is not retroactive to revised plats.

§4.3 (2) (t) *No subdivision shall be approved until such data, surveys, analyses, studies, plans, and designs as may be required by this section and by the County Planning Commission or the Board of County Commissioners have been submitted, reviewed and found to meet all sound planning and engineering requirements of the County contained in these Subdivision Regulations.*

This provision is non-applicable, this is not retroactive to revised plats.

§4.3 (2) (u-v) *"Major Activity Notice" and "Colorado Land Use Commission".*

These requirements are not applicable, as this is not a new land division in Grand County. Colorado Land Use Commission no longer exists.

§4.3 (2) (w) *A 14" x 18" black-line mylar(s) with approved addresses and road numbers as required.*

The address has been placed on the Final Plat Mylar.

§4.3 (2) (x) *Statement of taxes due showing current taxes paid.*

2020 Property Taxes shall be paid in full prior and show a \$0.00 balance to recording of the Final Plat.

§4.3 (2) (y) *An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system. This shall be included prior to recording of the Final Plat Mylar.*

VI. STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Amended Lots 85A & 87A, Block 6, Columbine Lake with the following conditions to be met:

1. The Title of the Amended Final Plat shall be corrected to read as shown in this certificate §4.3 (2) (a).
2. An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat [§3.2 (2) (s)].
3. Such additional information as may be required by the Grand County Board of County Commissioners [§3.2 (2) (t)].
4. A quit claim deed shall be filed concurrently and following the Final Plat Mylar to correct the Legal Description within the Real Estate Records of Grand County.
5. An updated title commitment for each of the three lots shall be provided prior to recording of the Final Plat.

Commissioner Marcus Davis asks the applicant The Silverthorns if they received and reviewed the Staff Certificate.

The Silverthorn confirms.

Commissioner Marcus Davis opens questions to the Board.

Commissioner Will MacDonald asks if the easements are listed on the plat. Since they were added after the fact. I want to make sure that 50 to 100 years down the road it is shown. I think they should be shown on the plat.

Commissioner Marcus Davis states that since they are privately owned easements we do not have any authority over the HOA. I can't disagree.

Commissioner Ryan McNerney states that the plat reads this non-exclusive easement was conveyed to Columbine Lake Water District and The Three Lakes Sanitation District.

Commissioner Marcus Davis states that's perfect that covers it because it shows the authority.

Commissioner Ryan McNerney states on page five under the surveyor's certificate it says "amended final plat amended lot 62A"

Commissioner Marcus Davis agrees it should read Lots 65 & 67 A

Commissioner Deb Fitch states no comment.

Commissioner Kim Shepton states I am wondering why they are not vacating the building envelopes. If the property was ever sold.

Commissioner Marcus Davis states if the new owners wanted that they could bring it back.

Commissioner Kim Shepton states that she has no other questions

Commissioner Bob Gnuse states that he has no questions

Commissioner Ingrid Karlstrom states that there is no vicinity map.

Commissioner Marcus Davis confirms with Taylor that there are no building envelopes.

Taylor Schlueter, Community Development, the third deed should be mentioned.

Commissioner Marcus Davis states the following conditions should be added

6. Adding the reception numbers of the utility easement

7. Correcting the title to show the correct proper conveyance of the properties as they originate.

There was no public comment.

Commissioner Ryan McNerney recommends the approval of Columbine Lakes Amended Final Plat motion to approve them as presented with the addition of #6 and #7 conditions. Seconded by Kim Shepton. No further discussion. All in favor "aye", none opposed. Motion of approval carries.

SHORT-TERM RENTAL REGULATIONS CHANGES

Commissioner Marcus Davis reuses himself from this discussion.

Presented by: Taylor Schlueter, Planner I & Robert Dave, Director Community Development

Christian Hornbaker, Short Term Rental Coordinator, is proposing recommended amendments to Chapter 14.8 Short-term Rental Zoning Regulations. The recommendations relate to 1) changing permit start dates or beginning annual renewal dates to the first of the year instead of by anniversary date and 2) to add language relative to the required 24 hour contacts. The proposed changes are below:

14.8 Short Term Rental, Section B

Current: A SHORT TERM RENTAL PERMIT IS REQUIRED TO BE OBTAINED ON AN ANNUAL BASIS.

Potential change: A SHORT TERM RENTAL PERMIT IS REQUIRED TO BE OBTAINED ON AN ANNUAL BASIS THAT WILL RUN FROM JANUARY 1 TO DECEMBER 31ST. PERMITS OBTAINED AFTER JANUARY 1ST WILL BE PRORATED to December 31st.

14.8 Short Term Rental, Section G (2)

Current: Local 24-hour Contact. Each short term rental shall have a primary and a secondary person responsible to manage the Short Term Rental during any period it is occupied. The 24-hour contact persons may be the PROPERTY OWNER or PROPERTY MANAGER and they must reside in Grand County and be able to respond within one (1) hour or less. If any local contact information changes the property owner OR PROPERTY MANAGER shall notify the Grand County Department of Community Development of the new contact information in writing within five (5) business days of the change in local contacts.

Potential addition at the end of the paragraph: Primary and secondary local contacts will be contacted annually to verify their information.

Please find 'Exhibit A' identifying strikeouts and added language. The areas where the font color is red in Exhibit A indicates proposed changes.

RECOMMENDATION Staff Recommends approval of the proposed zoning amendments to Chapter 14.9 Short term Rental Regulations.

Commissioner Bob Gnuse states no questions.

Commissioner Deb Fitch clarifies what is being changed

Robert Davis, Community Development states the annual renewals.

Christian Hornbaker states that it will renew permits December and January. If someone signs up after it will be prorated.

Commissioner Ryan McNertney clarifies that we will be verifying the two emergency contacts.

Commissioner Kim Shepton states she likes this. It will help assure safety.

Commissioner Ingrid Karlstrom states that the drop box has a document that talks about sales taxes. Shouldn't they be required to post it? Shouldn't it be listed in our regulations?

Taylor Schlueter, Community Development, states that we have not required it.

Robert Davis, Community Development, states it is not currently in our regulations.

Christian Hornbaker states that he will sit down with our legal team to see what we need.

Commissioner Ingrid Karlstrom requests that they also look at the violation and fee schedule.

Commissioner Ingrid Karlstrom states no other comments.

Commissioner Bob Gnuse states that the violation language needs to be consistent.

Commissioner Will MacDonald states no comment.

Commissioner Will MacDonald asks if there is any other questions from the board or public.

Marcus Davis Introduces himself and states his vote of confidence that validating those first and second emergency contacts. If you ask them to post their sales tax it will help you audit. Note to the staff this presentation was very confusing because you gave us redline document that had nothing to do with the presentation

Motion to recommend approval by Will MacDonald for the Short term rental amendments as presented. Seconded by Kim Shepton. No further discussion. All in favor "aye", none opposed. Motion of approval carries.

BLUE VALLEY OUTRIGHT EXEMPTION

Presented by: Taylor Schlueter, Planner I

CERTIFICATE OF RECOMMENDATION

Planning Commission January 19, 2022;

PROJECT NAME	Blue Valley Ranch Pump Station Rest Area Outright Exemption
APPLICANT	Galloway Inc., represented by Ireland Stapleton & Elizabeth Woodward
LOCATION	Subd: METES & BOUNDS 80 ALL 2063.926 AC+/-, 23.10 AC IN LOT 1 SEC 8, 33.50 AC IN LOT 1, 34.90 AC IN LOT 3, 29ACIN LOT 4, 38.03 AC IN LOT 6, NE4SW4, E2NW4 LESS 5.864 AC HWY 9 ROW SEC 9, SW4, SW4SE4, N2SE4, S2N2 SEC15, ALL LESS 10 AC IN NW4NW4NE4 LESS 17.62 AC HWY 9 ROW LESS 34.96 AC HOMESITE PARCEL LESS BLUE VALLEY ACRES PARCELS IN S2S2S2 SEC 16, LOT 2 & 3, 33.34 AC IN LOT 6, 26.56 AC IN E2E2 SEC 21, ALL LESS HWY 9 ROW SEC 22, NW4NW4, 31.09 AC IN NE4NW4, N2NE4 SEC 27, ALL IN T1S R80W 34
ZONING	Forestry & Open District (F/O)
APPLICABLE REGULATIONS	Grand County Zoning Regulations, Grand County Subdivision Regulations, Grand County Master Plan
ATTACHMENTS	Development Application Project Narrative Vicinity and Detail Map Title Commitment, dated 12/08/21 Bargain & Sale Deed, Reception No. 94006008 Proposed Amended Final Plat
STAFF PLANNER	Taylor Schlueter, Planner I
REQUEST	Approval of an Outright Exemption to create a parcel of land to be used as a rest area for river recreationalists as part of a Bureau of Land Management Land Exchange process.

VII. BACKGROUND

a. Proposal

In connection with, and contingent on the closing of, a land exchange between Applicant and the U.S.

Bureau of Land Management (“BLM”), the Applicant is proposing to create a seasonal easement in favor of BLM for intended use by the public as a rest area by floaters from upstream put-ins. This easement will allow BLM to (1) operate, maintain and repair certain improvements (including,

without limitation, a tie-up area for floaters, toilet, and trash receptacles) on an approximately 1-acre area (shown on the enclosed plat) along the Blue River, west of Highway 9 ("Easement Property") and (2) authorize members of the public who float the Blue River from upstream put-ins to use the Easement Property as a rest area.

The Applicant would like to create a new parcel for the Easement Property which is legally separate from the rest of Applicant's property and is therefore requesting an Outright Exemption and a variance from the 5-acre minimum lot size requirement. This proposed approximately one-acre parcel is being created from a much larger parcel, and the Applicant will continue to use the rest of the parent parcel and the Easement Property for agricultural and ranch-related purposes.

Upon conveyance of the Easement Property, Applicant will establish easements for access, trash, and sanitation. This Blue Valley Land Exchange will provide public improvements such as accessible fishing platforms, boat put-in/take-out, and day use areas. With this land exchange the County made comments to provide a "permanent" public amenity.

This Outright Exemption is contingent upon a variance from the five (5) acre minimum area of a lot as the outright Exemption is proposed to be 0.930 acres (40,510.8 ft²). The proposed lot is located approximately 10 miles south of Kremmling and approximately 3 miles northwest of the Green Mountain Reservoir. Portable toilets and picnic tables are proposed as a seasonal amenity for this site for recreational users.

Public access is only permitted via the Blue River. An easement will be drawn up in order to provide access to the Bureau of Land Management, through the Applicant's property, for maintenance purposes. The site is surrounded by Blue Valley Ranch, bounded to the west by the Blue River. The subject parcel is approximately 1 mile north from the Grand-Summit County boundary.

b. History

Galloway Inc., represented by Jim Killean, of Ireland Stapleton Pryor & Pascoe, PC and Robert Firth, Blue Valley Ranch land manager hereafter referred to as "the Applicant," purchased the subject property in 1994 by Bargain & Sale Deed, Reception No. 94006008. Blue Valley Ranch is composed of several thousand acres south of the Town of Kremmling, along Colorado State Highway 9. The newly proposed parcel is near the edge of Blue Valley Acres Subdivision.

VIII. STAFF ANALYSIS

During the comment period for a land exchange between Blue Valley Ranch and the Bureau of Land Management (BLM), the County supported the exchange. Public access was a large factor in the support as the Land Exchange granted recreational access adjacent to many popular BLM lands. This exchange enriches the recreational experience of locals and visitors alike on the Blue River.

IX. COMPLIANCE/NON-COMPLIANCE WITH REGULATIONS

Any conditions to be met shall be highlighted in **bold** in the following sections.

D. Grand County Master Plan

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one (1) is relevant to this proposal.

Plan Element 1 – Natural and Cultural Resources

As stated in Plan Element 1 in the Grand County Master Plan, the habitat and landscape are largely what gives Grand County its unique character. As part of that the enjoyment and maintenance of wildlife within the County are a significant factor. Under 1.1.2 Implementation Actions the Grand County Master Plan states: *“Preserve the economic, recreational, environmental, and cultural importance of hunting, fishing and wildlife watching in Grand County.”* This proposal is an effort towards that action.

Plan Element 4 – Community and Public Facilities

One mission represented in the Grand County Master Plan is to provide development that is compatible with the mountain environment and the County’s general character. One action identified under Section 4.4 Recreational Facilities states: *“...ensure that sufficient and appropriately located lands are provided to recreational needs of residents and visitors in the future.”* In the case of this proposal the outdoor recreational needs are being met by the creation of this rest area.

E. ZONING –Section 6.1 Forestry and Open District

This parcel lies in the Forestry and Open District. This application complies with the regulations in the following ways:

- The Applicant proposes an outdoor recreational area and incidental facilities, a use permitted by right in this District.
- This proposed parcel is outside an identified Growth Area as defined by the Grand County Master Plan requiring a five (5) acre minimum area of lot. The proposal is for a 0.930 acre (40510.8 ft²) lot and any approval shall be contingent on a variance granted by Board of Adjustment.
- The incidental facilities to be proposed within this parcel shall comply with standard minimum yard setbacks of the Forestry and Open District.

F. OUTRIGHT EXEMPTION – Article 1.4 – JURISDICTION

Division of a parcel of land when the Board of County Commissioners determines that such division may be permitted without complying with either Grand County Subdivision Regulations or Grand

County Subdivision Exemption Regulations. When not contrary to the best interests of present and future inhabitants of Grand County, and when the method of disposition is not adopted for the purpose of evading these Regulations, the Board of County Commissioners may grant such an Outright Exemption with regard to any land division under the following circumstances:

- a) Which involves adjustment of a tract boundary to resolve a boundary to establish/determine a boundary when substantial evidence of a bona fide dispute is presented.
- b) Which involves adjustment of a tract boundary to eliminate an existing encroachment of a substantial structure upon the real property of another.
- c) Which involves acquisition of access from one parcel of property through another.**
- d) Which involves other unusual circumstances which are deemed by the Board of County Commissioners to justify such a grant.

In Staff's opinion, this Outright Exemption request falls under subsection (c) of these regulations. The Applicant approached Community Development Staff requesting to create a lot that will serve as access to the Blue River, a tributary of the Colorado River. As this proposal creates minimal land impacts and only an addition of incidental facilities to support the recreational use, these regulations are applicable.

It is Staff's opinion that this Outright Exemption request will not impair the intent and purpose of the Grand County Outright Exemption Regulations.

G. OUTRIGHT EXEMPTION – Article 2 – DESIGN STANDARDS

Section 2.1 Driveway, Roads, Streets, and Easements.

Utility easements are shown on the plat.

Section 2.2 Tracts/Parcels/Lots. The gross area of the lot will be 0.930 acres (40510.8 ft²), if granted a variance by the Board of Adjustment, because this area is less than the minimum area of a lot in the Forest and Open District outside a Growth Area Boundary, which requires five (5) acres. ✓ **the address established by Grand County GIS, 5675 CSH 9, shall be shown on the Final Plat. ✓ the approval of this Plat shall be contingent on approval of a variance to allow a lot under five (5) acres as required.**

Section 2.3 Public Dedications.

There is no development being proposed.

Section 2.4 (1-2) Solid Fuel burning devices. This section has been repealed from these Regulations via Resolution 2016-7-34.

Section 2.5 (1-2) Emergency Service Impact Fees. The lot created through this process will not contain any dwellings and is not in a Fire District requiring Impact fees.

E. OUTRIGHT EXEMPTION – Section 3.2 – PLAT

Section 3.1 A pre-application meeting was held for this application.

Section 3.2 (1) A Final Plat presented on a 24" x 36" sheet, drawn to scale, detailing the proposed Outright Exemption parcel and abutting properties, along with a vicinity map, has been provided prior to any scheduling of any review before the Board of County Commissioners. This requirement has been met.

Section 3.2 (2) the plat shall contain or be accompanied by the following information:

(a) Title of the plat is:

Blue Valley Ranch Pump Station Rest Area

Outright Exemption

Located in Part of the SE ¼, of the SW ¼ of Section 16,

Township 1 South, Range 80 West, of the 6th P.M.

Grand County, Colorado

Ownership Recorded at Reception No.

The proposed Plat shows a scale, north arrow, and date of creation.

(b) Legal description of property is shown as: Blue Valley Ranch Pump Station Rest Area

Outright Exemption, This requirement has been met.

(c) Primary control points, or descriptions, and ties are shown on the proposed Plat. This requirement has been met.

(d) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances have been provided. This requirement has been met.

(e) NA

(f) Location, dimensions and purpose of easements, including reference by book and page to any pre-existing recorded easements have been provided on the Plat.

(g) The proposal is for the creation of a new lot shown to be 0.930 acres compliant with acreage to the nearest 1/100th. ✓ **Addresses for adjacent property owners shall be correctly identified.**

(h) ✓ **The Lot shall be for seasonal outdoor recreational area and incidental facilities purposes only, a note shall be added to this effect.**

(i) Location and description of monuments are provided. This requirement has been met.

(j) Title Insurance Commitment Order Number J60011459 issued on February 13, 2019 has been provided. An updated title commitment, dated within 6 months, has met this requirement. The title shows a lien holder, whose name is included on the submitted plat.

(k) A Statement by the owner platting the property. This requirement has been met.

(l) A Correct Surveyor's certificate is shown. This requirement has been met.

(m) A Certificate of Approval by the Board of County Commissioners is shown. This requirement has been met.

(n) Certification by the Applicant's attorney, the professional engineering, designing or planning firm, if any, and a statement by the owner insuring compliance with the design standards and all other requirements of the Grand County Outright Exemption Regulations and the statement of requirements issued by the Board of County Commissioners. This requirement is no longer applicable.

(o) A correctly sized box in the lower right hand corner has been provided for use by the County Clerk and Recorder. This requirement has been met.

(p) A vicinity map has been provided. This requirement has been met.

(q) NA

(r) ~~Documented proof of the availability of sewer and water supply. ✓ The Applicant shall comply with current County Onsite Wastewater Treatment System regulations. ✓ No water supply is suggested to service the parcel, and a plat note shall be added to certify that no well permit shall be issued for this Parcel.~~

(s) Statement of taxes due has not been provided. ✓ **A statement of taxes due showing current taxes paid shall be submitted prior to recording of the Final Plat.**

(t) An electronic copy of the Final Plat is required prior to recording. ✓ **An electronic copy of the Blue Valley Ranch Outright Exemption Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to recording.**

(u) Such additional information as may be required by the Grand County Board of County Commissioners.

X. STAFF RECOMMENDATION

Staff recommends the approval of the Blue Valley Ranch Pump Station Rest Area Outright Exemption with the following conditions to be met before recording of the plat:

- ~~1. A plat note referencing that utility easements shall be established on an as needed basis within this Outright Exemption Plat in compliance with this provision.~~

2. The address established by Grand County GIS (5675 CSH 9) shall be shown on the Final Plat.
3. The approval of this Plat shall be contingent on approval of a variance to allow a lot under five (5) acres as required [Section 2.2].
4. The Lot shall be for seasonal outdoor recreational area and incidental facilities purposes only, a note shall be added to this effect.
5. A plat note shall be added to certify that no well permit shall be issued for this Parcel.
6. The title of the Plat shall be amended to match the title included in this certificate. [Section 3.2(2)]
7. Adjacent property owners and their addresses of record shall be identified on the Plat [Section 3.2 (2) (g)].
8. ~~The Applicant shall comply with current County Onsite Wastewater Treatment System regulations [Section 3.2(2) (r)].~~
9. Statement of taxes due showing current taxes paid shall be supplied prior to recording the Plat [Section 3.2(2) (s)].
10. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [Section 3.2 (2) (t)].
11. *Changes to the certificate to be consistent*
12. *Access easement shall be recorded with the plat. With easement number on the plat.*
- 13.

All legal documents required in conjunction with the final approval of this request are subject to the review and acceptance of the County Attorney.

Commissioner Marcus Davis opens the discussion to the Board.

Commissioner Will MacDonald No comment

Commissioner Ingrid Karlstrom confirms with the applicant that the road from the highway to the river already exists. Also, confirms that the location on the river is safe.

Commissioner Kim Shepton states she likes this proposal, she likes that it is the half point. She likes the fact that in the event of an emergency the highway is accessible by foot or road. No other comments or questions.

Commissioner Deb Fitch states no comments.

Commissioner Bob Gnuse asks how we are handling the variance.

Commissioner Marcus Davis confirms that this will go through the BOA.

Commissioner Bob Gnuse asks if that should be a condition.

Commissioner Ingrid Karlstrom states that there is a condition, and that there is an updated version of the conditions.

Commissioner Marcus Davis discusses with staff the method of updating certificates. Conditions 1 & 8 will be removed per this meeting.

Commissioner Ryan McNerney states the language is not consistent under the proposal. Should this be changed?

Commissioner Marcus Davis states the following conditions:

14. Changes to the certificate to be consistent

15. Access easement shall be recorded with the plat. With easement number on the plat.

Commissioner Marcus Davis confirms that Blue Valley is giving this land to BLM. Also asks who will manage the site?

Robert Davis states that BLM will responsible to manage clean up and maintenance.

Commissioner Marcus Davis opens public comment.

Stephanie O'Dell introduces herself and states that she absolutely loves and supports this idea. Public access to the area is a huge sticking point.

Motion to recommend approval by Ingrid Karlstrom for the Blue Valley Outright Exemption as amended. Seconded by Will MacDonald. No further discussion. All in favor "aye", none opposed. Motion of approval carries.

YAK OVERLOOK SUBDIVISION EXEMPTION

Presented by: Robert Davis, Director, Community Development

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION **JANUARY 19, 2022**

Project Name	Yak Overlook Subdivision Exemption Sketch Plan
Applicant	Gabriel Wallace
Location	1791 GCR 60
Zoning	Residential/Forestry & Open Districts (Split Zone)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Exemption Regulations, Grand County Master Plan
Attachments	A. Development Application B. Project Narrative Letter C. Proposed Final Plat D. Vicinity and Detail Map E. Title Commitment dated May 24, 2021 F. DWR Well Permit, No. 218029
Staff Planner	Taylor Schlueter, County Planner
Request	Approval of a Subdivision Exemption to split a 60.05 acre Metes and Bounds parcel into three separate lots.

Purpose of Request

Gabe Wallace, the Applicant, has applied for a Subdivision Exemption to create three lots, approximately twenty (20) acres each, from an existing 60.05 acre metes and bounds parcel.

Staff Comments and Analysis

The subject property is located just east of the municipal limits of the Town of Granby and is located within the Granby Urban Growth Area. There is an existing domestic well permitted on the site which will be required to be forfeited in exchange for three single-family household use only well permits. Lot 1 of this proposed Subdivision Exemption contains an existing single-family dwelling unit, built in 1972. The property is bordered to the south by the Union Pacific Railroad right-of-way. Running parallel to the railroad is an irrigation ditch.

Compliance Status with Grand County Regulations

H. Grand County Master Plan

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which two (2) are relevant to this proposal.

Plan Element 2 – Land Use – Growth and Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the urban growth areas where existing infrastructure and public services exist. This subdivision exemption is located within the Granby Growth Area. In addition, the proposed subdivision provides a low density development, of around one dwelling unit per twenty acres.

Plan Element 3 – Development: The Built Environment

Plan Element 3 in the Grand County Master Plan, speaks to maintaining a high quality of life while taking advantage of existing infrastructure. This subdivision borders existing development, county roads, and is adjacent to existing electric utility infrastructure. The development minimizes additional impacts on open lands adjacent to wildlife corridors, and takes advantage of conservation easements providing both visual and natural protection of property features.

I. ZONING – Section 4.1 Residential District

The zoning for this parcel is split zoned Forestry & Open/Residential District. This application complies with the regulations in the following ways:

- 1) Single family dwellings are anticipated to be constructed on the parcels by others. This use is in compliance with the regulations.
- 2) These parcels are required to have a minimum lot area of 30,000 ft² per Residential District served by well and OWTS. The proposed parcels are approximately twenty (20) acres each, and therefore comply because Grand County policy for split-zoned parcels is to allow the applicant to choose a district for the entire parcel. Even going by Forestry & Open District regulations, this proposal complies, as the minimum lot size for Forestry & Open parcels within a Growth Area is two (2) acres.
- 3) These parcels shall comply with the minimum standard yard setbacks of the Residential District, as chosen by the Applicant.
- 4) New single family dwellings are required to comply with the parking requirements detailed in Section 14.4 of the Zoning Regulations.

J. SUBDIVISION EXEMPTION – Article 2 – Design Standards

The application shall be compliant with the Grand County Subdivision Exemption Regulations. The following is how each item was addressed under the submittal of Sketch Plan: [Sketch Plan (2)]

2.1 SPECIAL SITE CONSIDERATIONS

This property is surrounded by residential uses on large lots, as well as a permitted gravel pit there are no significant hazards on this property or on surrounding properties which appear, and may endanger life or property restricting platting for residential occupancy [2.1 (1)].

The property does border Union Pacific Railroad rights-of-way, but the ditch running parallel to the railroad right-of-way prevents, in effect, any development adjacent to the railroad right-of-way, which should remove the necessity for a buffer strip [2.1 (3)].

The applicant shall be aware: *“Once submittal of a sketch plan has been made to the Grand County Planning Department for review of a Subdivision Exemption, no disturbance of the site, nor installation of any improvements associated with the proposed subdivision is allowed until after approval of the final plat by the Board of County Commissioners, or prior approval of any site disturbance or installation of required improvements has been authorized by the Board of County Commissioners. The developer will be allowed to do any soils and geologic testing, soils borings, surveying, etc. that are needed to provide the technical reports required for review of the Subdivision Exemption.”* [2.1 (6)].

2.2 DRIVEWAYS, ROADS, STREETS AND EASEMENTS (2.2) (1-14)

There is an existing two track road which is able to serve the properties and will be improved to a local, low volume road standard. There is no need for additional interior roads as the two properties can be served by a driveway, therefore, paragraphs 1- 10 of Section 2.2 do not apply.

New driveways shall follow the driveway standards and be permitted through Road and Bridge [2.2 (11)].

Utility easements shall be provided for all lots of not less than twenty (20) feet in width and shall be provided along rear or side lot lines for utilities. Such easements may be provided by ten (10) foot easements on each of adjoining lots. **✓Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. A plat note stating: All utilities shall be placed underground where not already existing [2.2 (12)].**

The new lots shall be assigned County Road numbers and addresses consistent with the area. **✓The Applicant shall work with Staff and the local Fire District to establish addresses to best serve first responders and emergency services [2.2 (13)].**

The Grand County Road and Bridge Standards and the Grand County Storm Drainage Design and Criteria Manual have been integrated into the Subdivision Exemption Regulations wherever applicable and at the discretion of the Board of County Commissioners. Standards may be reduced according to density impacts [2.2 (14)]. Staff would believe that the authority and purpose of the Grand County Road and Bridge Standards sufficiently protect the public safety and welfare as a portion of the Subdivision Regulations.

2.3 LOTS

The proposed lots are which is greater than the required 2.4 acres, therefore complying with these regulations and the Residential District [2.3 (1)].

These lots do have access to a street right of way directly adjacent to the lot. **✓ The front of the lot shall be that side adjacent to driveway or road access noted on the Final Plat [2.3 (2)].**

No lots in this proposed Subdivision Exemption has double frontage [2.3 (3)]. The proposed lots as close as possible to be aligned to right angles from the existing ROW for County Road 8302 and 8304 [2.3 (4)].

Pursuant to these Regulations, a 14"x 18" Mylar is to be produced as per the required Final Plat recording package. Staff has historically recommended that Applicants of new development provide addresses on the Final Plat Mylar to reduce the unnecessary extra hard copies which are maintained by Grand County GIS. The Board of County Commissioners may ultimately waive this

requirement for extra hard copies if they agree it is unnecessary. ✓**Addresses for lots shall be determined before approval of the final plat [2.3 (5)].**

There are no corner lots being created by the proposed plat [2.3 (6)].

2.4 DEDICATIONS

The language included below is directly quoted from the Subdivision Exemption Regulations and is to serve as a reminder to the Applicant that no new county roads are being accepted for maintenance.

Any dedication of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements, may be required [2.4 (1)].

Approval of a division of land under these Regulations shall not constitute acceptance by the County of the roads, streets, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the county shall be accepted by the County only be specific action of the Board of County Commissioners. [2.4 (2)].

2.5 DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER

The project parcel has been assigned a domestic well permit for ordinary use within three single family households. ✓ **This domestic well permit shall be forfeited for three, separate, single family household well permits; this shall be made a condition of approval.**

✓**An explanation of adequate supply created by a water resource engineer or water resource attorney shall be provided prior to Final Plat review by the Board of County Commissioners pursuant to §29-20-103 (§29-20-304) Colorado Revised Statutes [2.5 (3a)].**

Quoting from the Regulations: *“Water supply systems, whether on-lot or otherwise, located in floodplain areas, shall be designed and located so as to minimize or eliminate infiltration and avoid their impairment during or subsequent to flooding” [2.5 (3b)].*

2.6 DESIGN STANDARDS FOR NATURAL HAZARD AREAS

In areas determined to have significant flood, fire, geological, or other natural hazards the Board of County Commissioners may, in the interest of public safety, require applicants to submit for review plans to eliminate or reduce hazards to a reasonable level. Such plans may include, but are not limited to engineering designs, fuel modification, emergency water systems, etc.

Staff has not discovered any natural hazards which would cause concern to public safety or welfare. The project area is outside of the FAA Notice Requirement Zone Area for the Granby Airport.

2.7 IMPROVEMENTS REQUIRED

*In each proposed land division, the applicant and the Board of County Commissioners shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to the surrounding area. **The applicant shall be made aware: Improvements shall be made by the applicant at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Board of County Commissioners.***

Permanent survey monuments shall be set as required by Colorado Revised Statutes [2.7 (1)].

There is access to Lot 1 directly off Grand County Road (GCR) 60. Lots 2 and 3 will require an access easement, through Lot 1, from the existing road that is accessed directly off GCR 60. Staff has reached out to the Road & Bridge Department and verified the existing access is pre-existing, non-conforming, and will not require a new driveway permit, despite the addition of two lots dependent on the existing access. **[2.7 (2)].**

✓Electric utilities shall be placed underground typical of all new subdivisions created in Grand County. A plat note shall be added to the Final Plat to this effect [2.7(3)].

Staff notes that *"The Applicant(s)/Developer(s) will be responsible for paying all engineering fees associated with any new subdivision exemption. In addition to the initial costs associated with the development, the applicant/developer will be responsible for ongoing engineering fees throughout the project (i.e., traffic study reviews, subdivision improvement inspections, etc.)"* [2.7 (4)].

Staff recommends that electric utilities be supplied to all lots to prevent extensions of service over head and to avoid multiple road cuts. Staff understands that there are no *"appropriate county officials having jurisdiction over such improvements"* for electric service.

2.8 SLASH REMOVAL/DISPOSAL

Slash removal and disposal is not anticipated on the subject property but if any is to occur, it shall be done compliant with this provision and requirements of the Department of Natural Resources [2.8 1-2].

2.9 SOLID FUEL BURNING DEVICES

This has been repealed via Resolution 2016-7-34.

2.10 SCHOOL LANDS

This application is subject to school impact assessment, fees and land dedication have been calculated below.

Land areas dedicated for future school sites follows the following calculation

2 (new) units

$2 \times .045 = .09(3,920.4 \text{ ft}^2)$ acres

Money in Lieu of Land Calculates to:

$2 \times .50 = 1.0$

$1.0 \times .090 = .090$

$.090 \times \$25,983.91/\text{acre} = \$2,338.55$ in school impact fees (ESTIMATED)

Five comps were used in the calculation above being vacant parcels within a three mile vicinity.

A letter shall be sent to the East Grand School District for a decision on their preference in receiving lands or fees in lieu.

2.11 STORMWATER MANAGEMENT

[2.11 (1-2)] Areas of disturbance (any anticipated building footprint) are anticipated to be less than 1 acre and therefore not triggering a Storm Water Permit through CDPHE.

2.12 DESIGN STANDARDS FOR MINERAL RESOURCE AREAS

This Application shall comply [2.12].

"Mineral extraction and exploration are prohibited in order to protect public health and safety as the same also contradicts the purpose of the Subdivision Exemption process. The Applicant has represented that the mineral rights are not severed from the surface rights of this property."

2.13 DITCH CROSSINGS

✓Plat notes shall be added to the Final plat covering the following items related to ditch crossings.

"Approval from the ditch owner or ditch company to cross the ditch easement may be required prior to any disturbance of the ditch. The developer shall be required to provide the ditch easement owner with design drawings and hydraulic analysis of the proposed crossing. The developer or owner is responsible for all costs associated with any review of plats or specifications for ditch crossings by the ditch company" [2.13 (2)].

"Crossings shall be at roads or driveways whenever possible. The crossing shall be sized so as not to interfere with the ditch operation or alter the existing flow characteristics. (I.e. width, depth, slope, velocity or pattern)" [2.13 (2)].

2.14 POST CONSTRUCTION

[2.14 (1-9)] Post construction procedures need to be reviewed by Staff and the County Attorney's office since no new county roads are being provided.

K. SUBDIVISION EXEMPTION – Article 3 – Sketch Plan

The application shall be compliant with the Grand County Subdivision Exemption Regulations. The following is how each item was addressed under the submittal of a Sketch Plan:

[Sketch Plan (3.2) (1) (a-c)]

The proposed land division map shows the creation of three (3) parcels within the 60.050 acres owned by the Applicant. A vicinity map was also included to show the parcel in relation to a two mile area (c).

[Sketch Plan (3.2) (2) (a)]

This application complies. The applicant has supplied the proposed the name of the exempted tract which is: Yak Overlook Subdivision Exemption.

[Sketch Plan 3.2 (2) (b)]

The title on the Sketch Plan contains a legal description of the entire property to be divided along with the conveyance to the Applicant. The title on the Final Plat shall be reviewed by the County Attorney.

[Sketch Plan 3.2 (2) (c)]

The proposed Plat includes the names and addresses has been shown and shall remain on the Final Plat.

✓A title commitment dated within the previous 6 months of the time of recording shall be provided as a condition of approval.

[Sketch Plan 3.2 (2) (d)]

Date of preparation, scale at 1"=60' is on the proposed and North sign (designated as true North) are included on the Sketch Plan and shall remain on the Final Plat.

[Sketch Plan 3.2 (2) (e)]

Location and approximate dimensions for all proposed street Rights-of-Way, easements and lot lines has not been fully shown. ✓ **Widths of the right-of-way of GCR 60 and the railroad right-of-way shall be completed with the Final Plat submittal.**

[Sketch Plan 3.2 (2) (f)]

Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses, and other important features within and adjacent to the tract to be divided. The Final Plat shall include the width of adjacent private and County Right-of-Way.

[Sketch Plan 3.2 (2) (g)]

All surrounding property owners and boundaries have been included on the proposed Sketch Plan/Plat and shall remain.

[Sketch Plan 3.2 (2) (h)]

This condition has been substantially met.

[Sketch Plan 3.2 (2) (i)]

✓The Final Plat shall include ditch Right-of-Way width and shall be accurately dimensioned.

[Sketch Plan 3.2 (2) (j)]

The Applicant has complied with the requirements of C.R.S. 24-65-101 et seq. It appears that the mineral rights were not severed from the property.

[Sketch Plan 3.2 (2) (k)]

The title insurance commitment has been provided as a portion of this application and is dated May 24, 2021.

Staff Recommendation

Staff recommends approval of the Wallace Subdivision Exemption. The following conditions shall be met prior to the recording of the Subdivision Exemption:

1. The Title of the Subdivision Exemption shall be amended (see (a) above).
2. The Dedication shall be amended (see (k) above).
3. The Surveyor's Certificate shall be amended (see (l) above).
4. An electronic copy of the Final Plat shall be submitted (see (y) above).

5. All recording fees are to be paid by the Applicant.
6. This domestic well permit shall be forfeited for three, separate, single family household well permits; this shall be made a condition of approval.
7. An explanation of adequate supply created by a water resource engineer or water resource attorney shall be provided prior to Final Plat review by the Board of County Commissioners pursuant to §29-20-103 (§29-20-304) Colorado Revised Statutes [2.5 (3a)].
8. The front of the lot shall be that side adjacent to driveway or road access noted on the Final Plat [2.3 (2)].
9. The Applicant shall work with Staff and the local Fire District to establish addresses to best serve first responders and emergency services [2.2 (13)].
10. Plat notes shall be added to the Final Plat covering the following items related to ditch crossings as per the Subdivision Exemption Regulations.
11. The Final Plat shall include ditch Right-of-Way width and shall be accurately dimensioned.
12. Widths of the right-of-way of GCR 60 and the railroad right-of-way shall be completed with the Final Plat submittal.
13. Quit Claim Deeds to describe the amended legal description of the lots shall be completed and recorded with the Grand County Clerk and Recorder's Office.
14. Electric utilities shall be placed underground typical of all new subdivisions created in Grand County. A plat note shall be added to the Final Plat to this effect [2.7(3)].
15. Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. A plat note stating: All utilities shall be placed underground where not already existing [§ 2.2 (12)].
16. A title commitment dated within six months of the time of recording of this plat shall be provided, prior to recording.
17. The Final Plat shall include railroad and county road right-of-way width and shall be accurately dimensioned.
18. Dark sky
19. Earth tone colors
20. Plat note should read only one single family use per lot

Robert Davis, Community Development, states that we would like to add the following conditions:

21. Dark sky
22. Earth tone colors
23. Plat note should read only one single family use per lot

Commissioner Marcus Davis added the conditions.

Commissioner Marcus Davis asks the applicant if he reviewed the certificate.

Davis Day confirms and has no questions.

Commissioner Marcus Davis opens the discussion to the board.

Commissioner Will MacDonald states no questions.

Commissioner Ryan McNerney states no questions.

Commissioner Deb Fitch states no questions.

Commissioner Ingrid Karlstrom asked what zone they are going to pick.

Taylor Schlueter, Community Development, states no they have not chosen. It has not been a factor at this time of application.

Commissioner Marcus Davis asks where the split is.

Taylor Schlueter, Community Development, states he does not have that available at this time.

Commissioner Marcus Davis adds zoning as a condition.

Commissioner Ingrid Karlstrom states on page 4 of the certificate states "a driveway" is this one or two driveways? Are you asking that each lot has individual lines?

Commissioner Marcus Davis states that it is our standard language that lines must be under ground. She is talking about the last paragraph of 2.7. What are you asking for?

Taylor Schlueter, Community Development, all lots have electricity that are under ground.

Commissioner Marcus Davis states that Taylor is to remove the last paragraph 2.7 of the staff certificate.

Davis Day states that each lot will have their own driveway.

Commissioner Marcus Davis asks if you will maintain the easement. You need to make sure your driveways conform to Road and Bridge Standards. Adds the condition 22. Finalize the location of driveways.

Commissioner Kim Shepton states no questions

Commissioner Bob Gnuse states no questions.

Commissioner Marcus Davis states no questions and opens to public.

No public comment.

Motion to recommend approval by Will MacDonald for Yak Overlook Subdivision Exemption Plans as amended. Seconded by Ryan McNertney. No further discussion. All in favor "aye", none opposed. Motion of approval carries.

RIDGE VIEW CONDOMINIUMS – SKETCH PLAN

Presented by: Robert Davis, Director, Community Development

Commissioner Will Macdonald reuses himself from Board discussion.

CERTIFICATE OF RECOMMENDATION

Planning Commission - January 19, 2022

PROJECT NAME: Ridge View Condominiums - Sketch Plan

APPLICANT: William MacDonald

LOCATION: Lot 13, Block 1 Winter Park Ranch Second Filing Replat, 396 GCR 834 (aka Cranmer Ave)

APPLICABLE

REGULATIONS: Grand County Master Plan, Zoning Regulations, Subdivision Regulations

ZONING: R – Residential District

ATTACHMENTS:

- a) Development Application
- b) Project Narrative
- c) Vicinity Map
- d) Sketch Plan (Plat)
- e) Application and Narrative letter
- f) Warranty Deed 2017008642
- g) Winter Park Ranch Filing #2 Plat, Reception No. 103408, recorded in 1965
- h) Building Renderings

STAFF PLANNER: Taylor Schlueter, Planner I

REQUEST: The Applicant is proposing a multi-family subdivision to construct a thirty-seven (37) unit condominium/apartment building on a 0.42 acre lot.

XI. BACKGROUND

a. PROPOSAL

William MacDonald, the Applicant, is proposing a thirty-seven (37) unit condominium subdivision. The proposed thirty-seven unit building will have three above-grade floors with an additional floor located beneath grade. The building footprint will total 9,548 sq. ft. Total lot coverage is 48% and open space percentage is 52%. Sketch Plan provides for 58

parking spaces, which will require a variance as this number is thirteen (13) short of the amount required by Section 3.9.3(a) & (b) of the Grand County Road and Bridge Standards.

The units will be served by water and sewer via Winter Park Ranch Water and Sanitation District. Electric service will be supplied by Mountain Parks Electric.

The plan substantially meets the development criteria for being located within the Winter Park Ranch Urban Growth Area. This proposal increases density within an Urban Growth Area (UGA). The UGA includes all filings of the original Winter Park Ranch Plat. Below is a vicinity map and site plan of the proposed development.

b. HISTORY

The initial plat for all of Winter Park Ranch which was completed in six separate filings platted between 1965 and 1980. Along with these filings, the original Winter Park Ranch was a covenant controlled community, although Staff understands the owners association dissolved in the 1990's.

This lot lies within the Second Filing which was recorded in Grand County at Reception No. 103408 in September 1965. The lots within the Second Filing range in size from .51 acres (22,216ft²) to 1.10 acres (47,916ft²) occupying 95.5 acres of the 112.82 of the whole filing.

c. EXISTING REPORTS

An October 15, 2021 report by JVA Consulting Engineers provides a narrative concerning engineering design for grading and drainage, parking and driveways and utilities.

Four reports give some insight to potential construction conditions and constraints on site. The four reports are pulled from projects nearby and general information supplementary from NRCS.

Staff has included reports provided for 448 Condominiums, which is a thirty-seven-unit project northwest of the subject parcel also on County Road 834, Cranmer Ave. 448 Condominiums was also a replat of a lot originally created within Winter Park Ranch. The reports give reference to potential conditions. Specifically, the Phase III Drainage Report and soils and foundation investigations explain in detail the viability and constraints of construction on the 448 Condominiums property.

Most notably, these reports detail the importance of verification of soils and slope stability. A significant portion of the subject property is composed of "Welbe Clay Loam" with 10 to 55 percent slopes. This is a very well-draining soil but the steepness can lead to erosion if on-site drainage not appropriately stabilized and pushed down slope. Many of the soil types do not allow for high infiltration, Staff would interpret this suggesting the need for careful analysis of drainage to prevent

precipitation and run-off from impacting the proposed buildings and pedestrian paths. Another project being a "townhouse" development named Robbers Roost on Balsh, located further north on 205 GCR 837 aka Balsh Blvd, provides insight on soil local conditions. Staff notes drainage and protection of foundations from excess water is an area of most concern. Foundation drains will be critical in moving water away from foundation walls and footings and onsite storage shall be a minimum of ten feet (10') from the footings. Site specific information shall be considered in a soils report provided by the Applicant during Preliminary Plat review.

XII. STAFF ANALYSIS

The plan meets criteria as set forth in the Master Plan for the Winter Park Ranch neighborhood, which is located within the Grand County Urban Growth Area (Chapter 3 - 2.1 Growth & 4.2 Infrastructure).

The plan proposes a structure similar in character of the surrounding properties and fitting in with existing uses in the area. Along County Road 834, i.e., Cranmer Ave, there is a majority of multi-family development on both sides of the street. The density of this proposed development is 9 dwelling units per acre which is similar to densities of surrounding townhouse and condominium development in the area.

The particular benefit of locating the type of densities as found in this proposal within this location is the connection to existing infrastructure. Existing roads, electric, communications, public water and public sewer are all accessible to the property. These existing improvements are useful in lowering the impact on open and scenic lands and water resources opposed to if this development were to occur in other parts of the County.

XIII. COMPLIANCE WITH GRAND COUNTY REGULATIONS

L. Grand County Master Plan

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which three (3) is relevant to this proposal.

- **Plan Element 3 – Development: The Built Environment**

As stated in Plan Element 3 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. Visually important lands and the desired rural landscape character is maintained. This proposal minimizes disturbance of the rural and open land character that residents of Grand County cherish as this proposal is infill within a pre-existing development.

- **Plan Element 4 – Community and Public Facilities**

As stated in Plan Element 4 in the Grand County Master Plan, development shall be located near public facility infrastructure. This increases efficiency and benefits existing users by reducing the impacts on outside resources. The parcel in this proposal is surrounded by existing public water and sewer service, electric, and other utilities that make development less impactful.

- **Plan Element 5 – Transportation**

The proposed development can take advantage of Winter Park Lift bus lines which have stops adjacent or very nearby depending on the season. This is especially important as we see increased traffic in the valley and specifically through the US Highway 40 Corridor between Winter Park and Fraser.

- **M. ZONING – Section 4.1 Residential**

The parcel subject in this Application is located within the Residential District, inside Urban Growth Area No. 1 (Winter Park Ranch). The proposed structures shall comply with the Grand County Zoning Regulations, as addressed below:

- (a) This zone allows for multi-family dwellings, and therefore the proposed use is consistent with the zoning regulations.
- (b) All proposed units will be served by public water and public sewer via Winter Park Ranch Water and Sanitation. The minimum lot size for a property that is served by both public water and sewer is 7,000 ft². The subject lot was platted in 1965 at 0.40 acres.
- (c) The total lot area of .42 acres (17,424 ft²) complies with zoning. The proposed building is sited without creating encroachment into the standard, 30' front yard, 20' rear yard, and 5' side yard setbacks.
- (d) Parking shall be compliant with Section 14.4, with a minimum three parking spaces per three bedroom units and two parking spaces for the two bedroom units.

- **N. ARTICLE V - DESIGN STANDARDS (MULTI-FAMILY) – Sections 5.1-10**

- **Section 5.1 SCOPE:**

This application shall comply with the scope of the design standards for apartment houses, condominiums, townhouses, or conversions to apartment houses and those required by Article II. Section 2.7, Design Standards for drainage, sewer and water, is not duplicated within Article 5 and shall be reviewed as part of this proposal.

- **Section 2.7, DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER:**

The property subject in this application is not in a one hundred (100) year flood plain and shall mitigate drainage to historic levels on site.

The Applicant intends to connect to the local public water and sewer via Winter Park Ranch Water and Sanitation District. Service lines and structures shall be in accordance to these regulations as a minimum standard [2.7 (2-4)].

- **Section 5.2 SPECIAL SITE CONSIDERATIONS:**

The parcel subject in this proposal has a portion of slope equal to or greater than 30% where the slopes meet this criteria they shall be delineated as a "non-build zone" on the Final Plat [5.2 (1&2)]. No nearby drainage channels have been identified on this submittal or historical submittals in the adjacent lots and blocks. The surrounding parcels are of residential use not necessitating a landscape or setback buffer [5.2 (3&4)].

- **Section 5.3 STREETS, ALLEYS AND EASEMENTS:**

The access to this subject parcel is via existing county roads. A proposed driveway will connect the units to County Road 834, aka Cranmer Blvd. The effective impact of the 37 units is approximately 296 Average Daily Trips (ADTs). ✓**This application shall comply with current Road and Bridge Standards. Staff recommends specific focus on the requirements in Section 3.10 Multi-Family Development. The Applicant shall also provide a Phase II Traffic Impact Analysis as identified in 3.12.2.**

- **Section 5.4 UTILITY METER INSTALLATIONS AND ACCESSES:**

Staff anticipates that the utility meters for these structures will be gang-box style system.

- **Section 5.5 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS:**

The applicant shall provide for open space dedicated to the owners association that meets the following provision:

"The Board of County Commissioners shall require the dedication, reservation or conveyance of areas or sites suitable for purposes such as parks, flood channels, scenic areas and green belts, of sixty percent (60%) of the total of land covered in the apartment house, condominium, or townhouse area dedication..." ✓ **The Applicant is requesting a variance to reduce the Open Space requirement from 60% to 40%. Approval of this variance request shall be made a condition of approval of this sketch plan, and a land use table shall be provided on the Preliminary Plat submittal and remain on the Final Plat.**

- **Section 5.6 DESIGN STANDARDS FOR FLOOD HAZARD, FIRE HAZARD, GEOLOGICAL HAZARD AND MINERAL RESOURCE AREAS:**

Historically, the Winter Park Ranch subdivision and subdivisions created from parcels within this subdivision have been identified as a built up area that has mitigated the concern of flood or fire hazard. Typical thinning of standing dead trees surrounding homes and other post mature plant material as recommended by Division of Natural Resources or State Forest Service has been completed by property owners throughout the subdivision.

✓**As required by State Law, the Applicant shall research and verify sub-surface mineral extraction.**

5.7 SCHOOL LANDS:

(1) All subdivisions shall provide for public school sites to serve the proposed subdivision and the future residents thereof and in accordance with these Regulations.

School fees will be determined at Preliminary Plat.

5.8 ADDRESSING REQUIREMENTS TO ENHANCE 911 EMERGENCY SYSTEM:

At Preliminary Plat, the Applicant shall provide proposed addressing. Reflective high visibility signs created by the local fire district shall be placed on the property upon completion of construction at the expense of the Developer. Staff suggests that the addresses are as follows:

396 GCR 834, A.K.A. CRANMER AVENUE

The Applicant shall comply with Subsections 2-3.

5.9 SLASH REMOVAL/DISPOSAL :

Staff suspects that minimal clearing or removal of forest materials will be required on the subject property. Any clearing or removal that shall occur shall comply with this section and those guidelines set by Grand County Division of Natural Resources, East Grand Fire Protection District No. 4, and Colorado State Forest Service.

5.10 SOLID FUEL BURNING DEVICES Repealed via Resolution 2016 – 7 – 34

O. Article VII - SUBDIVISION (MULTI-FAMILY) – Section 7.1 – Sketch Plan

The application shall comply with the Subdivision Regulations (Multi Family). The Sketch Plan addresses each of the following:

Section 7.1 (1) (a) *Relevant site characteristics and analyses applicable to the proposed subdivision.* The subject parcel in this proposed development lies within a subdivision originally platted in 1965, with five (5) additional filings thereafter. Staff has gathered analysis completed by other projects within the vicinity that discuss common development issues with properties in the area. **This Submittal complies.**

Section 7.1 (1) (b) *Reports concerning streams, lakes, topography, geology, soils and vegetation.* A topographic survey, as a portion of the building site plans, has been provided with the Sketch Plan. The lot contains aspen and mature evergreens. The Fire District and Colorado State Forest Service will be Preliminary Plat review agencies. Updated reports shall be supplied at Preliminary Plat for information regarding soil bearing capacity and drainage. **This submittal complies**

Section 7.1 (1) (c) *Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.* Updated reports shall be supplied at Preliminary Plat, therefore, **this submittal complies.**

Section 7.1 (1) (d) *in the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.* Reports for nearby developments and across the County represent radon hazards, therefore soil studies provided at Preliminary Plat shall include information on radon hazards within the subject parcel. **A plat note shall be added recommending Radon mitigation measures be integrated into all proposed structures.**

Section 7.1 (1) (e-f) (e) has been repealed. A sketch drawing and other documentation showing the proposed layout or plan of development area, the total number and types of dwelling units and other buildings, the total area of greenbelt, and open space and their location, and the proposed area for school sites if applicable. **This submittal complies.**

XIV. STAFF RECOMMENDATION

Staff recommends approval of the Ridge View Condominiums Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat

approval:

16. Phase I Drainage Study submitted at Preliminary Plat shall be added.
17. The Applicant shall also provide a Phase II Traffic Impact Analysis.
18. The Applicant is requesting a variance to reduce the open space requirement from 60% to 40%. Approval of this variance request shall be made a condition of approval of this sketch plan.
19. Calculated open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat [5.5].
20. A land use table shall be provided on the Preliminary Plat submittal and remain on the Final Plat.
21. Soils analysis shall be completed and submitted with the Preliminary Plat [5.2 (1&2)].
22. As required by State Law, the Applicant shall research and verify sub-surface mineral extraction.
23. The preliminary plat shall show utility easements and access details to determine compliance with this provision. Xcel and Mountain Parks Electric Inc. (MPEI) shall be a Preliminary Plat Review agency.
24. No burning of slash shall be allowed and disposal shall be included in the Engineers Estimate of Probable Cost provided with Preliminary Plat [5.9].
25. The Applicant shall research and verify sub-surface mineral extraction rights prior to the Preliminary Plat review by Planning Commission [5.6].
26. A plat note shall be added recommending Radon mitigation measures be integrated into all proposed structures.
27. Plat review agencies during Preliminary Plat shall include:
 - Mountain Parks Electric, Inc. (MPEI)
 - Xcel
 - CenturyLink
 - Comcast
 - Colorado State Forest Service

- East Grand Fire Protection District
- East Grand School District
- Winter Park Ranch Water and Sanitation District
- Grand County Consulting Engineer
- Headwaters Trails Alliance
- Grand County Assessor's Office
- Town of Winter Park
- Town of Fraser

Commissioner Marcus Davis states that Radon is a standard regulation that will not be removed as a condition. A traffic study would be a must due to the location. I would also like to add the following conditions:

14. Contingent to approval on variance on parking

15. Contingent to approval on variance of height

16. Prior to preliminary plat see an outline of income requirement.

Commissioner Ryan McNerney requests clarification on open space.

Will MacDonald, the applicant states that we would ask for an 8% reduction.

Commissioner Marcus Davis request to change the wording of condition number 3.

Commissioner Ryan McNertney request clarification on the height.

Will MacDonald states that they will leave grade change allowing for 40' regulation. We are asking 41'.

Commissioner Marcus Davis states that you will have to have your height down to the inch when you get to BOCC.

Commissioner Ryan McNertney states no other questions.

Commissioner Deb Fitch states why did you chose this location. It seems like it is surrounded by single family dwellings. I am not clear on that location.

Commissioner Marcus Davis clarifies that everything to the east is multifamily.

Will MacDonald states that they are close to downtown Fraser. There is a lot of high density far away from town.

Commissioner Deb Fitch states what I am looking at you are right next to somebody's home. You are asking for too many variances. You are talking about workforce housing. Or is it designated affordable housing? Are you working with CHAFA? Will you reach the AMI? What are you going to charge for rent?

Will MacDonald states AMI is hard. Restrictions don't work, incentives do. One of the restrictions that we will have is units cannot be short term rentals and only primary residents or long term rentals. This is the easiest way to maintain because it is on the HOAs bylaws. Rent would be at the discretion of the owner and it would be their responsibility to make it affordable. If you are not renting it you will be fined.

Commissioner Deb Fitch asks so are they apartments or condos? I am confused.

Will MacDonald states they are both if you don't meet the 75% requirement. They will be individually owned.

Commissioner Deb Fitch states it sounds good but I am very skeptical. I still don't like putting this next to a home.

Will MacDonald states we will hear from the home owner, but there isn't much of a view. It is a heavily wooded area. The primary view is down valley.

Commissioner Deb Fitch states I get that, but, he will be impacted by noise, traffic and by all kinds of things.

Will MacDonald states it is zoned correctly, I look forward to talking to the home owner.

Commissioner Deb Fitch states okay. Parking spaces, there seems to be a lot of things that you want to change. I don't think that affordable and workforce housing is the same. Designating something affordable is something completely different.

Will MacDonald states that the average condo complex has many open spaces. They are always empty.

Commissioner Deb Fitch states I know for a fact I couldn't park my truck in there.

Will MacDonald states that these spaces are 9 1-2' to 10'.

Commissioner Deb Fitch states that she is still on the affordable vs workforce.

Will MacDonald states that HOA designated will solve that.

Commissioner Deb Fitch states that it still allows them to do whatever they want.

Will MacDonald states that they would be penalized.

Commissioner Marcus Davis states by covenants it would be legal backing.

Commissioner Deb Fitch requests to come back to her for more questions.

Commissioner Marcus Davis states that this board doesn't have authority to approve that. Don't forget the jurisdiction we have. You can look back in our subdivision regulations. We need to look at the impact to the neighborhood.

Commissioner Bob Gnuse states it is an interesting site. On the height you are looking at a 41' height. On the elevations it looks like you are coming off Cramner you will come off the street to the lowest level of parking.

Will MacDonald states that it will be split entry ground level or lowest level.

Commissioner Bob Gnuse states have you consider doing an internal ramp to lower your height. You would lose spots

Will MacDonald states he would adjust the floors height from 8.5' to 8' if he needed the footage. It's just not ideal.

Commissioner Bob Gnuse asks how many spaces you are lacking. How many spots per unit? How many bedrooms?

Will MacDonald states we are 11 short we have 58 and we need 68.

Taylor Schlueter, Community Development, states (31) 2 bedrooms (6) studios, there is two spaces outside.

Commissioner Marcus Davis states you would need 71 per regulations you have 60 spaces so you would need a variance of (11).

Commissioner Ingrid Karlstrom states the two outside parking spaces are not listed on the certificate at all.

Will MacDonald states that it is within Winter Park's regulations.

Commissioner Bob Gnuse asks if the roof is flat.

Will MacDonald confirms.

Commissioner Bob Gnuse states no other questions.

Commissioner Kim Shepton states no questions and requests to come back to her.

Commissioner Ingrid Karlstrom states I appreciate the effort, but the height, being right next to the SFD, and the parking are a concern. No other questions.

Commissioner Marcus Davis states that you can build up to your setbacks. When you are look at multifamily we come back to the impact. I'm less concerned at the open space. When I am looking at

the height is to have a rendering of the views to compare to the neighborhood.

Will MacDonald asks Taylor to pull them up.

Commissioner Marcus Davis states that we need to look at what the neighborhood is doing. I am less worried about a number, but perspective. If we don't have it tonight it is something that I would like to see. We have a good idea what you are asking for, but need more information. We have at minimum a request for three variances height, parking and open space. I am concerned that we don't have enough information.

Commissioner Marcus Davis states while you are looking for those images I will open public comment. I will not have a limit on time but if it has been said, please don't repeat it.

Public comment via WebEx (inaudible)

Commissioner Marcus Davis states that he thinks it would be beneficial for him to submit his concerns to staff. Email or letter in hand would be fine.

Denis Butler introduces himself and states he lives right next door but I am totally against this. They state that 50% of the area is multifamily and I disagree. Everything to the west is single family. To the east is multifamily but they are nowhere near the size, to meet all the regulations. Even the ones that need approval are not near the size of what Will is proposing. Everyone seems to forget snow storage these days. What are you going to do push it into the trees? Certificate states that it is a black top road and that is not correct it is dirt. Traffic is a huge concern. We do not have any flat roof buildings and they are not efficient. The set backs are encroached to make this whole thing work. It will look like a cruise ship parked right next to me. I am not concerned about views but appearance is a concern. It doesn't fit on this side of the street. The applicant forgot to mention that Winter Park also has a problem with street parking. I have no other comments.

Stephanie (last name inaudible) introduced herself and states the density is a problem. What happens with guest parking? Cramner Ave is also a major concern, increasing the traffic at the corner is a problem. The density is what concerns me. There are no sidewalks. You have people walking, riding bikes, and walking dogs.

Russell Waugh introduces himself and states the issues that I am having that it is even being considered for this site. To add on to Stephanie's point the proposal states that the density of (9) dwelling units per acre. The density It is less than .5 acre and they are trying to put (37) units. The whole reason they are having to get a variance for parking is they are trying to limit the size of parking lots. Anyone who drives a pickup would not fit in this garage. So where are they going to park? He is trying to cram too many things and people into this tiny lot. It has more rooms than the hotel down the road. It looks like a money making scam to me. Look at Denver. The density adds to the crime because there is so many people per square foot. (37) Units should not be even be considered.

Monique Iannuzzi introduces herself and states that she is concerned about safety. I walk my dog

nearly every day. I can tell you first hand that an impact study needs to be done along with an environmental study on the property. Cramner and 804 is a three way stop. People blow through stop signs, icy conditions, tourists don't know where they are going. The closest bus stop is across the road where the people would have to cross with a blind corner right before the intersection. There is no structure for these people to stand in. so you are talking about 37 people plus guests standing on the road waiting for a bus. I am also curious on snow removal if you are proposing all this outside parking I don't know how you could do snow storage. I am also curious there is only about a third of an acre that is actually buildable. I would consider most of the land unbuildable because there is a cliff. I am curious what the run off ratio would be if you are going to do hard surface. We have a huge bear problems. I don't know where you would put dumpsters for that many people. The last thing I will say is that the height restriction is the height restriction. It's the law it's been the law forever. I would ask the board not to sway on this.

Stephanie O'Dell introduces herself and thanks all for their comments because she agrees. I want to mention that the certificate states several reports that are not shown. I would like to see these reports. I like that you are requiring all the reports per the conditions. I would like to go back to the safety concern. It is not just about Cramner Ave. it is also about 804 and how steep that road is. Along with the bike and foot traffic without sidewalks

Public comment has ended.

Commissioner Kim Shepton appreciates Will and what he is trying to do and the public comment. I feel like it is way too much in a small area of space. The variance is a concern. The parking structure sounded good but after learning more it doesn't sound like a good location. I appreciate everything Will has put in, but I probably will be denying this tonight.

Commissioner Deb Fitch says that it is a great idea in a different location. If you look at the multifamily around it they are on lots twice as big. It is too tiny for the size of what he is trying to do. Combining that tiny lot, everything that has been said and all these variances I just feel like you set yourself up for a lot of negative feedback. I am sure it pencils and that it was an expensive lot.

Will MacDonald states that is quite the contrary.

Commissioner Ryan McNertney states that we all talk about affordable housing and all the comments we get is "not in my back yard". It is zoned correctly, it is in the growth area, multifamily around it. There are some big concerns. We can't keep saying no because we will never solve this problem. Or not adjust these projects to work.

Commissioner Deb Fitch states I agree with everything you are saying but the tiny space and all the variances. If you doubled the lot size it would solve so much. You wouldn't need all these variances.

Commissioner Ryan McNertney states yes but if you double the lot you double the cost. I agree that we need to see the numbers. We have seen these huge things fail.

Will MacDonald states that I don't need all these variances I am trying to set an example that

affordable housing is path. I retired when I was 23 and I want to show these developers that you can make money making affordable housing.

Commissioner Marcus Davis states that you have a bunch of comments. Do you want to strive with this project or table it and work through some of those comments?

Will MacDonald states I would like to stand behind and move forward.

Commissioner Marcus Davis summarizes what the open discussion was. Really high density for the area but great idea. He states that with approval or denial Will MacDonald can still go to the BOCC. I will leave the decision up to the applicant to decide if he would like to move forward.

Will MacDonald requests to hear recommendations how it could be a yes.

Commissioner Marcus Davis states that is all you have heard tonight.

Will MacDonald requests to rebuttal to the public comment. The driveway is heated. Anyone who can't fit we have some outdoor parking. Just because that there are houses doesn't change the zoning. It is zoned correctly. I am happy to make changes within reason. I know that this doesn't make the public happy. I do think that it is making a good improvements. I will like you to vote.

Motion to recommend denial by Ingrid of the Ridge view Condominiums. Seconded by Deborah Fitch. No further discussion. Ingrid, Kim and Deb in favor, Ryan McNertney and Bob Gnuse opposed. Motion of denial carries.

RAINBOW MEADOWS MINOR SUBDISVISON

Presented by: Robert Davis, Director, Community Development

CERTIFICATE OF RECOMMENDATION

Planning Commission: January 19, 2022;

PROJECT NAME: Rainbow Meadows Minor Subdivision Preliminary Plat

APPLICANT: Steve Vandas

LOCATION: Winter Park Ranch 1st Filing Lot: 1 Block: 2 Amended Final Plat 503 GCR 830

APPLICABLE

REGULATIONS: Grand County Master Plan, Grand County Zoning Regulations, Grand County Minor Subdivision Regulations

ZONING: R-Residential

ATTACHMENTS:

- i) Application and narrative letter
- j) Preliminary Plat
- k) Title Commitment
- l) Sketch Plans (Plats)
- m) Resolution 2015-12-60 Approving the AFP Lot 1 Blk 2
- n) Snow Storage Agreement
- o) Letter to Rainbow Meadows from E. Grand Fire Protection District

STAFF PLANNER: Robert C. Davis, AICP, Director

REQUEST: The Applicant is proposing minor subdivision to an additional 0.75 lot from an existing five (5) acre lot within Urban Growth Area No. 1 (Grand Lake).

XV. BACKGROUND

Steven Vandas (“Applicant”) is the owner of Lot 1, Block 2, Second Amended Final Plat, Winter Park Ranch First Filing (Lot 1, Block 2”). He is requesting the subdivision of the subject parcel into two lots with the new lot being 0.75 acres to accommodate a single family home. The remaining 4.25 acre lot will contain two existing single family homes. This property is located 1.8 miles west of Fraser and is accessed by way of CR 8 to Mulligan St. (CR 830). Lot 1 is zoned Residential District and is developed with an A-frame building, detached garage and a newly constructed single family dwelling.

The Rainbow Meadows Lot 2 will be limited to one single family dwelling as outlined in the covenants for Winter Park Ranch First Filing. Lot 2 is surrounded by single family homes on all sides with the exception of a 4.8 acre vacant lot to the north. Access to Lot 2 will be from GCR 830 at the southwestern side of the site.

History

The Winter Park Ranch First Filing was approved in September 1964. In 2015, Steve and Vivian Vandas were approved for an Amended Final Plat to define the location of the Mulligan Street right-of-way, to create a snow storage easement adjacent to the Mulligan Street right-of-way, dedicate new Jack Frost Drive right-of-way in relation to existing alignment, combine Lot 1 and Parcel A, Frosty Acres subdivision and vacate 8’ utility easement along the eastern property line Lot 1 through Resolution 2015-12-60. this was preceded by a surveying dispute of the property boundary lines and vacations.

Sketch Plan

As part of the Minor Subdivision process, the Rainbow Meadows Sketch Plan was approved administratively by Staff. The lot is gently sloping at approximately 5% from east to west. There is an intermittent stream that only flows in the spring after snow melt, on the far west

portion of the lot in the utility easement. There are no flood plains, rock formations, unstable lands, or steep slopes on the property. The subject property will be a part of the Winter Park Ranch Subdivision which has all utilities available including water and sewer. The addition of one single family home to the Winter Park Ranch Subdivision will not impact traffic or parking.

XVI. COMPLIANCE WITH GRAND COUNTY REGULATIONS

Conditions to satisfy Regulations shall be highlighted in the following sections in ✓**BOLD** with a checkmark.

P. Grand County Master Plan

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one is relevant to this proposal.

Plan Element 3 – Development: The Built Environment

As stated in Plan Element 3 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. Visually important lands and the desired rural landscape character is maintained. This proposal minimizes disturbance of the rural and open land character that residents of Grand County cherish as this proposal is focusing development near existing development.

Q. Zoning - 4.1 Residential District

The parcel involved in this proposal is zoned Residential existing inside the Urban Growth Area No. 2 (Grand Lake).

- (d) The use of these lots is for single family dwellings consistent with the Residential District.
- (e) The Residential District require 30' minimum front yard setbacks and 20' minimum rear yard setbacks and 5' minimum side yard setbacks.
- (f) The minimum lot size in Residential District allows 15,000 ft² (0.34 acres) when serviced by well or septic facilities.

R. ARTICLE III - DESIGN STANDARDS– Sections 3.1 – 3.12

Each new division of land in Grand County will, to some degree, affect the character and environmental appeal of the land, the cost of services and maintenance to the purchasers and the county government, and the interests of investors in the land and surrounding areas. New developments shall provide safe, convenient travel routes to, from and within the development. Each lot must provide a desirable setting for construction so that natural features of the land may be preserved, views protected, privacy permitted and screening from traffic ways made possible. Provisions must be made to meet area needs for flood and fire protection, sewage disposal, and water.

Although Article VI of these regulations provides for variances under certain circumstances, the following design standards shall be followed wherever possible.

Section 3.1 SPECIAL SITE CONSIDERATIONS

The property is relatively flat, not located within a floodplain. The lot is gently sloping at approximately 5% from east to west. There is an intermittent stream that only flows in the spring after snow melt, on the far west portion of the lot in the utility easement. There are no floodplains, rock formations, unstable lands, or steep slopes on the property.

Section 3.2 DRIVEWAYS, ROADS, STREETS AND EASEMENTS

This application and required improvements shall comply with current Grand County Road and Bridge Standards.

The existing driveway is anticipated to contain eight (8) Average Daily Trips (ADT's) serving one single family home. There are multiple utility and sewer easements shown on the plat. A snow storage easement recorded at Reception Numbers 2016005983 and 2016005986 is also depicted.

Section 3.3 LOTS/PARCELS/TRACTS

Minimum areas and widths are in compliance with the Residential District requirements being a minimum of 15,000 ft². And having a minimum width of sixty feet (60'). Lot 2 will have access to GCR 830.

Section 3.4 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS:

There are no additional roads being constructed to serve the subject lot.

Section 3.5 DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER

The property subject in this application appears not to be located in a ten (10) or one hundred (100) year flood plain and shall mitigate drainage to historic levels on site.

The Applicant intends to allow use of public sewer provided by the Winter Park Ranch Water and Sanitation District.

Section 3.6 DESIGN STANDARDS FOR NATURAL HAZARD AREAS

Any clearing and slash removal shall be done consistent with Division of Natural Resources guidelines.

Section 3.7 IMPROVEMENTS REQUIRED

There are no anticipated public improvements. Improvements not specifically mentioned but found appropriate and necessary due to unusual conditions found on the site, shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Board of County Commissioners.

3.8 SLASH REMOVAL/DISPOSAL

Staff suspects that minimal clearing or removal of forest materials will be required on the subject property. Any clearing or removal that shall occur shall comply with this section and those guidelines set by Grand County Division of Natural Resources, East Grand Fire Protection District, and Colorado State Forest Service.

3.9 SCHOOL LANDS

(1) All subdivisions shall provide for public school sites to serve the proposed subdivision and the future residents thereof and in accordance with these Regulations.

Average price per acre = \$77,010.31

School Fees Formula Calculation

1 unit

$1 \times .50 = .5$

$0.5 \times .09 = .045$

$.045 \times \$77,010.31/\text{acre} = \$3,465.46$ in school fees.

This is an estimate solely relying on the sales price of the subject parcel. Other comps will be pulled to assess Fair Market Value as necessitated by the Subdivision Regulations. This impact fee shall be paid prior to recording the Final Plat.

3.11 DESIGN STANDARDS FOR MINERAL RESOURCE AREAS

Mineral extraction and exploration are prohibited in order to protect public health and safety as the same also contradicts the purpose of the Minor Subdivision process.

3.12 DITCH CROSSINGS

There are no ditches running through the property.

4.1 PRELIMINARY PLAN

(1) The preliminary plat shall be prepared as follows:

- (a) The design shall be in accord with the applicant's plans for actual development and therefore shall be an approximate representation of the land division, which may eventually be recorded. The Preliminary Plan drawing shall be a legible draft showing the proposed layout or plan of development for the total development area. The Preliminary Plan shall be accompanied by construction plans for utilities and access, which are completed in compliance with the Drawing Requirements more completely detailed in the Grand County Road and Bridge Standards.

This condition has been met.

- (b) A vicinity map shall accompany the Preliminary Plat. The vicinity map shall be at a scale of not less than one (1) inch equals two thousand (2,000) feet, extending at least two (2) miles beyond the tract to be divided, showing existing parcels of land, streets and highways, natural drainage courses, municipal and special district boundaries, sites for proposed water and sewage treatment facilities, topographical characteristics, and similar major natural or man-made features of the area. U.S. Geological Survey topographical maps are acceptable vicinity maps.

This condition has been met.

- (2) The preliminary plat shall contain or be accompanied by the following information:

- (a) Proposed name of the subdivision.

The name will be the Rainbow Meadow Minor Subdivision.

- (b) A correct legal description of the entire property to be divided.

This condition has been met.

- (c) Location of the subdivision as part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner.

This condition has been met.

- (d) The names, addresses, and telephone numbers of the applicant(s), and the land surveyor, engineer, and/or designer of the proposed division, if any (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land Surveyors).

This condition has been met.

- (e) Date of preparation, scale and North sign (designated as true North).

This condition has been met.

- (f) Location and approximate dimensions for all proposed street rights-of-way, easements and lot lines.

This condition has been met.

- (g) Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses, and other important features within and adjacent to the tract to be divided.

This condition has been met.

- (h) The names of abutting subdivisions and the names of the owners of abutting un-platted property.

This condition has been met.

- (i) Approximate acreage of all lots to be created by the division of land.

This condition has been met.

- (j) Location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools or other public use.

This condition has been met.

- (l) Topography at five foot (5') intervals where the average slope is less than fifteen percent (15%) provided the same interval is used throughout the subdivision (interval used to be clearly indicated on plat).

This condition has not been met.

- (m) Relevant site characteristics including the existence of any special natural or man-made hazards.

This condition has been met.

- (n) The Applicant shall certify that notice has been provided to the mineral estate owner pursuant to C.R.S. 24-65.5-101 et seq., which includes time and place of the Sketch Plan hearing before the Planning Commission, nature of the hearing, location of the property that is the subject of the hearing, and name of the applicant. The name and address of the mineral estate owner are required to be provided within said certification notice. Grand County shall, pursuant to C.R.S.24-6-402(7) et seq., provide notice of subsequent hearings to Mineral Estate Owners who register for such notification.

- (o) A title insurance commitment or attorney's title opinion showing that the applicant is the owner of all the land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use, or for common use by all lot owners are free and clear from all liens and encumbrances except patent reservations and except liens and encumbrances which cannot be extinguished, released, or purchased by the developer. If such land is mortgaged by the developer it shall be sufficient if the mortgagee joins in the dedication.

V. AGENCY COMMENTS

Recommendation

Staff recommends approval for the Rainbow Meadows Minor Subdivision Preliminary Plat with the following conditions to be met prior to submitting an application for Final Plat approval:

1. Label on the Final Plat the 8 foot utility easement per Book 148 Page 245 & Rec # 101147 which runs along the north property line.
2. There shall be a plat note that states, 'exterior lighting shall be minimized and shall be designed and installed to subtly illuminate functional areas only. The source of light shall not be visible above a horizontal plane and shall direct the light inward and downward onto the site and away from the adjoining properties'. Fixtures shall

be hooded and shall not be located above the eave lines. Use of "Dark Sky" fixtures is encouraged.

3. A plat note shall be added stating areas around structures must create defensible spaces as per Fire District standards to protect against wildfire hazards.
4. Electric utilities shall be placed underground typical of all new subdivisions created in Grand County. A plat note shall be added to the Final Plat to this effect.
5. Address for Lot 2 shall be determined before approval of the Final Plat
6. No burning of slash shall be allowed and disposal shall be included in the Engineers Estimate of Probable Cost provided with Final Plat.
- ~~7. Applicant shall provide an Estimate of Probable Costs for the extension of Winter Park Ranches' water main through Lot 2 or up CR808 and add a hydrant to within 500 ft of the home site on CR808.~~
8. The Applicant shall pay any impact fees assessed during the approval of a Final Plat.
9. Applicant and the homeowners association are also required to enter into a Water Quality/Wastewater Agreement with the county for the contribution of \$500.00 per lot.
10. The Applicant shall pay school fees.
11. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.
12. An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.
13. The applicant shall meet all Final Plat requirements.
14. Fire Suppression -_Before a building permit can be issued for a single family residence on Lot 2 of Rainbow Meadows Subdivision, one of these options must be implemented to address fire suppression on this subject Lot:
 - a. An automatic fire suppression system shall be designed and ultimately installed that adheres to current County building code before a Certificate of Occupancy is issued for the subject single family residence on Lot 2 .
 - b. The driveway access for Lot 2 shall be created off of CR830 instead of CR808 to ensure that access is available to the fire hydrant that is located in front of

the subject property off of CR830. Any proposed driveway shall meet the applicable County driveway standards.

- c. Extend Winter Park Ranches' water main through Lot 2 or up CR808 and add a hydrant to within 500 ft. of the home site on CR808.

Robert Davis, Community Development, states that we are requesting to remove condition number 7 because of condition number 14. The applicant also requested to remove condition number 5.

Commissioner Marcus Davis states condition number 5 must stay. Why are we discussing fire suppression in planning and zoning meeting?

Robert Davis, Community Development, states in response to the letter submitted.

Commissioner Marcus Davis states condition 7 be removed and 14 as a plat note

Commissioner Marcus Davis asks applicant if he has questions.

Steve Vandas states yes. On condition number 5, is there any reason why the address can't be issued at the time of build? We were hoping that the address could be determined when the driveway location is chosen.

Commissioner Marcus Davis states per regulations that it is a requirement by final plat.

Steve Vandas states that the fire marshal requests the access be from Jack Frost.

Commissioner Marcus Davis states you can always ask for a change of address.

Steve Vandas asks for clarification on number 6.

Commissioner Marcus Davis clarifies standard language with Robert Davis. Staff must review before BOCC.

Commissioner Kim Shepton states no questions.

Commissioner Bob Gnuse states on page three paragraph 2 states "Grand Lake". Is this in Grand Lake?

Robert Davis, Community Development, states that was a typo and clarifies this is in Winter Park Ranch.

Commissioner Ingrid Karlstrom clarifies where the snow easement is.

Commissioner Marcus Davis confirms that it is the shaded area.

Commissioner Ingrid Karlstrom clarifies that the county owns that easement. At what point do they choose where the access is at?

Commissioner Marcus Davis states at the time of building. We only need an address for assessor's page. I recommend that they choose the side with the fire hydrant side.

Commissioner Ingrid Karlstrom states no other questions.

Commissioner Will MacDonald states no questions.

Commissioner Ryan McNertney states no questions.

Commissioner Deb Fitch asks for clarification on the condition that has not been met.

Robert Davis, Community Development, states they are missing the topo map at 5 foot intervals

Commissioner Deb Fitch states no other questions.

Commissioner Marcus Davis opens public comment.

No comments from public.

Commissioner Marcus Davis we removed condition number 7. Condition number 14 will be added to the plat notes. Condition number 6 be reviewed by staff. Along with the certificate edits.

Motion to recommend approval by Ryan McNertney of the Rainbow Meadows Minor Subdivision Preliminary Plat with the revised conditions as presented. Seconded by Deb Fitch. No further discussion. All in favor "aye", none opposed. Motion of approval carries.

GRANBY SANITATION DISTRICT 1041 PERMIT

Presented by: Robert Davis, Director, Community Development

CERTIFICATE OF RECOMMENDATION

Planning Commission: January 12, 2022

- PROJECT NAME:** Granby Sanitation District 1041 Amendment for a Wastewater Treatment Plant Upgrade
- APPLICANT:** Granby Sanitation District represented by John Enochs, P.E., Diamondback Engineering
- LOCATION:** SW1/4, SW 1/4, Section 31, T2N, R76W, 3493 CR 57, Granby, CO 80446
- APPLICABLE REGULATIONS:** Grand County Administrative Regulations for Areas and Activities Designated as Matters of State Interest, Chapter 4, Designation of Major Extensions of Existing Domestic Water and Sewage Treatment Systems (1041 Regulations), Grand County Master Plan, Grand County 1041 Regulations, Section 22.8 of Regulation 22: Amendment of an Existing Site Location Approval
- ZONING:** Forestry and Open District
- ATTACHMENTS:**
- A. Grand County 1041 Permit Development Application

- B. Illustrative Site Map
- C. Regulation 22 Site Application Amendment
- D. WWTF Site Plan
- E. Updated Discharge Permit
- F. Email from NWCCOG1041 Permit 2006-05-01 PER
- G. Process Design Report
- H. CDPHE Process Design Report Approval Letter
- I. CDPHE Site Location Approval
- J. CDPHE Form – Amendment of Existing Site Location Approval

STAFF PLANNER: Robert C. Davis, AICP, Director

REQUEST: Applicant is requesting an amendment to the 1041 Permit and review of the Site Application and Site Location Map in order to construct a solids handling facility at the existing wastewater treatment facility (WWTF).

XVII. PROPOSAL

As required by Section 22.8 of Regulation 22: Amendment of an Existing Site Location Approval, the county has been asked to review and comment on the proposal. This review also contributes to the review of the 1041 Permit amendment.

The Site Location Amendment includes constructing a solids handling facility at the existing wastewater treatment facility (WWTF). The solids handling facility will include two aerobic digesters, one rotary screen thickener, one dewatering screw press and a dumpster location for the dewatered bio solids to be stored prior to hauling away for either disposal or for land application.

The applicant proposes to demolish the existing Cure Shed and existing bio solids composting building structures and construct the new facility at that location as shown in the graphic above. The new facility will be situated between the WWTF, the existing Headwork's Building and the animal shelter.

The composting facility is approaching its useful life, as replacement parts are increasingly difficult to find. In the past, sludge was composted and then sold or given away for landscaping. The new process will provide the District with the ability to dewater bio solids prior to disposal, which will reduce transport costs. Under normal operation, the sludge from the existing sludge storage basins will be pumped to either the rotary screw thickener or to one of the two digesters. The two digesters have both aeration and mixing, which promotes the degradation of organic solids. From the digesters, the digested sludge will be pumped to the screw press, where it will be dewatered to between 15% and 18% solids. The dewatered solids will be conveyed via a horizontal and vertical conveyor to a 30 cubic yard dumpster, which will be hauled (by others) for disposal. The dewatered solids can then be safely disposed of or land applied. In addition, hauling sludge to a landfill is

costly, particularly since much of it was water. The process of concentrating the sludge to have a higher solids content reduces transport costs and is good for the environment.

The District provides treatment services for the Town of Granby, and adjacent properties, including the Silver Creek Water & Sanitation District and Grand Elk. A service area map of the district is provided below. As the service area continues to grow, solids handling and storage modifications will be critical for the successful operation of the WWTF. The plant operates under a permit from the Colorado Department of Public Health and Environment (CDPHE) # CDPS CO—0020699.

The current capacity of the existing WWTF is 2.0 million gallons per day (MGD). The capacity of the WWTF will not change with the proposed improvements. The proposed improvements, however, have been sized for 3.0 MGD, which is the anticipated buildout of the WWTF. The plant is currently rated to treat 2.0 MGD hydraulic capacity, and 4,170 lbs. BOD₅ organic capacity. The reason for sizing the digesters and solids handling equipment for anticipated buildout is due to site constraints.

The WWTF site can be accessed from CR 57, and is on a standalone parcel centrally situated within a 339 acre privately owned agricultural land. The surrounding area is predominantly agricultural use. The Town of Granby boundaries are roughly 1,200 feet to the north across US 40. The Fraser River directly abuts the site to the south. The submittal provided building elevations, but did not provide material specifics (e.g. color).

The proposed solids handling facility will be located between the animal shelter and the existing plant, and would be very difficult to expand or improve in the future. The project construction will take place on the existing WWTF site, with no new land acquisition or easements anticipated to be necessary. The kennels are located on the west wall of the animal shelter. The construction of the new facility will be removed away from the animal shelter. In addition, to mitigate potential runoff from the shelter, the applicant proposes to construct a pad for the kennel area with curb and gutter where waste could be directed into an outlet then on to the Headworks Building where it will get treated.

The applicant is very aware of the limited space for development and will ensure there is adequate space for access into the kennel and the Headworks Building, i.e., ensure adequate separation between the kennels and the new facility for vehicular movements.

CDPHE Regulation 22, also known as 5 CCR 1002-22, applies to the implantation of the Colorado Water Quality Control Act in regards to construction or changing a domestic wastewater treatment plant and its stations. The amendment process of Regulation 22 means that the application changes an existing site location approval or existing domestic wastewater treatment plant. The site location application has been found to be in conformance with the Water Quality Control Commission's *Site Location and Design*

Regulations for Domestic Wastewater Treatment Works, 5 CCR 1002-22 (Regulation 22), and was approved in July 2021 and the Process Design Report was approved by CDPHE in August 2021.

I. BACKGROUND

Granby Sanitation District, a regional sewage treatment facility, was formed in 1954 through a general election. The initial wastewater treatment facility was constructed in 1955, and began operation in January 1956. The initial process was a primary clarifier located over an aerobic digester, followed by a trickling filter. The plant was upgraded in 1986, converting the primary clarifier/aerobic digester, into an aeration basin. The trickling filter was converted into a clarifier.

In 1980, the original plant was abandoned and a new plant was placed into operation. That facility consisted of primary treatment (bar screens, grit basin), secondary treatment (rotating biological contactors and clarification) and disinfection. Expansion in 1987 included additional aeration basins, secondary clarifiers and a chlorination/dechlorination system. Final effluent was discharged to a small pond, prior to discharge to the Fraser River. In 2004, due to age of the treatment plant and potential development of more stringent discharge requirements as required by the Colorado Department of Public Health and Environment, (CDPHE), GSD initiated a program to expand and upgrade the facility which was completed in 2008.

The Granby Sanitation District was granted a 1041 Permit consistent with Resolution No PER 2006-5-3. Grand County's Administrative Regulations for Areas and Activities Designated as Matters of State Interest, commonly referred to as the 1041 Regulations grant land use authority consistent with C.R.S 29-20-101 et seq. referenced in the 1041 Regulations.

In 2008, when the existing facility was expanded from 0.995 million gallons per day (MGD) capacity to 2.0 MGD, the solids handling and storage was not part of the project. At that time, a belt filter press and an in-vessel compost facility had recently been installed. Prior to the addition of the composting facility, the plant disposed of their biosolids at a local landfill and did not require stabilization of the solids prior to landfilling.

The existing composting capacity is 0.44 tons/day (880 lbs./day), which is sustainably less than the solids production projected for the completed 2.0 MGD liquid stream process. In addition, the original plant had in place aerobic digesters for solids stabilization. During the compost project and the liquid stream expansion in 2008, it was recognized that the aerobic digesters were not of adequate size. As the compost system was providing the required stabilization, aerobic digestion was not necessary,

At a current hydraulic capacity of 2.0 MGD, the WWTF capacity is approximately 7,143 single family equivalents (SFEs). The District's Master Plan projected a total of up to 10,550 single-family equivalents (SFE) at build-out. This included taps within Granby Sanitation District, Silver Creek Water and Sanitation District, and the Town of Granby. With 10,550 taps, the WWTF will have an ultimate build-out capacity of 3.0 MGD (10,550 taps at 280 gpd). The town population was 2,079 according to the 2020 United States Census which is up from 1,864 in 2010 and 1,525 in 2000.

CDPHE Regulation 22 applies to the implementation of the Colorado Water Quality Control Act in regards to construction or changing a domestic wastewater treatment plant and its stations. The amendment process of Regulation 22 means that the application changes an existing site location approval or existing domestic wastewater treatment plant.

I. ANALYSIS OF COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one is most relevant to the development supported by this 1041 proposal. – Element 4.

Plan Element 4 – Community and Public Facilities

Plan Element 4 focuses on the development of public facilities and infrastructure. An integral component of the master plan with respect to the proposed use is environmental quality. The proposed upgrade is environmentally sustainable.

II. ANALYSIS OF COMPLIANCE WITH THE GRAND COUNTY 1041 REGULATIONS

A permit application for a major extension of existing domestic water or sewage treatment system shall be approved if the proposed development complies with criteria found in the 1041 Regulations Chapter 4-306 a-q. Staff's review relative to the amendment to the Granby Sanitation District according of Chapter 4-306 of the Grand County 1041 Regulations and finds no impact.

The benefits of the proposed development outweigh the losses of any natural resources or agricultural lands rendered unavailable as a result of the proposed development: The District will not be required to purchase additional property for construction of the compost facility. The proposed facility will be constructed on District property, adjacent to the existing wastewater treatment facility. It should not require the relocation of the Grand County Animal Shelter and there are proposed improvements for waste handling.

Staff believes that the applicant has provided sufficient information regarding the project to recommend approval of the 1041 amendment to the Grand County Planning Commission to ensure compliance with all elements of the 1041 Permit Process.

STAFF RECOMMENDATION

Staff recommends that the Grand County Planning Commission approve the 1041 Permit Application and the Site Application and Site Location Map to permit Granby Sanitation District to construct a solids handling facility at the existing wastewater treatment facility (WWTF). All conditions identified in 1041 Permit PER 2006-05-01 shall remain in effect.

Commissioner Marcus Davis opens Board discussion.

Commissioner Will MacDonald states no questions.

Commissioner Ryan McNertney states no questions.

Commissioner Deb Fitch states no questions.

Commissioner Ingrid Karlstrom clarifies the service area of Shore Fox. They are providers for Grand Elk & Silver Creek.

Commissioner Marcus Davis states that the reason that they are not shown because they are their own taxing districts.

The Applicant states that is correct.

Commissioner Ingrid Karlstrom asks Robert Davis to pull up site plan to clarify where the new building will be.

Commissioner Ryan McNertney states it is buried.

The Applicant states the original plan states that the digesters 10' off of the north property. Right now we have it laid out like what is shown.

Commissioner Marcus Davis requests staff to clean up the drop box.

Commissioner Ingrid Karlstrom No other questions.

Commissioner Bob Gnuse states no questions.

Commissioner Kim Shepton states no questions.

Commissioner Marcus Davis states no questions.

Motion to recommend approval by Will MacDonald for the Granby Sanitation District 1041 Permit as presented. Seconded by Ryan McNertney. No further discussion. All in favor "aye", none opposed. Motion of approval carries.

Meeting Close 10:47 pm

Motion to adjourn Deb Fitch moves. Seconded by Kim Shepton. No further discussion. All in favor "aye", none opposed. Motion of approval carries.