

GRAND COUNTY PLANNING COMMISSION
WebEx MEETING MINUTES

Wednesday, January 13th, 2021

MEMBERS PRESENT: Marcus Davis Will MacDonald
 Ingrid Karlstrom Kim Shepton
 Tara Fournet Bob Gnuse
 Deborah Fitch Ralph Graves
 Ryan McNertney

MEMBERS ABSENT:

STAFF PRESENT: Robert Davis Alex Taft
 Taylor Schlueter Jacob Cote
 Maxine LaBarre-Krostue Patty Kemper

The meeting was called to order by Chairperson Marcus Davis at 6:33 PM. Roll call was taken.

Minutes from November 18th & December 9th, 2020 were presented. Motion to approve by Ingrid Karlstrom with corrections, Ingrid will send to Patty. Seconded by Kim Shepton. All in favor, “aye”. None opposed.

Nominations for Chair and Vice Chair for 2021. Tara nominated Marcus Davis for Chair, Ingrid second the nomination. All in favor, none opposed. Ingrid nominated Will MacDonald for Vice-Chair, Marcus Davis seconded the nomination. All in favor, none opposed.

Marcus Davis, welcomed our new Commissioner Ryan McNertney to the Planning Commission.

Ryan McNertney stated he has been in Grand County for 12 years. He has lived in Grand Lake for the last 10 years and recently moved to Granby this last summer. ‘I work for the Colorado State Forest Service’, he said. ‘Hopefully I can bring expertise when it comes to the Forestry, Fuels, and Fires, etc’.

There were 32 members of the Public in attendance by WebEx for the January 13th meeting.

Bower Outright Exemption – Final Plat – represented by Mel Sperry

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION JANUARY 13, 2020

Project Name	Bower Outright Exemption
Applicant	<i>Application Representative:</i> Mel Sperry <i>Diamond Bar T SubEx 1 Lot 1 Property Owner:</i> Roger Bower <i>Double Diamond Ridge SubEx Lot 1 Property Owners:</i> David & Elizabeth Fowler
Location	3444 County Road 8
Zoning	Forestry/Open (F/O)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations, Grand County Outright Exemption Regulations
Attachments	A. Development Application B. Project Narrative Letter C. Proposed Outright Exemption Final Plat D. Vicinity and Detail Maps E. Diamond Bar T Subdivision Exemption I & II Final Plat, Rec. No. 93011142, recorded 10.25.1993 F. Amended Final Plat, Diamond Bar T Subdivision Exemption I, Lot 1, Rec. No. 99007338, recorded 7.14.1999 G. Double Diamond Ridge Subdivision Exemption Final Plat, Rec. No. 96009014 recorded 10.16.1996 H. Roger K. Bower Revocable Trust Statement of Authority, Rec. No. 2019006236, recorded 8.15.2019 and Warranty Deed, Rec. No. 2019006237, recorded 8.15.2019 I. Quit Claim Deed, Rec. No. 2006013943, recorded 12.29.2006 J. Grant of Easement for gas utilities, Rec. No. 176705, recorded 9.8.1980 K. 2019 Property Tax Receipts
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Outright Exemption to transfer approximately 0.66 acres of land from Double Diamond Ridge Subdivision Exemption, Lot 1 to Diamond Bar T Subdivision Exemption 1 Lot 1 with the purpose of providing access to Lot 1, Diamond Bar T on the south side of Ranch Creek for the owners of Lot 1, Diamond Bar T.

Background

Roger Bower, herein referred to as "Bower", has owned the Diamond Bar T Subdivision Exemption, Parcel 1 since 2019, per Warranty Deed recorded at Reception No. 2019-006237. David and Elizabeth Fowler, herein referred to as "Fowler", have owned Lot 1 of the Double Diamond Ridge Subdivision Exemption since 2006 per Quit Claim Deed recorded at Reception No. 2006-013943. The Bower's parcel is currently 5.46 acres large, while the Fowler's parcel is currently 17.9 acres. Single-family dwellings have been constructed on both properties. The parcels are not located in any Growth Areas and are both on well water and septic systems.

The Double Diamond Ridge Subdivision Exemption (DDR) and Diamond Bar T Subdivision Exemption 1 (DBT) are located east of Fraser; the Bower property is accessed from GCR 8, while the Fowler property is accessed via GCR 809. The portion of the Fowler parcel subject to this proposed Outright Exemption is adjacent to GCR 8. The DBT Final Plat was recorded in November 1993 at

Reception No. 93011142, while the DDR Final Plat was recorded in October 1996 at Reception No. 96009014.

The subject properties are surrounded on the north, south, and east by low-density single-family residences and to the west by the 760-acre Grand County Ranches, LLC parcel. Parcels in the vicinity of the subject properties range in size from approximately five acres to 35 acres, though a number of massive parcels—such as the Grand County Ranches property—far exceed these lot sizes.

History

Diamond Bar T Subdivision Exemptions I & II were recorded simultaneously in November 1993 at Reception No. 93011142. Eight lots in total were created between the two SubEx's ranging in size from five acres to nearly fifteen. An Amended Final Plat for this parcel was recorded July 1999 to amend the Building Envelope for the parcel, increasing the amount of buildable area between the 50' wide gas utility easement adjacent to County Road 8 and Ranch Creek.

The Double Diamond Ranch Subdivision Exemption was recorded October 1996 at Reception No. 96009014, creating three parcels with designated building envelopes. Property sizes range in size from 8 acres to nearly 18 acres.

Purpose of Request

The Bower's parcel—Lot 1 of the Diamond Bar T SubEx—is split by Ranch Creek: the residence and garage are on the smaller north side of the creek and are accessible from County Road 8, while the acreage on the south side of the creek is inaccessible from either County Road 8 or the Bower's residence. This Outright Exemption would transfer a small section of property separating the south section of the Bower parcel from County Road 8 to Diamond Bar T SubEx 1 Lot 1 so the section of property can be accessed.

Staff Comments and Analysis

Both lots implicated in this proposed Outright Exemption are currently fully compliant with the Grand County Zoning Regulations. This Outright Exemption would not jeopardize existing compliance, and since there are no construction plans for either property contingent on approval of this Outright Exemption, this approval would not impact zoning compliance. The section of property to be transferred is not within either property's Building Envelope, further ensuring that no development activities will take place following approval of this Outright Exemption.

A 50' wide gas utility easement exists adjacent to County Road 8, extending into the portion of property subject to this Outright Exemption. While erection of permanent structures cannot occur within this easement (as with all easements), access across the easement is permitted should Bower decide to create a driveway to the southern portion of the property in the future.

Compliance with Zoning Regulations

Section VI – Residential District

§6.1 Uses Permitted Uses for both properties will remain unchanged.

§6.2 Minimum Area of Lot The minimum lot area permitted in the Forestry & Open (F/O) Zoning District when the land is not located within a Master Plan-designated Growth Area is five acres. Both subject lots are outside of the Growth Areas and will remain over five acres in size. Both lots are in compliance. (§4.2.3)

§6.8 Water Quality Setback No new developments are planned contingent on approval of this Outright Exemption. No buildings will be erected within the required 30' water quality setback on either side of Ranch Creek.

Outright Exemption Regulations

§1.4.1 (c) Plat Note #2 of the draft Outright Exemption Final Plat describes the intent that the created Bower Outright Exemption shall be joined to Lot 1 of the Diamond Bar T Subdivision Exemption 1. This proposed Outright Exemption is therefore justified in the County's Outright Exemption regulations as its intent is to provide access to the portion of the Bower parcel lying south of Ranch Creek.

§3.2.1 The Final Plat drawing shall meet all requirements.

§3.2.2 (a) The Title of the Outright Exemption Final Plat shall be amended to read:

Bower Outright Exemption

**Second Amended Final Plat, Diamond Bar T Subdivision Exemption 1, Lot 1
And Amended Lot 1, Double Diamond Ridge Subdivision Exemption
Part of the NE ¼, Section 23, Township 1 South, Range 75 West of the 6th P.M.
Ownership recorded at Reception Nos. 2006013942 and 2019006237**

§3.2.2 (b) Legal description of the property shall be written as follows:

Bower Outright Exemption

§3.2.2 (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.

These requirements have been met.

§3.2.2 (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.

The 50' gas easement recorded at Book 167, Page 332 shall be included in the Final Plat.

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

These requirements have been met.

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

This requirement has been met.

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

These requirements have been met.

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

The purpose of the site is available in Plat Note #2.

§3.2.2 (i) Location and description of monuments.

This requirement has been met.

§3.2.2 (j) Current title commitment.

Proof of ownership for both parcels has been provided by Applicant.

§3.2.2 (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 MEN BY THESE PRESENTS: That **David K. Fowler and Elizabeth D. Fowler**, and **The Roger K. Bower Revocable Trust dated 03-09-2015** is the owner of that real property situated in Grand County, Colorado, more fully described as follows:

Diamond Bar T Subdivision Exemption 1 Lot 1

And

Double Diamond Ridge Subdivision Exemption Lot 1

That they have caused said real property to be laid out and surveyed as **Bower Outright Exemption**, 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 do hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF, **David K. Fowler and Elizabeth D. Fowler** have caused their name to be hereunto subscribed this _____ day of _____, 20__.

David K. Fowler

Elizabeth D. Fowler

STATE OF COLORADO)

ss

COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this ___ day of _____, 20__ by **David K. Fowler and Elizabeth D. Fowler**.

IN WITNESS WHEREOF, **Roger K. Bower as representative of the Roger K. Bower Revocable Trust dated 03-09-2015** has caused his name to be hereunto subscribed this _____ day of _____, 20__.

Roger K. Bower

STATE OF COLORADO)

ss

COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this ___ day of _____, 20__ by **Roger K. Bower as representative of the Roger K. Bower Revocable Trust dated 03-09-2015**.

My Commission Expires: _____

Notary Public

§3.2.2 (I) 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, **Warren Dale Ward**, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of the **Bower Outright Exemption** 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)

- §3.2.2 (m)** Certificates for approval by the Board of County Commissioners of Grand County, Colorado as follows:

COMMISSIONER'S CERTIFICATE

Approved and all public dedications accepted this__ day of _____, 20__ by the Board of County Commissioners of Grand County, Colorado. Acceptance of this platted outright exemption by the County of Grand does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said County. Until such roads and rights-of-way meet County specifications and are specifically accepted for maintenance by Resolution of the Board of County Commissioners of Grand County, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within the subdivision. This approval does not guarantee that the size or soil conditions of any lot shown herein are such that a Building Permit may be issued.

Chairman
Board of County Commissioners
Grand County, Colorado

- §3.2.2 (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.
- §3.2.2 (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.
- §3.2.2 (p)** A vicinity map.
This requirement has been met.
- §3.2.2 (q)** Documented proof of legal access.
This requirement has been met.
- §3.2.2 (r)** Documented proof of the availability of sewer and water supply.
This requirement is not applicable; there are no planned developments for the Outright Exemption parcel.
- §3.2.2 (s)** Statement of taxes due showing current taxes paid.
This shall be submitted prior to recording of the Final Plat Mylar.
- §3.2.2 (t)** 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.

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

No additional information has yet been requested.

Planning Commission Recommendation

Planning Commission hearing for this Outright Exemption application is scheduled for **January 13, 2021**.

Staff Recommendation

Staff recommends approval of the Bower Outright Exemption, being a replat of Lot 1, Diamond Bar T Subdivision Exemption 1 and Double Diamond Ridge Subdivision Exemption Lot 1. The following conditions shall be met prior to the recording of the Outright Exemption:

1. The Title of the Outright Exemption shall be amended (see (a) above).
2. The 50' gas easement shall be included on the Final Plat (see (d) above).
3. The Dedication shall be amended (see (k) above).
4. The Surveyor's Certificate shall be amended (see (l) above).
5. An electronic copy of the Final Plat shall be submitted (see (y) above).
6. All recording fees are to be paid by the Applicant.
7. 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.

Commissioner Davis asked if the applicant was present and if they had reviewed the Certificate.

Jacob stated that the representative, Mel Sperry is not on the call this evening, but had received a copy of the Certificate. We had not received any comments from the applicant or Mr. Sperry.

Commissioner Karlstrom asked, so I see County Road 8 going through the Bower property, splitting it, not just the creek; by the roads?

Jacob replied, yes, the way the parcel map is overlaid onto the imagery is a little off.

Commissioner Karlstrom continued, so the property is not split by the road?

Jacob replied, no, just the data is mismatched.

Commissioner MacDonald stated no questions.

Commissioner Gnuse asked for the aerial imagery map of the site to be shown again. Does the property line come down and follow the road? Does it not go west of the road?

Jacob replied, correct, it is showing the property line in a location that is different on the map due to the property lines being mismatched.

Commissioner Gnuse continued, right it fronts along County Road 8, correct? To be clear, 6.6 acres that is being transferred to (showing the lot on map) this is in the crook of County Road 8?

Jacob replied, correct (showed the proposed plat map) for clarification.

Commissioner Graves stated, no questions.

Commissioner Shepton asked, in the recommendations they talk about the gas utility easement, is there a natural gas utility easement along County Road 8?

Jacob replied, yes there is a 50 foot wide easement that runs parallel to County Road 8. There is no development planned on this portion of the property so we are not worried about infringing upon that easement. In our Final Plat we will note this easement.

Commissioner Fournet stated no questions.

Commissioner Fitch stated no questions.

Commissioner McNertney stated no questions.

Commissioner Davis stated that he is not seeing any request from questions from the public. My only comment is, and I know this is preliminary plat, make sure you add the forever joined symbol and I know it says "combined" but it should be the forever joined on the plat. The parcel should be labeled as an Outright Exemption Parcel forever joined and therefore called Lot 1.

Motion to recommend approval by Kim Shepton for Bower Outright Exemption – Final Plat – Represented by Mel Sperry with staff conditions. Seconded by Will MacDonald. No further discussion. All in favor "aye", none opposed. Motion carries.

Straub Outright Exemption – Final Plat – Betty Marie Straub

Presented by: Alexander Taft, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission January 13, 2021 ; Board of County Commissioners TBD, 2021

PROJECT NAME : Straub Outright Exemption

APPLICANT : Betty Marie Straub

LOCATION : Lot 2 Armstrong Subdivision Exemption, and Lot 5, Block 2 Lofty Pines Subdivision Filing No. 1 commonly known as 85 & 300 GCR 4431

APPLICABLE

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

ZONING : Tourist and Mobile District

ATTACHMENTS :

- A. Vicinity Map
- B. Application
- C. Proposed Outright Exemption Plat
- D. Lofty Pines Subdivision Final Plat Reception No. 91301
- E. Armstrong Subdivision Exemption Final Plat Reception No. 243731

STAFF PLANNER : Alexander Taft, LEED Green Associate

REQUEST : The Applicant is proposing a boundary line adjustment through Outright Exemption to create a single family residence on the larger lot.

I. BACKGROUND

a. Proposal

Betty Straub, herein referred to as the Applicant, is the owner of two parcels in the Three Lakes region of Grand County and would like to adjust property boundaries for the end goal of improving an existing residence originally constructed in 1973 on the amended lot.

The Applicant is the owner of Lot 2 Armstrong Subdivision Exemption pursuant to a Warranty Deed recorded at Reception No. 2016004085. Lot 2 currently is developed with a single family dwelling and accessory buildings. One of these accessory buildings will be converted into the residence being contained within the resultant amended lot.

The Applicant is also the owner of Lots 4 and 5, Block 2, Lofty Pines Subdivision pursuant to Special Warranty Deed recorded at Reception No. 2019009880. These two lots have been transferred together since the 1970's. Lot 4 contains an existing residence which was originally constructed in 1969 and has been updated since. Lot 4 will remain unchanged subject to this plat. Lot 5 will be enlarged to approximately one (1) acre to accommodate the residence while complying with minimum area of a lot requirement for the Tourist District.

b. History

Armstrong Subdivision Exemption, whose owners were Patrick and Cynthia Armstrong was approved by Grand County in 1986. The request originally was to create a subdivision of four (4) lots. Three (3) of the lots would be for single family residential use, while the fourth would contain the existing "Butch Cassity/Casidy Saloon." The two former recommendations made mixed reference to the name of the saloon so Staff copied both of the previous references. At that time, Staff had concerns about the applicability of the Subdivision Exemption regulations being used for the mixed uses on the property since subdivision typically restrict the use of lots within to be specific for single family. For this reason the project underwent a second sketch plan review by Planning Commission for a total of three (3) lots. In May 1986 after three (3) meetings with Planning Commission and two meetings (2) with the Board of County Commissioners, the County Commissioners approved the Sketch Plan and Final Plat together.

Lofty Pines Subdivision (Filing 1) was recorded in May of 1960 prior to any subdivision regulations being adopted by Grand County. The original plat created fifteen (15) lots in two (2) blocks, with a third block which remains a large single lot except a quarter acre Metes And Bounds Parcel created by separate deed.

II. STAFF ANALYSIS

Staff has interpreted this proposal as an Outright Exemption because one lot is in an existing subdivision and the other is in an existing Subdivision Exemption. The proposal couldn't be considered under the provisions within Section 4.4 Amended Final Plat in the Subdivision

Regulations because of the bold text shown below:

No exterior boundary changes are allowed. Amended Final Plats shall be reviewed under the Final Plat provisions within these regulations unless the Board of County Commissioners determines that additional review is necessary. The Board of County Commissioners may require compliance with any additional items listed under the Preliminary Plat and/or Final Plat process.

The Subdivision Exemption within Article III (3) Procedure lists Preliminary Conference, Sketch Plan, and Final Plat. With these considerations, Staff believes it is reasonable to consider this project, which requires a Plat under state law because it is describing parcels under 35 acres, the Outright Exemption procedure is the best to meet the needs of the request.

The other complexity of this project is that the exterior boundary for the Armstrong Subdivision Exemption is the limit of Tourist District adjacent to Mobile District. The Tourist District requires a minimum 1 acre area lot, where the Mobile District only requires 15,000ft². For compliance with § 30-28-123 C.R.S., the minimum area of one (1) acre for Tourist District needs to be followed which has been completed on the proposed plat.

III. 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 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 Areas where existing infrastructure and public services exist. These parcels are located within the Urban Growth Area No. 2 (Grand Lake area) and have sewer service. The proximity of this development to the Town of Grand Lake suggest that development densities are feathering toward less units per acre as distance from towns is increased. This Outright Exemption reduces the potential issues with separations of well and septic increasing compliance with the current zoning regulations. The densities within the subdivision and region are consistent with goals set forth in this section of the Master Plan.

b. ZONING –Section VII (7) & VIII (8) and Mobile and Tourist District

The parcels involved in this proposal lie within both the Tourist and Mobile District, existing inside the Grand County Growth Area No. 2 (Grand Lake area). The site is surrounded by vacant land or larger lot residential uses and the subdivision is surrounded by the town boundary. Consistent with

§30-28-123 C.R.S. "Higher Standards Govern", Staff has noted the more restrictive standards for reference as there is no request or need for the property to be rezoned.

- (a) The amended lots will be for the purpose of providing for a larger lot and single family residential use.
- (b) The most restrictive District requires 30' minimum front yard setbacks, 10' minimum side yard setbacks and 20' minimum rear yard setbacks. The final plat shall show front yard (setback).
- (c) Minimum area of lot as required by Tourist District standards is one (1) acre. These lots as proposed comply.
- (d) This proposal is also located within a zoning overlay area referred to as the Three Lakes Design Review. A note shall added on the Final Plat to make all property owners aware of certain architectural finishes and materials required in construction. The note shall be:

THREE LAKES DESIGN REVIEW AREA

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

c. 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.**

As suggested in the Staff Analysis above, the Outright Exemption Regulations have the ability to capture any unusual plat. The proposed plat is a boundary adjustment between two lots in two different subdivisions and therefore it is Staff's opinion that this is the exact type of unusual circumstance which is captured in Outright Exemption Regulations Section 1.4 (d).

d. OUTRIGHT EXEMPTION – Article 2 – DESIGN STANDARDS

Section 2.1 Driveway, Roads, Streets, and Easements.

Driveways which currently serve both lots exist and an easement for access through Amended Lot 5 to serve Amended Lot 2 is on the proposed plat (1). Easements of 10' or 20' widths as required by these regulations have been shown on this plat (2).

Section 2.2 Tracts/Parcels/Lots.

(1) *As a minimum requirement, dimensions shall conform to applicable zoning or other land use requirements.*

(2) *A lot shall have access to a public Right-of-Way.*

(3) *A lot shall be provided an address upon approval of the outright exemption.*

As detailed within Section B of this Staff recommendation all proposed lots comply with the applicable zoning requirements as proposed (1). Access to County Road 4431 is provided to both proposed lots (2). An address for Amended Lot 5 could be 95 GCR 4431, this will be verified with the local fire district and the Office of Emergency Management (3).

Section 2.3 Public Dedications.

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

(2) *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 by specific action of the Board of County Commissioners.*

This requirement has been met.

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.

*If a new lot with anticipated development is created through the Outright Exemption process then fees shall be paid prior to recording to the appropriate Fire Protection District. Proof of payment shall be provided to the Community Development Department. **Impact fees for Amended Lot 5 shall be paid at time of building permit if applicable.***

E. OUTRIGHT EXEMPTION – Section 3.2 – PLAT

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, shall be provided prior to any scheduling of any review before the Board of County Commissioners. **This requirement has been met.**

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

Title (which shall include the phrase "Outright Exemption"), bar scale, North arrow and date.

Title of the plat is:

Straub Outright Exemption

Amended Lot 3, Armstrong Subdivision Exemption and Amended Lot 5, Block 2, Lofty Pines Subdivision

Being a replat of Lot 5, Block 2, Lofty Pines Subdivision Filing No. 1 Recorded at Reception No. 91301 and Lot 3, Armstrong Subdivision Exemption Recorded at Reception No. 243731

Located in Section 23, Township 3 North, Range 76 West, of the 6th P.M.

Ownership Recorded at Reception No. 2016004085 and 2019009880

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

Section 3.2 (2) (b) The legal description of those lots being created by this proposed plat shall be:

Amended Lot 5, Lofty Pines Subdivision; and Amended Lot 2, Armstrong Subdivision Exemption

Section 3.2 (2) (c) Primary control points, or descriptions, and ties to such control points to which dimensions, angles, bearings, and similar data on the plat shall be referred, the plat complies with this provision.

Section 3.2 (2) (d) All 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 shown, the plat complies with this provision.

Section 3.2 (2) (e) Names and right-of-way width of each street or other right-of-way have been shown on the proposed plat, the plat complies with this provision.

Section 3.2 (2) (f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements, the plat complies with this provision.

Section 3.2 (2) (g) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements, the plat complies with this provision.

Section 3.2 (2) (h) All lots subject to this replat are to remain in use as single family residential and where necessary will be improved for this use.

Section 3.2 (2) (i) Location and description of monuments are shown on the proposed plat, the plat complies with this provision.

Section 3.2 (2) (j) **A title insurance commitment has not been provided and shall be prior to any review by the Board of County Commissioners. A draft Quit Claim Deed describing the legal descriptions of the newly amended lots shall be supplied for review by the County Attorney and recorded with Final Plat. A Lien holder's certificate(s) shall be added to the Final Plat.**

Section 3.2 (2) (k) *Statement by owner platting the property and, if required by the Grand County Board of County Commissioners, dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form (dedication language may be omitted if not required by the Board of County Commissioners):*

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That **Betty Straub**

is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Lots 4 and 5, Block 2, Lofty Pines Subdivision according to the plat there of recorded May 5, 1960 under Reception No. 91301, County of Grand State of Colorado.

That **Betty Marie Straub**

is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Lot 2, Lofty Pines Subdivision according to the plat there of recorded June 17, 1986 under Reception No. 243731, County of Grand State of Colorado.

That she has caused said real property to be laid out and surveyed as Straub Outright Exemption, 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.

IN WITNESS WHEREOF Betty Straub has caused his name to be hereunto subscribed this ___ day of , 20__.

Betty Straub

STATE OF COLORADO }

SS

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this day of , 20__ by Betty Straub

My commission expires:

Notary Public

IN WITNESS WHEREOF **Betty Marie Straub** has caused his name to be hereunto subscribed this
__ day of , 20__.

Betty Marie Straub

STATE OF COLORADO }

SS

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this day of , 20__ by **Betty Marie Straub.**

My commission expires:

Notary Public

Section 3.2 (2) (I) *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 plat to be in substantially the following form:*

SURVEYOR'S CERTIFICATE

I, Timothy R. Shenk, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of Straub Outright Exemption 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 Outright Exemption Regulations have been placed on the ground.

Timothy R. Shenk

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

Section 3.2 (2) (m) Certificate of approval by the Board of County Commissioners as follows: (If public dedications are included, the certificate shall be in the form required by the Board of County Commissioners for approval of subdivision plats)

COMMISSIONER'S CERTIFICATE

Approved this __day of _____, 20__ by the Board of County Commissioners of Grand County, Colorado pursuant to Grand County Outright Exemption Regulations amended and readopted by Resolution No. 2019-8-6.

Chairman

Board of County Commissioners

Grand County, Colorado

Section 3.2 (2) (n) 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 has been provided this proposed plat complies with this provision.

Section 3.2 (2) (o) A vicinity map has been provided on the cover of the proposed plat, this proposed plat complies with this provision.

Section 3.2 (2) (p) Documented proof of legal access is available from County Road 4431 which exists through Lofty Pines.

Section 3.2 (2) (q) Documented proof of the availability of sewer and water supply. Proof of

adequate water supply for any proposed development shall be submitted pursuant to C.R.S. § 29-20-103 (currently C.R.S. § 29-20-304). Lot 2 has a well permit under Permit No. 39982-A and Lot 4 has a well permit under Permit No. 39982-A, it is possible for Lot 5 to obtain a permit as it is a pre-existing lot created prior to 1972.

Section 3.2 (2) (r) Statement of taxes due showing current taxes paid shall be submitted prior to recording the Final plat showing that **ALL** property taxes due and payable are covered in full as to avoid the creation of any liens.

Section 3.2 (2) (s) *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.*

Section 3.2 (2) (t) *Such additional information as may be required by the Grand County Board of County Commissioners.*

IV. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing is scheduled for January 13, 2021.

V. STAFF RECOMMENDATION

Staff recommends the approval of the Straub Outright Exemption with the following conditions to be met:

1. Dedication Statement by owner platting the property shall be corrected as shown in this recommendation [3.2 (2) (k)].
2. Certification by a surveyor shall be corrected as shown in this recommendation [3.2 (2) (l)].
3. Certificate of approval by the Board of County Commissioners shall be corrected as shown in this recommendation [3.2 (2) (m)].
4. A title insurance commitment has not been provided and shall be prior to any review by the Board of County Commissioners [3.2 (2) (j)].
5. A draft Quit Claim Deed describing the legal descriptions of the newly amended lots shall be supplied for review by the County Attorney and recorded with Final Plat [3.2 (2) (j)].
6. A Lien holder's certificate(s) shall be added to the Final Plat [3.2 (2) (j)].
7. Statement of taxes due showing current taxes paid [3.2 (2) (s)].
8. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [3.2 (2) (t)].

9. The Applicant shall meet all Plat requirements and such additional information as may be required by the Grand County Board of County Commissioners.

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 Davis asked if the applicant is on the call and if they have any question/concerns regarding the Certificate.

Applicant, Betty Straub is on the call and has no question/concerns regarding the Certificate.

Commissioner Karlstrom stated, she could not locate the acreage of the parcel in the opening statement of the Certificate.

Alex replied, the acreage is located in the zoning section of the Certificate. Amended Lot 5 is just over 1 acre and Amended Lot 2 is 1.6 acres.

Commissioner Karlstrom asked, On the zoning map, page 4 of the Certificate, what does the purple represent, did not see it in the key?

Alex replied, the color purple represents the Mobile Home District.

Commissioner Shepton asked to see the Certificate showing Exemption Section 2.3 on the Plat in order to figure out as to how the final layout will look. I could not see why the second parcel was only accessed by the cul-de-sac road and not the road that goes through Parcel Number 1. If there are separate owners I understand, but I thought it was just 1 owner. County Road 443 appeared to go through the property and then come out onto Highway 34.

Alex replied, we are not sure that the County Road was built to County Road Standards. The road is a continuous band of surface which then accesses the existing Lot 2 and the residence. The applicant is trying to ensure that access is continuously provided if they ever sell 1 or more properties.

Assistant County Attorney, Maxine added the driveway that you see coming from Highway 34, is a private driveway. There is an easement that runs on the lot line, between Lots 1 and 3, up to Lot 2, and then the cul-de-sac dead ends at Lot 5. There is actually no connection between the 2nd lot and others.

Commissioner MacDonald asked if these lots meet the minimum lot size.

Alex replied yes, the 2 lots are 1 and 2/3 acres respectively and meet the minimum requirements for the Tourist District.

Commissioner Gnuse asked, Lot 4 which is the 1 story residence, called Lot 4, Block 2 and then you have Lot 5 which has been amended by adjusting the property lines, is that correct?

Alex replied, correct.

Commissioner Gnuse continued, there is a shed/garage that appears to encroach on Amended Lot 5, is that true?

Alex replied, yes, through the survey the applicant let us know that there was an encroachment and we are currently in the process of trying to resolve this with the property owner through the violation process within the zoning regulations.

Commissioner Gnuse continued, essentially the boundary lines that we moved to create the Outright Exemption didn't aggravate the encroachment. The encroachment was there already existing and did not cause the encroachment, it was there and has not been resolved.

Alex replied, correct and if you look at the survey notes, I think that exhibits more detail.

Commissioner Gnuse, Lot 2 has a residence and an open wooden structure with a roof, can you show me where the driveway is, how would you get in and out of this piece of property?

Alex replied, there is a driveway that surrounds the future dwelling and is captured in an easement per this plat.

Commissioner stated we are not cutting off Lot 2 from access to the road. I also see a road that comes out at the bottom of the right hand corner, where does this come out to?

Alex replied, that goes out towards Highway 34, which is a service access road and is not a primary exit.

Assistant County Attorney, Maxine added, there has been significant litigation with regards to the driveway that goes through Lot 5 and it has been settled and Ms. Straub owns the legal access through Lot 5 from the County Road 443 up to Lot 2 and then this Outright Exemption memorializes that driveway easement to Lot 2 on the plat. So the driveway is for Lot 5 and Lot 2 which is reflected on the plat.

Commissioner Graves, no questions.

Commissioner Fournet, no questions.

Commissioner Fitch, no questions.

Commissioner McNertney, no questions.

Commissioner Davis stated we need to have a condition that the zoning violation will be resolved prior to approval. We are not allowed to make land use approvals on a zoning violation. Add as Condition Number 11, prior to recording, as long as it is a written condition. Any comments from the public, no comments. Request a motion as presented plus 2 conditions.

Commissioner MacDonald had another question. There are other structures that were right on the property lines and within the setbacks and he was worried there might be other violations. Do we need to address those as well?

Commissioner Davis added, for Condition 11, all zoning violations must be resolved prior to recording.

Alex stated for the record I would like to clarify that Lot 4, which is pre-existing non-conforming. The structure was built in 1969 and has been updated but not moved.

Commissioner Davis added in the Certificate you specifically list out each violation, even if it is pre-existing non-conforming and what the action will be prior to going to Board of County Commissioners.

Motion to recommend approval by Kim Shepton for Straub Outright Exemption – Final Plat – Betty Marie Straub with staff conditions. Seconded by Ingrid Karlstrom. No further discussion. All in favor "aye", none opposed. Motion carries.

Cooper Outright Exemption – Final Plat – Theresa (Terry) Cooper

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION JANUARY 13, 2020

Project Name	Cooper Outright Exemption
Applicant	<i>Applicant:</i> Teresa Cooper <i>Trustee of:</i> The Cooper Family Trust dated 09-30-2016
Location	8050 US Hwy 34
Zoning	Tourist (T) District
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations
Attachments	L. Development Application M. Project Narrative Letter N. Proposed Final Plat O. Vicinity and Detail Maps P. Jones Unrecorded Subdivision Map Q. Title Commitment R. 2019 Property Tax Receipt
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Outright Exemption to combine two adjacent lots for the purpose of minimizing potential encroachments on setback requirements when constructing a planned single-family residence.

Background

Theresa Cooper, herein referred to as “Applicant”, is a Trustee and representative of the Cooper Family Trust dated 09-30-2016, which has owned the subject parcel since November 2019, per Warranty Deed recorded at Reception No. 2019-009632. The parcel will be 0.21 acres large once Lots 4 & 5 are combined. There is currently a mobile home on the property—placed on the center lot line—and neighboring properties to the east and west are single-family residences. There is a large residential property to the North of the Applicant’s parcel, and the south edge of the parcel is the shore of Lake Granby. The parcels are not located in any Growth Areas and served by well water, but sewage services are provided by 3 Lakes Water & Sanitation. Property is located in the 3 Lakes Design Review Area.

The property is located east of US 34 on Lake Granby, between the Highland Marina property and the Stillwater RV & Campground. Parcels in the vicinity of the subject property range in size from approximately 0.2 acres to 5.5 acres.

History

The Jones Subdivision is an unrecorded Metes & Bounds subdivision originally consisting of 15 small parcels, each approximately 1/10th of an acre. The original deed to the land was described by Warranty Deed in April 1953 at Book 105 Page 124 to Clarence and Anna Jones. Most of the created parcels were legally amended to be conjoined, creating larger and more appealing lots for development. Today, there remain only seven lots, owned by four (and perhaps only three) separate parties.

The mobile home currently on the property was placed on the parcels in 1975. The mobile home has been “grandfathered in” as current zoning designation for the property (Tourist) does not permit mobile homes.

Purpose of Request

The Applicant as requested that Lots 4 and 5 be combined so that a new single-family residence can be constructed on the current site of the mobile home. It is the Applicant’s plan to remove the mobile home pending approval of this Outright Exemption.

Staff Comments and Analysis

The Outright Exemption will not create a parcel large enough to be in compliance with the Tourist zoning district’s minimum lot size of one acre. However, by combining lots 4 and 5 to create a larger single parcel, the non-conformity is being reduced to the greatest possible extent. The combining of the parcels is aligned with trends present in the Jones unrecorded subdivision and will not—based on the Applicant’s plans for the property—alter the existing density of the neighborhood. There are no utility easements corresponding to any parcel boundary lines in the subdivision, so no public notice is necessary for utility vacation.

Compliance with Zoning Regulations

Section VIII – Tourist District

§8.1 Uses Permitted The use of the property will not change as a result of this proposed Outright Exemption, but the Applicant’s plan to remove the mobile home and build a single-family residence will bring the use of the property into conformity with the Zoning Regulation’s permitted uses.

§8.2 Minimum Area of Lot The minimum lot area permitted in the Tourist Zoning District is one acre. The parcels are not currently in compliance and will not be in compliance following completion of this Outright Exemption, but the nonconformity will be reduced to the greatest possible extent.

§8.3 Minimum Width of Lot The property will measure approximately 98’ in width following completion of this Outright Exemption. The minimum lot width in the Tourist Zoning District is 150’, so this lot will not be in compliance. But as with the minimum lot area, this Outright Exemption will reduce the nonconformity to the greatest possible extent.

§8.4-6 Minimum Yards of Lot This Outright Exemption will increase the amount of buildable area within the required front, side, and rear yards.

§8.8 Water Quality Setback The required 35' water quality setback from the shores of Lake Granby will be enforced for any planned developments on the Outright Exemption parcel.

Outright Exemption Regulations

§1.4.1 (c) The purpose of this Outright Exemption request is to eliminate an existing encroachment across the property line separating Lots 4 and 5 of the Jones Unrecorded Subdivision. The Outright Exemption will also establish tract boundaries for a parcel located within an unrecorded subdivision.

§3.2.1 The Final Plat drawing shall meet all requirements.

§3.2.2 (a) The Title of the Outright Exemption Final Plat shall be amended to read:

**Cooper Outright Exemption
Being a Replat of Lots 4 and 5, Jones Unrecorded Subdivision
Part of Section 34, Township 3 North, Range 76 West of the 6th P.M.
Grand County, Colorado
Ownership recorded at Reception No. 2019009632**

§3.2.2 (b) Legal description of the property shall be written as follows:

Cooper Outright Exemption

§3.2.2 (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.

These requirements have been met.

§3.2.2 (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.

These requirements have been met.

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

This requirement has been met; the property's access is via a private drive off of US Highway 34, as reflected by the official property address.

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

This requirement has been met.

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

These requirements have been met.

§3.2.2 (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.

§3.2.2 (i) Location and description of monuments.

This requirement has been met.

§3.2.2 (j) Current title commitment.

Proof of ownership for both parcels has been provided by Applicant.

§3.2.2 (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

Board of County Commissioners of Grand County, Colorado. Acceptance of this platted outright exemption by the County of Grand does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said County. Until such roads and rights-of-way meet County specifications and are specifically accepted for maintenance by Resolution of the Board of County Commissioners of Grand County, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within the subdivision. This approval does not guarantee that the size or soil conditions of any lot shown herein are such that a Building Permit may be issued.

Chairman
Board of County Commissioners
Grand County, Colorado

- §3.2.2 (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.
- §3.2.2 (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.
- §3.2.2 (p)** A vicinity map.
This requirement has been met.
- §3.2.2 (q)** Documented proof of legal access.
This requirement has been met.
- §3.2.2 (r)** Documented proof of the availability of sewer and water supply.
This requirement has been met.
- §3.2.2 (s)** Statement of taxes due showing current taxes paid.
This requirement has been met.
- §3.2.2 (t)** 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.
- §3.2.2 (u)** Such additional information as may be required by the Grand County Board of County Commissioners.
No additional information has yet been requested.

Planning Commission Recommendation

Planning Commission hearing for this Outright Exemption application is scheduled for **January 13, 2021.**

Staff Recommendation

Staff recommends approval of the Cooper Amended Final Plat, being a replat of Lots 4 and 5, Jones Unrecorded Subdivision. The following conditions shall be met prior to the recording of the Outright Exemption:

8. The Title of the Outright Exemption shall be amended (see (a) above).
9. The Dedication shall be amended (see (k) above).
10. The Surveyor's Certificate shall be amended (see (l) above).
11. An electronic copy of the Final Plat shall be submitted (see (y) above).
12. Plat Note #1 shall be amended to reflect the Applicant's name as "Teresa Cooper".
13. Plat Note #2 shall be amended to reflect the correct zoning of the property, "Tourist" or "T".
14. All recording fees are to be paid by the Applicant.

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.

Jacob wanted to add the recommended dedication amendment will be adjusted so that Theresa's name is prevalent and David's name will not be listed. The title of the Outright Exemption (second line) "A Plat of Lot 4 and 5" I do not know if that is a necessary line to add into the title, is this a proper means to title the Outright Exemption?

Commissioner Davis stated I would call it a replat of Lots 4 and 5.

Commissioner Davis asked if the applicant is on the call and if they have reviewed the Certificate and do they have any questions.

The applicant, Terry Cooper is on the call, she has reviewed the Certificate and has no questions.

Commissioner Karlstrom stated that Jacob has noted there was no previous plat, and as such the document is denoted as plat instead of replat.

Commissioner Davis stated, either is fine. It is just standard to say replat, because it is an unrecorded subdivision and it doesn't mean that it was defined as a subdivision, it was just unrecorded. There are others in the area like this.

Commissioner Shepton has no questions.

Commissioner MacDonald asked if we can seek out some of these other properties in the same area to try and resolve the issue or do we have to wait for them to come to us.

Commissioner Davis stated we have to wait for them to come to us.

Commissioner Gnuse, stated no questions.

Commissioner Graves, stated no questions.

Commissioner Fitch, stated no questions.

Commissioner McNertney, stated no questions.

Commissioner Davis asked the public if they had any comments, hearing none he asked for a motion.

Motion to recommend approval by Ingrid Karlstrom for Cooper Outright Exemption – Final Plat – Theresa (Terry) Cooper with staff conditions. Seconded by Ryan McNertney. No further discussion. All in favor "aye", none opposed. Motion carries.

Lot 4, The Ridge Subdivision – Amended Final Plat - Hogland

Presented by: Jacob Cote, Planner I

PULLED BY STAFF

Riverbend Outright Exemption – Final Plat – Ron Jones (Rehearing)

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission November 18, 2020 & January 13, 2021 ; Board of County Commissioners
January 26, 2021

PROJECT NAME : Riverbend Outright Exemption - Final Plat

APPLICANT : Ronald Jones

LOCATION : Lots 1-4, Lennon Subdivision Exemption and open space Tract commonly known as 50 GCR 84

APPLICABLE

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

ZONING : Residential District

ATTACHMENTS :

- F. Vicinity Map
- G. Application and Narrative Letter
- H. Title Commitment
- I. Proposed Outright Exemption Plat
- J. Lennon Subdivision Exemption Plat Rec. No. 93003081

STAFF PLANNER : Alexander Taft, LEED Green Associate

REQUEST : The Applicant is proposing to consolidate 4 existing parcels created by Subdivision Exemption into two parcels through Outright Exemption.

VI. BACKGROUND

a. Proposal

Ronald "Ron" Jones, herein referred to as the Applicant, is the owner of Lots 1-4, and the Open Space tract of Lennon Subdivision Exemption subject in this application. This was previously reviewed by Planning Commission in November 2020 where an additional parcel owned by the applicant was also included. After further discussions, the Applicant has resubmitted a plat creating two lots within the limits of the former Lennon Subdivision Exemption. The two (2) parcels created by this plat have areas of approximately 10 acres and 38 acres.

The Applicant approached Staff last year about the possibility of vacating the plat for the Lennon Subdivision Exemption for the purpose of re-applying for a state issued well permit which allows for outdoor irrigation. After further discussion, Staff confirmed the feasible course of action was an Outright Exemption.

b. History

Lennon Subdivision Exemption was initially proposed in 1990 and finally recorded in 1993 at Reception No. 93003081. This subdivision exemption was created prior to the reduction of lots allowed to be created by Subdivision Exemptions from four (4) to three (3). James Lennon the original subdivider had the intention, according to his application letter, of creating the parcel to deed lots to his children with access to the Fraser River and on-site ponds or lakes. Through the process Mr. Lennon also deeded the Right-of Way for County Road 84 to the County.

VII. STAFF ANALYSIS

Discussion with the Applicant and internally led to the addition of two notes to this plat. A portion of the request is to eliminate a previously established building limit line which Staff agrees with the Applicant was arbitrarily applied. It is Staff's opinion that notes more clearly convey the intent of that previously applied line. The two notes have been added as follows:

Site Plan for New Construction:

No structures, soil disturbance, vegetation removal or other uses shall be permitted within the Water Quality Setback as defined by Grand County Zoning Regulation.

Any proposed new construction shall be shown on a detailed site plan confirming compliance with the Water Quality Setback and avoidance of any potential wetlands on the property verified by a site specific soils analysis.

Subdivision:

Any future proposed land division of these properties shall be reviewed consistent with the current Master Plan policies and current Grand County Subdivision Regulations. This shall not be considered for land division under Subdivision Exemption in the future.

As noted in the proposal section, the Applicant approached Staff about finding a way to replat his property with the intention to seek a domestic well permit from the State. The ultimate goal is to have legal rights to outdoor water use. The Applicant also represented that he had done further due diligence to find out all the options available to achieve this through both water augmentation and a new plat.

The proposed plat effectively creates two "tracts" one being approximately 38 acres and the other being approximately 10 acres. These are both compliant with the lot area minimums for this Residential District. Staff is concerned that in the future, whether it be the Applicant's family or another owner, they may want to revert and make the 38 acre parcel a Subdivision Exemption.

VIII. COMPLIANCE/NON-COMPLIANCE WITH REGULATIONS

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

e. 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 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 Areas where existing infrastructure and public services exist. These parcels are located outside of any identified Growth Areas and having access to wells and Onsite Wastewater Treatment Systems. The densities being created within this proposal are consistent with goals set forth in this section of the Master Plan in that they protect environmental corridors and only allow for potentially one less dwelling.

f. ZONING –Section Residential District - R

The parcels involved in this proposal lie within the Residential District, existing outside any Grand County Rural or Urban Growth Area. The site is surrounded by vacant land or larger lot residential uses.

- (e) Tract 1 will contain an existing single family residence and the intention is that Tract 2 will eventually be able to contain a single family residence. Single Family dwellings are a use by right.
- (f) This zone requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks.
- (g) Minimum area of lot, served by well & septic (OWTS) existing inside, 30,000 ft² (.68 acres). Larger lot Tract 1 being 40.3 acres, and Tract 2, being 16.2 acres complying with the minimum areas.

**g. CRS 43-2-303 et al – Vacation Proceeding: Roads, Streets and Highways
Compliance with C.R.S. 42-2-303**

Grand County has used the criteria in CRS 43-2-303, regarding vacation of roadways to review vacation of utility easements:

43-2-303 (1) All right, title, or interest of a county, of an incorporated town or city or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:

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

(2) No roadway of part thereof shall be vacated so as to leave any land adjoining said roadway without an established public road connecting said land with another established public road.

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

The request is for the vacation of the older easements created by the Lennon Subdivision Exemption. The purpose is beneficial for both the County and the Applicant by ensuring use of the property for the current and future land owners and eliminating encroachment on to private property.

h. 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:

- e) 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.*
- f) Which involves adjustment of a tract boundary to eliminate an existing encroachment of a substantial structure upon the real property of another.*
- g) Which involves acquisition of access from one parcel of property through another.*

h) Which involves other unusual circumstances which are deemed by the Board of County Commissioners to justify such a grant.

The unusual circumstance is that there is no other means within Grand County Regulations to create a legal boundary adjustment.

As a reminder:

Following Senate Bill 35, which required review by the local jurisdiction of transfers of land under thirty five 35 acres, any proposed alteration to a property boundaries, specifically those under 35 acres, are therefore going to require a plat as defined in Section 30-28-101 (5) C.R.S:

(5) "Plat" means a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder.

In connection with compliance with the local jurisdictions adopted regulations.

This Outright Exemption creates a "Subdivision Plat" as defined in § 38-51-102 C.R.S. as defined below:

(20) "Subdivision plat" means a map of a platted subdivision recorded for the purpose of creating land parcels which can be identified uniquely by reference to such map.

A subdivision plat is interchangeable with an exemption plat as defined in § 38-51-102 C.R.S. defined below:

*(7) "Exemption plat" or "subdivision exemption plat" means a **subdivision plat** which includes all of the information required by section 38-51-106 ("Land Survey Plats") and which depicts **a division of land or the creation of an interest in property** for which the board of county commissioners has granted **an exemption from subdivision regulations** pursuant to section 30-28-101 (10) (d), C.R.S. [emphasis added]*

The "subdivision exemption plat" being Lennon Subdivision Exemption, was not created under the rigor of Grand County Subdivision Regulations consistent with Section 30-28-101 (10) and Section 30-28-133 C.R.S. This plat, therefore, is compliant to be reviewed as an (Subdivision/Outright) exemption plat.

The Outright Exemption which is an "exemption plat", can then be used to refer all transfers of property to the Parcels created within this Plat. Legal descriptions will become:

Tract 1, Riverbend Outright Exemption according to the Plat recorded at Reception No. 202000XXXX

Tract 2, Riverbend Outright Exemption according to the Plat recorded at Reception No. 202000XXXX

i. OUTRIGHT EXEMPTION – Article 2 – DESIGN STANDARDS

Section 2.1 Driveway, Roads, Streets, and Easements.

All new driveways are being located entirely on private property and will not be reviewed by road and Bridge. New easements are being created by this plat 20' in width around the exterior of the property.

Section 2.2 Tracts/Parcels/Lots.

The lots meet the required minimum areas of the zoning district. **A lot shall be provided an address upon approval of the outright exemption addressing shall be shown on the final plat.**

Section 2.3 Public Dedications.

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

(2) *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 by specific action of the Board of County Commissioners.*

This requirement has been met.

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. *If a new lot with anticipated development is created through the Outright Exemption process then fees shall be paid prior to recording to the appropriate Fire Protection District. Proof of payment shall be provided to the Community Development Department. Impact fees shall be paid at time of building permit as there is not anticipated construction following the recording of the Plat.*

F. OUTRIGHT EXEMPTION – Section 3.2 – PLAT

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, shall be provided prior to any scheduling of any review before the Board of County Commissioners. **This requirement has been met.**

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

Title (which shall include the phrase "Outright Exemption"), bar scale, North arrow and date.

Title of the plat is:

Riverbend Outright Exemption

Being a replat of Lot 1-4, Lennon Subdivision Exemption Recorded at Reception No. 93003810

Located in part of Section 1, Township 1 South, Range 76 West; and Section 6, Township 1 South, Range 75 West of the 6th P.M. County of Grand, State of Colorado

Ownership Recorded at Reception No. 2006005630

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

Section 3.2 (2) (b) Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the applicant is recorded.

Section 3.2 (2) (c) Primary control points, or descriptions, and ties to such control points to which dimensions, angles, bearings, and similar data on the plat shall be referred are included in the proposed plat.

Section 3.2 (2) (d) All 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.

Section 3.2 (2) (e) the width of right-of-way for County Road 84 shall be shown and labeled.

Section 3.2 (2) (f) Reference by book and page or reception to any pre-existing recorded easements including those which are being vacated shall be shown and labeled.

Section 3.2 (2) (g) Names of adjacent property owners, shall be included on the final plat.

Section 3.2 (2) (h) These lots are proposed to continue as residential use.

Section 3.2 (2) (i) Location and description of monuments has been shown on the proposed plat.

Section 3.2 (2) (j) A title insurance commitment has been supplied with this application.

Section 3.2 (2) (k) *Statement by owner platting the property and, if required by the Grand County Board of County Commissioners, dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form (dedication language may be omitted if not required by the Board of County Commissioners):*

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That **Ronald S. Jones** is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Lot 1-4 of Lennon Subdivision Exemption and Open Space Tract;. That he has caused said real property to be laid out and

surveyed as Riverbend Outright Exemption, 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.

IN WITNESS WHEREOF Ronald Jones has caused his name to be hereunto subscribed this ___ day of , 20__.

Ronald S. Jones

STATE OF COLORADO }

ss

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this ___ day of , 20__ by **Ronald S. Jones.**

My commission expires:

Notary Public

Section 3.2 (2) (I) *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 plat to be in substantially the following form:*

SURVEYOR'S CERTIFICATE

I, **Warren D. Ward**, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Riverbend Outright Exemption** 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 Outright Exemption Regulations have been placed on the ground.

Warren D. Ward

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

Section 3.2 (2) (m) *Certificate of approval by the Board of County Commissioners as follows: (If public dedications are included, the certificate shall be in the form required by the Board of County Commissioners for approval of subdivision plats)*

COMMISSIONER'S CERTIFICATE

Approved this __day of _____, 20__ by the Board of County Commissioners of Grand County, Colorado pursuant to Grand County Outright Exemption Regulations amended and readopted by Resolution No. 2019-8-6.

Chairman

Board of County Commissioners

Grand County, Colorado

Section 3.2 (2) (n) 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.

Section 3.2 (2) (o) A vicinity map is shown on the proposed Plat and shall remain, this requirement is met.

Section 3.2 (2) (p) Documented proof of legal access is via County Road 84 and extended through private property via the 30' access easement created by this plat therefore this requirement has been met.

Section 3.2 (2) (q) the Lennon Subdivision Exemption Plat refers to Well permits, all of which shall be surrendered and reissued by the State consistent with the recorded plat.

Section 3.2 (2) (r) Statement of taxes due showing current taxes paid has been submitted.

Section 3.2 (2) (s) 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.

Section 3.2 (2) (t) Such additional information as may be required by the Grand County Board of County Commissioners.

IX. PLANNING COMMISSION RECOMMENDATION

Planning Commission reviewed and recommended approval of a similar application during their November 18, 2020 meeting. Planning Commission hearing for a revised application is scheduled for January 13, 2021.

X. STAFF RECOMMENDATION

Staff recommends the approval of the Riverbend Outright Exemption with the following conditions to be met:

1. Addressing shall be shown on the final plat [2.2 (c)].
2. Impact fees shall be paid at time of building permit as there is not anticipated construction following the recording of the Plat [2.5].
3. The title of the plat shall be corrected as recommended by Staff [3.2(2)(a)]
4. Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the applicant is recorded [3.2(2)(b)].
5. The width of right-of-way for County Road 84 shall be shown and labeled [3.2(2)(e)].
6. Reference by book and page or reception to any pre-existing recorded easements including those which are being vacated shall be shown and labeled [3.2(2)(f)].
7. Names of adjacent property owners, shall be included on the final plat [3.2(2)(g)].
8. 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 [3.2(2)(n)].
9. The Lennon Subdivision Exemption Plat refers to well permits, all of which shall be surrendered and reissued by the State consistent with the recorded plat [3.2(2)(q)].
10. 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 [3.2(2)(s)].
11. Such additional information as may be required by the Grand County Board of County Commissioners [3.2(2) (t)].
12. Prior to the issuance of any building permit, an appropriate site plan shall show the wetlands and appropriate setbacks as required. Two additional plat notes that shall be articulated as per the language found on page 2 of this Certificate.

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 Davis asked if the applicant had reviewed the Certificate and if he had any comments.

Ron Jones, the applicant added he has reviewed the Certificate and wanted to state that Alex and the Planning Department has done an excellent job. I am committed to doing anything that I can to enhance the quality of the Fraser River. We have done a stream improvement a number of years back and have maintained that on an annual basis, working for stream flows and habitats. We are bringing our density of units down, and this presentation makes more sense.

Commissioner Karlstrom asked if there was a picture of what the previous plat was to compare.

Alex showed the previous plat so it can be compared with the new plat. Showed a zigzag line on the plat across the Fraser River and that would have been the Metes and Bounds Parcel that was previously included, but has been exclude from the re-application.

Commissioner Karlstrom continued, the open space and Lot 2, is different correct?

Ron Jones replied, in the Lennon Subdivision, what we elected to do is keep the entire Outright Exemption within the former subdivision and we had open space and 4 lots in the original subdivision. In the new Outright Exemption, we simplified to 2 lots. One 38 acre lot and one 12 acre lot. It is just a redrawing of the line in the Lennon Subdivision, so that there are not 4 lots that could be conveyed.

Commissioner Karlstrom asked within the current view - I see Lot 2 and open space, Lot 4.

Ron Jones stated that the Planning Department requested that we show the previous lines in dotted lines so that you could see what use to be there, that is not part of the plat that will be recorded.

Alex added, we were trying to allude to what use to be and show what has been eliminated or further notated and shows what it is going away.

Commissioner Karlstrom asked, you added dotted lines to show what is going away between Lot 2 and open space?

Ron Jones added, in essence, the old plat is super imposed over the new plat. The old plat is in dotted lines, the new plat is in solid lines.

Alex shared his screen to show the new and old plat.

Ron Jones added you should be looking at Final Plat Riverbend Outright Exemption.

Commissioner Karlstrom stated she sees it now. The domestic well, is it accompanying the 38-acre parcel?

Ron Jones replied, yes it is a state requirement, you have to have over 35 acres.

Commissioner MacDonald asked, how you are going to access the lot that was not included in the Outright Exemption?

Ron Jones replied, there has never been access to that lot, it was sold without access and there is still no road to it. It is essentially open space. I purchased this land to preserve the view.

Commissioner MacDonald asked why is it being excluded?

Ron Jones replied, under Colorado law, this area has the ability to have a well on it and if I change the boundary then I can't have a well on it and I would like to preserve that right. It is not associated with the Lennon Subdivision, it was purchased separately.

Commissioner MacDonald asked if the lots being combined are deed restricted?

Ron Jones replied, no I am just letting it sit there. I have no intention to ever sell this property. If anyone ever wanted to purchase this land, somehow access would have to be obtained. The lots that are being combined are 2 lots that could be built upon, 1 is built on and Tract B could be built upon, those are the regulations and that is what we are planning to do. I have no intention what so ever at the present time to build on Tract B, but I have 3 kids and if something ever happened where I needed to, that is something we can pursue. I have no intention now or in the future to do anything.

Commissioner Shepton stated, I see that you are surrendering all the well permits and they will be reissued by the state. On Recommendation 11, I have noticed this type of recommendation before, it is pretty broad and I am wondering if there are concerns with the Grand County Commissioners as to why it was added.

Alex stated that condition came directly from the Outright Exemption Regulations because the Outright Exemption Regulations are for unusual projects typically. It is sort of a catch all, in case there is something that the Board of County Commissioners would like to enact before it goes to final plat and recording, an extra insurance.

Commissioner Davis added it is not a requirement because the Board of County Commissioner can add a condition. It adds a caveat.

Commissioner Gnuse asked to see the graphic that showed the 2 lots with the dotted lines with the previous certification. I want to make sure I understand, the home and the gravel drive with a 30 foot access easement that goes to Tract B2. The existing home and the pump house easement, all of this is part of this 38.57 acre Tract B? There are 2 tracts now, Tract B and Tract B2.

Ron Jones stated that is the old plat, he showed the final plat because it shows very clearly what we are doing. There is a Tract A and a Tract B. Tract A has the house and is 38 acres. Tract B is 10.9 acres.

Commissioner Graves, stated no questions.

Commissioner Fournet, stated no questions.

Commissioner McNertney, stated no questions.

Commissioner Fitch, stated no questions.

Commissioner Davis stated, Alex please make sure that you are clearing up the plats I think you are creating more questions and confusion than it is worth. This one is pretty simple and should have documents at the ready. Looking at conditions, you added as a plat note the Improvement Location Certificate (ILC) shown on site plan number 12. Any comments from the public. Hearing none, asking for a motion.

Motion to recommend approval by Tara Fournet for Riverbend Outright Exemption – Final Plat – Ron Jones (Rehearing) with staff recommendations. Seconded by Bob Gnuse. No further discussion. All in favor "aye", none opposed. Motion carries.

Arvada Parcel Subdivision Exemption – Sketch Plan – represented by Jeff Vogel, AICP

PULLED BY STAFF

Commissioner Davis stated if you came for this agenda item, please send your comments to planning@co.grand.co.us

Continental Divide Vistas – Sketch Plan – David LeCroy

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission: January 13, 2021 ; Board of County Commissioners: TBD 2021

PROJECT NAME : Continental Divide Vistas Subdivision- Sketch Plan
APPLICANT : David LeCroy
LOCATION : NE ¼ of the SE ¼ of Section 22, Township 3 North, Range 76 West, of the 6th P.M. less County Road 4 & 4491 Rights-of-Way, 44 GCR 4490
APPLICABLE REGULATIONS : Grand County Master Plan, Grand County Zoning Regulations, Grand County Subdivision Regulations
ZONING : R-Residential District
ATTACHMENTS :
a) Vicinity Map
b) Sketch Plan (Plat)
c) Application and Narrative letter
d) Water Court Decree 97CW203, 05CW201, and 13CW4
STAFF PLANNER : Alexander Taft, LEED Green Associate
REQUEST : The Applicant is proposing a subdivision to create ten (10) parcels to be developed for single family dwellings on an approximately 42 acre parcel in Urban Growth Area No. 2 (Grand Lake).

XI. BACKGROUND

a. PROPOSAL

David LeCroy, the Applicant, is proposing a ten (10) parcel single family residential detached subdivision on approximately forty two (42) acres. The subject property has been owned by David LeCroy since 1991 and has conditional rights to 13 residential wells via plan of augmentation 97CW203, 05CW201, and 13CW4.

The lots being proposed for this subdivision will create ten (10) fee-simple interest parcels. These Residential District parcels will be served by wells and public sewer via Three Lake Water and Sanitation District. They are accessed by a single driveway which extends north from County Road 4480. The site is located in Urban Growth Area No. 2 (Grand Lake) of the Master Plan.

b. HISTORY

Water Augmentation has been underway since 1996. The applicant has requested and been granted several extensions to complete due diligence.

The subject property is close enough to be served by Three Lakes Water and Sanitation District (TLWSD) public sewer but has been granted a temporary variance. The Applicant is going to discuss options with TLWSD to extend service where feasible.

c. EXISTING REPORTS

The most current files which would supply Staff insight to anticipated site conditions are from the Drainage and Soils Report provided for West Hillside Acres Subdivision in 2003. The Soils Report for West Hillside suggests there are expansive soils on that site.

Staff pulled a web soil survey from Natural Resource Conservation Survey (NRCS) to research if there are any similar soil types to those found in West Hillside Acres. The soil survey suggests that the soil found in the development area is composed of primarily three different types of soil. The soil types differ from what is in the available soil report and require more investigation from the Applicant to confirm site conditions.

XII. STAFF ANALYSIS

As suggested above, water resources are available with a complete augmentation plan. The Applicant has a contract with Middle Park Conservation District for water storage within the Wolford Reservoir. As a portion of due diligence, the Applicant is trying to reasonably firm up approvals from the County to secure the appropriate water supply.

Proposed uses in this proposal include single family uses and "tiny homes" located on the parcels. The proposed "tiny homes" as detailed in the application narrative are intended to be smaller cabins, constructed on site, attached to a foundation, reviewed under the 2015 International Residential Code. Each cabin would be approximately 500ft² then allow two or three, placed on the larger lot being created by this land division. The Applicants' intention is to hold ownership to this parcel and use the cabins as a short term rentals as allowed by the Grand County Zoning Regulations.

The ongoing interpretation of the current Grand County regulations, primarily zoning and subdivision, is that a property owner may have up to three units on one lot or parcel provided they have the appropriate water and sewer to accommodate. This interpretation is connected to the ability for an owner, with 35 acres or greater and a domestic well, having the ability to use that domestic well for up to three households. These three units would be subject to review under the current building code and reviewed administratively.

At this stage of review improvements are not typically discussed because they cannot be fully understood without engineering studies and analysis. At a minimum, the improvements will include extension of underground electrical lines and infrastructure, sewer service infrastructure as approved by TLWSD, and roads constructed to local/low volume standards to serve the ten (10) proposed lots. The full extent of these improvements shall be reviewed during Preliminary Plat.

XIII. COMPLIANCE WITH GRAND COUNTY REGULATIONS

Conditions to satisfy Regulations shall be highlighted in the following sections in **BOLD**.

j. 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 isolating development near existing development.

k. ZONING –Section 4.1 Residential District

The parcels subject to this proposal would all be located in the Residential Districts, existing inside the Urban Growth Area No. 2 (Grand Lake). In either district, the property is allowable to be subdivided, consistent with its location within the Urban Growth Area. The site is surrounded by residential vacant land, subdivision open space tracts, or larger lot residential uses.

- (a) The lots will be used for single family dwellings, consistent with uses in the Residential District.
- (b) Residential Districts require 30' minimum front yards and 20' minimum rear yards, 5' minimum side yards.
- (c) The minimum lot area in the Residential District "*On subdivided land served by **either** public water or public sewage facilities [is] 15,000 ft² (0.34 acres).*" The proposed parcels range in size from 2 acres to 11 acres and therefore comply with the minimum area requirements

- (d) This proposal is also located within a zoning overlay area referred to as the Three Lakes Design Review. A future requirement will be added on the Final Plat as a note to make future property owners aware of certain architectural finishes and materials required in construction.

a. ARTICLE II - DESIGN STANDARDS– Sections 2.1-13

Each new subdivision platted 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 subdivided land and surrounding areas. New subdivisions shall provide safe, convenient travel routes to and from and within the subdivision. Each lot shall 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. Area needs for flood channels, open spaces, parks, schools, fire stations, water and sewage treatment facilities and similar community facilities must be provided depending on the location and density of each development. Although Article VIII of these Regulations provides for variances under certain circumstances, the following design standards shall be followed wherever possible.

- **Section 2.1 SPECIAL SITE CONSIDERATIONS:**

This portion of the property is tree covered and rocky but seems to avoid water and steep slopes. The Web Soil Survey did identify some steep grades, **any slopes equal to or greater than 30% shall be located on a preliminary plat and final plat as non-build zones [2.1 (1 & 2)].**

The subject site is also approximately one mile, straight line distance, from US Highway 34 not requiring any buffer [2.1 (3)].

Aerial imagery identifies some attractive rock features which should also be identified on the Preliminary Plat [2.1 (4)].

Detail within the Phase II Drainage Study submitted at Preliminary Plat shall be added to confirm flood risk. Soils analysis shall be completed and submitted with the Preliminary Plat [2.1 (5)]. These technical analyses, at a minimum, should provide data regarding soil suitability, construction bearing capacity, and potential radon hazards.

- **Section 2.2 STREETS, ALLEYS, AND EASEMENTS:**

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

The proposed road is anticipated to contain 80 Average Daily Trips (ADT's) which meets criteria for a Local/Low Volume Road by Grand County Current Road and Bridge Standards. This road shall be improved and dedicated within a 60' ROW consistent with the Road and Bridge Standards.

It doesn't appear to have two points of ingress/egress as required by Section 2.2, paragraph 14, therefore, further detail shall be provided if it is intended to keep a single ingress/egress with the Preliminary Plat with details of why two points of access are unreasonable or not feasible. A dead end street with a cul-de-sac shall follow the requirements in the Road and Bridge Standards Section 3.4.3.

- **Section 2.3 & 2.4 BLOCKS & LOTS:**

Staff assumes, based on existing dimensions, compliance with the block being longer than four hundred feet (400') in length but less than one thousand feet (1000'). This shall be confirmed in the Preliminary Plat submittal [2.3].

The proposed lots all meet Residential District requirements. Lots shall be dimensioned on the preliminary plat. Minimum areas and widths shall be in compliance with the residential district requirements being a minimum of 15,000 ft² and having a minimum width of sixty feet (60').

- **Section 2.5 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS:**

The road serving this subdivision shall be dedicated to the public by deed and part of the "designated county road system" but maintained by the owners of the subdivision and a property owners association. The dedication on the plat shall be approved by the County Attorney's Office similar to a version of the following, referenced by Section 1.4 (2) (b&c):

Recognized as a public right-of-way by deed, dedication or prescriptive use, and is a part of the designated County road system provided for by Article 2, Title 43, Colorado Revised Statutes, 1973, amended, and is dedicated or conveyed to the owners of the subdivision and their successors in title and constructed to County road standards, and a property owners' association or other legal entity acceptable to the Board of Commissioners is legally obligated to maintain such road to County standards.

This proposed road shall be deeded to the public (Grand County) through a Quit Claim Deed recorded in conjunction with the Plat [2.5 (4)].

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

"The Planning Commission shall require the dedication, reservation or conveyance of acres or sites suitable for public purposes such as parks, flood channels, scenic areas and green belts, of twenty percent (20%) of the total area of the subdivision. The location of all such areas or sites shall be mutually agreed upon by the subdivider and the Planning Commission..." **Open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat [2.5 (2)].**

- **2.6 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.

Lands would be dedicated at the following rate:

10 units

10 x .045 = .45 acres (19,602 ft²)

Fees in lieu were calculated for this parcel in the following manner.

School Fees Formula Calculation

10 units

10 x .20 = 2

2 x .09 = .18

.18 x \$13,631.70/acre = \$2,453.71 in school fees **ESTIMATED**.

Comps which have been pulled to assess Fair Market Value as necessitated by the Subdivision Regulations have been identified as larger parcels of vacant land which could be developed for residential. This impact fee shall be paid prior to recording the Final Plat.

- **Section 2.7, 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. **These requirements shall be fully analyzed in a Phase II Drainage Report which complies with Grand County Storm Drainage and Technical Criteria Manual shall be submitted with the Preliminary Plat [2.7 (1)].**

The Applicant needs to firm agreements with TLWSD for use of public or Onsite Wastewater Treatment Systems (OWTS). All sanitary sewer improvements shall be consistent with Three Lakes WSD construction standards or OWTS standards [2.7 (2)].

The Applicant has provided on their augmentation plan which explains allowable wells if the augmentation is decreed an absolute right. **Staff recommends a water attorney or water engineer detail compliance with §29-20-304 C.R.S. in a letter submitted with the Preliminary Plat application, to confirm adequacy of the water supply [2.7 (3)].**

- **Section 2.8 DESIGN STANDARDS FOR FLOOD HAZARD, FIRE HAZARD, GEOLOGICAL HAZARD:**

Fire hazard is of significant concern because of the thinning of standing dead trees surrounding homes and other post mature plant material as recommended by Division of Natural Resources or State Forest service shall be completed. Any clearing and slash removal shall be done consistent

with Division of Natural Resources guidelines. **No burning of slash shall be allowed and disposal shall be included in the Engineers Estimate of Probable Cost provided with Preliminary Plat [2.8].**

- **Section 2.9 DESIGN STANDARDS FOR MINERAL RESOURCE AREAS:**

As required by State Law, the Applicant shall research and verify sub-surface mineral extraction rights as referenced in this section below. Staff can provide a mineral resource procedure guide to help complete this process.

a) *Mineral Resource Areas*

- i) *Prior to initiation of exploration or site operation, the operator or developer will provide a general exploration or development plan to the Planning Commission for review to insure compliance with applicable federal, state and county regulations.*
- ii) *In areas where surface and mineral rights are divided, the surface developer will show proof that the mineral owner has been notified of proposed surface development or improvements C.R.S. §24-65.5-103. Said proof may be in the form of a legal publication, one (1) time, in a newspaper of general circulation in Grand County.*
- iii) *Surface development may not preclude development of mineral resources, however, preference may be given to another use if sufficient technical or other evidence demonstrates that the economic value of the minerals present is less than the value of other use.*
- iv) *Mineral extraction and exploration are prohibited if such activity would cause significant danger to the public health and safety.*

- **2.10 ADDRESSING REQUIREMENTS TO ENHANCE 911 EMERGENCY SYSTEM:**

At Preliminary Plat, the Applicant shall provide proposed addressing. Staff suggests that the addresses are as follows:

Proposed lots shall be numbered off their primary access and the county road numbers GCR 4, GCR 4490, GCR 4491 shall be shown on the plat.

Reflective high visibility signs created by the local fire district shall be placed on each property being created by the proposed plat upon completion of construction. The sign installation shall be at the expense of the developer.

The addressing plan shall be reviewed by Grand Fire Protection District No. 1 and Grand County Office of Emergency Management (OEM) to help support tracking and response to new properties. The Applicant shall comply with Sub sections 2-3.

- **2.11 SLASH REMOVAL/DISPOSAL:**

Staff suspects that clearing or removal of forest materials will be required on the subject property. The Applicant acknowledged the amount of standing dead trees cause by beetle kill. Additionally 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.

- **2.12 SOLID FUEL BURNING DEVICES Repealed via Resolution 2016 – 7 – 34**
- **2.13 DITCH CROSSINGS**

The Red Top Ditch appears to travel through the western portion of the property as well as along County Road 4. Any anticipated impacts shall be detailed in construction drawings submitted with the Preliminary Plat. These will be a matter thoroughly reviewed at Preliminary Plat.

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)].

b. Article IV - SUBDIVISION – Section 4.1 – Sketch Plan

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

Section 4.1 (1) (a) Relevant site characteristics and analyses applicable to the proposed subdivision. This Submittal complies.

Section 4.1 (1) (b) Reports concerning streams, lakes, topography, geology, soils and vegetation. NRCS Web soil survey was reviewed to verify geology and soils. The applicant detailed the state of vegetation on site. **A topographic survey shall be provided with the Preliminary Plat.** Grand Lake Fire District and Colorado Parks and Wildlife, 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 4.1 (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. Staff has pulled information from NRCS related to soils and geologic characteristics. The application narrative briefly details of the soils and grades which elude to the level of future analysis needed. **This Submittal complies.**

Section 4.1 (1) (d) *In the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.* Most areas in Grand County show above average levels of Radon averaging 6.1 picocuries requiring mitigation of radon gas in any newly proposed structure. As similar with adjacent subdivisions, soil studies provided at Preliminary Plat shall include information on radon hazards within the subject parcel. This will determine appropriate mitigation measures upon application for building permits. A Final Plat note shall be added to notify conditions of radon and recommend installation of mitigation in new construction.

Section 4.1 (1) (e-f) (e) has been repealed. (f) 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. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for January 13, 2021.

XV. STAFF RECOMMENDATION

Staff recommends the approval of the Continental Divide Vistas Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat approval:

- 2) Any slopes equal to or greater than 30% shall be located on a preliminary plat and final plat as non-build zones [2.1 (1 & 2)].
- 3) Detail within the Phase II Drainage Study submitted at Preliminary Plat shall be added to confirm flood risk. Soils analysis shall be completed and submitted with the Preliminary Plat [2.1 (5)].
- 4) The proposed road shall be deeded to the public (Grand County) through a Quit Claim Deed recorded in conjunction with the Plat [2.5 (2)].
- 5) Open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat [2.5 (4)].
- 6) Compliance with the block being longer than four hundred feet (400') in length but less than one thousand feet (1000') shall be confirmed in the Preliminary Plat submittal [2.3].
- 7) A Phase II Drainage Report which complies with Grand County Storm Drainage and Technical Criteria Manual shall be submitted with the Preliminary Plat [2.7 (1)].
- 8) Staff recommends a water attorney or water engineer detail compliance with §29-20-304 C.R.S. in a letter submitted with the Preliminary Plat application, to confirm adequacy of the water supply [2.7 (3)].
- 9) No burning of slash shall be allowed and disposal shall be included in the Engineers Estimate of Probable Cost provided with Preliminary Plat [2.8].

10) As required by State Law, the Applicant shall research and verify sub-surface mineral extraction rights as referenced in this section below [2.9].

11) Plat notes shall be added to the Final Plat covering the following items related to ditch crossings [2.13].

12) A topographic survey shall be provided with the Preliminary Plat [4.1(1) (b)].

13) Plat review agencies during Preliminary Plat shall include:

- Mountain Parks Electric, Inc. (MPEI)
- Xcel
- CenturyLink
- Comcast
- Colorado State Forest Service
- Grand Lake/Grand No. 1 Fire Protection District
- Colorado Geologic Survey
- East Grand School District
- State Engineers Office (Division of Water)
- Three Lakes Water and Sanitation District
- Colorado Parks and Wildlife
- Grand County Consulting Engineer
- Grand County Assessor's Office
- Grand County Division of Natural Resources
- US Army Corps of Engineers
- The Red Top ditch company/owner

Plus any additional required by Planning Commission and Board of County Commissioners.

14) The Applicant shall meet all Preliminary Plat requirements.

Commissioner Davis asked if the applicant has had a chance to review the Certificate and if they had any questions/comments.

David LeCroy, applicant, responded that the Certificate has been reviewed and stated no questions.

Alex stated, the Vicinity Map that was shown in the presentation is a revision. The 42 acres includes both east and west of County Road 4.

Commissioner Karlstrom asked where is the open space?

Alex replied, in the current proposed plat there is not a dedicated open space tract. We did call out that open space is a requirement and will have further discussions with the applicants.

Commissioner Karlstrom stated that she did not think the County allowed 3 residences on 1 lot before. When did this come about?

Alex replied, the interpretation is, our subdivision regulations, within the multi-family section, talks about 4 and above units. Anywhere that it allows for multi-family units those regulations have been interpreted to allow 3 detached units on a lot. Similar to having a domestic well and a large parcel you can have 3 detached units on your lot.

Commissioner Karlstrom asked when was this interpreted, the last she remembers on 1 lot all you could have was a mother-in-law apartment. Are you saying because it has a domestic well on 1 lot?

Alex replied, I am suggesting that parcels with a domestic well are allowed 3 residential units, so it has been interpreted across the County if you have appropriate water and sewer you can have up to 3 dwellings without having to subdivide unless you are trying to sell separately.

Commissioner Karlstrom requested that you find an example of 3 detached units for her to review.

Alex replied an appropriate example would be the property where Best View Hotel use to be. The buildings are 3 residential type buildings and used for lodging or short term lodging. I do not have an exact point of reference to where this interpretation started.

Commissioner Shepton stated she is looking forward to seeing tiny home situations. I am not concerned about the type of people it brings into the County. The economy is more mobile and we have professionals that want to move around. I know there is concern and regulations that need to be developed and we need to get on track and get the regulations developed. The mention of the water augmentation, so they applied for 13 well permits, did they get the 13 well permits?

Alex replied, they did not get the 13 well permits. Mr. LeCroy approached staff to see what the county would allow before finalizing the augmentation.

Commissioner Shepton continued, she saw something about soil reports that differ, she feels these need to be tightened up. While viewing the schematic, she could not tell what side of the road the property was on, the dry side open to sunshine or in the treed area?

Alex replied 9 of the 10 lots are in the treed area.

Commissioner MacDonald asked what is the minimum lot size for Forestry/Open.

Alex replied the properties are in the Residential District and they would have to be at least 30 thousand square feet or 2/3 of an acre. All these lots meet these requirements.

Commissioner MacDonald continued that he is concerned about the small lot that was 2 acres, it would seem after setbacks there would be very little space to put up even a tiny house.

Alex replied, the comment was made that there is going to be some rearrangement of the lots along the eastern edge to be more equally distributed.

Commissioner MacDonald asked if it was possible to do a shared well system as an alternative. So the Three Lakes Water and Sanitation hook ups for the neighbors are not required.

Alex replied, it is a good question and no one has an answer for. We will look into it.

Commissioners MacDonald continued, it was a concern that some of the neighbors raised. Same issue with septic for the neighbors. Will fire trucks be able to turn around in the roundabout, particularly since there is only 1 point of access?

Alex replied, we added comments from Fire Protection District Number 1 in Granby and they made similar comments regarding the length of driveways and emergency turnarounds.

Commissioner MacDonald continued, some of the concerns the neighbors raised is the road is very narrow, how do we explain what the process is to have the road widened, paved or add a shoulder?

Alex replied, as part of the development of this property, we will have to review traffic studies to see if we need additional Right of Ways, we have added a Phase 2 Traffic Study.

Commissioner MacDonald asked if this traffic study could be a condition?

Commissioner Davis asked if a traffic study is already a condition?

Alex replied, yes a traffic study would be an appropriate condition to add.

Commissioner Gnuse asked to see the sketch plan shown and the last detailed drawing, where is County Road 4491, isn't that bisecting the 12 acre lot?

Alex replied, it is on the west side and it is not shown in the drawing, this is something else that needs to be added with the Preliminary Plat.

Commissioner Gnuse looking at the view where the roads are showing, County Road 4491 looks like it cuts thru the western most tract of land the 12 acres.

Alex showed (using his cursor) this is the new location of the new proposed road.

Commissioner Graves, no questions.

Commissioner Fournet, no questions.

Commissioner Fitch, we could not hear, so we will come back to her.

Commissioner McNertney, asked about condition number 8, where it talks about no burning of slash. Wondering why this is a requirement on this presentation and not others that we have seen.

Alex replied, within the design standards there is an entire section on slash removal and disposal and it is common for new subdivisions to have to do this as part of their improvement. One of the conditions is, there is no burning of slash piles they have to be chipped and grinded and hauled away or distributed on site.

Commissioner Davis added, it is not in other proposals because this is a subdivision where there is more activity, more roads, and more infrastructure. We want to keep the slash burning off of this.

Commissioner Davis continued, he would like to summarize the thoughts the commission have had. This summary should help cover comments from the public also. The traffic study of County Road 4 consideration. County Road 4 is currently not safe. Staff has been in contact with Road and Bridge, which is mandatory and it has been added as Condition Number 14, for a mandatory traffic study. Staff should work with Road and Bridge not only for the existing project, but since we have other major projects already proposed off of County Road 4. Would encourage staff to hang out on County Road 4 on any given day, any time of day. From Planning Commission this is a high priority. Mr. Whitmer (attorney for Ray Trimble's projects) did a very nice job describing the water rights for the augmentation process. Here is a brief summary, through a water augmentation process they review current conditions before they grant an existing augmentation and surrounding conditions. They look at the water table, water source (ground water or surface water). Our concern and our authority ends by asking if they have approved water or not. We cannot approve a subdivision that does not have approved access to water. We do not have any say in how that process works that is external. Our authority ends with the question, "do you have viable water or not" we will not approve this project until there is an approved water augmentation plan. As far as how it effect the surrounding people, how it effects water depletion, all are viable questions but that is what the water augmentation process addresses. The sewer question, (inaudible) sanitation districts has this regulation. Anytime you get within a certain distance of an infrastructure such as a sewer line you may be required to tie into said public sewer system. This is a consideration that we want to have as part of our decision making process and part of things we consider as the board. We do not want to over burden the general public with additional restrictions by our approval of a proposal. However, that is balanced heavily by the fact that we support individual property owner rights to develop as they choose. The county is very adamant about supporting individual owner rights as they fall under the regulations of the county that exist today. The preview really falls under for this board is "do you have a pre-approved plan"? The building department determines what is

an appropriate onsite waste water septic. The building department is another authority that looks into the septic. It is the expectation of the board that staff returns with appropriate answers by the time we get to Preliminary Plat. The final point is the high concern is for Three Lakes Water & Sanitation connections down the line to have to tie in and the cost incurred by neighbors. Were the applicants looking at doing individual septic's on this project?

Alex replied, on the potential future development on the largest parcel as presented if the augmentation plan allows for additional water beyond the 10 lots, my interpretation is they could build up to 3 homes on that lot if they have the appropriate water. The correlation is, if someone has had the opportunity to maintain a domestic well and they are less than 35 acres, a domestic well allows for 3. We still allow for them to build 3.

Commissioner Davis, a question I would propose to you, going back to preliminary is, does any further subdivision of the land by a different ownership constitute a resubdivision process. I think I hear you say that these would be under common ownership and therefore no further resubdivision would be necessitated. I agree, I just want to make sure that is where you are coming from.

Alex added, I discussed this with Mr. LeCroy and we need to discuss restricting any further subdivision that we need to have to figure out how those wells are used.

Commissioner Davis asked, regarding the septic, are we looking at septic or Three Lakes?

Mr. LeCroy, the applicant replied, it depends on how discussion with Three Lakes goes. It could be one or the other or both.

Commissioners Davis stated he feels he has iterated the concerns of the neighbors of the Three Lakes extension that there would be additional cost to existing home owners to potentially have to tie into that. The question on the tiny homes I have some questions from the fire district (again this is outside the purview of the planning department), it is more under the building department. Speaking to Community Development what have the additional discussions been with the building department on the tiny home concept. To frame the question better, are tiny homes not necessarily being considered for anything more than a mobile structure, not necessarily a smaller fixed structure that may or may not have permanent residence or long/short term renters associated with it. What is the thought there?

Robert Davis, Director Community Development stated, the one conversation with tiny homes, is most tiny homes are 400 square feet or smaller. Our definition of dwelling is 400 square feet or larger. We are looking at allowing tiny homes as temporary housing. We are in discussion with the Board of County Commissioners, which is contingent with homes being larger than 400 square feet.

Commissioner Davis added, so going over 400 square feet the structure falls under the normal residential building code?

Robert replied, yes as a definition of a dwelling unit in our zoning regulations.

Commissioner Davis continued, the building department then looks at them as more of a fixed structure or are they looking at them as a temporary structure?

Robert Davis replied, we have not necessarily talked about that, but as a temporary home (for example responding to the fire) we prefer to see it on wheels so that it can be moved away after the permanent home is put in place. There is a concern, while people are building their permanent home and if they opted to use a tiny home as a temporary house. The concern is not to put it on a foundation, but to retain it on wheels so once the permanent home is completed the tiny home can easily be removed from the site.

Neighbor comments:

- *Tiny homes, make no bones about it these are not for permanent residences these are for vacations homes.*
- *In accordance with state law, domestic wells the acreage has to be over 35 acres. The parcels in this development are bisected by a couple county roads. One parcel, pie shaped not a buildable site. Colorado Senate Bill 35 please comment on.*

Commissioner Davis replied that the parcel with county roads bisecting 3 parcels on the property still qualifies.

Alex added the state law resource would be CRS 30.28. In the definition under subdivision 101. Title 30, article 28 part 1.

Commissioner Davis added, the water by right is a domestic well on anything over 35 acres. Some have had a domestic well on parcels smaller than 35 acres, this being an augmentation plan in a Use by Right. An augmentation plan supersedes a Water by Right.

- *Three Lakes Design Review Area not listed under zoning attachments.*
- *County Road 4 needing a traffic study.*
- *Will applicant go with Three Lakes or septic.*
- *Look at this project in conjunction with other developments happening in the area.*
- *Tiny homes as rental properties are nothing more than 10 unit motel with open space between rooms.*
- *Concerns on how many tiny homes per lot are we looking at?*

Commissioner Davis added, I believe it was 1 single family residence on the 9 or 10 lots and then the large lot would have the option to have 3 dwellings on the lot.

Alex added, if you look at the augmentation plan, it does call out that the application is asking for 13 wells. That will be the driving force for having 3 dwellings on the additional lot.

- *Just confirming, 1 lot will have 3 dwellings, all the other lots will just have 1 dwelling?*

Alex replied, 3 dwellings on 1 lot that would leave 1 more potential well for another parcel, so it might be up to 2 units on a second large parcel.

- *That would be ferreted out by a plat, is that where we can see a drawing of which lots would have the ability to have multiple units. If there could be up to 30 units on the property, that could be a different situation. Trying to get clarity of what is the most on these properties,*

under our current regulations that could be built. It sounds like it is up to the augmentation rights for this answer.

Alex replied, correct.

- *Implore staff to look at the project/roads not on a random Tuesday in the winter but 4th of July weekend, imagine walking on County Road 4.*

Cathy & David LeCroy added, 2 of the lots are almost 4 acres those could potentially have more than 1 dwelling, maybe not 3, but 2 dwellings. It is to be determined, economically. The financial feasibility and what the requirements are will dictate the numbers. If we need to change to have more lots on the development to help with the financial feasibility of the development, we want to keep that open.

Commissioner Davis added, traditionally we see multiple homes on a lot where you have approved water. The constraint is that they are under common ownership. The concern is the density and usage intent, which is property owner's right and what this looks like in the bigger picture.

Cathy & David LeCroy added, I agree that the rows of tiny homes at Highway 34 and 40 is very distasteful. That is not at all what we envision. We are looking at cabins with different architecture designs that will not be on wheels. These will be single family homes that will be very attractive from County Road 4.

- *It is obvious when I said a 10 room hotel, 2 minutes later it is 14 or 15 room motel, and it just keeps changing. What was going to be 1 small tiny home per lot now it is being said depending on finance and feasibility we might put up to 3 homes on 1 of those lots.*

Commissioner Davis stated right now the proposal is single family dwellings with the potential to have more than 1 home on a couple lots, we are not talking about a person's character or intention.

- *But we are talking about density. The density keeps increasing every 5 minutes.*

Commissioner Davis stated, the density has been defined as a maximum of 13 units as per the request. We are looking at where that falls within the subdivision regulations and what they are allowed to do within the zoning regulations. We will see what they are approved for on their final augmentation plan and go from there on the Preliminary Plat. Send concerns to planning@co.grand.co.us and staff can be looking into the concerns along with the applicant concerning water rights. I understand the maximum number of units on the property would be what the water augmentations get approved at. So currently the maximum units we are looking at is 13 on 10 lots. Staff at the next meeting please have a brief presentation at what you have learned about tiny homes (10-15 minute presentation).

- *Who pays for the traffic studies and how will that work since we have had multiple requests for different projects to conduct a traffic study at the same time?*

Alex replied, each developer pays for a traffic study which reviews their individual development as well as transportation engineering guidelines. The first developer may not have to make any improvements, the next developer in might get stuck with improvements.

Commissioner Davis added, when these traffic studies are done, the engineers are aware that there are 3 projects within the same area potentially happening all at the same time. That is part of Condition #14 traffic study.

Commissioner MacDonald asked for a condition to be added that water approval be obtained before the next stage.

Alex stated he does not believe it is included in the conditions, but would like to offer a version that the water augmentation plan is complete prior to final plat.

Commissioner Davis asked for a motion.

Motion to recommend approval by Tara Fournet for Continental Divide Vistas – Sketch Plan – David LeCroy with 15 staff conditions. Seconded by Will MacDonald. Not further discussion. All in favor "aye", Deborah Fitch opposed. Motion carries.

Bio-Break back at 9:21pm

Minor Subdivision Regulations

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Grand County Planning Commission January 13, 2020; Board of County Commissioners T.B.D.

PROJECT NAME: Minor Subdivision Regulations

APPLICANT: Grand County Community Development Department

LOCATION: Unincorporated Grand County

APPLICABLE REGULATIONS: Grand County Master Plan, Subdivision Exemption Regulations, and Subdivision Regulations

EXHIBITS: NA

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: Community Development is requesting approval to add a section about procedure.

XVI. DISCUSSION

This proposal lays out a process for administrative Sketch plan review and Preliminary and Final Plat approval by a new process through Planning Commission and the Board of County Commissioners. Staff feels that this section below best summarized these regulations:

Grand County Minor Subdivision Regulations provide for divisions of land on a small scale under circumstances in which the need to comply with Grand County Subdivision Regulations would cause undue hardships, administrative complexity and the impact of the proposed division does not bring the division within the purpose and intent of the Grand County Subdivision Regulations. The creation of new parcels through this process is intended to infill within existing neighborhoods with public water and sewer service.

To simplify the language and efforts of creating a new body of regulations Staff started with the current Subdivision Exemption Regulations. The big changes include the following, separating review procedure and notice requirements in one section at the beginning of the regulations. Also clarifying the Purpose, Authority, and Jurisdiction. Of these, Staff has highlighted two below which separate these regulations from the Subdivision Exemption Regulation or the Subdivision Regulations.

Review procedure

The review procedure currently follows exactly what is referenced in the Subdivision Exemption. Staff meets with the applicant for a pre-application meeting, Sketch plan is review is completed by Planning Commission and Board of County Commissioners, Final Plat is reviewed only by Board of County Commissioners.

Staff has included two other alternatives not included in the draft regulations but might further expedite within reason while still protecting the values and goals of development in Grand County.

Alternative one, Sketch or Preliminary plan is reviewed by Planning Commission only, then Final Plat is reviewed by both Planning Commission and Board of County Commissioners. While this could add a month to total review time it gives the Planning Commission the opportunity to review necessary improvements and make additional recommendation to be included by the Board of County Commissioners.

Alternative two, Sketch and Preliminary Plans are reviewed and confirmed compliant with the Design Standards and Plat requirements. Then a Final Plat package is reviewed by Planning Commission and Board of County Commissioners. This process could be a series of reviews and revisions which can occur in a minimum of one week per submission. Then at a point where Staff has noted compliance with plat and construction documents those are submitted in a package with analysis for review by Planning Commission and Board of County Commissioners.

Jurisdiction

The focus of this proposed body of regulations is to allow re-subdivision of larger parcels within existing

1. *Any re-subdivision or re-platting of a lot or lots, into a minor subdivision as defined in Section 1.5(9) of these Regulations into a maximum of three (3) single-family residence lots with one*

(1) single-family residential unit per lot and uses and structures as permissible in the Grand County Zoning Regulations.

XVII. REQUEST

Staff would like some direction from the Planning Commission for the following:

1. Preferences or ideas to refine the process for review with the options being:
 - a. Same as Subdivision Exemption
 - b. Alternative proposed by Staff
 - c. Administrative review except Final Plat
2. Verification that jurisdiction shouldn't be further refined or more inclusive.

Alex stated he would like the Minor Subdivision Regulations to be a discussion, open forum. Then he will bring back a proposal next month to the Planning Commission.

Commissioner Karlstrom asked, Alternative 1: sketch or preliminary plan is reviewed by Planning Commission. Do you mean sketch and, or are you saying there would only be 1 sketch or preliminary?

Alex stated he is suggesting there would be 1 and it might be a combination where a sketch plan and preliminary plan comes in together, (like a sub-exemption today). 3 meetings instead of 5 meetings. Do the 3 meetings where you just have preliminary to the Planning Commission and final to Board of County Commissioners (BOCC).

Commissioner Karlstrom asked alternative to sketch and preliminary plans are reviewed and confirmed, who confirms?

Alex replied. The last option is similar to an Outright Exemption, only the final plat is being reviewed by Planning Commission and Board of County Commissioners (BOCC). Information's brought as to what improvements are required, draft improvement agreement, etc. what needs to be filed with final plat.

Commissioner Davis added an argument for 3 meetings is we typically do 2 meetings for an Outright Exemption because it typically does not add density, and we do 3 meetings for a Subdivision Exemption because it adds density and traffic impact, etc. Any addition to density should be 3 meetings.

Commissioner Shepton stated, she likes the purpose of this change as it is designed to infill with existing properties and streamline the process.

Commissioner MacDonald stated, he thinks it can be frustrating when people need to come back for multiple meetings. What if we have the option to keep the steps if the project is not going to pass with "as presented"? We keep the meetings at 3 with the Planning Commissioners or Board of County Commissioner (BOCC) having the option to add a meeting if needed.

Alex replied, what you are suggesting is right in that the conditions of each submittal are things that can then be conditioned to carry on.

Commissioner Davis stated we don't want to appear that we are playing favoritism to anyone by having them avoid or add a meeting. We always have the option to "table" an item.

Commissioner Gnuse stated he liked the idea of 3 meetings. If there are issues, we can still ask the applicant to "table" the item.

Commissioner Davis asked, do we want to add a provision that allows staff to "fast-track" to Board of County Commission (BOCC) for final plat in situations where it is simple with no questions or comments? Or do we want to make sure the public has 2 meetings through Planning Commission to comment always?

Commissioner Gnuse stated, you can't always assume because it seems straight forward to staff and to the Planning Commission that the public views is the same way. At least give the public 2 chances to weigh in.

Commissioner Davis stated, by 2 chances I mean 2 chances before Board of County Commissioner (BOCC).

Commissioner Graves stated, no comment.

Commissioner Fitch stated she is in favor of the community maintaining their voice, 3 meetings.

Commissioner McNertney straight, I like the idea of giving public their opportunities.

Commissioner Davis stated what he is hearing from Commissioners is they like the idea of skipping sketch plan and going start to preliminary and final.

Commissioner Graves stated from his little experience, the sketch plan goes on and on and seems like a waste of time. It did not seem to be going anywhere and was starting to turn into arguments.

Commissioner Davis stated on larger sketch plan projects like Byers Peak, sketch plan is very crucial.

Commissioner Karlstrom added, the sketch plans allows the applicant to see if their plan will fly before they have to invest a lot of money into the project. Preliminary plat requires a lot of investment.

Alex added, specific to Minor Subdivision Regulations, we are trying to focus on preliminary plat and final, being they are such low density we think we can have the majority of conversations that are necessary for a sketch plan in house, then present something that is substantial to review.

Commissioner Davis added, that water problems are typically solved, traffic studies solved, neighborhood comments are really what we want to hear. Access, fire safety, density considerations we want to hear. Parking space, snow removal, how it configures with the neighborhood, this is all stuff that you put together by preliminary.

Commissioner Davis added, if Planning Commission is recommending that a project skip a Board of County Commission (BOCC) meeting then this will have to be run by the (BOCC) for approval to see if they are willing to put that authority in the Planning Commission hands. The process is when you write up the regulations for Planning Commission to vote on, that it will also go to the (BOCC,) that it will be in the provisions for fast tracking to Planning Commission for final plat. Assuming Alex will take this discussion before the (BOCC).

Alex stated he will present this discussion to the (BOCC) similar to the way we were combining preliminary and final on applications previously.

Commissioner Davis added, the flip side of this is to discuss with (BOCC) to consider 2 Planning Commission meetings and 1 (BOCC) meeting. Then you have the option to skip the second Planning Commission meeting, with a vote and then Planning Commission is not speaking for (BOCC) and then skipping a meeting at that point. I would rather do this process by exception with vote instead of 2 meetings unless we think it deserves 3 meetings, because then you are potentially setting up the applicant to plan for a meeting that they did not originally plan for verses the applicant walking away feeling good because we eliminated 1 meeting.

Commissioner Karlstrom stated, historically there was a provision if you had subdivided land, you had to wait 20 years for any resubdivision, is this still true?

Alex replied, that was part of the subdivision exemption regulation and that was removed in about 2011 or 2012.

Commissioner Davis thought closer to 2014. The point was we did not want people to do “I just had this approved but surprise-I really want to do more.” We want to know to the fullest extent what you are going to do and that is all that you are going to do because that is what we are approving and what the public hears. We wanted that 20 year provision to stop people from doing a multiple subdivision over and over creating density where we did not plan on having it or approved it. It was removed because it never was a problem and we wanted people to be able to utilize their land. The pendulum may swing back if we start seeing people doing a quick subdivision that gets passed easily and then going in and doing a bulldog approach by trying to add high density.

Commissioner Karlstrom added, the Community Development name should be Community Planning, so that the county does not develop more that we have water for.

Commissioner Davis stated, that for augmentation rights, sometimes they are buying water that would be going to the Front Range, but now is staying in the county.

Public comment

- *Likes the idea of the public hearing the projects more than once for public comments in case they miss a meeting*
- *Feels the preliminary plat and final plat should be 2 separate meetings*
- *Feels the Planning Commission has been above board and been a good balance with the public*
- *Planning Department is at times hard to get ahold of and at times the communication flow is a bit strained*

Commissioner Fournet asked, what is the timeframe (if these developments go in) that the existing homeowners would have to tie into Three Lakes Water and Sanitation?

Commissioner Davis responded, that is outside of our purview. An article in the Ski-High News 3 or 4 years ago, was about Three Lakes doing an extension of their sewer line and giving people a fairly significant timeframe to tie in. This is up to Three Lakes Water and Sanitation whatever their guidelines are.

Maxine, Assistant County Attorney added Three Lakes distance is 400 feet from the main line for neighbor hook ups. Under Three Lakes legislation, which they have their own statute they created that has been combined now with other special districts. The assessments go to the property owner, not to the developer. We cannot require a developer (who has to run the main line) but they don't do the individual connections. For example, at my house, we built it and a neighbor ran a main on the road behind my house without me knowing and I was compelled to connect to his sewer main and we had to pay for it. Three Lakes can add a lien to your property if you do not connect if they are within the 400 feet to your property. By statute they have the authority.

Commissioner Davis added, we have authority within our regulations to do things like school impact fees and such, but there is no provision within our regulations that says we have the authority to compel responsibility outside of the bounds of that subdivision.

Alex will bring this back to the Planning Commission next month.

Motion to adjourn. Approved Ingrid Karlstrom. Seconded Kim Shepton. All in favor "aye" None opposed. Meeting adjourned.

Meeting adjourned at 10:15 pm.
