

GRAND COUNTY PLANNING COMMISSION  
MEETING MINUTES

Wednesday, January 15<sup>th</sup>, 2020

MEMBERS PRESENT: Sally Blea Will MacDonald  
Ingrid Karlstrom Kim Shepton  
Deborah Fitch Bob Gnuse  
Marcus Davis

MEMBERS ABSENT: Tara Fournet Henry Broadhurst

STAFF PRESENT: Robert Davis Alex Taft  
Taylor Schlueter Chris Leahy  
Patty Kemper

The meeting was called to order by Chairperson Marcus Davis at 6:30 PM. Roll call was taken.

Minutes from December 13<sup>th</sup>, 2019 were presented. Motion to approve was made by Ingrid Karlstrom, seconded by Sally Blea, with 2 corrections. All in favor "aye", none opposed, motion carried.

Robert Davis relayed to the Planning Commissioners that that Board of County Commissioners suggested that the Chair and Vice Chair positions be rotated each year.

Marcus Davis, Chair for Planning Commission asked for nominations from the Planning Commissioners for Chair and Vice Chair. Ingrid Karlstrom nominated Marcus Davis for Chair and Sally Blea for Vice-Chair and Kim Shepton seconded the nominations. Marcus Davis and Sally Blea accepted. Bob Gnuse entertained a motion for appointment of Marcus Davis for Chair and Sally Blea for Vice Chair, Ingrid Karlstrom seconded the nomination. All in favor "aye" any oppose, none, motion carries. Possible next year the Commissioners will rotate the appointments.

Robert Davis, shared the Grand County Community Development 2020 Department Goals with the Planning Commissioners.

Chairperson Marcus Davis gave a reminder to Public Attendees to come to the mic and identify themselves when making public comments. There were 12 members of the Public in attendance.

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**Lots 12, 31, & 32 River Acres addition to Mountain Meadows –  
Amended Final Plat**

Presented by: Alexander Taft, Planner, LEED Green Associate

# **CERTIFICATE OF RECOMMENDATION**

**Planning Commission, January 15, 2020**; Board of County Commissioners TBD, 2020

**PROJECT NAME :** Amended Final Plat, Lots 12, 31, and 32, River Acres Addition to Mountain Meadows  
**APPLICANT :** John and Kenna Anderson; Talmath P. and Eric C Lakai  
**LOCATION :** Lots 12, 31, and 32, River Acres Addition to Mountain, 125 GCR 4604 & 440 GCR 46  
**ZONING :** Mobile Home District (M)

**APPLICABLE**

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

**ATTACHMENTS :**

- A. Vicinity Map
- B. Letter of Application and Narrative
- C. Proposed Plat
- D. Title Commitments
- E. Site Photos

**STAFF PLANNER :** Alexander Taft, LEED Green Associate

**REQUEST :** The Applicant is requesting an Amended Final Plat to adjust a property line to create additional buildable area on the lot

## **I. BACKGROUND**

### **a. History:**

River Acres Addition to Mountain Meadows was platted in December 1959 recorded at Reception No. 90589. The lots in the subdivision are approximately one quarter (1/4) acre in size and are serviced by well and public sewer. This subdivision and the adjacent River Acres 2<sup>nd</sup> Addition to Mountain Meadows exists to the west of County Road 46 and a half mile north and west of US Highway 34.

### **b. Proposal:**

John and Kenna Anderson are the owners of Lot 31 by Warranty Deed at Reception No. 2014004579. Talmath P. and Eric C Lakai are owners of Lot 12 and 32 by Warranty Deed recorded at Reception No. 2017004109. The Applicants propose to complete a combination of lots and boundary line adjustment to allow for river access on proposed Amended Lot 31A.

There is currently one single family dwellings on each individual Lots 31 and 32.

## **II. STAFF COMMENTS AND ANALYSIS**

This Amended Final Plat involves a lot combination of Lot 32 and Lot 12, and a boundary line adjustment between the resultant combine lot, and Lot 31 (see graphic below).

The lots subject in this proposal are residential use and surrounded by residential uses. The zone districts are a mix of Mobile Home District and Residential District. All lots in this proposal are located within the Mobile Home District which reflects residential uses but allows individual mobile homes.

The lots as they exist today are pre-existing and non-conforming. They are both served by public sewer via Three Lakes Water and Sanitation District. No interior easements were created by this plat, and access to utilities is either in adjacent roadway or overhead. The amended plat will benefit both lots by creating larger area where structures could be built without causing encroachment. It will also give proposed "Amended Lot 32A" access to the Colorado River.

## **III. COMPLIANCE WITH GRAND COUNTY REGULATIONS**

### **A. MASTER PLAN**

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

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

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

### **B. ZONING REGULATIONS**

The parcels involved in this proposal lie within the Mobile Home District, existing inside the Grand Lake "Joint Review" Area. The site is surrounded by vacant land or residential uses.

- (a) The owners of these lots will construct a single family dwelling, consistent with uses by right in this District.
- (b) This District requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks.

- (c) The minimum lot size in the Mobile Home Zoning District is 15,000 ft<sup>2</sup> (0.34 acres) when serviced by either public water or public sewage facilities. All lots comply with this minimum as proposed.
- (d) Any new construction shall comply with Section 14.4 Off-street Parking.

**C. SUBDIVISION REGULATIONS - 4.3 Final Plat/4.4 Amended Final Plat**

The application shall comply with the Subdivision Regulations Amended Final Plat -Section 4.3. Conditions are listed in **BOLD**. Staff notes how the proposed Plat addresses each of the following below:

**Section 4.3 (1) (a-c)** this application meets the statement of requirements of the Preliminary Plat. The minimum scale complies as it is at a one inch (1") equals forty feet (40') scale on a twenty-four inch (24") by thirty-six inch (36") sheet.

**Section 4.3 (2) (a)** Title shall read:

**Amended Final Plat  
Amended Lots 31A and 32A River Acres Addition to Mountain Meadows  
Being a Replat of Lots 1 2, 31 and 32, River Acres Addition to Mountain Meadows  
according to the Plat Recorded at Reception 90589  
Part of SE1/4 Section 14, Township 3 North, Range 76 West of the 6<sup>th</sup> P.M.  
Conveyance to the owner s Recorded at Reception No. 201 4004579 and 2017004109**

A scale of one inch (1") equals twenty feet (20') and north arrow are all located on this proposed Plat. **A date shall be shown on the final plat.**

**Section 4.3 (2) (b )** Legal Descriptions are as follows:

Amended Lot 31A, River Acres Addition to Mountain

Amended Lot 32A, River Acres Addition to Mountain

**Section 4.3 (2) (c-d)** this proposed plat shall include **primary control points, rights-of-way lines of streets, and easements and widths of rights-of-way, and adjacent property lines . Right of way lines for the full width of GCR 46.**

**Section 4.3 (2) (e-f)** Boundaries, Right-of Way lines, easements are all shown on the plat and dimensions, bearings, and curves are identified on line and curve tables. Rights-of-Way show names and number but shall be corrected as follows: **GCR 46 (Hughes Rd) and GCR 464 (Aspen Ln). Pre-existing recorded easements with reference to their location of recording within the Grand County Real Estate records of the Grand County Clerk and Records Office.**

**Section 4.3 (2) (g-i)** **Location and description of monuments shall be included with a legend on the proposed Plat.** Lots include acreage to the nearest 1/100th. All lots are intended to remain residential use.

**Section 4.3 (2) (j)** Title Commitment No. 1118552-C has been provided dated October 29, 2019 for Lots 12 and 32 and Title Commitment No. 1118553-C has been provided dated October 29, 2019 for Lot 31 included with this submittal. No Deeds of Trust or other liens appear on either.

**Section 4.3 (2) (k-m)** minor corrections shown below are needed for the Dedication placed on the Plat. **The County Attorney 's Office shall review the Dedication.**



IN WITNESS WHEREOF **John Anderson and Kenna Anderson** , have caused their name to be hereunto subscribed this \_\_\_\_\_day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**John Anderson**

\_\_\_\_\_  
**Kenna Anderson**

STATE OF COLORADO     )  
  ss  
COUNTY OF GRAND )

The foregoing instrument was acknowledged before me this\_\_ day of \_\_\_\_\_,  
20\_\_ by **John Anderson and Kenna Anderson** .

My Commission Expires:  
Notary Public

\_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, Warren Ward, a duly licensed land surveyor in the State of Colorado, do hereby certify that this **Amended Final Plat, Amended Lots 31A, and 32A, River Acres Addition to Mountain Meadows** 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)

#### PLANNING COMMISSION CERTIFICATE

Approved this \_\_\_ day of \_\_\_\_\_, 20\_\_ by the Grand County Planning Commission, Grand County, Colorado.

\_\_\_\_\_

Chairman

**Section 4.3 (2) (n)** certification by a qualified professional insuring compliance with the design standards is not applicable.

**Section 4.3 (2) (o)** a two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder .

**Section 4.3 (2) (p)** this application complies, covenants are not subject to change because of this proposed Amended Final Plat.

**Section 4.3 (2) (q-r)** vicinity map has been supplied and shall remain on the proposed Plat. The proposed Plat complies with provisions of (r) any new construction shall follow established criteria for stormwater drainage within each lot.

**Section 4.3 (2) (s-u)** these provisions are not applicable. No land areas are being dedicated with this Amended Final Plat. No additional studies are being submitted or required to meet engineering requirements. Colorado Land Use Commission no longer exists.

**Section 4.3 (2) (w)** addresses shall be shown on the Amended Final Plat and a digital copy will be supplied to the Grand County GIS Coordinator. Amended Lot 31A, 440 GCR 46 (Hughes Rd) ; Amended Lot 32A 125 GCR 4604 (Aspen Ln).

**Section 4.3 (2) (x)** Statement of taxes due showing current taxes paid for 2018 have been supplied, all taxes due and payable shall be paid prior to recording the Final Plat.

**Section 4.3 (2) (y)** An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat.

#### IV. STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Amended Lots 31A, and 32A, River Acres Addition to Mountain Meadows with the following conditions to be met prior to the recording of the Amended Final Plat:

1. The title shall be amended to include conveyance to owners with location of Recording and a date of creation (4.3 (2) (a)).
2. This proposed plat shall include primary control points, rights-of-way lines of streets, and easements and widths of rights-of-way, and adjacent property lines. Right of way lines for the full width of GCR 46 (4.3 (2) (d)).
3. Names of rights of way shall be corrected and total widths shall be shown (4.3 (2) (e)).
4. Pre-existing recorded easements with reference to their location of recording within the Grand County Real Estate records of the Grand County Clerk and Recorders Office (4.3 (2) (f)).
5. Location and description of monuments shall be included with a legend on the proposed plat (4.3 (2) (i)).
6. Minor corrections to the dedication statement shown on the plat to be reviewed by the County Attorney's Office prior to recording the Plat Mylar (4.3 (2) (k)).
7. Minor corrections to the surveyors certificate shown on the plat prior to recording the Plat Mylar (4.3 (2) (l)).
8. **A two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder (4.3 (2) (o)).**
9. Addresses shall be shown on the Amended Final Plat and a digital copy will be supplied to the Grand County GIS Coordinator (4.3 (2) (w)).
10. A statement of taxes that shows all taxes have been paid shall be submitted. It is anticipated the plat be recorded in 2020 and all taxes due and payable shall be paid prior to recording the plat. (4.3 (2) (x)).
11. An electronic copy in AutoCAD.dwg or AutoCAD.dxf of the Final Plat shall be submitted (4.3 (2) (y)).
12. All recording fees are to be paid by the Applicant.

*John Anderson for the applicant is present and available to answer questions from the Commissioners.*

*Commissioners asked if the applicant has reviewed the certificate.*

*John Anderson replied yes, and noticed a typo on the Certificate, contacted staff and the typo has been corrected. Transposed who owned the different lots.*

*Staff stated they will correct before presenting to the Board of County Commissioners.*

*Commissioners asked about the staff analysis page, it stated there are no interior easements created by splitting the lot, yet under the Zoning Regulations it states there has to be a 5 foot*



*minimum side yard easement. The new dividing line is not showing the new easements created on each side. Also questioned if there is a fence on the property.*

*Staff replied Zoning Requirements are for a yard setback not an easement. Easements are related to utilities.*

*John Anderson stated there are no fences on the properties.*

*Commissioners asked on the plat, the tail of the Amended Lot 3, appears to be 18 foot wide.*

*Staff replied that sounds approximately correct. Assuming you are asking about the minimum width required, being at least 60 feet in that district.*

*Commissioners replied that is for front yard, but we are not changing Lot 31 or Lot 32 we are just extending the lots. Just wanted to confirm that the applicants are aware that the corner does not have a lot of build space, because the front yard setback would be defined as "The front yard is the shortest line adjacent to a Right of Way." Grand County Road 46 is the front. The cul-de-sac is actually a side yard setback. Should we make an amendment to the plat to indicate, per approval Grand County Road 46 is the front yard. Front yard is Amended Lot 31, is the Southwest side adjacent to Grand County Road 46.*

*John Anderson added that the rear of Lot 31 and down to the river is very steep so is non buildable anyway. There is no intent on the owner to build on Lot 31.*

*Commissioners asked if there were any comments from the audience. None.*

Motion to recommend approval by Ingrid Karlstrom for Lots 12, 31 and 32 River Acres addition to Mountain Meadows – Amended Final Plat with the change in ownerships and additional plat note. Seconded by Bob Gnuse, No Discussion. All in favor "aye", none opposed.

### **Parking Classifications Road and Bridge standards 3.9.3**

Presented by: Alexander Taft, Planner, LEED Green Associate

## **CERTIFICATE OF RECOMMENDATION**

**Planning Commission, January 15, 2020;** Board of County Commissioners TBD, 2020

**PROJECT NAME :** Parking Classification for Camper Dining Hall, YMCA Snow Mountain Ranch  
**APPLICANT :** Snow Mountain Ranch represented by Nathan Sullivan, Scott Munn, Joe Mautz  
**LOCATION :** Snow Mountain Ranch, approximately 5,000 acres in Sections 4, 5, 6, of Township 1 South, Range 77 West of the 6<sup>th</sup> PM, 259 Grand County Road 53  
**ZONING :** Forestry and Open District (F/O)

**APPLICABLE**

**REGULATIONS :** Grand County Master Plan, Grand County Zoning Regulations, Grand County Road and Bridge Standards

**ATTACHMENTS :**

- F. Vicinity Map
- G. Site Plans
- H. Snow Mountain Ranch Master Plan

**STAFF PLANNER :** Alexander Taft, LEED Green Associate

**REQUEST :** Classification of parking for the purpose of minimizing impact

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**V. BACKGROUND**

**a. History:**

Snow Mountain Ranch has existed since 1968, containing Camp Chief Ouray which has served youths since 1908. Snow Mountain Ranch contains lodges, cabins, yurts, and bunk houses for its visitors throughout the year. Larger conference facilities are available to large groups on retreat. Outdoor recreational amenities include: mountain biking, hiking, boating, Nordic skiing, summer tubing hill, horseback rides, and more.

The Ranch serves approximately 250,000 individuals throughout the year. Support for these visitors is handled by approximately 900 full and part time staff.

Over the past decade following their 2005 adopted Master Plan, the facility has improved several amenities of the camp and lodging compound. Most notably in the past 5 years strong efforts have been made to continue to bring in guests and provide quality experiences. These changes include improvements to the water and sanitation infrastructure, new amenities such as the summer tubing hill and additional conference, large group use buildings.

**b. Proposal:**

The intention of this proposal is to gain County approval for ten (10) parking spaces being supplied for a new camp dining hall. The drive and parking spaces shown below will be for buses delivering campers to stay and miscellaneous camp vehicles transporting guests staying at camp or moving items from other buildings onsite.

The building use as designated currently, i.e., camp dining hall, doesn't fall within those categories which are identified in Zoning Regulations Section 14.4 Off-street Parking or Road and Bridge Standards Section 3.9.3 and can receive a recommended classification specific to the project under this provision:

“For uses not listed or not fitting within one (1) of the above categories, the Grand County Department of Development and the Grand County Planning Commission shall determine the parking requirements subject to the approval of the Board of County Commissioners of Grand County”

The other uses identified in the Regulations that would as closely meet the proposed use would be “eating and drinking establishments”. Eating and drinking establishments are not specifically defined but is assumed to represent retail eating and drinking establishments which are typically generate high incidences of vehicular traffic much more than would be anticipated within a camp setting where the said establishment is intended for camp users only.

Snow Mountain Ranch has hired Munn Architecture to complete design of the new dining hall. The dining hall is designed to serve resident campers who will be staying on site for a week.

## **STAFF COMMENTS AND ANALYSIS**

The proposed building consists of 13,723 ft<sup>2</sup> interior space and 4,521 ft<sup>2</sup> exterior covered. Proposed seating is 340 interior and 156 exterior. Using the “eating and drinking establishments” criteria, the applicant would be required to provide 137 parking spaces. Considering site accommodations required for 137 parking spaces, using the standard dimension for a parking space, the spaces alone would require 27,446 ft<sup>2</sup> which is approximately two-thirds of an acre.

Parking and loading for the proposed dining hall will be located along the circular drive. Additional existing parking is located a few hundred feet to the east of the dining site.

Also another significant consideration in this application is that the design team, Munn Architecture, is submitting this new construction to be considered for LEED certification. Leadership in Energy and Environmental Design, commonly referred to as “LEED” is a green building design, construction, operations and maintenance focused action and advocacy group. The Certification for buildings both existing and new construction is tracked on a point system which includes: Location and Transportation, Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, Indoor Environmental Quality, Innovation and Regional Priority. These categories are weighted separately with most of the weight being given to Water Efficiency, Energy and Atmosphere, and Materials and Resources.

The reduction of what could be an excessive number of parking spaces and its implications should support LEED certification.

## **VI. COMPLIANCE WITH GRAND COUNTY REGULATIONS**

### **D. MASTER PLAN**

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

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

As stated in Plan Element 3 of the Grand County Master Plan, a key objective is maintenance of natural and built surroundings and enhancing the character of Grand County. Critical in supporting that objective is preservation of vegetation and habitat. One of the policies within this Plan Element is to support sustainable and “green” building planning and design. Commonly, permit applications

identify items related to improving building energy efficiency, renewable energy, and building specific technologies. Reducing vehicles trips and emissions are less common in unincorporated Grand County because of local densities to support such improvements. The focus of a LEED Certification is strongly focused on sustainable design. In this specific case, the reduction of parking helps to contribute to the reduction of heat island effect and storm water run-off. The reduction of parking surface reduces radiant heat which would impact cooling of the adjacent buildings, and any rain or snow fall in the vicinity then can percolate, recharging ground water aquifers.

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

As stated in Plan Element 4 in the Grand County Master Plan, development shall be located near public facility infrastructure. This increases efficiency and benefits existing users by reducing the impacts on outside resources. The new construction will be located in a portion of the Snow Mountain Ranch campus which is served by a water and waste water treatment system. The space surrounding all buildings on the campus has been cleared of hazard trees a given protection from wildfire danger.

### **E. ZONING REGULATIONS**

The parcels involved in this proposal lie within the Forestry and Open District, outside any established Growth Area as identified by the Grand County Master Plan. The site is surrounded by public and private vacant lands and residential uses.

1. Any new construction shall comply with Section 14.4 Off-street Parking.
  - (e) Minimum off-street parking spaces required
  - (f) These parking requirements are the minimum, and, based on individual circumstances, may be increased at the discretion of the County...
  - (j) Eating and drinking establishments, one (1) space per one hundred (100) square feet of gross floor area...
  - (m) For uses not listed or not fitting within one (1) of the above categories, the Grand County Department of Development and the Grand County Planning Commission shall determine the parking requirements subject to the approval of the Board of County Commissioners of Grand County.

Dining halls are not explicitly included in the list above, and Staff has considered (j) eating and drinking establishments. It is Staff's opinion that "eating and drinking establishments" would warrant traffic from the public as described in the "Staff Comments and Analysis" in this recommendation above. The proposed dining hall is intended solely to serve groups attending camp or already occupying a portion of the campus.

### **VII. PLANNING COMMISSION RECOMMENDATION**

Planning Commission hearing is scheduled for January 15, 2020.

## VIII. STAFF RECOMMENDATION

Staff recommends the approval of the parking classification as requested by Snow Mountain Ranch represented by Nathan Sullivan, Scott Munn and Joe Mautz.

13. Building permits shall be obtained for any new construction and comply with current building code.

*Applicants present includes Kevin E. Veccharelli, Joe Mautz, Trueman Hoffmeister, General Manager YMCA, Scott Munn, Munn Architects and Nathan Sullivan representing the YMCA and available to answer Commissioner's questions.*

*Commissioners asked if the applicants had a chance to review the certificate and if they had any comments. None.*

*Joe Mautz presented an explanation regarding the LEED program. The LEED program was established by the US Green Building Council in order to create a sustainable building design, construction and certification. Joe believes the LEED project reflects the values of the YMCA as well as that of the design and construction team. The goals are to create high performance buildings that provide sustainable interior environments and minimize their ecological impact. The significance of establishing this LEED boundary is that when it comes to defining the scope of our phase and defining the area where the expense of the project certification especially pertaining to site development, we have to achieve certain credits in order to reach the Silver Certification level. That will include open space, landscaping and water use or green water management and pollution.*

*Commissioners asked about adding 10 parking spots 100 feet east of the dining room. How many total spaces are there?*

*Treuman Hoffmeister replied the Commons is the YMCA dining hall and this is not the Commons. This request is for the children's Camp Chief Ouray, a youth camp that if you come Nordic skiing the lighted ski trails go through the Camp Chief Ouray camper cabins that are closed during the winter. We have a dining hall that we are building to serve the camp. We are requesting 10 new parking spots (6 accessible) located at the traffic circle.*

*Commissioners asked why 6 out of 10 parking spots are accessible?*

*Staff replied that the 6 accessible parking spots are State Statute Requirements for the amount of built space within the new dining hall that have to be provided. The 10 being provided are really serving the new dining hall and other activities open to the public at the YMCA. There are an additional 88 spaces available proximate to the subject site.*

*Commissioners asked the reason you are before the board today is due to the LEED certifications, normally this parking issue would not come before the Board, correct? Normally with the numbers being served at this dining hall, it would require more parking spaces, but it is a dining hall not retail or public restaurant and the additional parking is not that far away. So the larger number of accessible spots would be closer to the Camp Chief Ouray dining hall with close additional parking spots for Nordic skiing and the public.*

*Staff replied the application is just for the parking spots not the dining hall right now.*

*Scott Munn added the LEED boundary is being defined tonight by the Commissioners which will allow the applicants to push forward to get the building LEED certified.*

*Commissioners asked about the building, will it have outdoor seating? The Certificate stated the square footage and unclear if the building will be 2 stories. The table areas look bigger than the building area on the drawings.*

*Joe Mautz added the square footage calculations were provided on the drawings that were submitted and are accurate plus the occupancy counts included the outdoor seating as well. In referencing the site plan, he added, only the bottom pictures of the tables will be outdoors, the rest of the drawing is interior.*

*Commissioners stated to reword the certificate before the Board of County Commissioners meeting. We are proposing to build a building that requires 137 new parking spaces, however there is an adjacent parking lot that covers the number of spaces within the required 600 feet. The current usages of the parking lot is seasonal to the extent that it is primarily filled in with either Nordic skiing or campers and staff. The purposed building is in support of the campers (seasonal) therefore we propose to use the same parking as shared space. The existing parking provides us the opportunity to add 10 required spaces next to the building, 6 of which are accessible (ADA Compliant) we are proposing to move forward with shared space. This meets all the requirements of the Zoning Regulations, allows us to get our LEED Certification and fulfills substantially the requirements of the Zoning Regulations.*

*Commissioners asked under sustainable sites, in LEED categories, is there anything that correlates with the number of accessible spaces that you are asking to add?*

*Joe Mautz replied that not accessibility but there is a reduced parking requirement. We have to establish parking ratios and to achieve the credit is a 20% reduction for exemplary performance is a 60% reduction. Which would put us at 160 parking spaces.*

*Commissioner stated from our Zoning Regulations we would come up with 137 parking spaces, LEED comes up with a 160 parking spaces, but to get the exemplary performance if you could cut that by 60% would get you extra points.*

*Joe Mautz replied that is correct. We are capped at 2 exemplary performance credits.*

*Commissioners ask about the spaces defined around the traffic circle, we counted 11.*

*Joe Mautz believes that you are looking at one of the loading zones. Van accessible isles ramp.*

*Motion to recommend approval by Ingrid Karlstrom for Parking Classification R&B standards 3.9.3 with the Commissioners reworded recommendations. Seconded by Sally Blea. No Discussion. All in favor "aye", none opposed.*

## **Right of Way Vacation Pursuant to C.R.S. 43-2-303**

Presented by: Alexander Taft, Planner, LEED Green Associate

# **CERTIFICATE OF RECOMMENDATION**

Planning Commission January 15, 2020; Board of County Commissioners TBD 2020

PROJECT NAME : Right-of-Way Vacation pursuant to C.R.S. § 43 Article 2 Part 3

**APPLICANT :** Joey A. and Carol Mascarenas

**LOCATION :** Lot 60, Block 1, Lake Forest Subdivision, Part of Section 26, Township 3 North, Range 76 West, Grand County, Colorado.

**APPLICABLE**

**REGULATIONS :** C.R.S. § 43 Article 2, Part 3

**ZONING :** R- Residential District

**ATTACHMENTS :**

- a) Application and Narrative Letter
- b) Improvement Location Certificate, dated 6-23-2019
- c) Vicinity Map
- d) Title Commitment
- e) Recorded Property Transfer Deeds

**STAFF PLANNER :** Alexander Taft, LEED Green Associate

**REQUEST :** The Applicant is proposing the vacation of a Right-of-Way to allow use of the additional land area for parking and other permitted accessory uses.

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**I. BACKGROUND**

**a. PROPOSAL**

Joey A. and Carol Mascarenas, herein referred to as the Applicants, are owners of Lot 60 via Warranty Deed recorded at Reception No. 2015005669. They are requesting the vacation of a 25' Right-of-Way (ROW) south and adjacent to their Lot 60. The intention is to gain fee simple access to use the land for a fire pit and parking.

**b. HISTORY**

Lake Forest Subdivision was platted in October 1947 recorded at Reception No 66043 creating 102 lots in approximately 30 acres. A large meadow was left undeveloped which remains today. The Rights of Way within the subdivision are narrow widths between twenty five feet (25') and thirty feet (30').

A lot which lies south of the subject ROW was created in 1994 and finalized in 1998 and called the Lake Forest Meadows Subdivision Exemption which also borders this ROW (see map below). As part of the approval for this lot, the County required an expansion of ROW surrounding the meadow which includes County Roads 641 and 6451. Also during the processing of this application, the subject ROW was discussed to be vacated but is still unresolved.

**II. STAFF ANALYSIS**

This application was originally brought on by a question and complaint about the legality of

using the ROW for storage or outdoor recreation. The ROW has never been used or had a road constructed within its boundaries but instead has been occupied by adjacent property owners for parking and similar residential centric accessory uses. Community Development staff was contacted by Road and Bridge staff who initially received the compliant. After speaking with adjacent property owners, Staff suggested an application be made to vacate the ROW.

Because there are no lots within the same subdivision south of this ROW and the adjacent parcels have alternative access, all twenty-five feet 25' shall be added to Lot 60, Block 1 in compliance to C.R.S. § 43-2-302 (1) a.

Consistent with C.R.S. § 43-2-303, Staff shall supply notice via first class mail to adjacent property owners within a 250' radius prior to the Board of County Commissioners Public Hearing. Staff has recently contacted utility companies via email for confirmation of needs and use. We recommend that at a minimum ten feet (10') shall remain an easement for public utilities.

### **III. Compliance with C.R.S. 43 Article 2, Part 3 et seq. - Vacation Proceeding: Roads, Streets and Highways**

Grand County Community Development Staff has used the criteria in C.R.S. § 43 Article 2 Part 3, regarding vacation of roadways:

43-2-302:

- (1) Subject to the requirements set forth in sections 43-1-210 (5) and 43-2-106 governing the disposition of certain property by the department of transportation, whenever any roadway has been designated on the plat of any tract of land or has been conveyed to or acquired by a county or incorporated town or city or by the state or by any of its political subdivisions for use as a roadway, and thereafter is vacated, title to the lands included within such roadway or so much thereof as may be vacated shall vest, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues, as follows:
  - a. **In the event that a roadway which constitutes the exterior boundary of a subdivision or other tract of land is vacated, title to said roadway shall vest in the owners of the land abutting the vacated roadway to the same extent that the land included within the roadway, at the time the roadway was acquired for public use, was a part of the subdivided land or was a part of the adjacent land.**
  - b. In the event that less than the entire width of a roadway is vacated, title to the vacated portion shall vest in the owners of the land abutting such vacated portion.
  - c. In the event that a roadway bounded by straight lines is vacated, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking to the center of the roadway, except as provided in paragraphs (a) and (b) of this subsection (1). In the event that the boundary lines of abutting lands do not intersect said roadway at a right angle, the land included within such roadway shall vest as provided in paragraph (d) of this subsection (1).
  - d. In all instances not specifically provided for, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking that portion of the vacated roadway to which his land, or any part thereof, is nearest in proximity.
  - e. No portion of a roadway upon vacation shall accrue to an abutting roadway.
  - f. Notwithstanding any other provision of this subsection (1), a board of county commissioners may provide that title to the vacated roadway shall vest, subject to a public-access easement or private-access easement to benefit designated



properties, in the owner of the land abutting the vacated roadway, in other owners of land who use the vacated roadway as access to the owners' land, or in a legal entity that represents any owners of land who use the vacated roadway as access to the owners' land. Title shall vest to the owner of the land abutting the vacated roadway as otherwise required by paragraphs (a) to (d) of this subsection (1), unless the board expressly requires the title to vest pursuant to the authority set forth in this paragraph (f) in the resolution to vacate the roadway that is approved by the board.

As identified in the Staff analysis above, the bolded portion of this section of the Vacation Proceedings note the right to the vested property if approved.

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:**

- (a) The city council or other similar authority of a city or town by ordinance may vacate any roadway or part thereof located within the corporate limits of said city or town, subject to the provisions of the charter of such municipal corporation and the constitution and statutes of the state of Colorado.
- (b) The board of county 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.**
- (c) If such roadway constitutes the boundary line between two counties, such roadway or any part thereof may be vacated only by the joint action of the boards of county commissioners of both counties.
- (d) If said roadway constitutes the boundary line of a city or town, it may be vacated only by joint action of the board of county commissioners of the county and the duly constituted authority of the city or town.

CRS 43-2-303 (1) (b) is the authority by which the Grand County Board of County Commissioners (BOCC) is granted to vacate the twenty five feet (25') ROW as proposed.

(2)

- (a) **No platted or deeded roadway or part thereof or unplatted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road.**
- (b) If any roadway has been established as a county road at any time, such roadway shall not be vacated by any method other than a resolution approved by the board of county commissioners of the county. No later than ten days prior to any county commissioner meeting at which a resolution to vacate a county roadway is to be presented, the county commissioners shall mail a notice by first-class mail to the last-known address of each landowner who owns one acre or more of land adjacent to the roadway. Such notice shall indicate the time and place of the county commissioner meeting and shall indicate that a resolution to vacate the county roadway will be presented at the meeting.

- (c) If any roadway has been established as a municipal street at any time, such street shall not be vacated by any method other than an ordinance approved by the governing body of the municipality.
- (d) If any roadway has been established as a state highway, such roadway shall not be vacated or abandoned by any method other than a resolution approved by the transportation commission pursuant to section 43-1-106 (11).
- (e) Paragraphs (b), (c), and (d) of this subsection (2) shall not apply to any roadway that has been established but has not been used as a roadway after such establishment.
- (f) If any roadway is vacated or abandoned, the documents vacating or abandoning such roadway shall be recorded pursuant to the requirements of section 43-1-202.7.

CRS 43-1-202.7 states the following:

Recording of documents vacating or abandoning a roadway. If any roadway is vacated or abandon by the state, by the county, or by a municipality, the documents vacating or abandoning such a roadway, **including but not necessarily limited to** any resolution, ordinance, deed conveyance document, plat, or survey, shall be recorded in the office of the clerk and recorder of the county in which such a roadway is located.

The vacation of this ROW will not leave any land adjoining without access. There is currently no constructed roadway within the ROW. A resolution will be presented for signature by the BOCC to vacate the ROW.

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

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

As demonstrated in the map above this Right-of-Way has never had a road constructed within its boundaries.

#### **IV. RECOMMENDATION**

Staff recommends approval of the vacation of the 25' Right-of-Way adjacent to Lot 60, Block 1 Lake Forest Subdivision with the following conditions:

1. A minimum 10' utility easement shall be created for the purpose of maintaining utility access for future undetermined purposes.

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

*No applicants were present.*

*Commissioners asked if we are trying to vacate 25 feet of Right of Way. With 10 feet of this will be used for easements they will only gain 15 feet?*

*Staff replied correct.*

*Commissioner continued the 1970 Right of Way easement form stated the build line was to the Lake Forest Booster Pump, has this plan been abandoned?*

*Staff replied that from the picture shown inside the blue outlined area, this is where the booster pump easement is. It is in the Outright Exemption lot. Not related to this Right of Way or Lot 16.*

*Commissioner continued, a few 100 yards east of the Booster Pump, is the end of a canal, will the canal continue through?*

*Staff replied no, the 100 foot easement extends north/south from the bottom of Shadow Mountain to Lake Granby.*

*Commissioners continued lets go back to the Right of Way Easement form from 1970. This states it is to build a line to the Lake Forest Booster Pump. Asking if the plan was abandoned?*

*Commissioners stated that the 1970 form states, to build line to Lake Forest Booster Pump and to Lot 61, 62 and 63 Block 1 as staked and agreed 8.28.1970. You would need clearance from Mountain Park Electric as part of the conditions. Staff, is that one of your conditions?*

*Staff replied that we still need to check with all the utilities, including Mountain Parks, Excel, Lake Forest Water, and Three Lakes.*

*Commissioners continued that even if there is something there you would have to do a vacation to have a larger utility easement.*

*Staff reiterated it vacates the Right of Way, then you just have the easement.*

*Commissioners stated it might change the size of the proposed easement. Can still be used for the purposes described? Correct, the Right of Way doesn't change. Just the potential size would change.*

*Commissioners continued, in the recommendation it was recommended that we have a 10 foot easement that would remain, but that could be changed, is what is being said, if a utility comes back saying they do not approve. Is there an easement in the Outright Exemption property?*

*Staff replied that there is an easement established at the property boundary, but not for an Outright Exemption, yes.*

*Commissioner wanted to rephrase condition one to say, utility easement width to be defined after feedback from the utility companies, minimum proposed is 10 feet, with no feedback. Not including what is available on the Outright Exemption. Easements can be vacated, but because there is an actual easement that we see there would have to be a formal vacation, which should be a condition. Either accommodate the easement with the 25 foot easement, accommodate the existing easement, vacate the road, keep the 25 foot of easement or get a vacation of easement and minimize it down to 10 foot. Those are the 2 options.*

*Commissioner asked about conditions and asked staff to go back and look at other conditions. The conditions need to be updated prior to going before the Board of County Commissioners. There is a lot to do with this as far as this vacation goes, because they have to redefine their lot. If you are not forcing them to replat then it has to be through resolutions and through the vacation - being very clear how everything works. Add a condition to update conditions prior to the Board of County Commissioners, appropriate for vacations. First condition changes to, minimum 10 foot utility easement to remain if all others are vacated or relinquished to access utilities. There is an existing access easement on the book for 25 feet, so you cannot make a condition to call it 10 feet, unless that easement is vacated.*

*Commissioner's asked if the utility companies have already been notified.*

*Staff replied they have not. Will start work on this immediately.*

*Commissioners stated get utility approvals before the Right of Way is presented to the Planning Commissioners. We should see the letters of approval. Can also get these prior to Board of County Commissioner Meeting. In your Certificate you have to have the vacation of land as defined by... need a surveyor to show beginning at and ending at, which then goes to Lot 60 which is now newly defined as beginning at and perimeter of. A surveyor can do this off the plat. You can do a land surveyor plat, do not need an Amended Final Plat. So we need 3 conditions added, surveyor boundary, definition which would include what goes to the road and which part goes to the owner, don't want to deadhead the road, for the Outright Exemption and update Condition Number 1 and Number 2. Update conditions for filing prior to the Board of County Commissioners meeting.*

Motion to recommend approval by Kim Shepton the Right of Way Vacation Pursuant to C.R.S. 43-2-303 with the 3 conditions discussed. Seconded by Bob Gnuse. No Discussion. All in favor "aye", none opposed.

## **Byers Peak Ranch Sketch Plan (295 Acre Development)**

Presented by: Robert Davis, Director Community Development

## **CERTIFICATE OF RECOMMENDATION**

Planning Commission January 15, 2020; Board of County Commissioners T.B.D.

**PROJECT NAME :** Byers Peak Ranch Subdivision Sketch Plan

**APPLICANT :** Byers Peak Properties, LLC and Byers Peak Ranch, LLC)

**LOCATION :** 295 acres of land in the South ½ and the Southeast ¼ of Section 19 and the NE ¼ of Section 30, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M. County of Grand, State of Colorado

**APPLICABLE**

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

**ZONING :** Split Zoned - Forestry/Open and Residential

**ATTACHMENTS :**

- f) Vicinity Map
- g) Sketch Plan
- h) Review Response from County Engineer, Tim Gagnon - CORE Consultants

**STAFF PLANNER :** Alexander Taft, LEED Green Associate and Robert C. Davis, AICP

**REQUEST :** Sketch Plan submittal for 2,408 unit subdivision on a 295 acre site

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**IX. BACKGROUND**

**a. Proposal**

Byers Peak Properties, LLC represented by Clark Lipscomb (“Applicant”) is the current owner of approximately 295 acres located just outside of the Town of Fraser by Warranty Deeds recorded at Reception No’s. 2007-000719 and 2009-000279, respectively, of the Grand County Records.

The applicant is proposing a single/multi-family residential development, which is located adjacent to and south of the Town of Fraser. The request also includes 33 acres currently under Special Use Permit that allows for the Colorado Adventure Park, an outdoor recreational area. Access to each unit is along an internal access road of 24’ drive width and 44’ ROW width.

The proposal calls for a total of 2,408 single family, multi-family and lodge units on 250 acres of land. Overall, the 2,408 dwelling units results in over 8.1 units/acre. Two ponds have been depicted on the Sketch Plan although the estimated acreages are not clear. The number and type of units are found in the table below:

Byers Peak Subdivision Land Use Summary	
	Units
Single Family Micro Cottages	123
Multi-Family Apartments	64
Multi-Family Condominiums	1736
Single Family	241
Multi-Family Townhomes	222
Single Family 2-acre lots	22
Colorado Adventure Park Lodge/Condo	
30,000 sq.ft. Barn/Storage	
<b>Total Single Family</b>	<b>386</b>
<b>Total Multi-Family</b>	<b>2,022</b>
<b>TOTAL</b>	<b>2408</b>

The new Sketch Plan calls for 59.1 acres dedicated to Open Space Preserve and 125.1 dedicated to open space for a total of 184 acres or 62% of the area for open space. Roughly 26 acres will be devoted to Right -of-Way. The units will be served by public water and sewer via Town of Fraser Water and Sanitation. Electric service will be supplied by Mountain Parks Electric. These entities have supplied comment on the previous Sketch Plan proposal.

**b. History -**

As this property is within the Town of Fraser Growth Boundary, the Applicant spent several years in negotiations with the Town regarding annexation. In May 2013, the Fraser Town Board voted to annex this property into the Town. However, this project created concern among Town residents, who submitted a petition and the annexation ordinance went to a vote. The election was held in November 2013, and the Town residents voted not to annex this property. Since then the development the developer has submitted this request to the county for review. The Byers Peak Ranch Subdivision Sketch Plan was initially approved by the BOCC in November 2013. In 2014 and 2015 the BOCC extended the Sketch Plan and records show that a request was also made in 2016 to extend the Sketch Plan.

The 2013 Sketch Plan proposal consisted of 21 two (2) acre single family lots on 53.1 acres, 1,087 multi-family units and two (2) Lodge buildings containing 125 rooms, resulting in overall density of approximately 4 dwelling units per acre. The proposal also included a 15-acre school site, 20.1% devoted to Right -of-Way and 62% dedicated to open space. The current proposed Sketch Plan provides 95% additional dwelling units and nearly doubling the amount of housing.

The 15.8 acre school site which appeared on the 2013 Sketch Plan has been displaced by a 30,000 sq. ft. barn /storage structure. Also, the first sketch plan identified three ponds while the new sketch plan identifies only two.

The developer has been approved for Sketch Plans for Filings 1 consisting of 123 micro cottage units at 9.7 dwelling units/acre and Filing 2 consisting of 112 dwelling units at 13.2 dwelling units per acre.

## **X. STAFF ANALYSIS**

### **Compliance with the Grand County Master Plan**

Higher densities, when served by adequate infrastructure (water, sewer, roads), are encouraged by the Master Plan, especially in growth areas which are designated for higher density developments. The Master Plan recommends implementation of quality design standards for residential development. In this case, architectural design, vegetation preservation, environmental quality protection, density and traffic will be important design standards for the Applicant to consider for purposes of mitigating negative impacts to surrounding properties.

Another goal of the master plan is to maintain, as well as enhance, the community appearance and design. Staff is of the opinion that the buildings proposed are a good start toward being in line with the design recommendations stated in the Master Plan.

### **Overall Sketch Plan**

In addition to increases in the overall density of the proposal, the new Sketch Plan provides conflicting information found in the three summary tables:

- The individual line items in the Site Data Table column 'Area' add up to 210.2 acres, but 295.1 acres is indicated in the Total for this column.
- The individual line items in the Land Use Summary table 'Acres' column adds up to 250 acres. With 29 acres for ROW (as shown in Site Data table) that totals 279 acres. There are 16 acres unaccounted for.
- Total Single-Family acreage from Land Use Summary table is 129 acres which requires 26 acres of Open Space (20%) be placed in separate, dedicated tracts of land, accessible to the lot owners of the development. Site Data table indicates 59.1 acres. More delineation is needed for identifying exactly how much and where open space is dedicated within single family areas.
- The open space calculation for single-family lots requires that 20% of the "total area of the subdivision" be included in the 20% calculation (road right-of-ways are not excluded).
- Total Multi-Family acreage from Land Use Summary table is 75 acres, which requires 45 acres of Open Space (60%), Site Data Table indicates 122.4 acres. More delineation is needed for identifying exactly how much and where open space is dedicated within multi-family areas.
- Label in middle of Sheet 2 indicates 324.01 acres. Is this label not for the same exterior property boundary as shown on Sheets 3 & 4?
- Unit # is missing from the Lodge/Condo for PA12, in Land Use Summary table.

- The Sketch Plan calls for 2,408 units over 295 acres resulting in a density of 8.1 dwellings an acre. The proposed density of 20 units per acre (as shown in the 'Zoning as of 2019' Table on Page 1) appears to be significantly higher than the maximum densities currently allowed for in a Residential zoned parcel (with 7,000 sq. ft. minimum lot sizes and 20% Open Space for a single-family subdivision, and 60% Open Space for a multi-family subdivision).

### **Filings 1 and 2 Sketch Plans**

With the submittals of Sketch Plans for Filings 1 and 2, there were concerns for proper consideration given to infrastructure needs for the entire 295 acre development. Additional densities proposed upstream from the Filing 1 & 2 sites raised questions about the adequacy of proposed water, drainage and sewer requirements of the entire 295 acre development which are currently being addressed in the Preliminary Plat phase. There has been a significant amount of analysis that has taken place with regard to the overall development.

Section 4.1 of the Subdivision Regulations provides requirements to be submitted with the Sketch Plan:

- (a) Relevant site characteristics and analyses applicable to the proposed subdivision.
- (b) Reports concerning streams, lakes, topography, geology, soils and vegetation
- (c) Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.
- (d) In the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.
- (e) Repealed (December 20, 1977)
- (f) A sketch drawing and other documentation showing the proposed layout or plan of development, including the total development area, the total number and types of dwelling units and other buildings, the total area of green belt and open space and their location, and the proposed area for school sites if applicable.

A series of studies and reports were commissioned by the owner for previous development proposals for the larger 295 acre parcel that includes this proposed development of 10 acres. Those studies include:

- Habitat Assessment for Byers Peak Ranch (10/26/2007), prepared by Wildlife Specialties, L.L.C. - no sensitive species, unique habitats of other important ecological components were found.
- Wetlands Assessment (12/4/2007), prepared by Western Bionomics LLC - identified wetlands areas, mostly not naturally occurring but caused or influenced instead by irrigation and disturbance of the area.



- Traffic Impact Analysis (February 2011) prepared by Felsburg, Holt, and Ullevig - a Short-Term Future (Year 2018) and Long-Term Future (Year 2030), based on proposed development at that time.
- Phase I Environmental Assessment Report (2/8/2012,) prepared by Corn & Associates- finding of No Risk in all categories of investigation.
- Phase I Drainage Study, (9/13/2013) Prepared by TopKnot Engineering LLC - master plan drainage concepts for the construction of storm drainage facilities.

In the April 2019, Staff identified items that “shall be addressed” prior to the Preliminary Plat being scheduled with the Board of County Commissioners. They included the following:

- Phase II Drainage Study
- Phase II Traffic Impact Analysis
- Road and Utility Profiles (Construction Plans)
- Revised Preliminary Plat showing existing topography, easements for utilities, sidewalks and snow storage
- Pavement Design
- Landscape and Revegetation Plans
- Snow Storage Calculations and Maintenance Plan
- Signage and Striping Plan
- Proposed utilities including fire hydrants, shallow utilities, water and sewer

### **Phase II Drainage Study**

We have received a Phase II Drainage Study as required per Section 2.3 of the Storm Drainage Design and Technical Manual which is currently under review.

A Phase 1 Drainage Study prepared by TopKnot Engineering and dated September 13, 2013 states the site consists of three vegetation zones generally differentiated by elevation: wetlands in the low-lying areas, irrigated meadow in the midlands, and upland forested areas. Elk Creek runs through the east portion of the project and St Louis Creek runs along the northeast corner of the property. According to the drainage study, neither were analyzed as part of the study since no crossings of Elk Creek are anticipated and the proposed subdivision does not have any basins that are tributary to St Louis Creek.

### **Phase II Traffic Impact Analysis**

We have received the updated Byers Peak Ranch Traffic Impact Study by Felsburg Holt & Ullevig dated May 2019. The traffic study covers the entire 295 acre development. Staff is evaluating traffic impacts to Mill Avenue, Railroad Ave., Eisenhower St., CR 721 and CR 72, along with the Eisenhower and CR 72 intersections with US Highway 40. Since the developer states that a traffic study will be conducted for each phase of the 295 acre development as it is presented, then we will need information for road classifications and when classifications change for Filing 1 and 2 before presenting to the BOCC.

Current roadways within this development proposal include the Fraser Valley Parkway and County Road 72. County Road 73 is adjacent to the North, as is Mill Avenue within the Town of Fraser. The Sketch Plan shows the Parkway as a 60’ right-of-way (ROW) and County Road 72 at a 40’ ROW. These roadways shall be improved to applicable County Road and Bridge Standards based on the determined roadway classification once based on the updated traffic study. Any additional

right-of-way to accommodate the development shall be provided as required, and shown on the preliminary plat. Previous and a most recent CDOT analysis states that with the completion of the project, the intersection of US 40 and Eisenhower Drive is expected to warrant signalization. An updated analysis showing accurate traffic impacts for this proposal shall be provided with any preliminary plat, and the County Engineer shall provide a recommendation regarding these options.

Section 3.5.1 of the Grand County Road and Bridge Standards require that all roads in a development having a planned density greater than three (3) units per acre shall be paved. The Applicant shall be required to enter into a Development Agreement with Grand County, or other means of security deemed appropriate by Grand County, in order to guarantee the timing and financing of the paving.

The County Engineer has made the following observations of items to be completed prior to Preliminary Plat:

1. An additional 20' of road Right-of-Way should be deeded from Byers Peak Ranch to Grand County for CR 72 and CR 5221 (FVP), in order to meet the minimum ROW width requirements for the appropriate road classification (80' ROW for Arterial Roads and 60' ROW for Local Roads).
2. The proposed road intersection locations should be revised (or eliminated) in order to meet the minimum 500' intersection offset distance along Street A and CR 5221 (Collector/Arterial), and the 200' minimum offset distance for internal Local/Low Volume roads, as required in Section 3.7.3 of the Standards.
3. Proposed location of south intersection into PA-13 should be directly across for intersection into PA-3.
4. Based on proposed densities and site layout proposed in PA-1, it is anticipated that this parcel and potentially other parcels with need separate parcels designated for snow storage, which should be planned for now and indicated on this Sketch Plan.
5. Label proposed ROW widths. Show typical road sections.
6. Proposed Norgren Road should be shown as a public ROW as it will be a high traffic volume road (Collector Road) and serve as a main link for many local roads within the proposed road network.
7. Proposed road 'Street A' connects to the existing Norgren Road in Town and should be named Norgren Road. The proposed road currently named Norgren Road shall be changed as it does not line up with the existing Norgren Road.

### **Water**

The proposed water system is shown on the plans for the first phase of the development and includes two proposed connections to the existing Town water infrastructure. We requested the developer provide a properly designed and sized proposed water system within the first phase to accommodate the water demands and fire flow requirements. This information is currently under review.

### **Sanitary Sewer**

The sanitary sewer system design needs to include information regarding total flows, including daily and peak flows, generated by the proposed subdivision. Sanitary flow calculations have been

completed for the Filing No. 1 development as well as the overall master development plan. This information is currently being reviewed. No easements have been shown on the Sketch Plan. If the proposed system includes a new off-site sanitary main under the Union Pacific railroad tracks and through property owned by the Divide Condos information needs to be provided to **accommodate that easement or alternatives identified prior to Preliminary Plat.**

#### **Other Items**

Staff received a revised Preliminary Plat for Filing 2 in July showing existing topography, easements for utilities, sidewalks and snow storage.

Staff also received construction plans for Filing 1. Given that details have not been provided as mentioned above, these documents are subject to change and have not been scrutinized. Details associated with pavement design could be provided once the bigger picture issues have been resolved.

Other items that had previously been discussed but not presented by the Applicant include:

- Landscape and Revegetation Plans
- Snow Storage Calculations and Maintenance Plan
- Signage and Striping Plan

Staff would accept drafts, most notably the snow storage and maintenance plan because the proposed roads will not be accepted by Grand County for maintenance. The Plan should detail how excess snow is removed from the current development phase and where it will be stored. There has been mention of heated sidewalks but no firm information on how that will affect the snow maintenance.

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Review of specific trail connections and issues by Headwaters Trails Alliance shall be incorporated in any future development proposal.

- Easements for utilities, above ground utility structures, and monument signage.
- Consistent with Section 3.1 (2) thresholds where roads will contain 1500 ADT's or greater therefore requiring paving.

- Phasing Plans for each development and cost estimates for specific phase and/or that which is required for the entire but must be completed prior to vertical construction.

### **Summary of Engineering Requirements**

There are engineering requirements that will need to be addressed prior to the submission of a preliminary plat.

These are references to our code and will be minimum requirements. The following references are in connection with Chapter 2 of the current Road and Bridge Standards. Construction plans and document shall be compliant with those items which includes the following:

- (Access) Plan
- Road Profiles
- Grading and Drainage
- Revegetation, erosion and sediment control
- Signage and striping plans
- Engineers estimate of probable cost for proposed road, utility, and other critical infrastructure, on and off site improvements.

Staff notes these criteria specifically listed above have been identified as significant factors in assessing the viability of this subdivision. The densities and means in which to support those densities is significantly different from a larger lot single family subdivision which is the standard focus of Grand County planning regulations.

Additionally the provisions within the Grand County Storm Drainage Design and Technical Criteria shall be followed and studies provided with a Preliminary Plat. The framework for the Planning and Design of on and off site systems is outlined within Chapter 3: Drainage Policy.

Staff would also recommend that if there is an intention for the Applicant to ensure secondary routes traveling north, the Applicant partner with the County to complete the Fraser Valley Parkway north of the proposed development making a connection between County Road 73 and County Road 5.

The developer shall build roads to County Standards at a minimum to ensure that the county or another entity provide maintenance they have the necessary access to do so. This would be consistent with Grand County Subdivision regulations (GCSR) Sections 4.1(f) or Section 7.1 (f) as part of the “total development area.”

### **Zoning**

The siting of the dwellings raises issues about zoning and single family residential homes with setback and lot size variances. The difficulty making smaller homes a viable option for developers in most jurisdictions across the county is with the minimum lot size requirement. Smaller homes - whether micro cottages or tiny homes or other description - are not financially viable if the cost of the lot remains the same for both smaller homes as for larger single family residences; and larger lots with smaller homes make it difficult to create the level of density and community character desired.

Staff believes proposed changes as presented in the micro cottage proposal of Filing 1 are reasonable. The typical lots to the north on and above Mill Avenue are 25’x100’. Staff believes the Planning Commission, by approving smaller lots and modifying setbacks accordingly, has an opportunity to take the lead in the County in helping create more affordable housing opportunities.

Significant variances from the dimensional standards of the Residential District have been requested and considered for Filing 1 pursuant to Article 8.1 (2) of the Grand County Subdivision Regulations.

Additionally, variances may be required for the Right-of-Way width, road drive surface, and cul-de-sac radii. Staff believes the support for this density has the implication of creating a more affordable development.

We may need to further analyze the process for implementing Planned Unit Development Regulations. A PUD approach could remedy concerns about adequate open space and lot size variances. The PUD process appears to be similar in terms of the length of process time with the subdivision filing as previously submitted. Staff would look to omit Filing 1 and Filing 2 from the PUD and allow those filings to proceed as presented. It is Staff's interpretation that the PUD process is heavily weighted on studies being supplied at "Schematic Plan" phase but can be a time savings benefit for future phases of development.

Nevertheless, the PUD approach was adopted previously for the Porcupine Ridge Subdivision, using a townhome platting process but with cabins rather than townhomes. While use of this process might be explored again, the requirement of 60% open space would make a revised version of this project extremely difficult, especially in an urban growth area where overall higher densities are encouraged and are certainly consistent with the goals of the Applicant.

## **XI. STAFF RECOMMENDATION**

The general layout concerns i.e., correcting offset streets, providing accurate open space delineations for single and multi-family areas, etc., should be addressed prior to the submission of any preliminary plat(s). Staff finds that the proposed development is in accordance with the Master Plan, that adequate utilities and access are available and the property is apparently suitable for subdivision in the manner contemplated by the developer. Staff recommends the conditional approval of the Byers Peak Ranch Sketch Plan with the following five (5) conditions to be met prior to the submission of any preliminary plat:

2. Provide accurate data within the Site Data and Land Use Summary tables.
3. The Applicant shall follow up on engineering requirements prior to submission of the Preliminary Plat.
4. Comprehensive cost estimates for extension and underground placement of utilities, road construction and paving, landscaping, water, sewer and all other improvements should be provided with any preliminary plat submittal. All required on and off-site improvements are required to be guaranteed through a Subdivision Improvements Agreement.
5. A fire suppression plan specific to this development request shall be provided with any preliminary plat submittal.
6. Draft Covenants for this proposed development must be provided with any preliminary plat submittal and be reviewed and accepted by the County Attorney.

*Clark Lipscomb, the applicant was present and available to answer any questions from the Commissioners.*

*Commissioners asked what is being requested tonight that the Commissioners will vote on.*

*Staff replied we are looking at the overall perspective of revised Sketch Plan on 295 acres, including Filings 1 and 2. Looking for approval of a revised overall plan for Byers Peak Ranch, Filings 1 and 2 will remain as presented. The changes are doubling the amount of units and provide creative uses of open space.*

*Staff shared a letter from Patty Sue Coulson with concerns regarding the primary site entrance off of Leonard Lane, Norgren Road ingress/egress, road widths and lack of sidewalks, impact of additional traffic, and to prohibit use of construction vehicles on existing roads.*

*Mr. Lipscomb presented the big picture change is to shift to multi-family products, more condos and apartments, higher density. The school site (land in lieu of cash) will be eliminated and adding a barn/storage unit in its place. Water rights for 274 acres, the long pond is about 5 acres and will be used for snow making at the tubing hill. Open space will be confirmed every time a plat comes in. Road alignment adjustments for better connectivity. Ponds are considered open space in the calculations. Adventure Park (tubing park) is not considered open space because it is recreation commercially. The County and its engineers are asking for a Master Plan for infrastructure, which is hard for Mr. Lipscomb to go and master plan for water, sewer, traffic, etc., plans without having an approved sketch plan. What do they design too? We are only processing Filings 1 and 2. We are looking for an affirmation from the County that the County likes this concept. The engineers can then address comments from Planning, sizing's, storage areas, etc.*

*Commissioners stated we discussed high density, taller buildings and we are looking to taper the density out, per the original sketch plan, taper out to larger building sites, further towards the edge of the property do a feathered density. You are looking at more increased density with a multi-family, townhome design concept. How would you speak to the overall gradient that was originally purposed with how you are looking at it now?*

*Mr. Lipscomb replied he still has the same concept, very similar to the original sketch plan.*

*Commissioners asked if you will have a single family areas and a duplex area, etc.*

*Mr. Lipscomb replied no that it will be mixed. Pocketed versus being interspersed. On small lots there will be the smaller cabins. Will need a variance request for lot sizes and setbacks. This is all in the Urban Growth Boundary area.*

*Commissioners stated they would look at the variance request on a filing by filing basis. We can discuss directionality and do we agree that we would have to consider some variances to make this sketch plan work.*

*Mr. Lipscomb stated that with Filings 1 and 2, we know what we are building. The entire project will be built in stages.*

*Commissioners asked regarding water and sewer - have communications with appropriate parties been good?*

*Mr. Lipscomb replied that yes we have an agreement with Fraser to service the entire project for water and sewer. The whole project is with the Town of Fraser water and sewer. We have an Out of Town Service Agreement with the Town of Fraser. It is an extension of their current system.*

*Commissioners asked if Mr. Lipscomb has requested to convert from Forestry/Open Zoning to Residential Zoning.*

*Mr. Lipscomb replied no.*

*Commissioners asked about cul-de-sacs. It was felt they have a higher fatality rate and associated with mental health issues (micro communities), driving more so not walking amongst your neighborhood and meeting your neighbors.*

*Mr. Lipscomb stated he would research the cul-de-sac set up. Cul-de-sacs limit people from speeding. Past projects have had pedestrian friendly sidewalks that can lead to trails. This project is similarly designed.*

*Commissioners asked about the 60 affordable housing units from Filing 2. Are there any additional ones throughout the project?*

*Mr. Lipscomb replied that currently we do not have any in the plans, but can possibly work with CHFA (Colorado Housing and Finance Authority) again. We will have 123 micro-cottages that will be affordable also and will have rental properties.*

*Commissioners asked if neighboring property development especially to the south. Will you allow tie in with roads and sewers and other utilities?*

*Mr. Lipscomb responded that this is designed to integrate with Grand Park to the south. The project called Meadow Ranch was mentioned. He has seen some sketch plans but not sure where it stands right now.*

*Commissioners asked if there is potential for any commercial sites on the project.*

*Mr. Lipscomb stated that they have the Colorado Adventure Park and possible very small boutiques, there really is no demand for commercial sites on this project and would need highway frontage which they do not have.*

*Commissioners stated the past variances for the Byers Peak Project are for Filing 1 only. Because we saw the benefits of allowing the variances, we allow ourselves to be open to consider additional variances as different filings come to the Commissioners. We approved a variance for Filing. Brings us other filings, explain what is trying to be accomplished, show us your conceptual plan and we would discuss variances.*

*Mr. Lipscomb agreed to have variance considered on a case by case, product by product basis.*

*Commissioners asked what filing the affordable housing is in and what is the price point.*

*Mr. Lipscomb replied in Filing 2. The price point is \$300-350 thousand with 750 square feet 2 bedroom and 1100 square feet 3 bedroom units..*

*Commissioner asked about the barn area (old school land). Is this incorporated into open space calculations and what is its function?*

*Mr. Lipscomb responded it is a barn/shop. This piece of the property is in the Forest/Open Zoning area. Possibly can be used for a wedding venue or host events, it would be a year round venue, and it might have food service.*

*Commissioners asked if possible a restaurant or food service facility and open to the public.*

*Mr. Lipscomb stated yes it will be open to the public with a restaurant and bar. Near the lake so might be like a Lake Club (with a beach) that families can hang out at. There would be space underneath the building for storage. Small retail, socks/gloves what people tend to forget. Possibly could be a bike trail head, since it's so close to trails.*

*Commissioners asked about the status of the extensions to County Road 5.*

*Mr. Lipscomb answered that it is planned. There is a stumbling block with a property owner.*

*Commissioners asked about traffic impacts and the pollution that is created. We still want a monitor at the corner of Eisenhower and Highway 40 or possibly near the school.*

*Mr. Lipscomb stated he would talk with the Town of Fraser.*

*Louise Powers who reside at 18 Grand County Road 173, a neighbor of the development, is asking about the width of the roads, the snow storage area and the regulations for this.*

*Staff replied that for Filings 1 and 2, the snow storage will be onsite, but the narrowness of the roads will require some of the snow storage to be offsite. We have a maintenance plan, referred to Mr. Lipscomb for further comment.*

*Mr. Lipscomb added that county standards will be met for road widths. The narrower roads slow cars and traffic down. The snow storage will be predominately next to roads for the length of the roads and provided with each home site. It will be privately maintained. The way open space has been designed with water elements this is also a space for snow storage. We will also maintain the sidewalks and keep them clean.*

*Staff added that we are looking at Fraser Valley Parkway and its connection to County Road 5 that might expand from 60 to 80 feet right of way. Staff will be looking at analysis of this in future filings. Looking for the preliminary final finished by mid-March for Filing 2 and Filing 1 is a little ahead of this date. Waiting on engineer comments.*

*Motion to recommend approval by Sally Blea for Byers Peak Ranch Sketch Plan (a 295 acre Development) and a portion of Section 30 (consisting of 295 acres) as presented. Seconded by Kim Shepton. No Discussion. All in favor "aye", none opposed.*

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*Meeting adjourned at 9:03 pm.*

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