

GRAND COUNTY PLANNING COMMISSION
WebEx MEETING MINUTES

Wednesday, February 10th, 2020

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

MEMBERS ABSENT:

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

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

Minutes from January 13th, 2021 were presented. Motion to approve by Ingrid Karlstrom. Seconded by Ryan McNertney. All in favor, “aye”. None opposed, January minutes approved.

There were 13 members of the Public in attendance by WebEx for the February 10th meeting.

Steineck – Hanson Outright Exemption – Steineck and Badgerado, LLC.

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION FEBRUARY 10, 2021

Project Name	Steineck-Hanson Outright Exemption
Applicant	Richard A. “Rick” Steineck
Location	190 County Road 4491
Zoning	Residential (R)
Applicable Regulations	Grand County Zoning Regulations, Grand County Outright Exemption Regulations
Attachments	<ul style="list-style-type: none"> A. Certificate of Recommendation B. Development Application C. Project Narrative Letter D. Vicinity and Detail Maps E. Proposed Steineck-Hanson Outright Exemption Final Plat F. Affidavit in Lieu of Survey G. Lot 57 Stillwater Small Tracts Title Commitment H. Lot 58 Stillwater Small Tracts Title Commitment I. Shared Parcel Title Commitment J. Lot 57 Quit Claim Deed, Reception no. 2005-009844 K. Special Warranty Deed, Reception no. 2019-003830 L. Easement Patent, Reception no. 91597
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Outright Exemption to divide one parcel between two adjacent properties and combine another adjacent parcel to one of the properties. The resulting Outright Exemption will consist of two recorded parcels created from the original four unrecorded parcels.

Background

Richard “Rick”—herein referred to as “Applicant”—and Valerie Steineck have owned Lot 57 of the Stillwater Small Tract unrecorded subdivision since August 31st, 2005 per Quit Claim Deed recorded at Reception no. 2005-009844. The Steineck’s also own the parcel directly adjacent to the west of Lot 57 per Reception no. 2019-003830 as well as the parcel directly adjacent to the south of Lot 57 jointly with the other involved party, Wayne Hanson (owner of Lot 58 of Stillwater Small Tracts, herein referred to as “Hanson”) since January 10th, 2020 per Quit Claim Deed recorded at Reception no. 2020-000441.

Both developed parcels are serviced by well water and septic systems. The lots in the subdivision are all approximately two acres large. The lots are in compliance with minimum required lot areas for parcels in the Residential Zoning District that have not been subdivided (per a recorded subdivision) and are not served by public water and waste water facilities.

Utility easements have been dedicated along all lot lines in the unrecorded subdivision. The utility easements corresponding to the lot lines to be vacated through this Outright Exemption would be vacated, but easements corresponding to exterior lot lines would remain in place.

History

The Stillwater Small Tract unrecorded subdivision created a total of 78 unrecorded parcels west of County Road 4, south of Stillwater Pass and the Arapaho National Forest, west of US Highway 34 and northwest of Lake Granby. The unrecorded subdivision was largely unaffected by the East Troublesome Fire, save for a

few parcels at the north end of the subdivision. The parcels subject to this Outright Exemption application were not impacted by the fire.

Purpose of Request

The Applicant and Hanson plan to distribute the parcel to the south of the Applicant's property, and the Applicant will join his portion of the divided property with the developed property and the parcel to the west of the Applicant's developed property. The resulting Outright Exemption will consist of two recorded parcels created from the original four unrecorded parcels.

The Outright Exemption would simplify property boundaries for both involved parties and would simplify taxation for property owners. It would also ensure no future sale of the adjacent lots that have not yet been developed.

Staff Comments and Analysis

The Outright Exemption was selected as the appropriate process by which the Applicant's goals could be accomplished because the Stillwater Small Tract subdivision was never a recorded subdivision. This could not be an Amended Final Plat, because there is no "final plat" to amend.

The Stillwater Small Acres unrecorded subdivision has been largely developed for some time; the Applicant's request to combine lots may reduce the number of developable sites in the area, but the absence of recent development indicates that this action would not impact development trends in the area. This request is consistent with many Outright Exemption and Amended Final Plat applications that Community Development receives, and that the Planning Commission has recommended for approval.

Compliance with Zoning Regulations

Section IV – Residential District

- §4.1 Uses Permitted** The existing uses of the properties are in compliance. (§4.1.1)
- §4.2 Minimum Area of Lot** The minimum lot area permitted in the Residential (R) Zoning District for a property on un-subdivided land is two acres. The parcels that would be created through this Outright Exemption would both be in compliance with these regulations. (§4.2.1)
- §4.3-6 Minimum Lot Width & Yards** Both lots created through this Outright Exemption would be in compliance with all these regulations.

Outright Exemption Regulations

- §1.4.1 (d)** The purpose of this Outright Exemption request is to establish recorded boundaries of two new parcels from four existing parcels of 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:
 - Steineck-Hanson Outright Exemption**
 - Being a Replat of a portion of the S ½ SW ¼ NW ¼ SE ¼, Government Lots 57 & 58**
 - And the NE ¼ SW ¼ NW ¼ SE ¼ of Section 22**
 - According to the Bureau of Land management Dependent Resurvey and Survey Plat,**
 - October 6, 1959**
 - Situated in a Portion of the Northwest Quarter of the Southeast Quarter of Section 22,**
 - Township 3 North, Range 76 West of the 6th P.M.**
 - County of Grand, State of Colorado**
 - Also known as Stillwater Small Tracts**
- §3.2.2 (b)** Legal description of the property shall be written as follows:
Steineck-Hanson 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.

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 Amended Final Plat application is scheduled for **February 10th, 2021**.

Staff Recommendation

Staff recommends approval of the Steineck-Hanson Outright Exemption. 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 legal description of the property shall be amended (see (b) above).
3. All parcels subject to this Outright Exemption shall be labeled consistently as recommended, if possible (see (g) above).
4. Dedication shall be amended (see (k) above).
5. Surveyor's Certificate shall be amended (see (l) above).
6. An electronic copy of the Final Plat shall be submitted (see (y) above).
7. All recording fees are to be paid by the Applicant.
8. 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 on the call this evening.

Commissioner Gnuse stated no questions in particular, just wanted a point of clarification on the recommendations. Number 6 where you call for an electronic copy of the final plat, note C(y) I think you mean C(t).

Commissioner MacDonald stated he could not see the plan well. Can we confirm that we are not creating any smaller lots, can't tell if there is an easement, utility, road or driveway going through the red valley? Just making sure we are not creating something that is non-conforming.

Jacob replied, we are creating 2 lots and both will be larger than any existing lots. Looking at the plat drawing, the bold black lines indicate the exterior lot lines of the 2 parcels to be created. The dot-dashed lines on the plat drawing indicate the existing property lines.

Commissioner MacDonald, where is Red Turf Valley on the plat drawing located. If this is the line, I am trying to make sure if that is a road or what?

Commissioner Davis added it is the Red Top Ditch that Commissioner MacDonald is looking at.

Jacob replied the Red Top Ditch is an irrigation ditch that runs through a couple of the parcels. It is just a ditch and there are no planned developments, so we are not concerned about the location.

Commissioner MacDonald stated he understands and that he wanted to make sure it was not a road. It appears that the driveway meanders through the lot lines, is this a conforming issue?

Jacob replied, the existing driveways are not going to be altered at all, per the Outright Exemption. Nothing is changing around what has already been developed on the property.

Commissioner Davis stated to Jacob, the Right-of-Way that you are looking to vacate needs to be replaced with an easement and have it listed on the final plat. It is going up the road currently, but if you are going to vacate it, we have to make sure there is an easement in place and then have it recorded on the final plat.

Jacob stated, where the current driveway exists (in the northern section) of the driveway, these easements are not being vacated.

Commissioner Davis stated the driveway is showing a dotted line through that so just make sure there is an appropriate access easement. We can add this as condition number 9.

Commissioner Graves stated no questions.

Commissioner McNertney stated no questions.

Commissioners Shepton stated she had a question regarding the lot numbers. They are listed has 57A and 58A. If it had not been recorded before, did they have existing lot numbers before?

Jacob replied, the lot number designations were derived from the unrecorded plat map of the Stillwater Small Tract Subdivision.

Commissioner Shepton added this does show the change by making it 57A?

Jacob added I think it is smart to use the general numbers that had been used on the existing lots. It will keep the notation consistent for lot identification within the unrecorded subdivision.

Commissioner Shepton continued, in the recommendation it states "parcels will be labeled". Are we saying the lot will be labeled or the parcels will be labeled?

Jacob replied, my intent was to address the question about, what were these parcels originally designated as from a lot number. I was hoping to open a dialogue with the applicant and surveyor just to make sure there was not anything we could do to make it clearer as to what these lots were called before.

Commissioner Davis stated typically this would impact your title, because you would say Outright Exemption of Lots 57, 58 and half of 59 of the unrecorded Stillwater Small Tracts and Lots 58 and the other half of 59 of the previously unrecorded subdivision. Your Outright Exemptions renames them to be 57A and 58A. Will work with this in the title.

Commissioner Fournet stated no questions.

Commissioner Fitch stated no questions.

Commissioner Karlstrom stated no questions.

Commissioner Davis stated we added 2 conditions. Number 9 confirming easements for existing driveways and number 10 confirming title with prior lots.

Commissioner Davis asked if there were any public comments. Hearing none he asked for a motion.

Motion to recommend approval by Tara Fournet for Steineck – Hanson Outright Exemption – Steineck and Badgerado, LLC with 8 conditions plus 2 new conditions. Seconded by Kim Shepton. No further discussion. All in favor "aye", none opposed. Motion carries.

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

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION FEBRUARY 10, 2021

Project Name	Hoglund Amended Final Plat
Applicant	Peter & Madeline Hoglund
Location	1503 County Road 8
Zoning	Residential (R)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations
Attachments	M. Development Application N. Vicinity and Detail Maps O. Proposed Amended Final Plat P. Construction Site Plans Q. The Ridge Final Plat, Reception no. 98011438 R. Title Commitment S. Warranty Deed, Reception no. 2019-003371
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Amended Final Plat to eliminate the designated building envelope of Lot 4, Ridge subdivision.

Background

Peter and Madeline Hoglund, herein referred to as "Applicant", have owned Lot 4 of the Ridge subdivision since May 2019 per Warranty Deed recorded at Reception no. 2019-003371. The lot is 4.86 acres large, and the majority of the lot is part of a designated "Non-Development Zone". An 80' x 100' building envelope was included in the original Final Plat of the subdivision. No permanent structure has yet been built on the property, but there is a yurt on the property. Plat Note #2 calls for the property to be serviced by the WPWWSD water system, but it is the Applicant's plan to use well and septic systems.

The Ridge subdivision is located east of Fraser along County Road 8. It was recorded October 26th, 1998 at Reception no. 980011438. Four developable lots were created, ranging in size from 1.9 to 4.85 acres. There was also an out lot 1.14 acres in size created. All parcels in the subdivision were created with building envelopes. 20' utility easements were platted parallel and adjacent to all lot lines, but these utility easements would not be impacted by this proposed Amended Final Plat

History

The Applicant has owned Lot 4 of the Ridge subdivision since May 2019 without building a permanent structure on the property. The Applicant did place a yurt on the property last summer as a play place for their kids; Applicant's brother lives about 500 yards from the lot, so the family would go to the property to enjoy it for day-use only. The Applicant plans to remove the yurt from the property as soon as construction of their planned single-family residence is set to begin, but offered to dismantle and remove the yurt as soon as possible if asked to do so..

Purpose of Request

The Applicant wants to build a single-family residence on the property, but the current building envelope does not include a portion of the buildable area that is most practical for development of a safe driveway. Removal of the building envelope would allow the Applicant to build in a spot more amenable to a driveway, as the property slopes steeply down from County Road 8.

Staff Comments and Analysis

The designated building envelope for the property was located without full consideration given to the "buildability" of the property and location of a driveway. There is already a "Non-Development Zone" designated on the lot, restricting the buildable area of the lot to the southernmost portion of the property. Whether or not the Building Envelope is kept in place, the topography of the lot naturally restricts the buildable area; in conjunction with the NDZ, it serves little purpose but to complicate development plans for the Applicant.

Compliance with Zoning Regulations

Section IV – Residential District

- §4.1 Uses Permitted** Intended use of the property is in compliance. (§6.1.1)
- §4.2 Minimum Area of Lot** The minimum lot area permitted in the Residential (R) Zoning District when subdivided land is not served by public water and sewage facilities is 30,000 ft.², or 0.69 acres. The size of the subject parcel is 4.86 acres and would not change as a result of this Amended Final Plat. This property is in compliance. (§4.2.2)
- §4.3-6 Minimum Lot Width & Yards** The lot width is in compliance, and the single-family dwelling will be in compliance with all yard requirements.

Subdivision Regulations – 4.3 Final Plat

- §4.3 (1) (a-b)** The Final Plat Mylar shall be on a 24" x 36" sheet, at a minimum scale of 1"=100'.
- §4.3 (2) (a)** The Title of the Outright Exemption shall read:

Amended Final Plat
Amended Lot 4, The Ridge Subdivision
Being a Replat of Lot 4, The Ridge Subdivision, Reception No. 98011438
Part of NW ¼ Section 21, Township 1 South, Range 75 West of the 6th P.M.
Ownership recorded at Reception No. 2019003371

-
- §4.3 (2) (b)** The legal descriptions shall be written as follows:
Amended Lot 4, The Ridge Subdivision

COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this ___ day of _____, 20___ by **Madeline Vogenthaler Høglund**.

My Commission Expires: _____

Notary Public

- §4.3 (2) (l)** Certification by a Surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final subdivision plat, to be in substantially the following form:

SURVEYOR'S CERTIFICATE

I, **Michael Sean Kervin**, a duly licensed land surveyor in the State of Colorado, do hereby certify that this **Amended Final Plat, Amended Lot 4, The Ridge Subdivision**, being a replat of **Lot 4, The Ridge Subdivision**, truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.

(Surveyor's Signature)

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

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

PLANNING COMMISSION CERTIFICATE

Approved this ___ day of _____, 20___ by the Grand County Planning Commission, Grand County, Colorado.

Chairman

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 subdivision 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

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

- §4.3 (2) (o) A two and one-half by three inch (2-1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.
This requirement has been met.
- §4.3 (2) (p) The executed original of the Restrictive Covenants and Articles of Incorporation and Bylaws of any owners' association showing filing of the Articles in the office of the Secretary of State and the State of Colorado.
This provision is non-applicable; there are no existing Articles, Bylaws, or Owners' Associations.
- §4.3 (2) (q) A vicinity map.
This requirement has been met.
- §4.3 (2) (r) The subdivider shall provide:
- (i) Storm drainage plans and related designs, in order to insure proper drainage ways.
 - (ii) Property survey and proof of ownership.
 - (iii) Sanitary sewer plans and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems.
- Provisions (i) and (iii) are non-applicable. Property survey and proof of ownership are provided.**
- §4.3 (2) (s) The subdivider shall provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof.
This provision is non-applicable.
- §4.3 (2) (t) No subdivision shall be approved until such data, surveys, analyses, studies, plans, and designs as may be required by this section and by the County Planning Commission or the Board of County Commissioners have been submitted, reviewed and found to meet all sound planning and engineering requirements of the County contained in these Subdivision Regulations.
This Amended Final Plat application shall comply.
- §4.3 (2) (u-v) "Major Activity Notice" and "Colorado Land Use Commission".
These requirements are not applicable, as this is not a new land division in Grand County. Colorado Land Use Commission does not receive applications for Amended Final Plats.
- §4.3 (2) (w) A 14" x 18" black-line mylar(s) with approved addresses and road numbers as required.
These shall be placed on the Final Plat Mylar. The final address for the subject parcel shall remain 1503 Grand County Road 8.
- §4.3 (2) (x) Statement of taxes due showing current taxes paid.
This requirement has been met.
- §4.3 (2) (y) An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.
This shall be included prior to recording of the Final Plat Mylar.

Planning Commission Recommendation

Planning Commission hearing for this Amended Final Plat application is scheduled for **February 10th, 2021**.

Staff Recommendation

Staff recommends approval of the Amended Final Plat, Amended Lot 4, The Ridge Subdivision, being a replat of Lot 4, The Ridge Subdivision. The following conditions shall be met prior to the recording of the Amended Final Plat:

1. The Title of the Amended Final Plat shall be amended (see (a) above).
2. The legal description of the lot shall be amended (see (b) 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 for clarification of where the building envelope was previously. The original plat was not in our packet.

Jacob pulled up the original plat to show the 2 locations of the building envelope.

Commissioner Davis stated you are asking to remove the building envelope, be able to build anywhere within the currently existing buildable zone and not changing the non-buildable zone at all, but just remove the need for the building envelope.

Commissioner Davis asked if the applicant was on the call and if they had any questions or comments.

Madeline Hogland, the applicant, is on the call and stated she had reviewed the certificate and had no questions.

Commissioner Gnuse stated no questions.

Commissioners MacDonald stated no questions.

Commissioner Graves stated no questions.

Commissioner McNertney stated no questions.

Commissioner Shepton stated no questions.

Commissioner Fournet stated no questions.

Commissioner Fitch stated no questions.

Commissioner Karlstrom asked about the yurt in the photo asking if it was legal.

Commissioner Shepton added the applicants stated they were going to take down the yurt it was only temporary.

Jacob added, he contacted the applicant in regards to the yurt, it was never used as a dwelling or a camping site. It was used as a play house for the applicant's children.

Commissioner Davis stated yurts are not allowed to be used as dwellings because they do not meet the code for snow loads and insulation requirements. The assumption is if someone puts up a yurt for fun, then the assumption is they are going to stay in it. The concern, is it would become a dwelling unit that is not safe. Sounds like staff has addressed it.

Madeline Hogland, the applicant, stated my brother lives right next door and between the 2 of us, we have 5 children. We added the yurt for a place for the kids to play until we were able to build. The driveway will go right were the yurt is presently located so we will remove the yurt and the yurt will not go back up.

Commissioner Fitch stated as long as the yurt is for the kids to play in, I have no issues.

Commissioner Davis stated we don't really get into zoning violations and this is a building department violation if it was used as a dwelling unit. If it is not used as a dwelling unit I don't see how this is a problem.

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

Motion to recommend approval by Kim Shepton for Lot 4, The Ridge Subdivision – Amended Final Plat – Hogland with the 7 conditions. Seconded by Ingrid Karlstrom. No further discussion. All in favor "aye", none opposed. Motion carries.

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

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission February 10, 2021; Board of County Commissioners T.B.D. 2021

- PROJECT NAME:** Arvada Parcel Subdivision Exemption- Sketch Plan
- APPLICANT:** Colorado Mountain Resort Investors LLC, represented by Jeff Vogel, AICP
- LOCATION:** Metes and Bounds being Part of Section 6, Township 1 South, Range 75 West totaling approx. 101 acre, part of Section 27, Township 1 South, Range 75 West of the 6th P.M. Grand County, Colorado.
- APPLICABLE REGULATIONS:** Zoning Regulations, Subdivision Exemption Regulations, Master Plan
- ZONING:** R– Residential District
- ATTACHMENTS:**
- a) Application and Narrative Letter
 - b) Sketch Plan (Plat)
 - c) Title Commitment
- STAFF PLANNER:** Alexander Taft, LEED Green Associate
- REQUEST:** The Applicant is proposing a Subdivision Exemption to subdivide a 69.57 acre parcel into 2 parcels.

I. BACKGROUND

a. **PROPOSAL**

Colorado Mountain Resort Investors LLC, represented by Jeff Vogel, AICP, the Applicant, are the owners of an approximately one hundred four (104) acre Metes and Bounds property. They are proposing a subdivision of a portion of the parcel by process of Subdivision Exemption to create two (2) separate lots. One 35 acre parcel is not being considered as part of this application leaving 69.57 acres included in this

application.

The two lot proposal would consist of Lot 22 being 34.4 acres and Lot 23 being 35.17 acres. These two lots are intended to allow residential development on a portion of the property which is adjacent to existing residential development. The subject parcel is located outside any Rural or Urban Growth Areas as defined by the Grand County Master Plan. Proposed water will be well and sanitation provided by Onsite Waste Water Treatment System (OWTS).

b. HISTORY

This approximately one hundred four (104) acre parcel is a part of a larger ranching operation which dates back to federal land patents granted in 1883.

There are at least three conservation easements which surround the property including the Stadelman Ranch Conservation Easement which protects the "Fraser Flats." The one which encumbers the subject property was established by the property owner in 2008 to conserve the Fraser River Corridor and extends back along the meadow.

II. STAFF ANALYSIS

Staff would like to note that the total land area of the two parcels may vary throughout this Recommendation and on the plat. We acknowledge this may lead to some confusion but would like to clarify that Staff will work with the Applicant to have total areas consistent on the Final Plat. We also acknowledge that with the large area of the property it is difficult to survey accurately which leads to some fluctuation in total area.

This Subdivision Exemption request is intended to maintain the current environmentally sensitive character of the area and is an appropriate tool for subdividing this property. The development requirements focuses on developing the site while remaining cognizant of special site considerations. Each lot created by this proposal will contain one (1) single-family residential unit per lot. The site is surrounded both residential uses and open space with Denver Water Board property to the west, agricultural and residential land to the north and south and the Sunset Ridge residential subdivision to the east. An irrigation ditch runs through the property as well as the Fraser River.

Access to Lots 22 and 23 could be provided from GCR 8302 "Sunset Drive" and GCR 8304 "Golden Drive" from the east side of the property.

This proposal has been submitted as a Subdivision Exemption instead of Outright Exemption because the lots created by this proposal are intended to be used for single family residential development. The Subdivision Exemption Regulations consider infrastructural and access improvements for future development which the Outright Exemption Regulations do not.

A conservation easement encumbers the majority of the subject parcel. The Grand County Subdivision Exemption Regulations outline the process of how to divide land on a small scale such as this. It is particularly useful these under circumstances in which compliance with the full Grand County Subdivision Regulations would cause undue hardships. Additionally, the impact of the proposed division would not require the review or rigor of analysis as required in the Subdivision Regulations.

It is Staff's understanding that a domestic well permit for the 69.57 acre area is obtainable through the state consistent with C.R.S. §37-92-602. The Applicant represented that a well sharing agreement would

be created to allow. Also, it is Staff's understanding that under that same section of state law, exempted well(s) which allow for at a minimum household use are available if a County approves a lot through an exemption process. This does not fully detail the adequacy of the water resources consistent with C.R.S. §29-20-304. It is Staff's recommendation that a water resource engineer or water resource attorney provided an explanation of the adequacy of the water supply prior to Final Plat review by the Board of County Commissioners.

III. COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

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 two (2) is relevant to this proposal.

Plan Element 2 – Land Use – Growth and Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the urban growth areas where existing infrastructure and public services exist. This subdivision exemption, however, is located outside any Grand County Growth Area and is bordered by large acres agricultural and residential lots to the north and south and US Highway 40 west. In addition, the proposed subdivision provides a low density development.

Plan Element 3 – Development: The Built Environment

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

b. ZONING – Section 4.1 Residential District

The zoning for this parcel is Residential District. This application complies with the regulations in the following ways:

- 1) Single family dwellings are anticipated to be constructed on the parcels by others. This use is in compliance with the regulations.
- 2) These parcels are required to have a minimum lot area of 30,000 ft² per Residential District served by well and OWTS. The proposed parcels are 35.17 acres and 34.4 acres and therefore comply.
- 3) These parcels shall comply with the minimum standard yard setbacks of the Residential District.
- 4) New single family dwellings are required to comply with the parking requirements detailed in Section 14.4 of the Zoning Regulations.

c. SUBDIVISION EXEMPTION – Article 2 – Design Standards

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

2.1 SPECIAL SITE CONSIDERATIONS

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

The property is located in an upland area with no apparent flood or drainage hazards. This has been further justified with the NCRS soil survey which suggest the soil composition to be glacial alluvium, a typical soil type for developed areas in Grand County [2.1 (2)].

The property does border US Highway 40 rights-of-way, but the building envelopes being established are in excess of half a mile away not necessitating a buffer strip [2.1 (3)].

There is a significant portion of the property which is encumbered by a Conservation Easement to protect the meadow known as the Fraser Flats and Fraser River corridor which acts as, in Staff's opinion, the ultimate form of preservation of natural features of the property [2.1 (4)].

There are homes on the adjacent lots within this Subdivision Exemption. The adjacent Sunset Ridge and Sunset Ridge Estates have one ingress/egress to County Road 83 connecting to US Highway 40 and this is of concern for potential fire hazard. A connection through adjacent lands to County Road 8 is desirable but has not been possible. While this is a concern, the location or use of this property is not be able to resolve the creation of a second access for emergency use [2.1 (5)].

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

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

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

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

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

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

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

2.3 LOTS

The proposed lots are 34.4 and 35.17 acres which is greater than the required 2.4 acres, therefore complying with these regulations and the Residential District [2.3 (1)].

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

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

Pursuant to these Regulations, a 14"x 18" Mylar is to be produced as per the required Final Plat recording package. Staff has historically recommended that Applicants of new development provide addresses on the Final Plat Mylar to reduce the unnecessary extra hard copies which are maintained by Grand County GIS. The Board of County Commissioners may ultimately waive this requirement for extra hard copies if they agree it is unnecessary. **Addresses for lots shall be determined before approval of the final plat [2.3 (5)].**

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

2.4 DEDICATIONS

The language included below is directly quoted from the Subdivision Exemption Regulations and is to serve as a reminder to the Applicant that no new county roads are being accepted for maintenance. *Any dedication of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements, may be required [2.4 (1)].*

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

2.5 DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER

Staff has done research using a web soil survey from USDA National Resources Conservation Service (NRCS) to determine that the area is not located within any areas in an existing one hundred (100) year floodplain [2.5(1)].

The OWTS shall be located outside of any drainage to minimize impacts to surface water in Ranch Creek, a note shall be added to the plat in this regard [2.5 (2)].

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

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

2.6 DESIGN STANDARDS FOR NATURAL HAZARD AREAS

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

Staff has not discovered any natural hazards which would cause concern to public safety or welfare.

2.7 IMPROVEMENTS REQUIRED

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

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

There is an assumed access from County Road 8302 and 8304 to serve both Lot 22 and 23 the west **[2.7 (2)]**.

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

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

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

2.8 SLASH REMOVAL/DISPOSAL

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

2.9 SOLID FUEL BURNING DEVICES

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

2.10 SCHOOL LANDS

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

Land areas dedicated for future school sites follows the following calculation

2 units

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

Money in Lieu of Land Calculates to:

$2 \times .50 = 1.0$

$1.0 \times .090 = .090$

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

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

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

2.11 STORMWATER MANAGEMENT

[2.11 (1-2)] Areas of disturbance are anticipated to be less than 1 acre and therefore not triggering a Storm Water Permit through CDPHE. As noted above new driveways shall be constructed to Road and Bridge Standards.

2.12 DESIGN STANDARDS FOR MINERAL RESOURCE AREAS

This Application shall comply [2.12].

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

2.13 DITCH CROSSINGS

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

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

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

2.14 POST CONSTRUCTION

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

d. SUBDIVISION EXEMPTION – Article 3 – Sketch Plan

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

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

The proposed land division shows the creation of two (2) new parcels within the 69.57 acres owned by the Applicant (a&b). A vicinity map was also included to show the parcel in relation to a two mile area (c).

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

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

[Sketch Plan 3.2 (2) (b)]

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

[Sketch Plan 3.2 (2) (c)]

The proposed Plat includes the names, addresses, and telephone numbers of the applicant(s) have been shown and shall remain on the Final Plat.

[Sketch Plan 3.2 (2) (d)]

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

[Sketch Plan 3.2 (2) (e)]

Location and approximate dimensions for all proposed street Rights-of-Way, easements and lot lines have been shown. A thorough analysis of all existing and proposed easements and Rights-of-Way shall be completed with the Final Plat submittal.

[Sketch Plan 3.2 (2) (f)]

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

[Sketch Plan 3.2 (2) (g)]

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

[Sketch Plan 3.2 (2) (h)]

This condition has been substantially met all lots show acreage to the 1/1000th.

[Sketch Plan 3.2 (2) (i)]

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

[Sketch Plan 3.2 (2) (j)]

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

[Sketch Plan 3.2 (2) (k)]

The title insurance commitment has been provided as a portion of this application and is dated August 31, 2020.

IV. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for February 10, 2021.

V. STAFF RECOMMENDATION

Staff recommends the approval of the Arvada Parcel Subdivision Exemption Sketch Plan with the following conditions to be met prior to submitting an application for Final Plat approval:

1. Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. A plat note stating: All utilities shall be placed underground where not already existing [§ 2.2 (12)].
2. The Applicant shall work with Staff and the local Fire District to establish addresses to best serve first responders and emergency services [2.2 (13)].
3. The front of the lot shall be that side adjacent to driveway or road access noted on the Final Plat [§ 2.3 (2)].
4. Addresses for lots shall be determined before approval of the final plat [2.3 (5)].
5. An explanation of adequate supply created by a water resource engineer or water resource attorney shall be provided prior to Final Plat review by the Board of County Commissioners pursuant to §29-20-103 (§29-20-304) Colorado Revised Statutes [§ 2.5 (3a)].
6. Improvements shall be made by the applicant at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Board of County Commissioners [§ 2.7].
7. Electric utilities shall be placed under ground typical of all new subdivisions created in Grand County. A plat note shall be added to the Final Plat to this effect [§ 2.7(3)].
8. School lands or fees in lieu Impact fee shall be completed prior to the recording of any Final Plat [§2.10].
9. Plat notes shall be added to the Final Plat covering items related to ditch crossings [§ 2.13].
10. The Final Plat shall include ditch Right-of-Way and shall be accurately dimensioned [§ 3.2 (2) (i)].

11. The title and legal description shall be reviewed by the County Attorney.
12. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.
13. The Applicant shall meet all Final Plat requirements.

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 noticed that Jeff Vogel, was present for the applicant and asked if he had any questions or comments.

Jeff Vogel, AICP stated Alex did a great job summarizing the project. Our intent is to maintain the integrity of the Fraser flat and meadow. The owner is the one who actually did the conservation easement on this property. He understood the visual significance of the property. That is why the building envelopes are tucked up against the east side of the property. With regards to the other conditions we are fine.

Commissioner Davis reminded all that we are at sketch plan stage. Proof of concept, make sure we understand review agencies and does the plan make sense.

Commissioner Gnuse had a question regarding the building envelopes that were shown. (Showing the drawings with building envelopes). The point of access to these sites is off of Golden Dr. You cannot get to lot 22 without going through lot 23. Is there a driveway that will serve both residences to Golden Dr.? Will that be the ingress/egress for both lots?

Jeff Vogel, replied that is correct. We have a utility easement there for lot 22. The section on the map was shown to Commissioner Gnuse.

Commissioner MacDonald asked if the building envelope was needed, he feels down the road this commission will see this project again to change or remove the building envelope and have a buildable area.

Alex replied, our understanding and the intention of the building envelope is to balance built environment to the physical; an acre of area within the building envelope seems to have that flexibility.

Jeff Vogel added, that is correct. We sized these large enough so that it is highly unlikely that someone will build a 40,000 square foot house, but we made it large enough for that specific reason, that there would be flexibility. If there were orientation issues the structure can be accommodated in the building envelope.

Commissioner MacDonald added, 10 years down the line, this will be an issue and we will have to go through a process to remove the building envelope.

Commissioner Davis added it is an interesting point Will, if you look further south on these lots, everything west of the ridgeline is buildable and everything east of the ridgeline is buildable. Is this below the ridgeline, down in the flats?

Alex stated that it is slightly below the ridgeline. The ridge begins at the turn of Golden Dr. and Sunset, by the irrigation ditch. Irrigation ditch is in the middle of the building envelope.

Commissioner Davis stated, you have a building envelope in the middle of your irrigation ditch? Explain that.

Jeff Vogel replied it gives us the flexibility we need. We have the easement on the east side and then we have the conservation easement that we do not want to go further to the west. We made the building envelope large enough that it could accommodate the irrigation ditch and still have a home.

Commissioner Fournet asked if this is truly going to be an agricultural property, wouldn't you want a bigger building envelope in case you have to build barns or stables, etc. to make it more conducive.

Jeff Vogel replied, the owner actually wants to restrict that type of use of having barns and stables, etc. The intent is to restrict to just a home.

Commissioner Fournet asked, it is not going to be agricultural land then?

Jeff Vogel replied, no. The open space that is in the conservation easement will continue to be utilized for agricultural. The owners have not fenced or added barns etc. Their intent is to keep it this way.

Commissioner Fournet asked, what happens when the land sells?

Jeff Vogel stated we will have restricted covenants that will preclude this from happening.

Alex added, the conservation easement document is in the Planning Commission file. This proposal does get into more detail about preservation of any conserved lands and agricultural use.

Commissioner Gnuse asked a follow up question. I got the impression in reading this (and a note below Lot 23) the 35 acres that are not part of this application seems to be labeled as a conservation easement as well. You only show Lot 23 as being the green shaded conservation easement. I got the impression most everything below the ridge line or towards Highway 40 and the railroad tracks fell into conservation usage rather than being available for development of housing. Where is all the conservation on these 103 acres, is it just Lot 23?

Jeff Vogel replied, it is Lot 23 and the lot to the south. Not Lot 22. That is the reason we want to have the building envelopes. By creating the building envelopes with the covenants and control, it will make sure that the western section will maintain the open space.

Commissioner Karlstrom asked if the building envelope was in the conservation easement.

Jeff Vogel replied no. The conservation easement allows for 1 building site permitted in the actual language of the easement. That is for Lot 23 and a 35-acre lot to the south. The owner and applicant are the same person who did the conservation easement.

Commissioner Graves stated no questions.

Commissioner McNertney stated no questions.

Commissioner Shepton wanted to know, above Lot 22 is that considered Lot 21 and is Lot 21 considered agricultural land?

Jeff Vogel replied, the lot to the north is being utilized as agricultural land. Lot 22 and 23 and the lot to the north are being utilized for agricultural uses by Devils Thumb Ranch.

Commissioner Shepton asked with the conservation easement, are they going to continue to lease agricultural?

Jeff Vogel replied, yes. The owner of Lot 22 and 23 is also the owner of Devils Thumb Ranch, so they will continue to utilize the property.

Commissioner Shepton asked how many recommendations are there now, because the 1 regarding soil is being taken out?

Alex replied, the recommendation that was in the dropbox listed 14 recommendations, it should be 13 recommendations, and we are removing a mineral notice.

Commissioner Fournet stated no questions.

Commissioner Fitch stated she feels this type of development actually protects the esthetics of the rural development. No questions.

Commissioner Karlstrom asked, in the application, it states that there is a 101-acre parcel and in another location it states there is a 104-acre parcel. This should be corrected to one or the other.

Alex replied, we acknowledge that this has happened. In our research, between the information given to us on the application and the chain of transfers, it fluctuates a little because it is such a large area that it is tough to survey and get an accurate measurement.

Commissioner Davis stated he feels all questions have been covered and it is feasible to move through with the sketch plan. Standard condition would be that the County Attorney review the covenants and the conservation easement. The only concern I have with the building envelope is on one hand we put it under conservation easements that allows for the usages of land for crop or whatever else. When we get into restrictive covenants and building envelopes in our zoning regulations, we have the Right To Farm as part of our county's desire. When we hear about restricting, minimizing not allowing people to use their rights. The take away from the Planning Commission is that the building envelope really needs to be looked at and I would highly suggest that we have a long discussion with the applicant about our right to farm. We don't like to restrict people for future use. The conservation easement itself is a huge restriction, but at the end of the day this is a farming and ranching community.

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

Motion to recommend approval by Ingrid Karlstrom for Arvada Parcel Subdivision Exemption – Sketch Plan as presented. Seconded by Bob Gnuse. No further discussion. All in favor "aye", none opposed. Motion carries.

Mulligan Estates Townhomes – Sketch Plan – Mulligan Estates, LLC.

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

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

PROJECT NAME: Mulligan Estates- Sketch Plan

APPLICANT: Mulligan Estates, LLC represented by Simon Farrell, Engineer: Kevin Vecchiarelli
JVA Consulting Engineers

LOCATION: Lot 27, Winter Park Ranch First Filing, 997 GCR 830 (aka Mulligan Street)

APPLICABLE

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

ZONING: R – Residential District

ATTACHMENTS:

- d) Vicinity Map
- e) Sketch Plan (Plat)
- f) Application and Narrative letter
- g) Soil and Foundation Investigation, Lot 24 Winter Park Ranch aka 1030 Townhomes (January 2003)
- h) Radon Levels Test Report, 1030 Townhomes (May 2005)
- i) Geologic Reconnaissance Study Lot 23 Winter Park Ranch aka Trestle Townhomes (January 2000)
- j) Trestle Townhomes Preliminary Drainage and Erosion Control Report (April 2000)
- k) Development Agreement
- l) Amended Plat of Winter Park Ranch First Filing

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant/Developer is proposing a subdivision in order to divide a two townhome (duplex) building on a .58 acre parcel creating a density of 3.4du/acre.

II. BACKGROUND

a. PROPOSAL

Mulligan Estates, LLC, represented by Simon Farrell, the Developer, is proposing a two unit townhome subdivision. The two townhome dwelling units have mirrored foot prints. The total building footprint of 4,913 square feet includes the two dwelling units and a single car garage for each unit with patio or deck extending outside. The property subject in this proposal, Lot 27, Winter Park Ranch First filing, has an area of .58 acres or 25,264 ft².

The plan substantially meets the development criteria as being located within the Urban Growth Area, which includes all filings of the original Winter Park Ranch Plat. The two units being proposed will be developed for use by the property owner and family.

Each unit has a separate entrance. The units will be served by water and sewer via Winter Park Ranch Water and Sanitation District. Electric service will be supplied by Mountain Parks Electric. These utility companies or districts will be included in those who receive the Preliminary Plat for review.

The units proposed will share one driveway. Each unit is required to have the minimum three parking spaces per unit (per GCZR Sec. 14.4). The garage will contain space for one vehicle and additional vehicles will be parked on the shared drive.

The Simon and Amanda Farrell purchased the parcel in May 2018, then in August 2020 transferred it to Mulligan Estates, LLC as shown in the Assessor's records. The Applicant's intent is to create second homes for themselves and family as future retirement property.

Simon applied for a townhouse multi-family subdivision in January 2019. During the February 2019 meeting Planning Commission reviewed and recommended approval of the sketch plan. At the Board of County Commissioners review in March 2019, a neighbor and former owner came forward stating that there was a deed restriction on the property restricting development. After some further discussion and consideration, Simon withdrew his application.

Simon proceeded with construction of the duplex building considered in the application, understanding that there were some risks involved with subdividing after construction was complete.

b. HISTORY

The initial plat for all of Winter Park Ranch which was completed in six separate filings platted between 1965 and 1980.

This lot lies within the First Filing which was recorded in Grand County at Reception No. 101192 in September 1964. The first lots within the First Filing range in size from .51 acres (22,216 ft²) to 1.10 acres (47,916 ft²).

c. EXISTING REPORTS

Four previous reports give some insight to conditions on site. The four reports are pulled from projects adjacent or nearby. At a minimum, they give us clarification on the additional information that the county will require to move this project forward.

1030 Townhomes is a triplex project northwest of the subject parcel. Two reports (Attachments D & E) provides information about soil bearing capacity. The studies note soil formations of Cowdrey Loam and no bedrock outcrops within the immediate mapping area. Both tests show evidence of higher radiation hazard, i.e., radon gas with a suggestion of providing a sub-slab depressurization system.

Trestle Townhomes is a project containing six (6) units located two lots east of the subject parcel. Two reports (Attachments F & G) provides information about soil bearing capacity and drainage onsite of the subject property. The Geologic Reconnaissance Study provided by Ground Engineering mention soils with potential for high swell and monitoring needed to determine replacement of soils with structural compacted fill. Drainage for the six units within the Trestle development could be maintained within historical levels on site with a detention area of .03 acres (approximately 1600 ft²).

Drawings submitted by the Applicant demonstrate grades and drainage of the proposed parcel. Topography on site consists of gentle slopes that will allow for building and drainage compliant with regulations.

III. STAFF ANALYSIS

The plan to construct two (2) townhome units meets criteria as set forth in the Master Plan for the Winter Park Ranch neighborhood, which is located within the Grand County Urban Growth Area (Chapter 3 - 2.1 Growth & 4.2 Infrastructure).

Per the character of the surrounding properties this development is similar to existing uses in the area. Within approximately a ¼ mile from the property, there are eleven (11) other townhome and condominium type developments. The density of the development is approximately 3.4 du/acre which is similar to densities of surrounding townhouse and condominium development.

The particular benefit of locating the type of densities as found in this proposal within this location is the connection to existing infrastructure. Existing roads, public water and sewer are all accessible to the property. These existing improvements are useful in lowering the impact on lands and water resources if this development were to occur in other parts of the County. The zoomed in vicinity map above illustrates the prevalence of two-family units in the area.

There is an agreement filed with the Grand County Clerk and Recording Office at Reception No. 2010001479 that limits the development of this property to be single or two family dwellings. It is Staff's opinion that the proposed duplex classifies as a two-family dwelling, and has reviewed the issue with the County Attorney's Office.

IV. COMPLIANCE WITH GRAND COUNTY REGULATIONS

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

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

Plan Element 4 – Community and Public Facilities

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

f. ZONING – Section 4.1 Residential District

The application shall comply with the Grand County Zoning Regulations, as addressed below:

- (a) This zone allows for multi-family dwellings, and therefore the proposed use is consistent with the zoning regulations.
- (b) All proposed units will be served by public water and public sewer via Winter Park Ranch Water and Sanitation. The minimum lot size for a property that is served by both public water and sewer is 7,000 ft².
- (c) The total lot area of .58 acres (25,264 ft²) complies with zoning. The proposed building is sited without creating encroachment into the standard, 30' front yard, 20' rear yard, and 5' side yard setbacks.
- (d) Parking shall be compliant with Section 14.4, with a minimum of 3 spaces per building as these are proposed as buildings equal to or in excess of three (3) bedrooms.

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

Section 5.1 SCOPE: This application shall comply with the scope of the design standards for Apartment houses, condominiums, townhouses, or conversions to apartment houses and those required by Article II, Section 2.7, Design Standards for drainage, sewer and water, is not duplicated within Article 5 and shall be reviewed as part of this proposal.

Section 2.7, DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER: The property subject in this application is not in a one hundred (100) year flood plain and shall mitigate drainage to historic levels on site. The Applicant intends to connect to the local public water and sewer via Winter Park Ranch Water and Sanitation District. Service lines and structures shall be in accordance to these regulations as a minimum standard.

Section 5.2 SPECIAL SITE CONSIDERATIONS: The parcel subject in this proposal appears to be on a gently sloping lot as demonstrated by the submitted site plan. No nearby drainage channels have been identified on this submittal or historical submittals in the adjacent lots and blocks. The surrounding parcels are of residential use not necessitating a landscape or setback buffer.

Section 5.3 STREETS, ALLEYS AND EASEMENTS: The access to this subject parcel is via existing county roads. A proposed driveway will connect the units to County Road 830, Mulligan Street. The effective impact of the two units is less than twenty (20) Average Daily Trips (ADTs). This application shall comply with current Road and Bridge standards.

Amended Plat of Winter Park Ranch First filing Recorded at Reception No. 118249 notes a "utility easement of 10' wide along all side, front, & rear lot lines except where shown to be different." The Plat dedication states: "...does hereby dedicate and set apart all the streets, alleys, and other public ways and places as shown on the accompanying amended 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 amended plat as easements." Staff would interpret this as the ability for utilities to occupy those spaces as

they see fit to install infrastructure. The note and graphic on the plat easement detail and bridle path do not further clarify anticipated purpose of the dedicated easement.

Section 5.4 UTILITY METER INSTALLATIONS AND ACCESSES: Mountain Parks Electric Inc. shall be a Preliminary Plat Review agency.

Section 5.5 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS: The applicant shall provide for open space dedicated to the owners association that meets the following provision:

"The Board of County Commissioners shall require the dedication, reservation or conveyance of areas or sites suitable for purposes such as parks, flood channels, scenic areas and green belts, of sixty percent (60%) of the total of land covered in the apartment house, condominium, or townhouse area dedication..." **Recalculated open space shall be included on a land use table in the Preliminary Plat submittal.**

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

Historically, the Winter Park Ranch subdivision and subdivisions created from parcels within this previous platting have been identified as a built up area that has mitigated the concern of flood or fire hazard. Typical thinning of standing dead trees surrounding homes and other post mature plant material as recommended by Division of Natural Resources or State Forest Service has been completed by property owners throughout the subdivision. As required by State Law, the Applicant shall research and verify sub-surface mineral extraction rights as referenced in this section below.

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.*

5.7 SCHOOL LANDS:

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

Lands would be dedicated at the following rate:

2 units

2 x .0138= .0276 acres (1,202 ft²)

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

School Fees Formula Calculation

(NOTE: Dedication percentage of .09 was approved May 5, 2015 but has not been formalized in Resolution or incorporated to the current published regulations.)

2 units

2 x .50 = 1

1 x .09 = .09

.09 x \$224,604.91/acre = \$20,214.44 in school fees.

Total School Fees = \$20,214.44

Eight (8) comps were used in this calculation to arrive at the \$224,604.91 per acre price.

They were identified as vacant land in a Residential District. This impact fee shall be paid prior to recording the Final Plat.

5.8 ADDRESSING REQUIREMENTS TO ENHANCE 911 EMERGENCY SYSTEM

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

Lot 1: 997 GCR 830 (Mulligan St)

Lot 2: 999 GCR 830 (Mulligan St)

The Applicant shall comply with sub sections 2-3.

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

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

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

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

Section 7.1 (1) (a) *Relevant site characteristics and analyses applicable to the proposed subdivision.* The subject parcel in this proposed development lies within a subdivision platted in 1964 and amended in 1971. Staff has gathered analysis completed by other projects within the vicinity that discuss common development issues with properties in the area. **This Submittal complies.**

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

Section 7.1 (1) (c) *Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision. It is Staff's opinion that the impact of geologic characteristics within a subdivision of this character and size will not significantly impact the land use. This Submittal complies.*

Section 7.1 (1) (d) *In the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated. Reports produced for the platting of 1030 Townhomes show above average levels of Radon. 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.*

Section 7.1 (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.**

V. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for February 10, 2021.

VI. STAFF RECOMMENDATION

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

1. Recalculated open space shall be included on a land use table in the Preliminary Plat submittal.
2. As required by State Law, the Applicant shall research and verify sub-surface mineral extraction rights as referenced in Section 5.6.
3. The Applicant shall submit updated and additional reports specific to this Plat for drainage, soils, and utilities prior to Preliminary Plat submittal.
4. The Applicant shall submit soil studies provided at Preliminary Plat and shall include information on radon hazards within the subject parcel to be developed.
5. Plat review agencies during Preliminary Plat shall include:
 - Mountain Parks Electric, Inc. (MPEI)
 - Xcel
 - CenturyLink
 - Comcast
 - Colorado State Forest Service
 - East Grand Fire Protection District
 - East Grand School District
 - Winter Park Ranch Water and Sanitation District
 - Grand County Consulting Engineer
 - Grand County Assessor

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

6. If accepted by the school district, impact fees in lieu of land shall be paid prior to recording the Final Plat.
7. The Applicant shall provide further detail areas of open space on the plan to verify total area.
8. The Applicant shall meet all Preliminary Plat requirements.

Commissioner Davis asked if the applicant was on the call and if they had any questions/comments.

Simon Farrell, the applicant replied he had reviewed the Certificate and wanted to just add why ultimately he had not moved forward with the subdivision back in 2019. Going through Subdivision Exemption and construction at the same time creates additional burdens such as variances for site disturbance, bonding, etc. That is the reason the application was withdrawn. I decided to build the duplex which got attained occupancy in December of 2019. I added the landscaping in 2020. Now we are following up with the subdivision after construction. I am aware of the concerns submitted by my neighbor and I plan on addressing those after he speaks.

Commissioner Shepton addressed the legal issue of whether they could subdivide? Looks like the lawyer of the applicant stated they could subdivide the land. Are the units 3 bedrooms?

Simon Farrell replied, one is a 3-bedroom unit and the other is a 2-bedroom unit.

Commissioner Shepton asked if there were new conveyances for this new subdivision, because the neighbor, Mr. McConnell stated parking had to be 7 feet away from a property setback. I am not sure if that is a county regulation, sounds more like a conveyance thing. I do not see an issue with the parking, since all the parking is not located along the property line. Do we recommend four parking spaces for a 4-bedroom unit? Are there any garages?

Commissioner Davis added it is a county regulation.

Simon Farrell respondent each unit has a 1 car garage.

Alex added, per Subdivision Regulations, the requirement is that 3-bedroom units or above require 3 parking spaces for both single and multi-family homes.

Commissioner Shepton asked if there was a shared driveway and if that will be a problem with the subdivision?

Simon Ferrell replied yes, it is a shared driveway and we will dedicate an easement for the shared driveway for the back unit.

Commissioners Shepton looked at a photo with a car parked in the driveway and could not tell if it was 7 feet from the property line. Are you able to meet the 7-foot parking requirement? Have you built out your patios or porches?

Simon Farrell stated he believes that picture was submitted by Mr. McConnell. The picture was shared and notes where the property line was and by looking at the tree in the picture you can tell that the car is not parked within 7 feet of the property line. Yes, we can meet the 7-foot parking

requirement, I have an exhibit to share (on the preliminary plat) showing the parking spaces. Yes, patios and porches have been constructed. CORE has been out to survey the patio and porches.

Commissioner Fournet stated I know this is sketch plan, but I am curious regarding open space and snow storage. I am concerned since this property was built before it had subdivision approval. Is everything falling into the county's requirements and guidelines?

Simon Farrell stated yes, he has the breakdown of the open space. He watched as it was being constructed and they are able to meet that requirements. As far as snow storage, we have a few different areas that will be used for this. Based on the comments that have come up, we will do another submittal to be explicit with open space and snow storage.

Commissioners Fournet stated we will hear from Mr. McConnell that shows encroachments on easements. Your preliminary plat didn't show a rock wall being built, but I see a rock wall on the picture. What is the rock wall for? It looks like the rock wall is in the easement also.

Simon Farrell shared the plat drawing and showed where the rock wall is by the driveway. This terraced grade rock wall is to support the driveway. This was constructed during the summer of 2020. Before constructing the rock wall, I did review it with our civil engineer and surveyor regarding the bridle easement. I was advised that it would not be an issue. The rock wall is terraced and not more than 4 feet with 2 terraces, vertical from top to bottom probably 7 feet.

Commissioner Davis added, landscaping is not typically an issue, the problem we will have is the easement is designed as a bridle path (for public use) and that is vacated then. I would assume that the Homeowners Association (HOA) would have an issue as far as the Planning Commission is concerned, if it is not under a building permit and it is considered landscaping, landscaping can be right up to the side of your property. We encourage people to do that so we don't have beltways of un-mowed lawns. There are some things that are out of compliance that will have to be brought into compliance before final plat. We cannot approve anything that is nonconformance. Staff please discuss the 1974 easement defined by the conveyance. Planning Commissioners do not enforce conveyances we enforce regulations. We can enforce plat notes as a violation. We want to identify anything that is out of compliance in an amicable and encouraging way through this process.

Commissioner Fitch stated that she was reading some of the letters from neighbors and it seems they are not that happy about drainage, easements, etc. I would like to come back with my comments after I hear from the neighbors.

Commissioner Karlstrom stated no questions. Just clarifying that this project is already constructed in the Certificate.

Commissioner Gnuse stated he thought this was a left-handed way to approach a subdivision. Splitting a property, you build everything first and then you come back and ask for permission. It is like they are asking for forgiveness instead of permission, because you might not get the permission you want. There are easements on each side of the property and the easements are spelled out very clearly as to what they are for. During the construction process, did the applicant get a variance from the building department or was the easement vacated. The answer I am hearing from the discussion is "no" that had not been done. There are issues that should have been corrected before construction.

Commissioner MacDonald state this question is for staff. How does one get a building permit without going through the platting process and is it being rectified to not be allowed in the future?

Alex replied, Simon and Alex had discussed this project back in 2019 and there are a handful of properties within Winter Park Ranch area again that were done and 2 or 3 family units then subdivided after the fact. Our building permit process allows for the construction of 1 and 2 family dwellings, without any problems.

Commissioner Davis interjected, what you are trying to say is they were built under the pretenses that they were common ownership and that fit within the building permit requirements and zoning requirements.

Commissioners MacDonald continued, the 2019 draft version was in compliance, but what was built was not in compliance. The driveway is not in compliance, there was not a retaining wall in the original drawings blocking the bridle path access. What is being presented now is not in compliance, it is "as is". I am not seeing any alterations so are we requesting a variance or are we going to make modifications to make in in compliance?

Robert Davis added, we have been discussing this particular case for over a year. It has included the county engineer and members of the Board of County Commissioners (BOCC). We have not found any zoning violations. We do not feel that the parking is encroaching on the side yard (5 feet,) the bridle easement is (10 feet), the side yard is within the bridle easement, and the parking is farther than 7 feet away from the side yard. The issues that involved the BOCC was one that related to whether or not the landscape feature was considered a retaining wall. Questions arose regarding whether a building permit was granted the retaining wall. We sent out a Plans Examiner and the County Engineers 2 separate times. Staff has gone out several times and each time it was determined that it was not a retaining wall that meets the definition of our building code. The other issues were if the county was responsible for enforcing clearance of the easement. For this, we referred to our County Attorney and it was interpreted as a situation that had to be resolved between 2 private parties.

Commissioner MacDonald asked if the driveway easement was a staff condition?

Alex replied the driveway easement is not currently a condition, but we can add the condition to the preliminary plat.

Commissioners Davis added that should be standard for the preliminary plat process.

Alex replied the maintenance of the driveway would start to be considered in some conveyance that will be reviewed in preliminary plat.

Commissioners Graves stated no questions.

Commissioners McNertney asked a question for staff, in one of the letters there is a discussion on site drainage and water paths. When staff was reviewing the County Engineer report were there any comments regarding the drainage?

Robert replied, we did not gather any information on the new drainage and how it is currently performing. The way we see it, before this final plat is approved, all the drainage has to remain historically on site and nothing can drain on the neighbor's site.

Commissioners Davis added a drainage report is a requirement of preliminary plat.

Robert agreed.

Commissioner Davis stated that it sounds like staff was aware of this process with multiple discussions and I understand the desire to build, and hopefully it is all above the table. It is

concerning though, because we have heard from neighbors and instead of addressing these concerns and moving forward in an amicable manner we are coming through the back door on this. I am very disappointed. The county works hard and staff works very hard to get people through this process and I think the Planning Commissioners and the BOCC Commissioners work very hard to get applicants through the process and find reasonable ways to do it. I am disappointed that in 2019 when this was proposed it seem too difficult so the applicant did it anyway. I am not impressed. I do not think it is appropriate or how it should work. In the future I would hope that staff takes this under some serious regard. This is a sketch plan, in preliminary we would like to see the open space requirements along with snow storage, delineated foot print for each of the townhomes and how that chart would look. Seems to me with a quick survey that would have been easy to pull together.

Comments from the Public:

- Chaz McConnell, neighbor next door stated he agrees with everything Commissioner Davis just stated. Commissioners Gnuse and MacDonald asked the questions that I have been asking the whole time. There are zoning violations. I could not agree less with Robert, I would invite anyone with horses to ride their horses through the bridle easement, which I tried to do in September and there was no way for anyone who cared about their horse to ride through there. This is an easement and I have the right to an unimpeded right to go through that easement. It is a wall and there is no way that I can do that. Then the second thing, he is not allowed to encroach on my property, currently he has a snow bank and the snow is encroaching on my property. It just never stops. The only thing I would say to the commission is, I think it is incumbent on them to stop it right here at sketch plan. These things need to get figured out before it can be approved and go to the BOCC.

Commissioners Davis added that the Planning Commissioners do not deal with zoning violations, but we do want to make sure that the violations are addressed. I will always default to our County Attorney.

- Fred Wescott, part of the development. I would like to make a couple of points. There was never any intention to try and violate the approach. With our neighbor, Chaz, we never did 1 thing without asking Chaz for his input into the process. The reason Chaz tried to bring horses over onto our property was because he cannot ride them down his side of the bridle easement because it is a parking lot. So as the Commissioners move forward with this, remember everybody has interest and I understand sensitivity, but we also see a little bit of going down a direction that is putting things in a whole different light. I hope you are not making some assumptions that don't have real good foundation.

Commissioners Davis stated we are looking at the zoning regulations and subdivision regulations perspective. That is what we have the authority over. We do not have the authority over anything civil. We cannot stop an application because a neighbor does not agree. It has to be a solution to make it amicable to all parties. We don't want to go down the side of personal aspect, staff can deal with that or the subdivision HOA.

Commissioner MacDonald stated he would like to make a recommendation to Mr. Ferrell. If you adapted your drawings for the driveway to be a little smaller and did a heated driveway you would not need as much space for snow storage. I realize that is expensive, but I would like to see some type of improvements before this comes back to the board for a compromise.

Commissioners Gnuse asked a question of the Commissioners. Are there any conditions that we want to add to what staff has recommended? Will suggested the driveway be looked at and

perhaps reconfigured and not infringe upon the easement. Are there any other suggestions before we vote?

Commissioner Shepton feels like she cannot vote until she hears from the County Attorney. The certificate is about the subdivision not the retaining wall or easements. The applicant had an attorney that looked at it that say all was good, we need our attorney to review also.

Commissioner Gnuse also noted a drainage report regarding water that is moving from one neighbor's property onto another neighbor's property. Was the drainage design done properly? Will this be a requirement?

Commissioner Davis stated, I think what I am hearing is there are no requirements in the subdivision process that would be recommended to be skipped or looked over in this case because the two main things we would skip and look over in an establish subdivision would be drainage and parking anyway. There are things that have been created in the building process that make us not want to gloss over for preliminary. We are not seeing anything to retract and we are not seeing anything beyond what would normally be required to add.

Attorney Chris Leahy added the recommendation to staff actions as Robert shared earlier, informed by complications on a couple of distinct issues involved in this matter. If there are other issues that staff would like to bring to the attorney to look at we stand ready.

Commissioner Davis stated that staff will look at the soil report from 2019, but normally soil reports do not change in a couple years so we will likely see the same report today.

Alex stated at preliminary we will see a drainage study and a minimal traffic study.

Commissioner Davis added that he would like a letter from the HOA addressing the issues and their stance as the 9th condition. Covenants are civil issues, we don't enforce covenants, but it is on the plat and we do enforce the plat. The easement exists; however, the landscape does not constitute a building permit or a structure, they have not violated the plat.

Attorney Chris Leahy, we cannot make the HOA write a letter so perhaps we should formally request a letter.

Alex added is there any contingency if there is no HOA?

Commissioner Davis stated no. As long as staff shows they have requested the letter, if the HOA does not respond then they cannot complain in the future. So HOA as part of the review agency.

Motion to recommend approval by Bob Gnuse for Mulligan Estates Townhomes – Sketch Plan – Mulligan Estates, LLC with 8 staff conditions plus the additional 1 condition for a total of 9 conditions (to make the HOA a review agency). Seconded by Kim Shepton. No further discussion. All in favor "aye", none opposed. Motion carries.

Bio-break return at 8:44pm

Lot 27, Block 1 Winter Park Ranch – Easement Vacation – Ryan Pellet & Scott Neuemschwander

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission December 10, 2021; Board of County Commissioners T.B.D.

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

APPLICANT: Ryan T. Pellet and Scott J. Neuenschwander

LOCATION: Lot 27, Block 1 Winter Park Ranch Second Filing Replat, 798 GCR 834 (aka Cranmer Ave) Grand County, Colorado.

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

ZONING: R– Residential District

ATTACHMENTS:

- a) Application and Narrative Letter
- b) Easement descriptions
- c) Vicinity Map
- d) Replat of Winter Park Ranch Second Filing Reception No. 103582
- e) Replat of Winter Park Ranch Second Filing Declaration of Protective Covenants

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing the vacation of a Right-of-Way to cure encroachment and allow construction of a deck.

I. BACKGROUND

a. **PROPOSAL**

Ryan T. Pellet and Scott J. Neuenschwander, herein referred to as the Applicants, are proposing a six (6) unit townhome subdivision. In order to accommodate the proposed buildings and site improvements they have requested the vacation of a ten foot (10') utility easement adjacent to the side lot lines. If the vacation is approved they can place required retaining walls closer to the property boundary and finalize documents for construction of their proposal.

b. **HISTORY**

Amended Plat of Winter Park Ranch Subdivision was recorded at Reception No. 118249 in July 11, 1971. This and all of the six (6) filings of Winter Park Ranch Subdivision dedicated ten foot (10') utility, bridle, and easement adjacent to front, side, and rear of all interior property boundaries.

II. STAFF ANALYSIS

Staff has found vacations of easements for the following other lots within Winter Park Ranch:

- 1987 Lots 60 and 61, Amended Plat of Winter Park Ranch First Filing (Combination deed, The Enclave at Winter Park Ranch).
- 1996: Lots 7, 8, 9, and 10, Amended Plat of Winter Park Ranch First Filing (Mountain Homes at the Reserve).

The location of the easement seems to have limits in its placement for beneficial use whether for public utilities or pedestrians. The slope on the southern portion does not warrant pedestrian access without traversing. The covenants give a little more detail than the plat to the purpose of the easements as established on the Plat and state:

"The sellers herein named hereby reserves to itself, its successors and assigns, perpetual easements ten (10) feet in width...for the purpose of constructing, maintaining, operating, replacing, enlarging, and repairing electric, telephone, water, irrigation, sewer, gas and similar lines, pipes, wires, ditches, and conduits, and walking and bridle trails."

To quote the August 1996 recommendation "... according to the covenants, the utility easements and bridal (bridle) paths would be reserved to the current successor, the Applicant. But since the Amended Plat... was recorded prior to the covenants, staff felt as if the dedication on the Final Plat would take precedence over the Covenants" To put this in context, the dedication on the Plat for at least the First and Second Filing of Winter Park Ranch do specifically dedicate the easements and "ways" to the Public, not to a Homeowners Association or specifically Owners within the Subdivision where the lots are being created. Staff interprets this as the allowance to move forward this request as a vacation consistent with the C.R.S. § Title 43, Article 2, Part 3.

In consideration, Staff believes to accommodate for the placement of utilities for the proposed development connected to this application, a blanket easement shall be placed across the open space tracts within this plat. The blanket easement would be worded substantially similar to this:

- A perpetual non-exclusive utility easement shall apply upon, across, above, over, under, and through the property shown on this plat for the purpose of construction, installation and maintenance, inspection, repair, replacement or reconstruction of public utilities, including but not limited to water, sewer, cable, natural gas, telephone, cable and fiber optic lines. This utility easement is for the benefit of all providers of such services but shall be subordinate to the improvements shown on this final plat. This utility easement shall service this property only, and no overhead transmission lines may cross this property. An easement is also reserved over and across all common elements for road cuts, road fill, culverts, ditches, retaining walls and other site improvements required in connection with this property.

Consistent with C.R.S. § 43-2-303, Staff will supply notice via first class mail to adjacent property owners within a minimum 250' radius. More critically, prior to this request being presented to the Board of County Commissioners, all utility companies shall respond.

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 noted in the Staff analysis above the purpose of the easement created by the Amended Plat of Winter Park Ranch Second Filing shall be altered to serve its purpose in a different location. The 10' easement will be vacated and replaced by a blanket easement across drives and open space tracts being created by the Final Plat.

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) have historically granted vacation of ten feet (10') utility and bridle easement 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 easement will not leave any land adjoining without utility or pedestrian access. Staff will work with the Applicant to verify any existing locations of utilities. If approved, a Resolution will be

presented for signature by the BOCC to vacate the easement which will be recorded in the office of the Clerk and Recorder of Grand County pursuant to the provisions of 43-2-303 (2) (b).

(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.

IV. PLANNING COMMISSION REVIEW

Planning Commission is scheduled to review this application at their regular meeting February 10, 2021.

V. STAFF RECOMMENDATION

Staff recommends approval of the vacation of the 10' Utility Easements adjacent to both side lot lines within the property boundary of Lot 27, Block 1, Replat of Winter Park Ranch, Second Filing with the following conditions:

1. The resolution for the easement vacation shall vacate the 10' side lot line easements as dedicated by the Replat of Winter Park Ranch, Second Filing.
2. This approval shall be contingent on the approval of a Final Plat for Ridge Point Townhomes represented by Ryan Pellet and Scott J. Neuenschwander

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

The applicants Ryan Pellet & Scott Neuenschwander are both on the call and available to answer any questions. Joining Ryan and Scott are Cooper from JVA and Jim Poole JP Poole architects.

Commissioner Davis stated it sounds like the applicant has had a chance to review everything, so let's just jump in.

Commissioner Shepton asked the area to the east of the 4-units; is this area for snow removal?

Applicant Ryan Pellet responded no, Golden Eagle Snow Removal is the company we will use to remove the snow. No drainage will be going down the hills.

Commissioner Shepton continued, how are you planning on getting the snow out of the parking areas?

Ryan Pellet replied the snow will be removed, not plowed.

Commissioner Davis reminded the Commissioner that we are talking about the Vacation Easement in this agenda item, the next agenda item will be the subdivision.

Commissioner Shepton asked if there was any input from neighbors for this project. Were the neighbors informed?

Alex replied, no input from neighbors at this point. Yes, we sent an email out to folks that had previously contacted staff and sent a letter at the beginning of the month.

Ryan Pellet added he thinks the drainage going to the west side will be dramatically improved. This will help take care of some of the erosion that would be going to the property to the west.

Commissioner Fournet stated it was brought up in a letter as to whether this is a public easement and if all the public needs to be informed or if it is a private easement. It is on the plat, but what kind of an easement is it and are we notifying the correct people?

Ryan answered, we sent the appropriate letters to the neighboring properties.

Commissioner Fournet continued, it is more of a legal question and maybe for Chris Leahy. Can we vacate the easement if it is public?

Chris Leahy responded that he will review, he is happy to look into it.

Commissioner Davis responded, typically on our plats you are dedicating your easements to utilities, roads, etc. In this case for public easements, what they mean, is there is no restriction on the public walking up and down the roads. In this case, it is still part of the subdivision and is still part of the dedication on the plat and that is what we would be considering. As far as public notice on this project, public notice would be presented on any vacation and some public would have been informed rightfully that way. So yes, the public was informed by staff.

Commissioner Fitch stated no questions.

Commissioner Karlstrom asked why all the wording was “road way vacation criteria” instead of easement vacation?

Alex replied the state statute says “right of ways” or “other public ways”. Historically in Grand County, we have interpreted that as including public easements or other types of access easements. The intention is, following state law, as referenced in the recommendation, this labeling is the closest we can get without calling it specifically an easement. I did spend quite a bit of time looking for any statutory easement vacation separate from this, which I was unable to find. Ryan’s legal team felt like Title 43 is the right process.

Commissioner Davis added in general our Subdivision Regulations/Zoning Regulations, it talks about the process for vacating a public Right of Way. In general, we look at easements as part of the subdivision process. Through a subdivision exemption, we want to vacate the access and utility easements. The difference with this one, it is dedicated to the public. I agree with staff that once it hits that public side, we really do not have a resource to move beyond. We need to move with great caution to make sure we are looking at this as a Right of Way because it goes beyond utility and it goes beyond access. We have to use the best tool that we have, so I think for an abundance of caution, in this case it is going to make it incredibly clean. In the simplest terms, lot line easements and locating it through the subdivision process is what we follow.

Commissioners Gnuse asked what is the difference between this easement? There is not any governing HOA conveyance that would help to preserve the easement. It is noted on a plat. There are no utilities currently planned for there because they will be relocated. No questions.

Commissioner MacDonald stated it appears to be a pretty used path that goes between the properties. Will there be continued public access after the project is complete?

Ryan Pellet responded I don't know if it is a heavily used path. It leads to a heavy slope and from there, there is no place to go.

Commissioner MacDonald asked will there be access after the alterations?

Jim Poole responded, the easements on the east and the west are the public ways. There are no easements or public ways set up on the ridge.

Commissioner Graves stated no questions.

Commissioner McNertney stated no questions.

Commissioner Davis asked for public comments:

- Chaz McConnell stated regarding the easement on the bridal path (walking paths), in the staff recommendation you say in 1987 and 1996 they were vacation of easements. One question for the applicant, are you going to vacate this easement, will your building go across this easement?

Jim Poole responded, yes there will be a little bit of building on one side that will encroach on the 10-foot easement, but we will not touch the 5-foot easement, which is the county setback.

- Chaz continued, so you are going to go across that bridle path. You want it vacated so you can build across it and essentially do more development because you will not have your setbacks. In 2004/5, I opposed a Winter Park Ranch subdivision (for a condo project), where they were trying to do the exact same thing. At the time, Jack DiCola was the county attorney and Ed Moyer was in planning and they agreed with me. This bridal easement could not be vacated. The development did not happen. I think this needs to be taken into consideration because there is your precedent. The development split into 2 different buildings instead of 1 building across the easement.

Jim Poole replied that he did not know the circumstance of that project so I cannot address this. It was brought up by staff that it would be a good idea to vacate this easement.

- Chaz McConnell responded that maybe staff feels it is a good idea to vacate easements. I don't think any of staff lives in Winter Park Ranch like I have for the last 35 years. Vacating easements is not a good idea, particularly ones that are dedicated to the public. They are there for a reason, they are on the plat when the applicant bought the property. I have to oppose it.

Commissioner Davis responded, staff I think you said you had looked at Iron Pony as one of your applications. Can you circle back with Mr. Moyer before this goes to BOCC? I say that because this can go to BOCC whether we recommend approval or not. Let's make this a Condition to circle back with Ed Moyer and see if we can figure out what that was. If there is precedent then that is an internal discussion before it comes back to the Planning Commission.

Commissioner Davis asked if there were any more comments from the public or staff. Hearing none he asked for a motion. Do we want to add this as a condition, #4, check prior precedents prior

submittal to BOCC? This project is contingent on approval of the next Ridge Point Townhome projects.

Alex replied yes that is a reasonable request.

Motion to recommend approval by Kim Shepton. Lot 27, Block 1 Winter Park Ranch – Easement Vacation – Ryan Pellet with 4 conditions as discussed. Seconded by Bob Gnuse. No further discussion. All in favor "aye", Ingrid Alstom and Tara Fournet opposed. Motion carries.

Ridge Point Townhomes – Preliminary Plat – Ryan Pellet & Scott Neuenschwander

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission: February 10, 2021; Board of County Commissioners: February/March, 2021

PROJECT NAME: Ridge Point Townhomes- Preliminary Plat

APPLICANT: Ryan T. Pellet and Scott J. Neuenschwander

LOCATION: Lot 27, Block 1 Winter Park Ranch Second Filing Replat, 798 GCR 834 (aka Cranmer Ave)

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

ZONING: R – Residential District

ATTACHMENTS:

- f) Vicinity Map
- g) Sketch Plan (Plat)
- h) Application and Narrative letter
- i) National Resource Conservation Service (NRCS) Soils Report
- j) Ridge Point Phase II Drainage (November 2020)
- k) 448 Cranmer Condos Soils and Foundation Investigation (May 2019)
- l) Amended Plat of Winter Park Ranch First Filing
- m) Draft Subdivision Improvements Agreement (SIA)

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing a subdivision in order to construct a six (6) units in two (2) buildings on a 1.12 acre parcel creating a density of 5.35 du/acre. VARIANCE to allow a reduction in minimum parking.

VII. BACKGROUND

a. PROPOSAL

Ryan T. Pellet and Scott J. Neuenschwander, the Developer, are proposing a six (6) unit townhome subdivision. The townhouses are composed of a two unit complex and a four unit complex with common "party walls" separating the units, on a 1.12 acre parcel. The units will also allow second level decks, each unit will have a one car garage, accommodating six (6) onsite spaces for each unit. The four-plex shows each unit with four bedrooms per unit and the duplex with three bedrooms per unit.

The plan substantially meets the development criteria as being located within the Urban Growth Area, which includes all filings of the original Winter Park Ranch Plat. The units will be served by public water and sewer via Winter Park Ranch Water and Sanitation District. Electric service will be supplied by Mountain Parks Electric.

The units proposed will share a common drive and parking area to accommodate the required onsite parking. The garage will contain space for one vehicle and additional will be parked on the shared drive.

b. HISTORY

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

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

VIII. STAFF ANALYSIS

During Sketch plan review the Planning Commission raised concerns about the steepness of slope. The Developer has brought on a geotechnical engineer to detail how to safely deal with the building located on the slope and address comments from Colorado Geologic Survey (CGS).

The Preliminary Plat was received in early December in order to send out for referral agencies. The comments received were reviewed by the Developer and Staff and have been discussed. Comments received from CGS and Grand County Consulting Engineer (the "Engineer") were the most pressing to get addressed between receipt and Planning Commission Review. In this section Staff has added some detail about how comments will or are being addressed.

From a big picture perspective this proposal has uncovered the difficulties of developing this site as the Developer has made submittals and worked through some of the issues which have arisen. In reviewing the existing conditions and the shape of the property the total developable area is approximately half an acre, that in conjunction with the narrowness of that area being no greater than one hundred fifty feet (150') in width. With this information under consideration the Developer requested a Variance to the minimum parking standard required by Grand County Zoning Regulations Section 14.4 and Road and

Bridge Standards 3.7.3. The requirement is each unit with three or greater bedrooms shall have on-site parking for three vehicles, which for this project totals eighteen (18) spaces. The Developer has requested a reduction of two (2) to allow a minimum of sixteen (16). Shown below is a map of The Lift public transit displaying the nearby route:

The "Meadow Ridge Express" travels from Safeway, east of US Highway 40 along Cranmer with a stop downhill and uphill from the subject property. In a worst case scenario it seems feasible that if two (2) additional vehicles needed parking, there are opportunities at the Safeway transit center for a limited time. Staff understands that this is currently a private parking lot and the Applicant would have to secure agreements if public parking is not available but wanted to present the options.

Comments from the Engineer are listed below:

1. *The previous Plat dedicated 10-foot wide public utility, drainage, bridal path and pedestrian way easements along both side lot lines. This easement was dedicated for public uses, vacation of these easements should be accomplished by separate document, may need the signatures of the public, may need to be noticed, and may need to be processed through a public hearing.*
2. *It appears that wall structures as well as building foundations are within the existing 10-foot easement. The easement vacation shall be required prior to final acceptance of this application.*
3. *The building setbacks were not shown on the plans, it appears that retaining walls and possibly wall footers are in the setbacks. The horizontal layout did not have enough information to verify the setback encroachments.*

Due to the site constraints the Developer requested that the 10' side easement established by the Winter Park Ranch Final Plat be vacated to accommodate retaining walls and drainage. The Engineer noted that the 10' wide public utility drainage, bridle path and pedestrian way easements should be vacated by a separate document. Staff agrees with this statement and will work through an easement vacation proceeding following the process as outlined in C.R.S. 42-3-101 et seq. as there are significant ramifications to the proposed design if the vacation is not granted.

Staffs opinion that the vacations of these easements make logical sense being that a good portion is located down the "high hazard" slope. To avoid repetitiveness, more detail is available in the Staff Recommendation specifically for the easement vacation.

We acknowledge that there are retaining walls which may exist in the required minimum yards but Staff interprets the Zoning Regulations to allow for retaining walls to be located where necessary without creating encroachment based on the definitions below:

*(9) **BUILDING:** Any permanent structure permanently affixed to the ground and built for the shelter or enclosure of persons, animals, chattels, or property of any kind, and not including advertising sign boards or fences.*

...

(83) YARD: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations.

*(84) YARD, FRONT: A yard extending across the full width of the lot between the front lot line and the nearest line or point of the **building**.*

Steep slopes are present on the southeastern portion of the property, and in the Ridge Point Sketch Plan Staff Recommendation to Planning Commission, Staff noted the slopes in greater than 30% shall be delineated as non-build zones. The Engineer also wrote about this in their letter. An area needs to be delineated on the plat as a no build area which lies beyond the "20' top of bank setback."

- 4. Per the County Subdivision Regulations and the Road and Bridge Standards, snow storage equaling 30% of the paved area shall be shown on the plans, the melt drainage shall be routed to the detention/water quality facility. There was no mention of snow storage on the plans, nor in the written documents. The proposed site layout does not appear to have adequate area for these criteria. This should be addressed as soon as possible.*
- 5. The project proposes an underground detention facility, yet no information has been presented in the plans or report that could be reviewed for compliance. There is a concern about minimum depth of cover and other utility clearances.*
- 6. The Engineer's Estimate was not included with this submittal.*
- 7. The Drainage Study in this application was a Phase I Study, a Phase II Study will need to be included with the re-submittal for evaluation and comment.*

These four comments have been addressed by the Developer and included in a resubmittal which at the time of writing this recommendation a second review by the Engineer is being completed. Snow Storage was a concern which has been clarified by a letter from the Developer who confirmed that a contract for snow removal and clearing would be contracted with a local provider, this will also be written into the Covenants to maintain a snow removal contractor for the life of the project.

IX. COMPLIANCE WITH GRAND COUNTY REGULATIONS

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

i. Grand County Master Plan

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

● Plan Element 3 – Development: The Built Environment

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

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

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

- **Plan Element 5 – Transportation**

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

- j. ZONING – Section 4.1 Residential**

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

- (a) This zone allows for multi-family dwellings, and therefore the proposed use is consistent with the zoning regulations.
- (b) All proposed units will be served by public water and public sewer via Winter Park Ranch Water and Sanitation. The minimum lot size for a property that is served by both public water and sewer is 7,000 ft².
- (c) The total lot area of 1.12 acres (48,787.2 ft²) complies with zoning. The proposed building is sited without creating encroachment into the standard, 30' front yard, 20' rear yard, and 5' side yard setbacks.
- (d) Parking shall be compliant with Section 14.4 requiring three (3) spaces per unit, for a total of eighteen (18) spaces. If the requested variance is approved the minimum parking requirement shall be for a total of sixteen (16) spaces.

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

- **Section 5.1 SCOPE:**

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

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

§ 2.7(1) The property subject in this application is not in a one hundred (100) year flood plain and shall mitigate drainage to historic levels on site. A Phase II drainage study has been submitted for review with the Preliminary Plat, after further discussion with both the Engineer and the Developer it was determined that at Preliminary Plat a Phase II is sufficient. **A Phase III drainage study consistent with the standards identified within the Storm Drainage Design and Technical Criteria Manual shall submitted at Final Plat**

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

- **Section 5.2 SPECIAL SITE CONSIDERATIONS:**

§5.2 (1&2) The parcel subject in this proposal has a portion of slope equal to or greater than 30%. **The portion of slope where the grade is equal to or greater than 30% shall be delineated as a “non-build zone” on the Final Plat**

§5.2(3&4) No nearby drainage channels have been identified on this submittal or historical submittals in the adjacent lots and blocks. The surrounding parcels are of residential use not necessitating a landscape or setback buffer.

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

The access to this subject parcel is via existing county roads. A proposed driveway will connect the units to County Road 834, aka Cranmer Blvd. The effective impact of the 6 units is approximately 48 Average Daily Trips (ADTs). The Developer has provided a Phase II Traffic Impact Analysis as identified in 3.12.2. The Engineer is still in review of this document to verify compliance.

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

Staff anticipates that the utility meters for these structures will be gang-box style systems. **The Final Plat shall show utility easements and access details consistent with the requirements in standards from MPEI and Xcel.**

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

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

"The Board of County Commissioners shall require the dedication, reservation or conveyance of areas or sites suitable for purposes such as parks, flood channels, scenic areas and green belts, of sixty percent (60%) of the total of land covered in the apartment house, condominium, or townhouse area dedication..." **Calculated open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat.**

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

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

As required by State Law, the Developer shall research and verify sub-surface mineral extraction rights as referenced in this section below.

- b) 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.*

- **5.7 SCHOOL LANDS:**

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

Lands would be dedicated at the following rate:

6 units

6 x .018 = .108 acres (4,704.5 ft²)

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

Commissioner Davis added if the applicants had anything further to add? Hearing nothing, he will start with the commissioners.

Commissioner Gnuse stated that building is out there close to the edge of the slope. One thing I struggled with in reviewing the sketch plan, the overlay showing the building unit is overlaying the existing topography, the information was faint and hard to read. I could not see how the grade is falling away from the 2-unit building as we are getting closer to the edge of that slope. For future presentations, please clean this drawing up so it is easier to see and compare with the contour lines.

Cooper with JVA, Civil Engineer, the County Engineer has reviewed these drawings. From the edge of the setback at the top of the slope there is a noted 20-foot suggested building setback from the anticipated ridgeline. This is where the patios actually start, the building foundations will start 6 feet back. The grade of the patios is more or less the same as the elevation of the ridge slope. We are not proposing to fill or cut any major grades, we are shaving down the top of the ridge to get a gentle slope away with the vegetative buffer between the patios and the ridge slopes.

Commissioner Gnuse asked, how far down do you anticipate putting your foundations on the 2-unit building to get them at an elevation where you can avoid any stresses on the edge slope?

Cooper replied a technical analysis will help with that. With the existing construction on other sites nearby, we do not anticipate any issues or influence on that slope at this time.

Commissioner Gnuse asked, do you think you will be able to do it with a spread foundation square footing that are wall footings and not have to extend them very deep?

Cooper replied we do have a preliminary GEOTECH report that is what they are stating, yes. A point of clarification, the 4-unit building is closer to the ridge, the 2-unit building is closer to the road.

Commissioner MacDonald stated he would like to point out that if this was in Winter Park you would only need 12 parking spots for this many units. Asked to see the sketch plan again, I would like to make the same recommendation of heated driveways, since the parking is fairly tight and that is what you are asking for a variance for right? I think it will help with needing less space for snow removal.

Commissioner Graves stated no questions.

Commissioner McNertney stated no questions.

Commissioner Shepton stated she is looking at the covenants and it is a good idea that you have the variance for 16 parking spots instead of 18, because I don't see how you will get around that parking lot. With the conveyance, it talked about short term rental being allowed and no recreational vehicles are to be placed in the garage, which is good. I agree with Will, if you have heated parking you don't have to have as much snow removal.

Commissioner Fitch stated no questions.

Commissioner Karlstrom stated she is having a hard time supporting this project. Number 1, you are relying on Safeway and the Meadow Ridge Express to help with parking and having to set up a permission with Safeway to park vehicles there. That seems pretty convoluted to me. I am having a hard time on page 16 where staff accepts a developable area on the side is limited due to the steep slope which occupies more than half of the total area. This property is what it is, it is what it is when you bought it and the idea of these convoluted attempts at trying to make 6 units work when maybe 5 would be better, sets a precedent for anyone else who does not like how their property is shaped. I had a question about Excel Energy, having them go through the additional cost for reinforcement, not sure what that meant, reinforcement of what?

Alex replied, the referral comment that we received from Excel emphasized that they understand the development in the region and there may be the need to upsize lines in order to serve this

property. There may not be the actual need, but when the development gets to that point, it is a discussion they will have and we wanted to include it as an outside improvement included with the development of the site.

Commissioner Karlstrom asked so by reinforcement they mean upsizing?

Alex replied that was my understanding, yes.

Commissioner Fournet stated no questions.

Commissioner Davis asked to see the plat drawing. I don't think anything with the 4-plex is out of character with what is already on the hillside. I appreciate the efforts to reduce it down to 6-units. Lot 1 is really going past the 10 feet and that is the only one that is really encroaching into the 10 feet, is that correct?

Alex replied, yes.

Commissioner Davis continued, without Lot 1 encroaching in the 10 feet, we would not have a need for the prior vacation request, what is that 4 feet?

Alex replied 5.96 feet.

Commissioner Davis, stated 6 feet. We are looking at a 4-foot encroachment and then on the corner of Lot 6, we are looking at a 1-foot encroachment with the little jut out, the mechanical. I think our comments were clear last time, we are trying to shoe horn a bunch of stuff onto a little parcel. I appreciate the efforts to minimize and accommodate for parking, so we are looking at only Lot 1 missing an additional parking space. On one hand, I want to say that I am fine with it going from an 18 to 16 parking spots, but on the other hand I deal with base camp in Granby which has 63-units and a parking garage that allows for 1 vehicle per unit. Overflow parking is around a circle drive in various lots with contract to Silver Creek, down the hill for overflow parking. There are parking violations with \$100-dollar assessment. I don't feel this solution has substantially answered the question. If we can't deal with snow removal, I absolutely abhor approving anything where we say we are going to have a contractor remove snow, because that will not last. I abhor reducing our parking. I think our parking rules make sense and especially for the number of bedrooms in these units and how units are used. You are looking at multi-families utilizing these units. This is the appropriate area in our county for short term rentals, for time shares, for condos, this area is intended for multi-family. I think with the concerns of trying to remove a public easement, we don't have snow removal and we don't have enough parking these are concerns.

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

Commissioner Shepton asked, Number 10 on the recommendation, the landscape plan, why is the maintenance only for 5 years?

Commissioner Davis replied, the point behind the 5 years is so the plants are established.

Commissioner Shepton asked, don't you have to maintain it all the time?

Alex replied, across Colorado the establishment period for new development is typically 3 years. In this case, we stretched it out to 5 years because there is a small area for landscaping so we felt 5 years would be sufficient. In the Subdivision Improvement Agreement (SIA), we incorporate both the site development document as well as the landscape plan and for the final it gets reviewed.

Commissioner Davis asked for a motion.

Motion to recommend denial by Ingrid Karlstrom for Ridge Point Townhomes – Preliminary Plat – Ryan Pellet & Scott Neuenschwander. Seconded by Deborah Fitch. No further discussion.

The applicant Ryan Pellet requested consideration to table this request so they do the presentation right.

Minor Subdivision Regulations

Presented by: Alexander Taft, Planner, LEED Green Associate

TABLED BY STAFF

Commissioner Davis requested if you had any comments or questions to send an e-mail to planning@co.grand.co.us

Steve Vandas commented that he had been waiting a year for these Minor Subdivision Regulations to be brought up and discussed. It had been cancelled 2 or 3 other times.

Robert Davis responded, Mr. Vandas again we apologize. We know that you have been seeing this discussion postponed. The document that we put together essentially combines the 3 alternatives and it is very confusing to try and distinguish. We understand the Planning Commission gave us a sense for 3 meetings at the last Planning Commission meeting, something similar to what the Subdivision Exemption provides. So what we were also tasked to do is to take this document to the BOCC. The next step is to have a workshop with the BOCC to get their take on how many meetings they would like to have. As soon as we get their direction then we will bring this back to the Planning Commission with a recommendation. We would like to present all 3 alternatives in a different form so that each one stands on its own and then the Planning Commission can then take a look at each alternative and decide which way to go. At that point we can consider adopting the regulations.

Steve Vandas asked if you would consider his comments and his son's comments in this process.

Robert Davis replied definitely. We saw your comments about the 2.4 acres and that is definitely a good comment. We are going to remove that and we also appreciate your comment that you prefer to see 2 meetings. The Planning Commission brought up a good point last meeting that maybe we could have 2 meetings, but if there is a density issue or an increase in density then maybe we go with 3 meetings, 2 at the Planning Commission and 1 at the BOCC. We are going to lay all that out and be very clear. It was not laid out as clear as it should have been.

Steve Vandas asked, so this will be the next Planning Commissions Meeting in March?

Robert Davis replied we can add it as an item but I do not want to promise that we will have the regulations all laid out, we will figure it out. We want to find out what the BOCC says first and then bring it back to the Planning Commission. Maybe we can bring it back in a form that they can approve on the spot and bring it back for the April meeting.

Tiny Home Discussion

Presented by: Jacob Cote, Planner I

Building Codes for Tiny Homes

Tiny homes are not currently permissible in Grand County because there is no means of regulating their construction as permanent structures. Building Code appendices are available that provide building standards specifically for tiny homes. Such a building code appendix could be adopted by Grand County to facilitate the development of permanent tiny homes and tiny home communities.

Tiny Homes for Fire Recovery

Because there are no building codes adopted by the County to facilitate the construction of permanent tiny homes, permanent tiny homes on foundations are not permitted—even as temporary housing options. No regulations exist to delineate mobile tiny homes from campers or RV's, so mobile tiny homes fall under the same regulations as RV's and campers. They are therefore permitted as temporary housing structures per the Resolution passed by the Board of County Commissioners; however, they are still not permitted as permanent housing options in the rest of Grand County.

Next Steps

Though mobile tiny homes are permitted as temporary housing options per the aforementioned BOCC Resolution, there are no permanent regulations currently adopted by Grand County to facilitate the development of permanent and mobile tiny homes and tiny home communities. In the interest of providing more affordable housing options for Grand County full-time residents, tiny home regulations should be explored and presented by Community Development staff to the Grand County Planning Commission. Specific topics for research can include:

- History of Tiny Houses
- Tiny Houses and Accessory Dwelling Units
- Additional Details about Tiny House Building Codes
- Peer Community Regulations for Tiny Houses
- Zoning Regulation Options for Tiny Houses
- Planned Unit Developments as means of Codifying Tiny Houses
- Potential Market for Tiny Houses in Grand County

Commissioner Karlstrom asked, are we talking about tiny homes here? You said like a tiny home park, subdivision or could tiny homes just go on a normal piece of property, because someone bought the property and they don't have enough money to build a big home? With the proper foundation would this be allowed?

Robert replied, right now someone can build a 400 square foot home and put it on a foundation and that would be allowed in a zoned district that allows single family dwellings.

Commissioner Karlstrom asked what square footage are most of the tiny homes, are they under 400 square foot?

Jacob replied typically yes. You will see 200 square feet as an average, to as little as 100 square feet. The discussion regarding a tiny park home, community or neighborhood is brought up as a topic since we are seeing more and more communities have these neighborhoods and we are getting many calls regarding tiny homes in Grand County.

Commissioner Karlstrom continued I am not for too many constraints on them if we can make it work.

Jacob replied 2018 International Building Codes (IBC) has an appendix regarding tiny homes. This was the first adopted, fully legal building code, specifically for tiny homes. A lot of residential building codes are not designed to facilitate such a small unit, these codes are written specifically to make sure that these structures are being built to a safe and livable standard. This code is intended to be applicable both to mobile and permanent homes. I will include the appendix at the next meeting so it can be discussed.

Commissioner McNertney asked, if this is the 2018 IBC Building Code, how close are we to adopting this code?

Robert replied we are now using the 2015 IBC Building Code. Back in 2018 is when we adopted the 2015 Building Code. It looks like we are about 3 years behind.

Commissioner Davis added, we normally only adopted an IBC about every 5 years.

Robert replied, that could be true, so we are most likely about a year or 2 away from the next adoption. We will get this information.

Jacob added, he believes because the tiny home building code was written as an appendix, it may be adoptable independent of the full 2018 code. I think it was written as an appendix so it could be adopted independently.

Commissioner Davis suggested that we ask Peter Rempel from the Grand County Building Department or the Grand County Builders Association. There are a couple experts on this committee like Steve Jensen.

Commissioner Davis stated the question he had was, technically a tiny home is classified as a mobile home, but it doesn't have to go through the same building requirements as a mobile home. But we also have requirements on mobile homes from mobile zoned districts that talk about snow load and things like that. The biggest concern is quality of the build, snow load and insulation. That is what the IBC really cares about.

Commissioner Shepton asked for clarification if you are saying UBC or IBC and she is not sure what that means.

Robert replied, IBC stands for International Building Codes.

Commissioners Gnuse asked because Grand County has passed emergency conditions for being able to put a mobile home or a tiny home on your property while you rebuild from a disaster that has happened. Is the intention for this emergency to have a sunset? I would hate to rush into something adopting codes and letting all go out and get a tiny home then Grand County is going to turn around after some period of time and say the sun has set on that emergency measure that we passed and now everyone has to get their tiny homes off your lot, even if you do not have your real home rebuilt yet.

Grand County Attorney, Chris Leahy responded, that the emergency resolution will expire December 31, 2023.

Commissioner Gnuse replied that makes me wonder, do we really need to respond to this if in fact by 2023 this is not going to be acceptable to do anymore on just a piece of land. Perhaps it could be built in small parks or subdivisions created specifically for tiny homes.

Grand County Attorney, Chris Leahy responded I think you are conflating 2 issues. I wouldn't get too caught up on the temporary housing that is really specific to helping people stay in the county on or near their lot while rebuilding from the fire. It is a limited time period.

Commissioner MacDonald wanted to point out that Grandma Miller's properties are probably the most sought-after housing in the county and there is pretty much not one thing there that meets building or planning code. We accept it because we need housing. There is a desperate need for affordable housing, but we are not taking the actions to help facilitate and create these homes. It is hypocritical to me. We need to adopt safe code so these tiny homes are meeting building codes and making plans that make the things that most people say that we want in the county.

Commissioner Gnuse asked what staff thinks the next steps are.

Robert stated Jacob laid out some bullet points at the bottom of the February 10th memo. At our last meeting, someone made mention to the Ranch Creek Homes that are lined up, I believe it is the LeCroy Project, it was mentioned that we would not approve a project like that. We had complaints from wealthier neighbors that live in the bigger more expensive homes that they did not want smaller less expensive housing. We need to find a location where we could look at a subdivision or a mobile home type of layout with sidewalks, open space, play areas and trails. We need to find a location where it is most suitable.

Commissioner Gnuse asked where would that logically fit into our current zoning regulations?

Robert replied we would have to probably create a new district. Jacob and Ryan are doing a lot of research and we want to see what others communities have done and what has worked and we will come back to you with a more comprehensive proposal of how to move forward.

Commissioner Fournet added something else to think about is water. If someone has the property and they are allowed to put 3 houses on it and they have the water, what type of septic systems would they have to put in, if they are not within close proximity to city water and sewer? Think about those type of requirements. People with smaller acreages have water rights that can put 2 or 3 tiny homes on it. I am just asking to address this as well.

Jacob replied water and sewer facilities specifically were a big question mark for us coming into this meeting. We are not entirely sure we know what the best answer is yet. We would like to have an answer to this at our next meeting.

Commissioner MacDonald stated he was just talking with Winter Park Water District and they seemed agreeable to raising their rates for new applications in order to allow for accessory dwelling units to be less for affordable housing, to try and balance the housing demand.

Grand County Attorney, Chris Leahy wanted to ask Jacob if he has seen any tiny home situations or plans where they are not a set aside community that becomes something like a trailer park on its own, but where they are integrated into neighborhoods with larger more sophisticated homes.

Jacob replied yes, primarily in the instances of accessory dwelling units, not necessarily a single-family home community. Tiny homes fit comfortably into community's back yards.

Commissioner Gnuse added we have looked at something that is similar to what was just mentioned about tiny homes in larger sophisticated homes, but not on the scale of tiny homes of 200 square feet. If the Planning Commissioners remembers Clark Lipscomb's plans for Byers Peak Ranch. He was going to build 140 of these very small homes that were around 700-800 square feet and they were going to be mixed in with multi-family housing. Then across the road was going to be

a regular subdivision type homes that would be in the \$300-400 thousand and up to a million-dollar homes. There is a model out there that Clark is perusing that is going to build smaller scale homes as part of a grandeur development, you might want to look at that. How do tiny homes fit into the Master Plan?

Commissioner Davis added the alternative to this is that most of the people who use tiny homes are not looking for a permanent residence or long-term residence in one established location. Some are in camp grounds where they have the opportunity here that could be developed. A lot of this comes down to whether it be a tiny home or a second apartment or a mobile home or a camper trailer being able to set up as a second residence on an existing lot. This has come into question and right now we say no, unless it is a designated camp spot or it can get approval to be a replacement mobile home. Not just taking a lot and saying this is going to be for tiny homes, but having it as a secondary dwelling unit on a lot.

Motion to adjourn. Approved Ingrid Karlstrom. Seconded Bob Gnuse. All in favor “aye” None opposed. Meeting adjourned.

Meeting adjourned at 10:36 pm
