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

Minutes from February 20th, 2019 were presented. Motion to approve was made by Ingrid Karlstrom, seconded by Kim Shepton, with one minor update from Ingrid Karlstrom.

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

**LOTS 9 AND 10, SOUTH SHORE PLACE SUBDIVISION**

Presented by: Alexander Taft, LEED Green Associate

I. DISCUSSION

a. Background:

Lots 8, 9 and 10 South Shore Place a subdivision platted in October 1949 at Reception No. 69901. The owners of Lots E ½ 8 and 9 are Trust f/b/o Melinda W. Wiggins dated October 24, 1976, represented the Robinsons. The owners of Lot 10 is Christopher J Kiefer, Patricia A. Kiefer and John Velays all previously described shall herein be referred to as the Applicants. Ownership of the subject lots transferred via Warranty Deed recorded at Reception No. 2018007942. The following is taken directly from the Applicants Narrative:

The Robinsons and Kiefers are neighbors and have been for several years. Each property borders on Grand Lake.

The relevant dispute began with a March 12, 2018 letter from counsel for the Kiefers that included a topographic survey. That survey purported to show that there were several alleged encroachments on the Kiefer property by items belonging to the Robinson property, namely a boathouse, a small retaining wall, a driveway retaining wall, some concrete steps and a balcony overhang. The letter also claimed other bad acts (e.g., a gutter downspout that caused drainage and erosion issues; a compromised water pump).
Over the course of time several relevant surveys have been done that are all somewhat inconsistent with each other. Ultimately it is not clear from the surveys what (if any) encroachments exist.

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Because of this uncertainty and the continuing disagreement over the encroachment issue the parties ultimately agreed to the boundary line set forth in the Amended Plat that eliminates any encroachment claims. Whether one wants to characterize the agreed upon boundary line as involving a minor (couple feet) conveyance of property from the Kiefers to the Robinsons or simply as a boundary adjustment necessary to remove encroachment claims is of no consequence. The bottom line is that everyone profits from the mutually agreed upon boundary line identification set forth in the Amended Final Plat.

Approval of this Amended Final Plat will effectively solve a long running boundary line dispute.

b. History:

South Shore Place Subdivision was platted in October 1949 and contains 13 lots in approximately 1.75 acres or lots ranging in size from 6,600 ft² to 1,925 ft². Access is via County Road 697, commonly known as Jericho road with a thirty foot (30’) Right-of-Way. Subdivided lots are within the service area of Three Lakes Water and Sanitation District and require a well.

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II. STAFF COMMENTS AND ANALYSIS

The Applicant is proposing this boundary line adjustment to cure existing encroachment and end a dispute. The individual platted lots are 7,922 ft² and 5,769 ft² lying in the Residential District. Under current County Zoning Regulations, minimum area of a lot is 15,000 ft² and minimum width is sixty (60) feet. The difficulty is the existing lots were created at a time where land speculation drove land division. A subdivision with the land area would allow for no more than 5 lots and likely none considering the excessive topography. The lots as shown in the original plat have dimensions of 55’ x 120’ to 51’x28’ with variations. Homes on each property were constructed, 1979 and 1954 respectively.

Staff finds this proposal consistent with the applicable Grand County Regulations. The resultant lots, while not compliant with minimum lot areas required by the zoning, are as large as possible while still remaining within the setback insofar as possible.

III. COMPLIANCE WITH GRAND COUNTY REGULATIONS

A. MASTER PLAN

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

Plan Element 2 – Land Use – The Pattern of Development

As stated in Plan Element 2 in the Grand County Master Plan. The subject property is located in the Grand Lake Growth Area which means the property has access to sewer but not public water. Density is encouraged within the growth areas where existing infrastructure and public services exist. This Amended Final Plat has no impact on the fluxuation of densities in the area. Staff finds, therefore, the proposed boundary adjustment is consistent with the overall direction and intent of the Master Plan.
B. ZONING REGULATIONS

The parcel involved in this proposal lies within the Residential District, existing inside Grand County Grand Lake Growth Area.

(a) The owners each have an existing dwelling on the parcel, consistent with uses by right in this District.

(b) This District requires 30’ minimum front yard setbacks, 5’ minimum side yard setbacks and 20’ minimum rear yard setbacks. They are shown on the proposed plat.

(c) The minimum lot size in the Residential Zoning District is 15,000 ft² (0.34 acres) when serviced by public water or sewage facilities. The amended lot area will be 7,992.36 ft² (0.18 acres) and 5,769.97 ft² (0.13 acres). These lots are both pre-existing, non-conforming lots of record and cannot meet the possible minimum lot size. This proposal is effectively a boundary line adjustment solely to cure issues with encroachment. In that respect, it is Staff’s opinion the lots are compliant in so far as possible.

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C. SUBDIVISION REGULATIONS – 4.4 Amended Final Plat

The Amended Final Plat shall contain or be accompanied by the following information per 4.3. Sub-Section 1&2. Section 4.3 FINAL PLAT:

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

(a) The design shall conform to the preliminary plat and the statement of requirements and, if desired by the subdivider, may constitute only that portion of the approved preliminary plat which is proposed for immediate recording. This Amended Final Plat complies.

(b) The drawing shall be made at a scale of one inch (1”) equals one hundred feet (100’), on mylar with other dimensions of twenty-four inches (24”) by thirty-six inches (36”). It shall be accompanied by one (1) overall map showing the entire development at a legible scale. Good draftsmanship will be required in order for all information to be accurate and legible. Any improvements needing engineering design, such as drainage requirements, requirements for stabilizing unstable land, and sewer and water system requirements, shall be designed by a duly licensed engineer hired by the developer, and such design shall be submitted with the final plat. This Amended Final Plat complies.

(2) The final plat shall contain or be accompanied by the following information, and shall be submitted to the County Planner in the Department of Planning and Zoning at least four (4) weeks prior to the Planning Commission meeting at which the subdivider wishes his subdivision considered:

(a) Scale, North Arrow, and date are present The Title shall be corrected as follows: AMENDED FINAL PLAT AMENDED LOT 9A AND AMENDED LOT 10A, SOUTH SHORE PLACE BEING A REPLAT OF LOTS E1/2 8, 9, AND 10, SOUTH SHORE PLACE, RECORDED AT RECEPTION NO. 69901 Lot 3 and 4, SECTION 8, TOWNSHIP 3 NORTH, RANGE 75 WEST, 6TH P.M., COUNTY OF GRAND, STATE COLORADO, CONVEYANCE TO OWNERSHIP RECORDED AT RECEPTION NO. 2016002614, 2018001118

(b) Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the subdivider is recorded. The new legal descriptions shall read as follows:
Amended Lot 9A, South Shore Place  Amended Lot 10A, South Shore Place

(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. Control points and ties shall be explained on the plat.

A memo provided by the County Surveyor for another proposal explains: Surveyors providing a county-regulated subdivision must retrace and identify KNOWN or ESTABLISHED perimeters. One landowner with one surveyor cannot legally change an established perimeter subdivision boundary line. A multiple monument, or “pincushion” cause conflicts that can only be legally resolved either by recorded agreement between landowners, or court.

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Per Colorado statute, any time a licensed surveyor shows on a plat that a new monument is set in the vicinity of an existing property corner, the land surveyor must note on the plat a valid reason why the existing monument does not constitute the property corner sought, in the retracement. The question of precision does not qualify as a legal reason. Staff has concerns that this Plat did not retrace the survey from the original recorded plat. Any comment on this would be appreciated.

(d) Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lot and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances. Tract boundary lines, easements, residential lot lines and accurate dimensions are shown. Lot line and easements shall be shown in a different line type that clearly describes their vacation.

(e) Names and right-of-way width of each street or other rights-of-way. Name of adjacent Right-of-Way, shall read: GCR 697 (Jericho Road).

(f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements. Location and dimensions of existing easements and reference to their recording information shall be shown on the Plat.

(g) Number to identify each lot or site and acreage of each site to nearest 1/100th of an acre. This Amended Final Plat complies.

(h) Purpose for which sites, other than residential lots, are dedicated or reserved. This provision is not applicable, all lots shall remain residential with this proposed amendment.

(i) Location and description of monuments. Location and description of monuments shall be connected to corners of sections or similar.

(j) Current title commitment. This Amended Final Plat complies.

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

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS: That Trust F/B/O Melinda M Wiggins U/A Dated October 24, 1976, and Patricia A. Kiefer, and Christopher J. Kiefer, and John C. Velayas are the owners of that real property situated in Grand County, Colorado, more fully described as follows: Lots E1/2 8, 9, and 10, South Shore Place, Recorded at Reception No. 69901, That he has caused said real property to be laid out and
surveyed as, Amended Lot 9A and Amended Lot 10A, South Shore Place and does hereby dedicate and set
apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of
the public forever, and does hereby dedicate those portions of said real property which are indicated as
easements on the accompanying plat as easements. …  

(i) Certification by a Surveyor

insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of
Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the
preparation of the final subdivision plat, to be in substantially the following form:

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SURVEYOR’S CERTIFICATE

I, Jerald W Richmond, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat
of Amended Lot 9A and Amended Lot 10A, South Shore Place 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)

(m) Certificates for approval by the Planning Commission and the Board of County Commissioners as
follows: This Amended Final Plat complies.

(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, as follows: This condition is not applicable.

(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 Amended Final Plat complies.

(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 of the State of
Colorado. This is not applicable, Covenants are not changing subject to this.

(q) A vicinity map. This has been provided and shall remain on the Final Plat.

(r) The subdivider shall provide: Not applicable.

(i) Storm drainage plans and related designs, in order to insure proper drainage ways. Any new building
shall follow applicable codes.  (ii) Property survey and proof of ownership. Title commitment provides
proof of this.  (iii) Sanitary sewer plans and designs, including soil percolation testing and required
percolation rates and site design standards for on-lot sewage disposal systems. (Percolation test will be taken
on every lot where individual sewage disposal systems are used and the depth of the ground water table will
be indicated.) Public Sewer is available here.

(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. Such provisions may include:
Not applicable.
Grand County Planning Commission March 20th, 2019

(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

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(u) Major Activity Notice. Whenever a subdivision or commercial or industrial activity is proposed which will cover five (5) or more acres of land, the governing body of the municipality in which the activity is proposed shall send notices to the Colorado Land Use Commission and the Board of County Commissioners of Grand County of the proposal prior to approval of any zoning change, subdivision, or building permit application associated with such a proposed activity. Not applicable.

(v) Each month the Board of County Commissioners or their appointed representative shall transmit to the Colorado Land Use Commission copies of the notice of filing and a summary of information of such subdivision preliminary plan and plat submitted to them together with a report of each exemption granted by the Board of County Commissioners on such form as may be prescribed by the Colorado Land Use Commission. Not applicable.

(w) The A 14” x 18” black-line Mylar(s) with approved addresses and road numbers as required. Addresses shall be placed on the Final Plat Mylar. Addresses for the lots shall be as follows: Amended Lot 9A: 562 GCR 697 (Jericho Rd) Amended Lot 10A: 570 GCR 697 (Jericho Rd)

(x) Statement of taxes due showing current taxes paid. This shall be included prior to recording the Final Plat Mylar.

(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 the Final Plat Mylar.

D. STAFF RECOMMENDATION Staff recommends the approval of the Amended Final Plat, Amended Lot 9A and Amended Lot 10A, South Shore Place with the following conditions to be met prior to the recording of the Amended Final Plat.

1. A statement of taxes that shows all taxes have been paid shall be submitted (4.3 (2) (u)). 2. An electronic copy of the Final Plat shall be submitted (4.3 (2) (y)). 3. All recording fees are to be paid by the Applicant. 4. All applicable building and sanitation permits shall be obtained through the County prior to construction. 5. Draft Quit Claim Deeds to amend legal description of the lots shall be submitted for review by the County Attorney’s Office.

After Alex gave his presentation, Bill Rayson stood to clarify that this Amended Plat would avoid a dispute between two neighbors.

Henry was in favor of the Amended Plat and understood the issues with this neighborhood.

Tara asked if the property had been recently surveyed.
Alex responded that the property had been surveyed several times and each survey resulted in a different interpretation of the property lines.

Jennifer noticed from a proposed plat that the boathouse appeared to also be over the property lines.

Alex responded that the boathouse is not on the property and Staff does not have a position how to mitigate this issue at this time.

Kim asked if there were any drainage issues.

Bill replied he was not aware of any issues, that the neighbors of the Robinson family did want gutters added but is not part of the boundary line adjustment.

Ingrid had no comments.

Marcus stated in the recommendation we are not asking for a variance to increase non conformity we typically don’t worry about changes in property size when increasing, but decreasing, but we are asking to increase lot 10, how do we address this?

Alex responded the issue is not increasing the lot size, but the issue of encroachment.

Marcus asked non conformities without a variance? Maybe add the need for a variance added to staff recommendations.

Maxine helped by mentioning Section 4.4 of the Subdivision Regulations adding that no exterior boundary changes are allowed.

Alex stated this is an interior lot line and not an exterior boundary line.. Article 8 of the Subdivision Regulations provides variances under certain circumstances. Add a recommendations of approval for a variance to minimal lot size for Lot 10.

Maxine added Notices needed to be given for Planning Commission Meetings.

Alex replied that neighbors on both sides have not been provided due notice.

Maxine states she meant for the Variance, notices should be given, not just the Amended Plat..

Bill said that he could get approvals from both neighbors before the Board of County Commissioners meeting on Tuesday, March 26th at 10:15am.

Maxine mentioned we would need a waiver of notice or type of consent.

Ingrid moved to approve the Lots 9 and 10, South Shore Place Subdivision as presented with the 9 staff recommendations, adding the Variance, Jennifer seconded. All in favor "aye", none opposed, motion carried.

**RIVER RANCH SUBDIVISION EXEMPTION – SKETCH PLAN**

Presented by: Alexander Taft, LEED Green Associate

I. **BACKGROUND**

   a. **PROPOSAL**
Christina Sammons, the Applicant is proposing a Subdivision Exemption Plat with the intent this proposal will not create more than three (3) lots within the Subdivision Exemption. The existing property is served by a well and new lots will be served by a Kremmling Public Water and Sewer. The proposed Lots 2 and 3, are intended to be annexed into the Town of Kremmling. The parcel being subdivided through this exemption process has a land area of 6.728 acres. Two of the three parcels being created within this Plat are anticipated to be annexed into the Town for the purpose of residential development. The lots created will have land areas of as following Lot1 2.798 acres; Lot2 944 acres; Lot3 2.985; that make up the total of 6.728 acres.

b. HISTORY

Beginning in April 2002, John H. McElroy as President of River Ranch Village, Inc., developed the Subdivision Exemption and Outright Exemption. The two (2) lots that were created through this process were split from a 19 acre parcel. Approximately ten (10) acres contains a "non-conforming" mobile home park and the remaining nine (9) acres contain a lot for a single family dwelling with some additional acreage being included in the deeded Right of Way for County Road 396.

II. STAFF ANALYSIS

The Applicant is proposing this Subdivision Exemption Plat with the intention of annexing parcels into the Town of Kremmling. There are water or sewer taps on or near the property, which the Applicant has submitted “will serve” that allow connection. Pursuant to Town of Kremmling Title 14 - Annexation, the Applicant would need to supply provisions for public sewer and water.

Staff review of Colorado Revised Statutes (C.R.S) Title 31, Article 12, Part 1 Municipal Annexation Act of 1965, finds that this parcel likely meets the eligibility criteria for annexation. Not less than one-sixth of the perimeter of the area is contiguous with the annexing municipality. The Grand County Master Plan identifies all parcels within the Kremmling Growth Area Boundary as an area that will be urbanized in the near future.
While keeping this all in mind, the proposed Lot 2 is under the minimum area for a lot in the Business District (1 acre) and within Subdivision Exemption Regulations (2.4 acres) for which the Applicant has requested a Variance. Under Article 4 of the subdivision Exemption Regulations, the BOCC may authorize variances (see page 6).

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) are most relevant to this Subdivision Exemption proposal - Elements 2, & 3.

**Plan Element 2 – Land Use: Growth and Development**

Plan Element 2 aims to conserve the natural beauty and rural setting while building vibrant communities and directs growth to occur in and around existing communities. The proposed development in the Business District within the Growth Area Boundary is consistent with the intent to encourage infill and redevelopment and to direct development toward growth areas served by central water and sewer. The development of this property will benefit from connection to the Kremmling Sanitation District and Kremmling Water District.

**Plan Element 3 – Development the Built Environment**

Plan Element 3 guide the protection of open lands and providing infrastructure toward the urban areas. It will further assist in protecting Grand County's night sky by concentrating outdoor lighting to growth areas. Potential development at the site offers the opportunity to use existing neighborhood amenities.

B. ZONING – Section 9.1 Business District

This District allows for single family dwellings as permitted uses and therefore the proposed use of the lot is consistent with the zoning regulations. The land area of Lots 1, 2 and 3 are 2.798, .944 and 2.985 respectively. The stated minimum area for lots of subdivided land is 1 acre. While the proposal results in a less than the minimum area of a lot, the intention is to annex the subject property into the Town. Town zoning determined as a portion of annexation may allow for a smaller area.

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 Article 2 – Design Standards.

[SPECIAL SITE CONSIDERATIONS (2.1) (1-6)] This application complies with Section 2.1. There is an existing ranching operation on Lot 1. The entirety of the property is generally flat, with the exception of ten feet (10') north of the ROW boundary adjacent to Colorado State Highway 9. Roads have been constructed adjacent to the property, any additional driveways shall meet Grand County Road and Bridge Standards.

[DRIVeways, ROADS, STREETS AND EASEMENTS (2.2) (1-14)] The lots can be accessed from County Road 396 to the West and an access easement has been created pursuant to the Plat Recorded at Reception No. 2002014151. Subdivision Exemption Regulations require a 10'
easement along all property boundaries of each adjoining lot. These easements shall be shown along the western property boundary of proposed Lot 2. Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. All utilities shall be placed underground where not already existing.

[LOTS (2.3) (1-6)] Lot 2 does not meet the requirements of either of these provisions or applicable zoning requirements. The Applicant has requested a variance to these requirements pursuant to Article 4 which will be discussed later (Page 6) in this Certificate.

[DEDICATIONS (2.4) (1-2)] This application shall comply with the provision set forth in the Subdivision Exemption regulations, the dedications are subject to review by the County Attorney.

[DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER (2.5) (1-3)] This application complies with Section 2.5. These lots shall be served by public water and sewer. The Applicant has submitted a “will serve” letter with the application. There is an existing water tap at the northern boundary of Lot 2. Should extension of service be required for a tap on Lot 3, they shall be at the obligation of the Applicant pursuant to §29-20-103.

[DESIGN STANDARDS FOR NATURAL HAZARD AREAS (2.6)] This Application complies, it appears the subject property is not located in or near Natural Hazard Areas.

[IMPROVEMENTS REQUIRED (2.7) (1-5)] Survey monuments shall remain as referenced on the Final Plat.

All lots shall be provided access to electric service at the property line. Any new extension of utility service to lots shall be placed under ground.

Staff suggest that a Subdivision Improvement Agreement be discussed as a portion of Annexation. As a condition of this Plat the Applicant shall discuss further improvements with the Town of Kremmling.

[SLASH REMOVAL/DISPOSAL (2.8) (1-2)] Shall comply with the Subdivision Regulations. Any burning of slash piles shall follow standards as established by Grand County Natural Resources and the local Fire District.

[SOLID FUEL BURNING DEVICES (2.9)]] This has been repealed pursuant to 2016-7-34.

[SCHOOL LANDS (2.10) (1-6)] 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

3 units
3 x .045 = .135 acres

Money in Lieu of Land Calculates to:
3 x .50 = 1.5
1.5 x .090 = .135
.135 x $25,468.97/acre = $3,438.31.66 in school impact fees.

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**METES & BOUNDS**

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<td>Paul Rinkel and Christie Justice</td>
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**Total Impact Fee:** $25,468.97

A letter shall be sent to the West Grand School District for a decision on their preference in receiving the impact fee.

**[STORMWATER MANAGEMENT (2.11) (1-6)]** Areas of disturbance seem to be less than 1 acre triggering a Storm Water Permit through CDPHE, this shall be verified in any engineering report.

**[DESIGN STANDARDS FOR MINERAL RESOURCE AREAS (2.12) (1-6)]** This Application complies.

**[DITCH CROSSINGS (2.13) (1-6)]** This application complies. The proposed Plat and Title Commitment does not reference any existing, dedicated waterways or historical irrigation ditches.

**[POST CONSTRUCTION (2.14) (1-6)]** Post construction procedures are requirements that give satisfactory proof of completion of improvements completed as referenced in engineering drawings. The acceptance of the improvements shall be subject to approval by the Board of County Commissioners.

**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 a Sketch Plan:

[Sketch Plan (1) (a-c)] This application complies with relevant provisions of the subdivision regulations regarding relevant site characteristics and analyses applicable to the proposed subdivision. The submittal shows the parcel intending to be subdivided under this application. A vicinity map was also included to show the parcel in relation to a two mile area.

[Sketch Plan (2) (a)] This application complies. The applicant has supplied the proposed name of the exempted tract which is: River Ranch Subdivision Exemption.

[Sketch Plan (2) (b)] This application complies. The title on the Sketch Plan contains a legal description of the entire property to be divided. The title shall be reviewed by the County Attorney.

[Sketch Plan (2) (c)] This application complies. The proposed Plat includes the names, addresses, and telephone numbers of the applicant(s), and the land surveyor, engineer, and/or designer of the proposed division, if any (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land surveyors). This application complies.

[Sketch Plan (2) (d)] This application complies. The Final Plat shall include a scale of not less than 1’ equals 100’. Date of preparation and North sign (designated as true North) are included on the Sketch Plan and shall remain.

[Sketch Plan (2) (e)] This application complies. Location and approximate dimensions for all proposed street rights-of-way, easements and lot lines. This application complies.[Sketch Plan (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 (2) (g)] This application complies. The names of abutting subdivisions and the names of the owners of abutting unplatted properties. All surrounding property owners and boundaries have been included on the proposed Plat and shall remain.

[Sketch Plan (2) (h)] This application complies. Approximate acreage of all lots to be created by the division of land. This condition has been substantially met, all lots show acreage to the 1/1000th.

[Sketch Plan (2) (i)] This application complies. Relevant site characteristics including the existence of any special natural or man-made hazards. The Final Plat shall include any natural drainages that exist on the property.

[Sketch Plan (2) (j)] This application complies. The applicant has provided certified notice to all mineral estate owners pursuant to C.R.S. 24-65-101 et al.

[Sketch Plan (2) (k)] This application complies. The title insurance commitment has been provided as a portion of this application.

E. **SUBDIVISION EXEMPTION – Article 4 – Administrative Provisions**

4.1 **VARIANCES**

(1) The Board of County Commissioners may authorize variances from these Regulations in cases where, due to exceptional topographical conditions or other unusual conditions peculiar to the site, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the
intent and purposes of these Regulations. The conditions of any variance authorized shall be stated in writing by the Board of County Commissioners with the justification set forth.

(2) Variances may be authorized only after due notice has been given and acknowledged by adjacent property owners.

Variances have been requested pursuant to Article 4 of the Subdivision Exemption Regulations as the minimum area of the lot both within Subdivision Exemption Regulations and the Grand County Zoning Regulations.

Subdivision Exemption Regulations require a minimum lot area of 2.4 acres where .944 is requested. Grand County Zoning Regulations require a minimum lot area of 1.0 acre where .944 is requested. It is Staff’s opinion that this variance shall be granted by Planning Commission and authorized by Board of County Commissioners and not the Board of Adjustment as this is related to the division of land rather than a denial of a building permit. Staff feels the .944 acre parcel in this Subdivision Exemption is warranted because of the existing land area within the existing property and location of the County Right-of-Way. There is no possible alternative for the minimum area to be met.

IV. PLANNING COMMISSION RECOMMENDATION


V. STAFF RECOMMENDATION

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

1. The proposed Plat will be referred for comment by utility companies including: Local water and sanitation districts, MPEI, Xcel, CenturyLink, and Comcast [§2.2 (1-14)].

2. The Applicant shall be responsible to pay any impact fees prior to recording the Final Plat associated with this application including but not limited to: School Impact and Fire Impact Fees [§2.10 1-6].

3. Should extension of service be required for a tap on Lot 3, they shall be at the obligation of the Applicant pursuant to §29-20-103. [§2.5 1-3]

4. The Applicant shall enter into a Water Quality Agreement with the County [§3.3 (3) (g)].

5. A Subdivision Improvement Agreement shall be discussed as a portion of Annexation with the Town of Kremmling.

6. The title and legal description shall be reviewed by the County Attorney.

7. The Final Plat shall to include the width of adjacent private and County Right-of-Way [§3.3 (2) (f)].
8. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.

9. 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

Alan Hassler Attorney for Christina Sammons stated.. We are requesting to create 2 lots to be able to make use of the land by annexation into the town of Kremmling. The small lot on the west meets requirements for annexation, and then it can be developed appropriately under Kremmling’s guidelines. The east end lot is potential for residential development and will also be annexed into the town of Kremmling. The west lot already has direct access to sewer and electrical. The east lot has sewer and water from the Kremmling Sanitation District. East lot is Lot 3. Lot 1 has electrical power.. The number of vacant lots in Kremmling are less than 30, so they would welcome these 2 lots. Staff Comments/Recommendations regarding subdivision improvements, (Staff Recommendation #5), are not appropriate for the county as we have to do this with the town before any development occurs. Comments tied to the Subdivision Improvement Agreement “post construction” comment, we are not proposing any current improvement on property at this time. Variance discussions. Would like the town of Kremmling to decide where the easements would be for Lots 2 and 3. Requirement Number 7 of the Staff Recommendations be will pointed out to surveyorwho will have the correction made. Plat restrictions, i.e. plat notes 5 and 6 on the original River Ranch Village Subdivision Exemption Plat to be deleted. The reason for asking is the recorded plat says Lot 2 is not going to be used for development.

Jennifer asked if the Subdivision Exemption would mitigate the past Subdivision Exemption with the conditions that were placed on the lot, plat notes 5 & 6.

Alex responded that they would use the most current plat notes, those would be the most applicable. It creates a new plat.

Marcus stated we are reappropriating the land and nothing states the plat notes were on there for the prior modification. Was this due to water at the time?

Alex answered there was an existing access to the Southern part of the Fairgrounds as well as the Mobile Home Park. As part as the platting process the county decided to set it (the road severing proposed Lots 1 and 2) as a right of way for public use.

Marcus asked if the roadways was still a part of the new recommendation for the Subdivision exemption?

Alan answered that County Road 396 will still be there and still be in use.

Kim asked about Lot number 3, will Kremmling allow this smaller lot?

Alan responded Kremmling’s minimum lot size is 7500 square feet, that the lot will meet these guidelines. If submitted as a R2 Residential lot it would be a similar size.
Christina, the owner, stated it depends on what zoning we request for that parcel. It is big enough that we can request all the zonings.

Kim asked for Lot 3 the ingress and egress appears to be outside the property line at the highway.

Alan stated that is part of the easement agreement in place since 2002.

Ingrid asked how long Christina had owned the property.

Christina stated that the family has owned the property since it has been patented. Her Dad replatted in 2002 to sell the Mobile Home Park to her and her husband.

Marcus wanted to know has a well served from Kremmling for all 3 lots, water, tap on Lot 2, well on Lot 3 and could technically get that to Lot 1. Is it adjudicated?

Christina says yes on Lot 1. That the lot is served by an adjudicated well. All three lots will be served by utilities from Kremmling. There is an existing tap on Lot 2. Annexation will connect to Kremmling water and sewer.

Marcus stated prior to the Board of County Commissioner meeting clarify that that is acceptable. Requesting a variance of minimum lot size, not seeing this in certificate. Need to add to staff recommendations.

Henry asked how will you access Lot 3?

Christina stated there is a back entrance directly off Highway 9 through the Mobile Park Homes.

Tara wanted to know annexing Lot 1 & 3 into the Town of Kremmling? Lot 2 is serviced by a well and its own septic. Is the well located on Lot 1?

Christina stated that is was.

Marcus added to your question on the Subdivision Improvement Agreement, part of our process is to review, same as the Water Quality Agreement. If it is not applicable when this is all said and done, it is not applicable.

Alex changed the approval of sketch plan, variance and condition on annexation for Lot 2 & 3 and recommendation on the approval of the removal of the previous plat notes on the Staff Recommendations.

Maxine comments, because this is a Subdivision Exemption, which is limited to 3 residential lots, can you address the continued use for Agriculture on Lot 1?

Marcus, because it is Business Zoned, no lots in Grand County are required to be built on, Business allows for single family residential, what is your concern?

Maxine no concern, just trying to keep the record clear.

Marcus added as far as Business Zoned in Grand County, you can pretty much do anything, there are no requirement that your property be improved. Regarding Subdivision, when you do improve certain guidelines would be required, will most likely enter into a Subdivision Improvement
Agreement, there is no time limit, in general we have several Subdivision Exemptions that are used for Agricultural purposes.

Alex to further comment, the Right to Farm and Ranch Act, from 1978 which is not restricted to zoning would allow this even though it is not residential.

Marcus stated, please add that to your certificate for Board of County Commissioner meeting.

Kim approved, Tara seconded.

Rob presented that the number of conditions are 12.

Kim proposed to approve the River Run Subdivision Exemption, Sketch Plan as presented with the 12 staff recommendations, Ingrid seconded. All in favor “aye”, none opposed, motion carried.

Lots 7 and 8, Block 9, Scanloch Subdivision – AFP

Presented by: Alexander Taft, LEED Green Associate

II. DISCUSSION

  a. Background:

MTN Vista, LLC (the “Applicant”) is the owner of the subject lots transferred via Warranty Deed Recorded at Reception No. 2018007331. The Applicant is proposing the construction of a new single family dwelling. The proposed single family dwelling will be approximately 2800 ft\(^2\). The proposed footprint encroaches over the common lot line. Thus, approval of this Amended Final Plat will increase the effective building area and prevent encroachment on the common lot line and setbacks.

  b. History:

Scanloch Subdivision was platted in 1953 and contains approximately 120 lots in 34.2 acres with average lot sizes of roughly .40 acres or 17,424 ft\(^2\). Subdivided lots are within the service area of Three Lakes Water and Sanitation District and require a well. Property owners would be required to obtain a sewer easement from Three Lakes Water and Sanitation. Electric is provided in adjacent overhead electric lines.

III. STAFF COMMENTS AND ANALYSIS

The Applicant is proposing this lot combination with the future intention of constructing a new single family dwelling on the larger lot. The individual platted lots are .11 acres or 4,791.6 ft\(^2\), and .17 acres or 7,405.2 ft\(^2\) lying in the Residential District. Both lots are significantly smaller than the average lot sizes in the subdivision. Under current County Zoning Regulations, minimum area of a lot is 15,000 ft\(^2\) and minimum width is sixty (60) feet. The difficulty with constructing a building on the existing lots is the plat was created at a time where lots were not placed in optimal orientation with the topography.
All surrounding parcels lie within the Residential District to the north, east, south and west. Immediately north exists a .17 acre parcel of vacant land. A vacant land parcel of .88 acres exists to the west. Single family dwellings exist to the immediate east and south of the parcel.

Staff finds this proposal consistent with the applicable Grand County Regulations. The resultant lot is .28 acres or 12,196.8 ft$^2$. Though the lot does not meet the 15,000 ft$^2$ minimum area of a lot lying in the Residential District, combining the lots allows for the Applicant to increase area to the maximum possible potential. It is Staff's opinion that, the land area is a suitable area for constructing a home. Staff believes that the proposal is consistent with keeping low density where there are not public water services.

III. COMPLIANCE WITH GRAND COUNTY REGULATIONS

a. Master Plan

The parcel involved in this proposal lies outside any Urban Growth Area. Development is encouraged outside of growth areas to reduce density. The Applicant's proposal to combine lots is conformant to the Grand County Master Plan's policies and implementation actions to reduce density and allow the County to maintain its rural character in this region.

b. Zoning Regulations

The parcel involved in this proposal lies within the Residential District.

The owners propose a new construction of a single family dwelling on the parcel consistent with uses by right in this District.

   (a) This District requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks. They are shown on the proposed plat.

   (b) The minimum lot size in the Residential Zoning District is 15,000 ft$^2$ (0.34 acres) when serviced by public water or sewage facilities. The amended lot area will be 12,196 ft$^2$ (0.28 acres). The proposed amended lot does not comply with Regulations, but allows the amended lot to get closer to the minimum lot size when serviced by public water or sewage.

c. Subdivision Regulations - 4.4 Amended Final Plat

The Amended Final Plat shall contain or be accompanied by the following information per 4.3. Subsection 1&2. The final plat shall be prepared as follows:

[Final Plat (4.3) (1) (a-b)] This Amended Final Plat complies with the approved Final Plat. This Amended Final Plat is drawn at a scale of 1"=40' and shall be submitted on a 24"x36" Mylar for recording.

[Final Plat (4.3) (2) (a)]
This Amended Final Plat complies the Title shall read as follows:

AMENDED FINAL PLAT

AMENDED LOT 7A, BLOCK 9, SCANLOCH SUBDIVISION

A REPLAT OF LOTS 7 AND 8, BLOCK 9, SCANLOCH SUBDIVISION, Recorded at RECEPTION NO. 75532 PART OF THE WEST 1/2 OF THE EAST 1/2 SECTION 10 AND THE SW 1/4 OF THE SE 1/4 SECTION 3 TOWNSHIP 2 NORTH RANGE 76 WEST, 6TH PM, GRAND COUNTY COLORADO

OWNERSHIP RECORDED AT RECEPTION NO. 2018007331

[Final Plat (4.3) (2) (b)] This Amended Final Plat complies. Legal description of property, together with a complete reference to the records of the County Clerk and Recorder. The new legal descriptions shall read as follows:

Amended Lot 7A, Block 9, Scanloch Subdivision

[Final Plat (4.3) (2) (c-d)] This Amended Final Plat complies. The proposed Plat shows primary control points, or description and ties to such control points. Tract boundary lines, easements, residential lots and accurate dimensions shall be shown on the Plat, including those boundaries of adjacent properties.

[Final Plat (4.3) (2) (e)] This Amended Final Plat complies name of adjacent Right-of-Way, reads as follows: GCR 6120 (Rainbow Circle)

[Final Plat (4.3) (2) (f)] This Amended Final Plat complies, location and dimensions of existing easements and reference to their recording information are shown on the proposed Plat.

[Final Plat (4.3) (2) (g-h)] This Amended Final Plat complies, acreage of the each lot to the nearest 1/100th, is shown on the Amended Final Plat. Purpose for which sites provision is not applicable, all lots shall remain residential with this proposed amendment.

[Final Plat (4.3) (2) (i)] This Amended Final Plat complies, location and description of monuments are connected to corners of sections or similar.

[Final Plat (4.3) (2) (j)] This Amended Final Plat complies, a title commitment number J 60010456 issued September 13, 2018 has been supplied by the Applicant for all lots which are subject in this Amended Final Plat.

[Final Plat (4.3) (2) (k)] This Amended Final Plat complies, statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS: That MTN Vista is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Lots 7 And 8, Block 9, Scanloch Subdivision plat recorded March 13, 1953 at Reception No. 75532, That he has caused
said real property to be laid out and surveyed as, **Amended Lot 7A, Block 9, Scanloch Subdivision** and does hereby dedicate and set apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF MTN Vista, LLC has caused his name to be hereunto subscribed this ________ day of ____________, 20__. 

________________________________________
By: Haim Becker
For: MTN Vista, LLC

STATE OF WYOMING )

ss
COUNTY OF ________ )

The foregoing instrument was acknowledged before me this__ day of ____________, 20__ by Haim Becker authorized representative of MTN Vista, LLC

My Commission Expires:

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

[Final Plat (4.3) (2) (I)] This Amended Final Plat complies_. Certification by a Surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final subdivision plat, to be in substantially the following form:

**SURVEYOR'S CERTIFICATE**

I, _Warren Dale Ward_, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Amended Lot 7A, Block 9, Scanloch 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)

[Final Plat (4.3) (2) (m)] This Amended Final Plat complies. Certificates for approval by the Planning Commission and the Board of County Commissioners.

[Final Plat (4.3) (2) (n)] This condition is not applicable, certification by a qualified professional or similar for compliance is not required for an Amended Final Plat.

[Final Plat (4.3) (2) (o)] This Amended Final Plat complies, a box is provided for the use by the County Clerk and Recorder.

[Final Plat (4.3) (2) (p)] This is not applicable, Covenants are not changing subject to this.

[Final Plat (4.3) (2) (q)] This Amended Final Plat complies, a vicinity map has been provided and shall remain on the Final Plat.

[Final Plat (4.3) (2) (r)] This is not applicable, (i) new construction shall follow applicable Grand County codes and regulations. (ii) Title commitment provides proof of ownership. (iii) Public Sewer is available to these lots.

[Final Plat (4.3) (2) (s)] This is not applicable, lots shall continue use for residential purposes.

[Final Plat (4.3) (2) (t)] This is not applicable, no further construction is taking place because of this Amended Final Plat.

[Final Plat (4.3) (2) (w)] This Amended Final Plat complies, addresses shall be placed on the Final Plat Mylar. Address for the lot shall be as follows:

Amended Lot 7A: 21 GCR 6120 (Rainbow Circle)

[Final Plat (4.3) (2) (x)] Statement of taxes due showing current taxes paid.

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

IV. RECOMMENDATION

Staff's recommends approval of the Amended Final Plat for Lot 7A, Block 9, Scanloch Subdivision with the following conditions to be met prior to the recording of the Amended Final Plat.

1. A statement of taxes that shows all taxes have been paid shall be submitted (4.3 (2) (u)).
2. An electronic copy of the Final Plat shall be submitted (4.3 (2) (y)).
3. All recording fees are to be paid by the Applicant.
4. All applicable building and sanitation permits shall be obtained through the County
prior to construction.
5. Draft Quit Claim Deeds to amend legal description of the lots shall be submitted for review by the County Attorney's Office and recorded.
6. A 24"x36' mylar for recording shall be submitted (4.3(1)(a)).
7. A surveyor's certificate shall be submitted (4.3(2)(l)).

Joan stated the applicants live in Minnesota and unable to attend this meeting.

Tara was asking if the electrical lines would interfere with building a home on this property.

Joan responded that the electrical lines go over Highway 34 and not where the house will be built.

Ingrid proposed to approve the Lots 7 & 8 Block 9, Scanloch Subdivision AFP as presented with the 7 staff recommendations, Kim seconded. All in favor "aye", none opposed, motion carried.

**Ranch Creek Solid Waste Transfer Station - SUP**

Presented by: Alexander Taft, LEED Green Associate

**IV. BACKGROUND**

a. **HISTORY**

The property is a tract of land of approximately 116 acres, with an existing Special Use Permit (SUP) for a lumber operation and heavy equipment storage business on approximately 40 acres of that property. Ranch Creek Ltd. represented by Mike Jolovich, has held the SUP since 2000. In 2002, a portion of the SUP included storage of containers and vehicles for the Trash Company owned and operated by Robert Besse Recorded at Reception No. 2002001958. There is also a lifetime Special Use Permit approved under Resolution 2014-04-28 as Recorded at Reception No. 2014002385.

The following is a more detailed description of the Special Use Permit history:

- 2000-9-32, granting approval of a SUP for a lumber operation and heavy equipment storage.
- 2002-11-25, granting approval of a SUP uses listed above i.e. lumber operation and heavy equipment storage and The Trash Company to operate from this location.
- 2005-05-30, granting renewal and amendment of a SUP for a lumber operation and heavy equipment storage and a term of 5 years.
- 2006-06-40, granting amendment of a SUP to add a saw mill and building to house to the lumber operation.
- 2008-01-08, granting amendment of a SUP to generalize the allowable vehicles to be stored and a term of 10 years.
- 2014-04-28, granting amendment of a SUP to a term of lifetime under current ownership.

The site contains a 1,728 ft² facility constructed in 2001-2002 under building permit #B01-0308.
The ownership group, Ranch Creek Ltd, is a Colorado corporation that has been registered with the Secretary of State since 2001 and is currently in good standing.

b. PROPOSAL

The Applicant proposes to use this site for construction and operation of a solid waste transfer facility. The facility will take in and hold waste of up to an anticipated two hundred (200) tons per day. The public residents of Grand County will be this site’s primary users. Traffic peak hour volumes are anticipated to be an average of 5 vehicles per day. Heavy trucks will be on call for moving full trash containers. The building that houses the sorting floor is located adjacent to existing warehouse building being used by the logging operation. The color of the building will blend into the surrounding landscape and natural environment.

When the property is unoccupied by employees, the Applicant proposes the installation of a “knox box” type security device that will allow emergency access if necessary. Security of the site is a high priority of the Applicant. An operations plan shall guide all the potential situations that could impact the site and surrounding properties.

V. STAFF ANALYSIS

Initially, Staff had concerns of the operation of a solid waste transfer facility being located on this property. These concerns were mitigated by looking at land uses over time and examining the proposed operation of the facility. The subject property is adjacent to what was previously the Grand County Landfill. The subject site is also bordered to the north by a larger lot, which has potential for residential use within Parlay Ranch. Of the adjacent parcels one has a dwelling that was constructed in 2015, others are vacant or used for agricultural purposes as referenced by the assessment. Also, the benefit of this facility is its public access and the facility will be housed in a steel building that screens odor and transient refuse.

The Ranch Creek lumber and logging operation, that is primary on the site, is decreasing its operations. The owner would like to continue a beneficial use of the property.

VI. COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

F. 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 Special Use Permit proposal.

Plan Element 2 – Land Use and Growth Development

This proposal is one (1) mile from the Town of Granby Growth Area and approximately two and a half (2.5) miles from the town. The existing use of the property is surrounded primarily by vacant and agricultural land uses that are typical of Grand County’s rural character. The location away from US highway 40 also protects view sheds.

Plan Element 6 – Economic Base

This proposed solid waste transfer station could supply additional jobs in the county.
providing stability to the economic base as Grand County continues to grow. The benefits to the public have implications of more competitive prices for waste disposal within the county.

G. ZONING REGULATIONS

Review of this request for a Special Use Permit requires the Planning Commission and the Board of County Commissioners to consider the provisions of: (1) Sections 11.2, review criteria applicable to all special uses that are considered by the county and (2) 11.8(10), criteria that is specific to construction businesses, heavy equipment storage areas and earth-moving businesses:

11.2 CONDITIONS AND GUARANTEES
Prior to the granting of any special use, the Planning Commission may recommend and the County Board shall stipulate such conditions and restrictions, upon the establishment, location, construction, maintenance and operations of the special use as are deemed necessary for the protection of the public health, safety and welfare. Any Special Use Permit granted by the Board of County Commissioners may incorporate such conditions as it deems necessary to require compliance with the standards for issuing permits as set forth in this Section XI.

Prior to issuance of a Special Use Permit pursuant to this section, the Planning Commission and Board of County Commissioners shall consider the following:

(a) The visual, environmental, physiographic and socioeconomic characteristics of the land to be used;

There is existing screening provided by a seven foot (7') privacy fence. The property is twenty to thirty feet (20'-30') in elevation above the road surface of US highway 40 which provides screening from passers-by. The site itself is relatively flat or has gentle sloping topography from east to west. Properties to the north within the Parlay Ranch Subdivision are at a higher elevation of an additional twenty to thirty feet (20'-30'). As such the subject property should be screened from view from the Parlay Ranch residential uses.

Within the Forestry and Open District, a variety of uses are included in both “by right” and uses considered under special review.” This property is surrounded by primarily open lands owned by Bureau of Land Management (BLM).

(b) Evaluation of the broad ecosystems, topography, soils, hydrology, geology, vegetation, wildlife, climate and unique fractures so that approved special use shall result in the least possible adverse impacts within any zoning district;

Staff has reached out to Bureau of Land Management, an adjacent property owner, for recommendations to mitigate any wildlife impacts with this development. The Applicant shall include Best Management Practices in the operations plan to reduce potential impacts of erosion, noxious weeds from the site and operations.

(c) Such uses shall serve an obvious public need;

The proposal specifies this is a public municipal solid waste (MSW) transfer facility. There are other facilities in the county including the Granby transfer station, The Drop in Fraser, and Grand Lake -
Pay As You Throw Trash. This facility will provide capacity for larger items that would typically be required to go to the Granby transfer station. Property owners within the County will be able to fill a pickup or trailer with refuse and drive through the proposed facility.

(d) Satisfactory proof shall be given that areas will be properly maintained;

Within the Silver Plume Operations Plan attached to this certificate, there is a section that details facility maintenance and operation. Staff recommends an operation plan that duplicates this effort.

The permit site lies within the Forestry and Open District. Staff is reviewing this application under Grand County Zoning Regulations (“GCZR”) 11.8 (10) - Construction businesses, heavy equipment storage areas and earth-moving businesses provided the following conditions can be met.

(a) The equipment storage areas can be adequately screened from public highways and adjacent lands.

There is existing screening provided by a seven foot (7') privacy fence. Additional screening shall be provided by landscape and landscape buffers adjacent to Parlay Ranch residential uses, if practicable.

(b) Truck traffic to and from such use shall not create hazards to Residential and Tourist areas.

Truck traffic to and from the site will be minimized. It is anticipated that the lumber and logging traffic will be traded in equal trips for trucks transporting waste containers. Currently, the Applicant holds Access Permit #306313 and this shall be updated prior to the issuance of a building permit.

(c) Truck traffic to and from such use shall not unduly damage public road.

Colorado State Highway 125 is directly adjacent to the property. It connects to US Highway 40 to the south. This will be the primary route to where the waste will be carried. All loads leaving the site shall be properly covered with a tarp and secured. A new traffic study shall be required to assess the change in traffic volumes entering and exiting.

(d) The use shall not create offsite negative impacts such as water pollution, noise, dust, glare and odor.

The property is approximately 1000 feet from the Colorado River. The Applicant shall include Best Management Practices in the operations plan to reduce potential impacts of surface drainage from the site. Noise will be mitigated as much as possible and shall be maintained within limits set forth by Colorado Revised Statutes §25-12-103.

(e) A narrative statement describing the operation

This has been included in the application and will be further detailed in the operations management plan.

(f) A site plan drawn to scale showing man-made structures, surface water drainage and access routes in the immediate area.
This application complies. A site plan has been submitted to include the above referenced information.

(g) A vicinity map.

This application complies.

(h) A screening plan.

This application partially complies. There is existing screening provided by a seven foot (7') privacy fence. Staff believes that additional screening may be required and recommends vegetated landscape berms along the northern property boundary.

VII. PLANNING COMMISSION


III. STAFF RECOMMENDATION

Staff recommends approval of the STC, LLC solid waste transfer facility Special Use Permit amendment with the following conditions:

1) The Applicant shall supply a list of equipment to be stored onsite, this shall be updated annually and sent to the Community Development Department.

2) Any buildings to be constructed shall obtain applicable building permits.

3) Applicant holds access permit #306313 and this shall be updated with CDOT prior to the issuance of a building permit.

The following requirements shall be made a part of the Special Use Permit (Exhibit E):

4) Facility operations plan shall be kept on file with the Community Development Department and updated as necessary.
5) The permit for the Solid Waste Transfer Station shall be for an initial duration of five (5) years. At the end of this term, or if requested prior, the term shall be reconsidered to allow a life time permit.

6) The Permittee is required to keep a current lease on file with the Community Development Department.

7) The site shall be appropriately screened from property to the north and along State Highway 125.

8) The following Special Use Permit sections shall include: Hours of operation, Equipment and Materials Storage, Equipment Maintenance, Other Uses, and Off-site impacts.

9) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:
   - Control of Site
   - Noxious Weed Control
   - Screening
   - Site Maintenance
   - Rehabilitation of Site
   - Storage of Abandoned Equipment
   - Compliance with County, State and Federal Regulations
   - Limitation of Liability
   - Alteration of Terms and Conditions
   - Access and Right to Enter Site
   - Assignability
   - Binding Contract
   - Financial Security
   - Abandonment
   - Violation of Terms and Conditions
   - Non-Transferable
   - Termination.

*STC Team, Larry Romine, Shaun Fley, Daniel & Mike Jolovich, Craig Abrahamson were present and spoke. Due to the decline of the forest industry in Grand County, Mike is trying to diversify his business to include a Transfer and Waste Station. His business was to dispose/burn timber, he also accepted concrete and fill from new home construction. Larry started out by saying he has been in the garbage business since 1972, and has experience with all different aspects of trash. He sees a big opportunity in Grand County to be more competitive. Larry and Craig built the transfer station in Silver Plume, CO. Craig is the engineer for the Silver Plume project and will be working with the team for the Grand County project. He feels they have learned a lot from the Silver Plume project and can build on the knowledge for this project. They are in the process of learning the regulations*
in land use at this point. They will have an opportunity for the public to comment on this project through workshops. They are currently in the process of creating their Operating Plan. The basic regulations they will include in the Operating Plan are: cleanliness, hours of operation, access, containment of trash, dust control, snow removal, facility design and community partnership.

Brett Hyder a concerned neighbor representing 10 neighbors (11 home sites) of Mr Jolovich, has concerns regarding: current Special Use Permit in violation and has been for 12 years, restriction from county for an orderly and clean site, not storing junk/waste materials on his property, the site currently has junk such as old refrigerators, cars, airplane parts, campers, etc. The neighbors do not feel that there is a need for another trash site. The county has other options to take trash and recyclables. They would like to know the build site location and hours of operation. There is another trash site location within 2 ½ miles of Mike’s location. The current trash facility is at 10-15% capacity. With the closing of the Grand County Landfill, the trash has to be hauled to Erie 106 miles away. Another trash station would not mitigate that cost, and they would have to drive the trash out also. The safety issue related to a potential fire is also a concern.

Darren Carbary, neighbor of Mr. Jolovich since 2003, stated this is tough to talk about since he has a good relationship with Mr. Jolovich. He lives close to the development and supports Brett’s concerns. He is a customer of the current transfer station in Granby, has no problems with them and does not feel another station is needed in Granby.

Kim stated she encourages diversifying the land for a new use and what is appropriate for the county. Recommendations for screening the new waste station from Parlay Ranch which is a higher elevation is not practical. How to screen this? Vegetation? Is there water to maintain them? How long will this type of business serve the community?

Mike replied, the proposed transfer facility, can serve the community for a future length of time, the town only has one transfer station that is a high cost. As the county grows it will need this service.

Kim stated the she had questions about the recommendations and how will they be met? Plus a statement was made that we have plenty of waste transfer stations in the county, but she only heard one.

Brett answered that there are curb side (2 in operation) and recyclable options, plus drop off options. Pay-as-you-go options. They are in Grand Lake, Granby, Hot Sulphur Springs, Kremmling and Winter Park.

Brett also brought up the original Special Use Permit stated they need to plant trees for screens.

Mike stated he could not keep the trees alive.

Larry brought up that there is a need for another transfer station. He asked what if the first one closes up? The Grand County Landfill had to be closed due to sliding. In Silver Plume they charge $70 a ton for trash. I moved that trash to Denver at a cost $15 a ton. So it cost me $25 a ton to move it, here it is $135 a ton. We don’t need any water except for to fight fires.

Ingrid asked about economics. Will go to Golden instead of Erie. Won’t that save some money and time?
Larry responded yes, saving money and 30 miles.

Ingrid asked Brett (and neighbors) if there were non-compliance on Mr. Jovolich’s property was a complaint made?

Brett replied that he did not have access to the property.

Ingrid stated you can complain about Blight.

Brett stated that he did write and complain in person previously.

Ingrid asked if he bought his property with the existing timber business and blight on Mr. Jovolich’s property. Ingrid comments that Brett owned the property since 2005, built in 2015 and Mr. Jovolich business started in 2000/2001

Alex stated there are no complaints for the current Special Use Permit for Mr. Jovolich’s property.

Mike stated that a representative of the county has been on his property, that Road and Bridge visit regularly and he has nothing to hide.

Ingrid asked about the vehicles, refrigerators and airplane parts etc., on the property.

Marcus stated that the Special Use Permit allows for usages associated with the business.

Ingrid stated that we even if there is another Transfer Station, we would not deny the applicant for that reason. Asked if they took computer parts at the Silver Plume Station and that this facility (Silver Plume) does not allow citizens to drop off.

Larry commented that the Silver Plume facility did not allow individual drops off. We offered free residential service to the town and we did open up for special clean up days.

Ingrid asked about the Operation Plan for Grand County and wanted to see this.

Larry replied that they needed to go through the process to start the Operation Plan for Grand County. Will address in Operation Plan the types of items that can come into facility. Will be up to the Board of County Commissioners what can be accepted.

Craig stated that presenting a Operation Plan in every jurisdiction is a little different. Every piece of land is different, some are use by right some are Special Use Permit. Operation Plans are never spelled out in the regulations, that is why you do not see a 200 page document. Suggest as we go through the process, get a recommendation from Planning Commission as to whether it is an appropriate use, have application with conditions, develop the plan and come back and present to Board of County Commission. This would involve public comment which helps to build a better Operation Plan.

Marcus stated that we prefer you are 100% prepared, before you bring forth a Special Use Permit. Understand the complicacy of the project. Can do a contingency you have the Operation Plan before you go to the Board of County Commission. State and Federal requirements could require you to come to the Planning Commission first. This board does not address Blight Violations. The Planning Department addresses this. There are things that have been going on that make us feel that a new
Special Use Permit would be honored. If the Planning department does not hear a Blight complaint, things could tend to grow and we would not know if they are still in compliance. Regulations require the property to be cleaned up before proceeding, the operations have to be in compliance.

Maxine clarified for the record this is a new Special Use Permit and not an amended permit.

Alex brought it forward as a Amended Special Use Permit but a new use.

Henry asked about access to and from the highway, will that be dealt with with a study, possible excel/decel lanes?

Tara asked if it would be beneficial after property is cleaned up that there were buildings to house things in, so he transfecility was not as noticeable. Would that help with neighbor issues?

Larry replied the facility will be enclosed with a drive through process and no backing up of trucks. The floors and walls of the proposed facility will be concrete with no trash stored outside. The building will be 10 feet tall.

Brett said we have no doubt that the applicants, to get their Special Use Permit would scramble to clean up the property, but would not be confident it would stay that way for the next 3-5 years.

Tara reminded Brett it would only take a call from him, to notify Planning of a Blight issue.

Brett stated the burden is on us to police the property which is not fair to them.

Marcus stated that we need a complaint for us to give attention to a Blight issue. Possible to take away the lifetime Special Use Permit and change to 5 years. We can reevaluate in a shorter time frame for compliance. Possible an annual renewal but don’t want to cause undue burden on applicant.

Jennifer stated this will be enclosed in a building, and the applicant has had the operation since 2000. Timber operation is much noisier than a trash facility and as long as they take steps to address the noise issue, the proposed project has her support in moving forward and they have the hours of operation.

Marcus being a amendment are there anything the board sees from the existing operation restriction, traffic study? Add a condition that the existing site be brought to compliance, proposal of 5 year renewal. Do we want to restrict? How to address and the screening issue?

Tara added that with such a large investment, a 3-5 year timeframe would be appropriate for renewal.

Kim stated screening issues: planting trees has shown will not work. The building is enclosed and what would be an appropriate screening? Water drainage run off? Has this been part of the study? Were they compliant with the timber industry? Any concern after the fire? What type of support do we have?

Alex, think about the Silver Plume Operation. Storm water kept on site or back in water table to containers that catch debris. This can be added to the Plan.
Marcus states that the applicant has to follow local and federal regulations. A drainage study would offer additional requirements for mitigation.

Craig commented that a drainage study is not required by the state. A Storm-water Management Plan would be required.

Marcus added that with more of the work being indoors the run off mitigation might not be an issue and also he stated that the storage of heavy equipment already exist for this property. Would just be a change in type of trucks used.

Tara asked if we can make a recommendation that all trucks would be stored inside the buildings. Marcus answered that would require an indoor Special Use Permit for the waste transfer station. A Storm-water Management Plan would be required. This is an amendment to the use. Require site clean-up and a more detailed plan.

Ingrid asked what the time frame would be to get the site plan?

Jennifer said what is presented now is a concept not a plan.

Alex stated that they are trying to get the use approved and have contingency in place. A condition can be that an operation plan is complete comes back to Planning Commission.

Daniel Jolovich stated it is important to remember we still have wood operation. As we size down they will be building the new Transfer Station, so our current hours would still be in use at this time.

Marcus asked if the Board would like to see this come back with the completed Operation Plan.

Group would like to see the finalized Operation Plan before it goes to the Board of County Commissioners.

Table this item per STC Team

**Fire District Impact Fees**

Presented by: Joan Lyons, Planner 1

I. DISCUSSION

The Board of County Commissioners held a public hearing to adopt a policy and procedure to collect Emergency Service Impact Fees for the Grand Fire Protection District (GFPD) on October 2, 2003. The fees were enacted pursuant to Resolution 2003-10-3, Recorded at Reception No. 2003013938, and an Intergovernmental Agreement between GFPD and Grand County was entered into by Resolution 2003-10-2 and recorded at Reception No. 2003013937. Rationale for the policy was based on analysis of growth related costs incurred by the GFPD as part of the expanded population through residential and commercial development in Grand County. The purpose and design of this update is to continue with and maintain the integrity and methodology
of the original Impact Study by following the same Proportionate Share and Rational Nexus Theory.

Similar ordinances were put in place by the Town of Granby in 2003 and updated on November 11, 2008, by Ordinance No. 721. Grand County also updated the impact fee at that time by Resolution No. 2009-1-52. The Town of Granby requires by Ordinance that an Impact Fee Study be done every five years. Although Grand County does not have this same five year requirement, it is necessary that the impact fees be consistent within the GFPD boundary. In 2014, the Board of County Commissioners updated the Grand Fire Protection District No. 1 Impact Fees. Revised impact fees discussed in 2014 were adopted until 2018.

This 2019 update continues to provide the GFPD the tools necessary to plan for the future, anticipate new cycles of growth, and strategically prepare to provide fire service within their boundaries (see map below). This report estimates probable District costs and calculates a proposed fire impact fee for the District for the next five years, through 2023.

GFPD Boundary (as of October 30, 2018)

II. FIRE IMPACT FEE ANALYSIS

Economic and Planning Systems, Inc. (EPS) conducted this most recent Fire Impact Fee Analysis. As stated above, this was a long-term analysis with the intention of normalizing the cyclical growth within the District by finding an average growth rate over the 17 year period studied. This average growth rate was then compared to the estimated capital (facilities and equipment) necessary to support such growth. The proposed Fire Impact Fee was calculated for the District over the next five years (2019-2023) and can be seen in the chart below, compared to relative historical fees.

Proposed Residential Fire Impact Fees 2019-2023, with Historical Fees

<table>
<thead>
<tr>
<th>Year</th>
<th>Type</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Residential</td>
<td>$617/residential unit</td>
<td>$.34/sq. ft.</td>
</tr>
<tr>
<td>2020</td>
<td>Residential</td>
<td>$617/residential unit</td>
<td>$.34/sq. ft.</td>
</tr>
<tr>
<td>2021</td>
<td>Residential</td>
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</tr>
<tr>
<td>2022</td>
<td>Residential</td>
<td>$617/residential unit</td>
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</tr>
<tr>
<td>2023</td>
<td>Residential</td>
<td>$617/residential unit</td>
<td>$.34/sq. ft.</td>
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</tbody>
</table>

Proposed Non-Residential Fire Impact Fees 2019-2023, with Historical Fees
<table>
<thead>
<tr>
<th>Year</th>
<th>Type</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Commercial</td>
<td>.28/sq. ft.</td>
<td>$1/sq. ft.</td>
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<tr>
<td>2020</td>
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<td>$1.40/sq. ft.</td>
</tr>
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</table>

Staff has reviewed the study and believes that the fees established in this 2018 study have been determined in a fair and proportional manner by using a “Rational Nexus” and “rough proportionality” as required by Senate Bill 15. Senate Bill 15 provides that a local government may impose an impact fee or other similar development charge to fund expenditures by such local government on capital facilities needed to service new development. This bill also requests that the impact fee or development charge is no greater than necessary to defray such impacts directly related to the proposed development. The standard that must be met in Colorado requires mitigation to be “directly related” to impacts, and this test has been used consistently in Colorado to establish impact fees that have not been legally challenged to date.

**Residential Development:** EPS, used historic growth trends between 2000 and 2010 that indicated Grand County’s population grew by 235 persons per year, but slowed to 42 between 2010 and 2016. The Town of Granby grew by 33 and 29 persons per year over the same time periods. The number of residential housing units within the GFPD grew at an average annual rate of 2.5%, or approximately 10 units per year. The study projects an average annual increase of 45 new housing units per year through 2023 within the District boundaries. The choice to utilize housing units instead of population is due to the high second home ratio for this district.

**Non-Residential Development:** Assessor data was used to show an increase of 1,164,049 square feet of non-residential space built within the District in 2018, which equates to approximately 13,573 square feet per year. This includes all non-residential uses such as retail, general commercial, light industrial, lodging/accommodations, and other miscellaneous non-residential improvements.

**Capital Costs:** GFPD currently has two established stations, the Headquarters located in the Town of Granby and the Red Dirt Station. The Red Dirt Station is owned and jointly operated by East Grand Fire Protection District No. 4 and Grand Fire Protection District No. 1. GFPD intends to replace items in the District’s three main asset categories: vehicles, buildings, and equipment. Estimated costs for replacement costs for GFPD buildings during the next five years are projected to be $7.4 million. Vehicle replacement costs over the next five years are projected at $5.6 million, and equipment replacement over the next five years is projected to cost the District $816,650.

Largest budgeted items needing replacement include the District’s 1984 Grumman Ladder 1500 GPM Pumper, replacement costs associated with the District’s Headquarters and their creation of a planned North Station, and the District’s 2005 Pierce Aerial 1500 GPM Pumper.

**Impact Fee Calculations:** Subtracting the District’s general obligation funds from the sale of the old station, and an anticipated DOLA grant from the total asset value leads to a net asset value of $9,196,366. Apportioning incident types based on call volumes from 2014 to July 1, 2018 for GFPD and dividing existing units of development yields maximums for the impact fee of $.34 per residential square foot, or $920 for the average sized home. The non-residential impact fee yields a maximum of $1.98 per non-residential square foot.
The GFPD Board discussed maximum fees allowed to residents in the District and felt the study was valid, but did not want to impact affordable housing and nonresidential to the extent the study recommends. GFPD board proposes to choose the maximum allotted impact fee per residential square foot of $.34 per square foot, and take a tier approach to non-residential impact fee maximum by increasing the fee per square foot by $.10 per year starting in 2019. Because the proposed changes were relatively higher for non-residential units, the GFPD Board proposed fee for non-residential in 2019 is $1 per square foot and will increase $.10 per year accordingly until 2023.

III. COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

It is a goal of the Master Plan to require new development to pay for the capital cost associated with its demand on services. The proposed Fire Impact Fee fulfills this master plan goal. It provides a rational system for identifying and mitigating growth related cost associated with growth and development and the expansion of fire protection services and facilities made necessary by land development activities.

IV. STAFF COMMENTS

It is staff's opinion that the updated rational nexus for the Fire Impact Fee is roughly proportional to the impacts that growth has on fire services.

V. STAFF RECOMMENDATION

Staff recommends approval of the increased Fire Impact Fee within the Grand Fire Protection District No. 1 from $617 for residential dwelling units to $.34 per square foot. Staff also recommends approval of increasing the non-residential impact fee from $.28 per square foot to $1 per square foot in 2019 with a $.10 increase to the fee per year until 2023.

**Brad White** Operations and Training Chief at Grand Fire Protection District spoke and stated they conducted a 5 year study for growth in the area to help determine the new fee structure. In 2014 the study had growth down so the fee structure went down. Recommended residential fee of $927 per single family dwelling and commercial fee of $1.98 per square foot. Staff and Board thought this was too high and instead start at $1.00 a square foot and move up 10 cents each year.

Marcus asked about the impact fee. Is this for new construction? Not an annual charge to existing homes.

Brad replied it would be accessed at time of requesting a new construction permit.

Ingrid was curious as to why the fees where more for commercial business than residential. Calls for commercial are 22% of all calls and residential calls are 41%.

Brad replied that a new average home being built have a room & contents fire with “Fire Straits” that can contain the fire to a room until the fire department arrives to put out the fire. For commercial sites (like City Market) the fire flow rate is much higher and large buildings require more equipment. Platform and aerial equipment which cost more to fight these types of fires.

Ingrid inquired about smaller commercial buildings?

Brad commented that the square footage is how the fee is accessed.

Ingrid asked about when purchasing a new fire truck, where do the old fire trucks go?
Brad said they try to sell to smaller communities, but some large equipment trucks cannot be resold due to the faulty hydraulics. They wear down too quickly and cannot be easily repaired.

Ingrid inquired about the new fire station to be built, what would happen to the old station?

Brad stated the new construction would be by County Road 40 per the 2015 study. This is needed for gaps in certain areas. They are getting 2-3 calls from new areas where in the past they would only get one call. Response times get slower.

Marcus asked about the Granby Station and River Run Station, equal distance?

Brad replied with this new station the mileage would be a little longer but time wise equal distances from the new station.

Tare asked about the oversight of the new building.

Brad replied there is a bond upfront with building the station. They used a standard public comment period. They will keep it affordable, and size per area to service. No training facility, just bays for trucks, one office, small kitchen (similar to station by YMCA).

Jennifer asked if the new fee would be on remodels.

Brad stated credit for old square footage, so just fees on the new square footage of the remodel.

Joan stated that for Short Term Rentals, state regulations states they can’t discuss raising fees.

Tara wondered about charging for false alarms.

Brad replied this is not an issues now. We have a few frequent flyers, but in places like Innsbrook, so many residence can go to this location multiple times a day, but for different individuals.

Kim asked if this increase fee will help pay for the building?

Brad replied it will help offset the cost but, will not pay for everything. This only goes to capital, and we will have a new study every 5 years. We have worked with local contractors in the county for feedback. We had a workshop in town, the average will be 2 ½% per permit cost, and it is a one time fee.

Chris asked about the square footage for a garage?

Brad stated if it is a detached garage with a separate permit no fee, but if the garage is attached there would be a fee.

Jennifer proposed to approve the Fire District Impact Fees as presented, Ingrid seconded. All in favor "aye", none opposed, motion carried.

Jennifer Scott made a motion to adjourn the meeting, seconded by Ingrid Karlstrom. No Discussion. All in favor "aye", none opposed, motion passed.

Meeting adjourned at 9:55 pm.