

GRAND COUNTY PLANNING COMMISSION
WEBEX MEETING MINUTES

Wednesday, April 8th, 2020

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

MEMBERS ABSENT: Henry Broadhurst

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

The meeting was called to order by Chairperson Marcus Davis at 6:43 PM. Roll call was taken.

Minutes from March 11th, 2020 were presented. Motion to approve by exception due to the WebEx meeting. None opposed, exception motion carried.

Chairperson Marcus Davis announced that we will vote by exception on this WebEx Planning Commission call. There were 3 members of the Public in attendance by WebEx.

Ratzlaff Outright Exemption

Presented by: Jacob Cote, Planner I Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission April 8, 2020 ; Board of County Commissioners TBD, 2020

PROJECT NAME : Ratzlaff Outright Exemption

APPLICANTS: Janelle Ratzlaff & Thomas Cole Fustos-Ratzlaff

LOCATION : W ½ & E ½, W ½ W ½ NE ¼ SECTION 18, TOWNSHIP 1 NORTH, RANGE 77 WEST OF 6TH PRINCIPAL MERIDIAN, commonly known as 2176 GCR 55

APPLICABLE

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

ZONING : Forestry and Open District

ATTACHMENTS :

- A. Vicinity Map
- B. Detail Map
- C. Eagle View Aerial Imagery of Site
- D. Application and Narrative Letter
- E. Title Commitment
- F. Proposed Outright Exemption Plat

STAFF PLANNER : Jacob Cote, Planner I

REQUEST : Applicants are requesting approval of an Outright Exemption to vacate the lot line separating two lots to create a single parcel.

I. BACKGROUND

a. Proposal

The Applicant, Janelle Ratzlaff and Thomas Cole Fustos-Ratzlaff, are the current owners of two separate lots southeast of the Town of Hot Sulphur Springs in unincorporated Grand County via Warranty Deed recorded July 25, 2018 at Reception No. 2018005804. Applicants are requesting approval of an Outright Exemption to vacate the lot line separating the two lots, to create a single parcel on which they intend to build a new single-family residence.

b. History

The Applicant acquired the lots in July 2018. Properties are accessed from GCR 55 and abut the Arapaho National Forest on their southern lot lines. Lots are exceptionally deep and narrow, measuring approximately 2,720' in length and 160' in width. The lots are located outside of any Grand County Master Plan-defined Growth Area.

Lots are located in the Forestry and Open District and are not in a subdivision. A septic system has already been installed and an initial inspection has been completed. Per the applicant's application letter dated 2/21/20, a final grade inspection has yet to be completed.

There are two existing structures on the lot, both designated Single Family Building by the Grand County Assessor's Office. The 1-bed, 1-bath cabin built in 1934 has a footprint of 493 SF; the second structure's footprint is 156 SF.

II. STAFF COMMENTS AND ANALYSIS

This Outright Exemption would allow the Applicant to combine their two adjacent lots, forming a single parcel on which they intend to build a single-family home and maintain year-round occupancy. The site's topography—a sharp and steady incline from north to south, reaching the National Forest—makes infeasible any development on the site other than the northernmost edge, where the existing structures are located. The proposed development on this property, being single-family residential, will match surrounding properties, which are all single-family residential and agricultural.

Because extensive residential or commercial development on the site—or any sites in the vicinity—is unlikely, impractical, and not permitted per the Forestry and Open Zoning District regulations, the proposed use seems to be, at this time, the highest and best use of the property. Vacation of the lot line separating the two lots would ensure zoning regulation compliance for improvements on the property.

III. COMPLIANCE/NON-COMPLIANCE WITH REGULATIONS

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

a. Grand County Master Plan

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

Plan Element 1: Natural and Cultural Resources

Natural resources of Grand County are, as stated in the Master Plan, integral components of the County's landscape and character. Most of the land on these parcels is development-prohibitive due to steep grades and inaccessibility; as such, the proposed construction of a single-family residence at the extreme north end of the property—where existing structures are located—would ensure the preservation of the natural landscape on the property. It would also create minimal impact on wildlife habitats and/or corridors.

Plan Element 2: Growth

The location of this property and the small scale of proposed development would maintain the area's natural beauty and rural setting. Since the property has already been developed for residential use, it will also avoid the extension of growth into areas with no existing development. It will not create density out of character with the surrounding area, nor does it contradict any growth plans for the area.

Plan Element 3: The Built Environment

The location of the proposed single-family residence will have minimal impact on the adjacent mountain landscapes. It takes advantage of the existing road network as well, eliminating the need to construct additional transportation infrastructure. The structure's proposed location will also have minimal impact on existing vegetation.

b. ZONING -Section 8.1 Forestry and Open District

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

- The applicants propose the development of a single-family residence on the property. As single family dwellings are a use by right, this use is in compliance with the regulations.
- The combined parcels, being approximately 20 acres in size, is in compliance with minimum lot area in the Forestry and Open District. Minimum lot area for lots located outside Grand County Master Plan Growth Boundaries is **five acres** .
- The proposed residential development will comply with minimum yard setbacks and lot width. Minimum setbacks and lot widths for the Forestry and Open District are as follows:
 - Minimum lot width: **200'**
 - Minimum front yard: **30'**
 - Minimum side yard: **10'**
 - Minimum rear yard: **20'**

c. OUTRIGHT EXEMPTION - Article 1.4 - JURISDICTION

Division of a parcel of land when the Board of County Commissioners determines that such division may be permitted without complying with either Grand County Subdivision Regulations or Grand County Subdivision Exemption Regulations. When not contrary to the best interests of present and future inhabitants of Grand County, and when the method of disposition is not adopted for the purpose of evading these Regulations, the Board of County Commissioners may grant such an Outright Exemption with regard to any land division under the following circumstances:

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

An Outright Exemption is appropriate here because it does not contradict the best interest of present or future inhabitants of Grand County. The property is not located within a platted subdivision and it is for a single-family residence, meaning it is of minimal impact and is not beholden to Grand County subdivision regulations.

d. OUTRIGHT EXEMPTION - Article 2 - DESIGN STANDARDS

Section 2.1 Driveway, Roads, Streets, and Easements .

(1) Driveways shall be designed to bear a logical relationship to the topography. Design shall comply with the Grand County Road and Bridge Standards. A driveway permit shall require submittal of a driveway design either prior to or at the time a building permit application is submitted.

(2) Easements of not less than twenty feet (20') in width shall be provided along rear and/or side lot lines for utilities. Such easements may be provided by ten foot (10') easements on each of

adjoining lots. Utility easements at different locations may be provided upon recommendation by the affected utility companies and approval of the Board of County Commissioners.

Access easement meeting these requirements granted per Receptions No. 2018005490 and No. 2018005587. Utility Easement meeting these requirements granted per Receptions No. 2018005491 and No. 2018005586

Section 2.2 Tracts/Parcels/Lots .

- (1) As a minimum requirement, dimensions shall conform to applicable zoning or other land use requirements.
- (2) A lot shall have access to a public Right-of-Way.
- (3) A lot shall be provided an address upon approval of the outright exemption.

The lot's address is 2176 GCR 55 and shall be placed on the Final Plat Mylar. Dimensions of the parcel's north and south boundaries shall be shown on the Final Plat.

Section 2.3 Public Dedications.

- (1) Public dedication may be required of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements.
- (2) Approval of a division of land under these Regulations shall not constitute acceptance by the County of the roads, streets, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the county shall be accepted by the County only by specific action of the Board of County Commissioners.

These requirements have been met.

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

Section 2.5 Emergency Service Impact Fees.

If a new lot with anticipated development is created through the Outright Exemption process then fees shall be paid prior to recording to the appropriate Fire Protection District. Proof of payment shall be provided to the Community Development Department.

Proof of payment of applicable fees shall be submitted at time of building permit.

E. OUTRIGHT EXEMPTION - Section 3.2 - PLAT

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

This requirement has been met.

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

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

Title of the plat is:

Ratzlaff Outright Exemption

Located in W ½ W ½ W ½ Ne ¼ Section 18, Township 1 North, Range 77 West Of 6th
Principal Meridian

Ownership Recorded at Reception No. 2018005804

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

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

This requirement has been met.

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

This requirement has been met.

Section 3.2 (2) (d) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves with long chord bearings and distances.

Dimensions of the parcel 's north and south boundaries shall be shown on the Final Plat.

Section 3.2 (2) (e) Names and right-of-way width of each street or other right-of-way.

This requirement has been met.

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

This requirement has been met.

Section 3.2 (2) (g) Number to identify a lot or site, names of adjacent property owners, and acreage of each site to nearest 1/100th of an acre.

Acreage shall be shown for each of the two parcels to be combined.

Section 3.2 (2) (h-i) Purpose for which sites, other than residential lots, are dedicated or reserved. (h) Location and description of monuments (i).

These requirements have been met.

Section 3.2 (2) (j) A title insurance commitment or attorney's title opinion showing that the applicant is the owner of all the land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use or for common use by all lot owners are free and clear from all liens and encumbrances except patent

reservations and except liens and encumbrances which cannot be extinguished, released or purchased by the developer. If such land is mortgaged by the developer, it shall be sufficient if the mortgagee joins in the dedication

This requirement has been met.

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

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Thomas Cole Fustos-Ratzlaff and Janelle Marie Ratzlaff are the owners of that real property situated in Grand County, Colorado, more fully described as follows: **W ½ W ½ W ½ Ne ¼ Section 18, Township 1 North, Range 77 West Of 6th Principal Meridian.** That they have caused said real property to be laid out and surveyed as Ratzlaff Outright Exemption, and do hereby dedicate and set apart all the streets, alleys, and other public ways and places shown on the accompanying plat for the use of the public forever, and do hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements. IN WITNESS WHEREOF Thomas Cole Fustos-Ratzlaff and Janelle Marie Ratzlaff have caused their names to be hereunto subscribed this ___ day of _____, 20__.

Thomas Cole Fustos-Ratzlaff and Janelle Marie Ratzlaff

STATE OF COLORADO }

ss

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this ___ day of _____, 20____ by Thomas Cole Fustos-Ratzlaff and Janelle Marie Ratzlaff .

My commission expires:

Notary Public

Section 3.2 (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 plat to be in substantially the following form:

SURVEYOR'S CERTIFICATE

I, Timothy R. Shenk, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of Ratzlaff Outright Exemption truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said statute and by the Grand County Outright Exemption Regulations have been placed on the ground.

Timothy R. Shenk

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

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

COMMISSIONER'S CERTIFICATE

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

Chairman

Board of County Commissioners

Grand County, Colorado

Section 3.2 (2) (n) Certification by the applicant's attorney, the professional engineering, designing or planning firm, if any, and a statement by the owner insuring compliance with the design standards and all other requirements of the Grand County Outright Exemption Regulations and the statement of requirements issued by the Board of County Commissioners.

Statement shall be submitted prior to Outright Exemption approval by the Grand County Board of County Commissioners.

Section 3.2 (2) (o-q) 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 (o). A vicinity map (p). Documented proof of legal access (q).

These requirements have been met.

Section 3.2 (2) (r) Documented proof of the availability of sewer and water supply. Proof of adequate water supply for any proposed development shall be submitted pursuant to C.R.S. § 29-20-103.

Documented proof of sewer and water supply availability shall be submitted.

Section 3.2 (2) (s) Statement of taxes due showing current taxes paid.

Statement of taxes due showing current taxes paid shall be submitted.

Section 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.

Electronic copy of the Final Plat shall be submitted prior to recording of the Final Plat.

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

IV. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing is scheduled for April 8, 2020.

V. STAFF RECOMMENDATION

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

1. Dimensions of the parcel's north and south boundaries shall be shown on the Final Plat. [§2.2(1)]
2. The lot's address shall be placed on Final Plat Mylar. [§2.2(3)]
3. Proof of payment of applicable Emergency Service Impact Fees shall be submitted at time of building permit. [§2.5]
4. Statement by owner insuring compliance with all requirements shall be submitted prior to Outright Exemption approval by the Grand County Board of County Commissioners [§3.2(2)(n)]
5. Documented proof of sewer and water supply availability shall be submitted [§3.2(2)(r)]
6. Statement of taxes due showing current taxes paid shall be submitted. [§3.2(2)(s)]

7. Electronic copy of the Final Plat shall be submitted prior to recording of the Final Plat.
[§3.2(2)(t)]

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

Commissioners asked staff what changes were made to the certificates, whatever is provide to the Commissioners should be the final document. If you make changes to the recommendations just let the Commissioners know what they are. What are the changes for this meeting? Noted that there are seven staff recommendations in the version the Commissioners had reviewed.

Staff replied, the dimensions for the north and south boundaries were keyed in the plat, so this has been removed. One addition (Condition Number 1), the Ratzlaff's need the demolition permit from the Building Division prior to their request for a building permit.

Commissioners stated that this is not applicable to the Planning Commission process, unless you state why it is applicable. There is no need for these to be added as conditions for the Planning Commission purposes.

Staff stated they thought the demolition condition should be added to reassure that there will not be a second well added to the property since there will only be one single family structure on the property.

Commissioners stated there is no need to add the demolition permit to the list of conditions for this Outright Exemption process. You have an existing building on the property with an existing well permit, it is a legitimate lot now and you are asking for an Outright Exemption that would not negate the Planning Commissioners approving or not approving this request. The statement here is, you are taking two parcels and combining them, and you want to insure there is only one well permit. The staff condition is that you are not adding any additional wells, so your certificate should state that wherever a second well permit was available that the applicant would not act on it. The certificate that the Commissioners were given, staff would like to remove Recommendation Number One.

Staff replied they would like to remove Staff Recommendation Number One and Number Three from the certificate presented to the Commissioners.

Commissioners asked if staff wanted to add any conditions to the certificate.

Commissioners asked, in the certificate did you state that these properties are Metes and Bounds properties?

Staff replied that they had. Staff will verify and if needed add the statement the properties are Metes and Bounds properties.

Commissioners stated that what makes this an applicable Outright Exemption is that they are two Metes and Bounds properties. Make sure this is clear within the final certificate. Note also that the properties are less than forty acres because if they are forty acres or more you do not have to go through the Outright Exemption process, just need a new survey of the properties.

Staff replied that they will add the Metes and Bounds properties statement to the final certificate.

Commissioners asked now the request is as presented minus condition number one and three, correct?

Staff replied correct.

Commissioners stated the acreage is not listed on the certificate, feel this needs to be added. Up front in the proposal state what you are requesting for the Outright Exemption. The combination of properties to be combined by an Outright Exemption process to vacate the lot lines creating one lot. Also add there is currently one well and no permit held for a second well and the resulting parcel will result with one well permit only, thus making it legal.

Commissioner asked since the lot is so long, has the Headwaters Trails has any input into this proposal?

Staff replied they had not consulted with Headwaters Trails on this proposal.

Commissioners added that typically what we discussed last month was for a review agency to be involved when we had a full subdivision before the Planning Commission. For the movement of lot lines, it is definitely not applicable.

Commissioner asked to discuss again the exclusion of Condition Number one. If the application includes the building of a new residence and was not disposing of the existing residence should be acknowledge that the demolition should be completed otherwise by this application, we will have two buildings on the property. I know you stated it would be up to the Building Division to decide.

Commissioner explained that Planning and Zoning will review of the building permit for Planning and Zoning requirements. For our purposes, there is an existing house on the property and there is one well permit, we are stating the property is currently in compliant. If the applicant chooses to demolish a building and add another building our statement is there can't be anything further added to the property. We can certainly change the recommendation to add a condition to state on the plat that there shall never be more than one well permit issued for this property. The buildings are not our role, but the wells are.

Staff states there is a typical condition that we use related to pre 1972 lots that can be added. "The applicant shall reapply for a well permit, having only one well permit on this piece of property".

Commissioner added that they must amend the current well permit to add the new parcel dimensions.

Staff stated condition will read, "The applicant shall reapply for a well permit through the state an exempt well permit".

Commissioner stated not reapply but amend the existing well permit to reflect the new Outright Exemption. "On approval, applicant shall show proof of amended existing well permit to reflect new boundary conditions due to the Outright Exemption". Or "Applicant for Outright Exemption shall allow for one Single Family Dwelling well permit". Possible have two conditions to make sure the applicant turns in a amended well permit. "Applicant shall submit application for exemptions for a new well permit that will allow for one single family dwelling".

Motion to recommend approval by Sally Blea for the Ratzlaff Outright Exemption as presented with two additional conditions discussed and the removal of conditions one and three of the original certificate. Seconded by Ingrid Karlstrom, Vote by exception. All in favor "aye", none opposed. Motion carries.

Shearon Outright Exemption

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission April 8, 2020; Board of County Commissioners TBD, 2020

PROJECT NAME : Shearon Outright Exemption

APPLICANT : Mark H. and Bettina A. Shearon

LOCATION : Tract 1, Matson Subdivision Exemption commonly known as 569 GCR 408

APPLICABLE

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

ZONING : F - Forestry and Open District

ATTACHMENTS :

- G. Vicinity Map
- H. Application and Narrative Letter
- I. Title Commitment
- J. Proposed Outright Exemption Plat
- K. Matson Subdivision Exemption Final Plat
- L. Triana Subdivision Exemption Final Plat

STAFF PLANNER : Alexander Taft, LEED Green Associate

REQUEST : The Applicant is proposing to split their lot to grant an inaccessible portion to a neighboring property Outright Exemption.

VI. BACKGROUND

a. Proposal

Mark H. and Bettina (Tina) A. Shearon own Tract 1, Matson Subdivision Exemption via Warranty Deed recorded at Reception No 2012004531. There is an existing single family residence on the property which was originally built in 1934 according to Assessor records.

Matthew and Kristin (Kristi) Buchanan own Lot 1, Tirana Subdivision Exemption directly east of the Shearon's property. The Buchanan's and Shearon's have come to an agreement to transfer a portion of the Shearon's property for the beneficial use of the Buchanan's. Tina Shearon approached Staff about completing this and because these are two separate Subdivision Exemptions Staff recommended an Outright Exemption.

a. History

Matson Subdivision Exemption was created in December 29, 1996 recorded at Reception 93013415. This Subdivision Exemption created three lots from 40.29 acres. Adjacent to the east, Tirana Subdivision Exemption was created in November 20, 1996 recorded at Reception 96010230. This subdivision exemption created three tracts out of 36.6 acres. Both of these Subdivision Exemptions were created from a land division commonly called Shadow Mountain Estates creating 35 or greater acreage parcels which was a subdivision not reviewed by Grand County.

VII. STAFF ANALYSIS

This proposal effectively creates two lots. Proposed Lot 2 has no rights to water or an additional well, and therefore no rights to have a dwelling on it. Its intended use will be for horses and other livestock from the Buchanan's adjacent Tract 1 of Tirana Subdivision Exemption and is being created to avoid the difficulties of trespass onto another property. If approved through this process, there is a need to restrict the ability to have this proposed Lot separated from its adjacent parcel in another Subdivision Exemption.

Staff feels the Outright Exemption procedure is the proper body of regulations to create this parcel and attach it to another parcel exterior to the boundary of the Matson Subdivision Exemption.

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

A Right-of-Way (ROW) was deeded to the public in a 1991 deed then drawn on the Matson Subdivision Exemption Plat which followed the described easement. The centerline of the existing road was retraced in this proposed Plat and the Applicant has requested those other portions be vacated with this proposed plat. The vacation of the additional ROW will not eliminate access for adjacent property owners.

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

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

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

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

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

IX. COMPLIANCE/NON-COMPLIANCE WITH REGULATIONS

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

e. Grand County Master Plan

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

Plan Element 2 - Land Use - The Pattern of Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. These parcels are located far from the Urban or Rural Growth Area and have minimal infrastructure and no public services. This Outright Exemption helps maintain beneficial agricultural land uses in an area that has minimal public and utility services and not within a growth area.

f. ZONING -Section 6.1 Forestry and Open District

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

Use

Proposed Lot 1 already contains a single family dwelling which will remain. Single-family dwellings are a use by right in the Forestry and Open District. Proposed Lot 2 will contain agricultural uses which already are maintained on the Buchannan's adjacent lot. Lot 2 shall only be maintained as agricultural use being there is no right to additional water or wells on this parcel.

Minimum Dimensional Requirements

The minimum lot area in the Forestry & Open Zone District is five (5) acres. Proposed lot 1 of the Shearon outright exemption has a minimum area of 5.01 acres, Lot 2 has an area of 6.2 acres both lots comply. These lots also comply with the two hundred feet (200') minimum width.

Front, Side, and Rear Yard Requirements

The Forestry & Open Zone District requires 30' front yard, 10' minimum side yard, and 20' rear yard. The applicants' proposal is consistent with all minimum yard requirements.

g. OUTRIGHT EXEMPTION - Article 1.4 - JURISDICTION

Division of a parcel of land when the Board of County Commissioners determines that such division may be permitted without complying with either Grand County Subdivision Regulations or Grand County Subdivision Exemption Regulations. When not contrary to the best interests of present and future inhabitants of Grand County, and when the method of disposition is not adopted for the purpose of evading these Regulations, the Board of County Commissioners may grant such an Outright Exemption with regard to any land division under the following circumstances:

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

County Road 408 bisects the Shearon's property, the neighboring property, owned by the Buchannan's only has access to that portion of their property via the 10' driveway which travels south from County Road 408.

h. OUTRIGHT EXEMPTION - Article 2 - DESIGN STANDARDS

Section 2.1 Driveway, Roads, Streets, and Easements .

No new driveways accessing County Roads are being constructed in regard to this application. There are 10' and 20' utility easements which have been previously established pursuant to the Matson Subdivision Exemption and Triana Subdivision Exemption Plats. There is no need for additional utility easements in excess of what has previously been created, also none are being vacated.

Section 2.2 Tracts/Parcels/Lots .

The remaining portion of the parcel left by this proposal complies with the minimum requirements of the Forestry and Open District. Both lots subject to this application will have separate access to County Road 408

This address shall be placed on the Final Plat Mylar.

Section 2.3 Public Dedications.

This requirement has been met, no new streets, utility easements, or access is being dedicated as part of this proposal.

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

Section 2.5 (1-2) Emergency Service Impact Fees.

Impact fees are not a requirement applicable to this proposal as the property is located outside of any district which has adopted impact fees.

F. OUTRIGHT EXEMPTION - Section 3.2 - PLAT

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

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

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

Title of the plat is:

Shearon Outright Exemption

Being a replat of Tract 1, Matson Outright Exemption recorded at Reception 93013415

Located in Section 34, Township 3 North, Range 77 West, of the 6th P.M.

Ownership Recorded at Reception No. 2012004531

The proposed Plat includes information which complies with these provisions including: a scale 1"=80', north arrow, and March 12, 2020 as the date of creation.

Section 3.2 (2) (b) the new legal descriptions will be:

Lot 1, Shearon Outright Exemption, being a replat of Tract 1, Matson Outright Exemption recorded at Reception 93013415.

Lot 2, Shearon Outright Exemption, being a replat of Tract 1, Matson Outright Exemption recorded at Reception 93013415.

Section 3.2 (2) (c) Primary control points, or descriptions, and ties to such control points to which dimensions, angles, bearings, and similar data on the plat shall be referred have all been shown on this proposed Plat.

Section 3.2 (2) (d) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves with long chord bearings and distances have all been shown on this proposed Plat.

Section 3.2 (2) (e) Names and width of right-of-ways have been show on this proposed plat. A portion of the existing right-of-way which has been identified on the Plat for County Road 408 has been requested to be vacated.

Section 3.2 (2) (f-i) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements have all been provided and accurately

labeled on this proposed plat (f). Lots are identified and adjacent property owners are shown, lots subject to this proposal include acreage to 1/100th of an acre (g). Lot 1 is to remain as residential use; Lot 2 shall be for agricultural use only, as an out lot to Triana Subdivision Exemption pursuant to this plat (h). The location and description of all found monuments has been included on the proposed plat (i).

Section 3.2 (2) (j) A title insurance commitment has been provided showing the Applicant is free and clear of any encumbrances, liens or mortgages. **Any draft Deed s shall be supplied for review by the County Attorney and recorded with Final Plat.**

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

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That **Mark H. Shearon and Bettina A. Shearon** are the owners of that real property situated in Grand County, Colorado, more fully described as follows: Tract 1, MATSON SUBDIVISION EXEMPTION, according to the final plat thereof filed December 29, 1993 at Reception No. 93013415.

EXCEPT that portion conveyed to Grand County by instrument recorded December 29, 1993 at Reception No. 93013416,

AND EXCEPT the "Laman Outright Exemption", as shown on the Plat of Laman Outright Exemption and Amended Final Plat Tract 1, Matson Subdivision Exemption, filed March 30, 2001, at Reception No. 2001-002950.

That they have caused said real property to be laid out and surveyed as **Shearon Outright Exemption**, and does hereby dedicate and set apart all the streets, alleys, and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements. IN WITNESS WHEREOF **Mark H. Shearon and Bettina A. Shearon** have caused their names to be hereunto subscribed this ___ day of _____, 20__.

Mark H. Shearon

Bettina A. Shearon

STATE OF COLORADO }

}ss

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this day of , 20____ by Mark H. Shearon and

Bettina A. Shearon

My commission expires:

Notary Public

Section 3.2 (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 plat to be in substantially the following form:

SURVEYOR'S CERTIFICATE

I, Timothy R. Shenk, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of Shearon Outright Exemption truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said statute and by the Grand County Outright Exemption Regulations have been placed on the ground.

Timothy R. Shenk

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

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

COMMISSIONER'S CERTIFICATE

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

Chairman

Board of County Commissioners

Grand County, Colorado

Section 3.2 (2) (n) A two and one-half by three inch (2 1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.

Section 3.2 (2) (o) A vicinity map has been provided and shall remain on the proposed Plat.

Section 3.2 (2) (p) Documented proof of legal access is provided via County Road 408.

Section 3.2 (2) (q) Proof of adequate water supply not applicable, no new residential development is intended subject to this proposal.

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

Section 3.2 (2) (s) An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat.

Section 3.2 (2) (t) Such additional information as may be required by the Grand County Board of County Commissioners shall be provided prior to recording the Plat.

X. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing is scheduled for April 8, 2020.

XI. STAFF RECOMMENDATION

Staff recommends the approval of the Shearon Outright Exemption and vacation of those portions of ROW identified on the Proposed Plat with the following conditions to be met:

1. Remove the ensuring statement from the proposed plat as that language has been removed from the most current Outright Exemption Regulations.
2. Add Resolution 2019-8-6 to the Board of County Commissioners Certificate [3.2 (2) (m)].
3. Statement of taxes due showing current taxes paid [3.2(2) (s)].
4. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [3.2 (2) (t)].
5. The Applicant shall meet all Plat requirements and such additional information as may be required by the Grand County Board of County Commissioners.

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

Mark & Tina Shearon were present to answer any questions from the Commissioner and Tim Shenk, Core Consulting, consultant, available representing the Shearon's also. The Shearon's have read the recommendations and are accepting to them all.

Commissioners asked we created a parcel outside of a subdivision exemption that only works if merged with the other parcel. Typically we would have one plat that showed both parcels and the transfer of land between them or if you want to do two separate, there has to be a condition that we cannot complete the Outright Exemption without approval of the

other. We are not in the business of creating a lot that there would be no ability to get water, so it would be an illegal lot. We agree with the Outright Exemption process to transfer the lot between the two but where is the other half of the story?

Staff asked Tim Shenk to talk through his process for the Outright Exemption proposal. Tim is not available now on the WebEx.

Commissioners asked staff which approach they would prefer to take. We need a second plat for this proposal. We could do this all in one plat and transfer the land between the two participants, but you would have to show both parcels and the plot of the land.

Commissioner stated their impression was that the applicant is not trying to combine what is going to be left of the tract that is being divided between the Shearon's and the other party. They want to create a new lot line that only involves the two parcels. One parcel is in a different subdivision from the owners of the adjacent lot. It was not the impression that they are trying to create a new lot by combining the tract that will be used for horses with the current tract in a different subdivision.

Commissioner stated that the process is you create an Outright Exemption parcel from the existing piece of land, that is the carve off piece and then it is called Outright Exemption whatever. Then you forever merge and join it with the parcel it is going to, but this needs to happen in one fell swoop, or you need a condition that it cannot be approved until it is joined. We cannot add a parcel or create a parcel without water, and I guarantee they do not have water.

Staff added that the discussion staff and Tim Shenk had was in that vein. We ended up with this proposal that there will be a plat note added to the cover page. It will deed restrict the lot to the Shearon Outright Exemption to only being attached to Tract 1.

Commissioner stated that it cannot be done in this manner. You cannot have a phantom lot sitting out there. This has been done in Planning and Zoning such as the one heading up to Devil's Thumb off Highway Forty. We took a lot from Grand County and merged it with the land that the pond is on, so there was a complete parcel that could be maintained. Good example of how to handle this project. Do we need to look at tabling this agenda item?

Staff asked the Commissioners to table the Shearon Outright Exemption at this time. We will sort out how to bring this project back to the Planning Commission to result in two parcels instead of three parcels.

Commissioners stated the outcome has to be a Quit Claim Deed, create the Outright Exemption and a quick claim deed to accept the Outright Exemption. The Quit Claim Deed redefines the boundaries of your parcel and you must have a plat that reflects that. Commissioners accept Staff's request to table this Outright Exemption currently.

Mark & Tina Shearon had a question for the Commissioners. Regarding the transfer of sale of the Shearon parcel to the Buchanan's, we need a legal description for the title company

and everyone to transfer that parcel to the Buchanan's in a sale. Before the Buchanan's go through the process to combine the new piece of property with their existing parcel.

Commissioners replied what we have been discussing is only half the process for the creation of that lot, we call an Outright Exemption lot. It is a temporary movement, so we still create it, it is only half the process. What is missing is the merger of the lot to the recipient. This is what defines the sale, so basically you have a bill of sale that states this is the parcel we are selling but you also have to accompany that with a quick claim deed that redefines the Shearon's lot and redefines the Buchanan's lot to include the new parcel. There are actually three documents needed that have to be recorded in perfect order to show the transfer. The plat that gets recorded, signed by both parties then show a complete record by both parties.

Mark & Tina Shearon stated that they understood and thanked the Commissioners.

Tabernash Sewer Site Second Amended Outright Exemption (A boundary line adjustment of Tract A and B)

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission April 8, 2020; Board of County Commissioners TBD, 2019

PROJECT NAME : Tabernash Sewer Outright Exemption

APPLICANT : GRAND COUNTY in joint effort with TABERNASH MEADOWS WSD

LOCATION : Tracts A, B and C Tabernash Sewer Site Outright Exemption / commonly known as 440 GCR 828, 452 GCR 828, 250 GCR 820

APPLICABLE

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

ZONING : F- Forestry and Open District

ATTACHMENTS :

- M. Vicinity Map
- N. Application and Narrative Letter
- O. Proposed Outright Exemption Plat
- P. Deeds
- Q. Tabernash Meadows Water & Sanitation IGA

STAFF PLANNER : Alexander Taft, LEED Green Associate

REQUEST : The Applicants are requesting the approval of a boundary line adjustment and lot combination to eliminate an existing tract at the Tabernash Sewer Site. The new property boundaries will provide usable real estate for wastewater treatment facility (WWTF) expansions and modifications.

XII. BACKGROUND

a. Proposal

This is a proposal brought by Grand County Staff as part of an agreement with Tabernash Sewer District which is being managed by Tabernash Meadows Water and Sanitation District (TMWSD). Grand County and TMWSD have had an Inter-Governmental Agreement since 2000. In 2016 a revised agreement was completed and recorded confirming the joint interest in the parcels created by both owners. Owner and ownership information will be confirmed and verified with the County Attorney's office.

The current proposal includes extending the eastern property line of Tract B further to the east, moving the northern property line of Tract B to the south and eliminating Tract A—which was to be the site of a single family home. The new layout of Tract B will allow for expansions and modifications to the sewage treatment facility. Since, the home site has been eliminated there is no longer a reason for the Sewer Site to have three tracts.

So, although the amended final plat currently shows three lots, the 2nd Amended Plat, Tabernash Sewer Site Outright Exemptions will only be composed of two tracts-Tract A and Tract B.

The images below show the existing and proposed lot line configurations for the Sewer Site.

b. History

Grand County and Tabernash Meadows WSD (the “applicants”) jointly own Tract B of the Tabernash Sewer Site Outright Exemptions. Tract A and Tract B are owned solely by Grand County. The Tabernash Sewer Site Outright Exemptions was amended in 2004, partly to preserve fen wetlands that were discovered. The 2004 Amended Plat created Tract A which was a designated homebuilding site for Habitat for Humanity, Tract B which was to be used for the sewage treatment facility and Tract C which was a preservation tract that encompassed the fen wetlands.

XIII. STAFF ANALYSIS

The proposed plat is a lot combination and boundary adjustment. Tract B is intended to have no change in total area retaining space and use for the existing Waste Water Treatment Facility. Former Tract A will merge with Tract C and become an approximately 4 acres of high quality wetlands which have been identified as protected under Section 404 of the Clean Water Act.

The total land area of proposed Tract B is less than the required 2 acres in the Forestry and Open zoning district, inside a growth area. Staff believes that this total lot area is sufficient as it decreases non-conformity to the greatest extent possible while still giving area for future expansion without creating any long term planning issues.

The surrounding uses are primarily smaller lot residential to the south and larger lot residential to the north which transitions into public lands. The location of this Wastewater Treatment Facility is

the most beneficial use of this site being adjacent to surface water to discharge and directly adjacent to unbuildable parcels to the north and west.

XIV. COMPLIANCE/NON-COMPLIANCE WITH REGULATIONS

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

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 one (1) is relevant to this proposal.

Plan Element 2 - Land Use - The Pattern of Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. The uses within this parcel support the existing denser use of this prior to 1972 subdivision which created non-conforming lots within EJ Vulgamots subdivisions.

j. ZONING -Section 8.1 Forestry and Open District

This parcel lies in the Forestry and Open District, inside Tabernash Urban Growth Area. This application complies with the regulations in the following ways:

Use

Wastewater Treatment Facility is a use permitted in every district by right.

Minimum Lot Area

The minimum lot area in the Forestry & Open Zone District is two (2) acres. None of the three lots currently meet the minimum lot area. Tract A is currently 0.378 acres. Tract B is currently 1.471 acres and Tract C is currently 4.67 acres.

Former Tract A will merge with Tract C and add approximately 4 acres full of high quality wetlands which have been identified as protected under Section 404 of the Clean Water Act.

The total land area of proposed Tract B at 1.471 acres is less than the required 2 acres in the Forestry and Open zoning district, inside a Growth Area. Staff believes that this total lot area is sufficient as it decreases non-conformity to the greatest extent possible while still giving area for future expansion without creating any long term planning issues.

Front, Rear, and Side Yards

The Forestry & Open Zone District requires 30' front yard setbacks, 10' minimum side yard setbacks and 20' rear yard setbacks. The applicants' proposal is consistent with all setback requirements.

k. OUTRIGHT EXEMPTION - Article 1.4 - JURISDICTION

Division of a parcel of land when the Board of County Commissioners determines that such division may be permitted without complying with either Grand County Subdivision Regulations or Grand County Subdivision Exemption Regulations. When not contrary to the best interests of present and future inhabitants of Grand County, and when the method of disposition is not adopted for the

purpose of evading these Regulations, the Board of County Commissioners may grant such an Outright Exemption with regard to any land division under the following circumstances:

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

Prior to these parcels have been an Outright Exemption as created by Plats dating back to 2000. They still fall under these regulations as they have never undergone the rigorous review as required by the subdivision regulations. This proposed plat iteration is in essence, an amendment to a previous Outright Exemption but because it's not a Subdivision it can only be reviewed under these regulations.

I. OUTRIGHT EXEMPTION - Article 2 - DESIGN STANDARDS

Section 2.1 Driveway, Roads, Streets, and Easements .

No additional driveways, roads streets or easements are required subject to the creation of this plat.

Section 2.2 Tracts/Parcels/Lots .

The proposed lots comply with the minimum area as near as possible. They can be accessed by existing Right-of-Way for County Road 827

Section 2.3 Public Dedications.

These are not applicable as no Rights-of-Way or easements are being dedicated with this Plat.

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

Section 2.5 (1-2) Emergency Service Impact Fees. Emergency Impact fees are not applicable to this proposal.

G. OUTRIGHT EXEMPTION - Section 3.2 - PLAT

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

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

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

Title of the plat is:

2ND AMENDED FINAL PLAT

TABERNASH SEWER SITE OUTRIGHT EXEMPTIONS
IN GOV'T LOT 3, SEC. 1, T1S, R76W, 6TH P.M.
COUNTY OF GRAND, STATE OF COLORADO
OWNERSHIP IS RECORDED AT REC. # 2000-005467 & 2000-005466

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

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

The legal description of the property needs to be revised to read: Tract A, 2nd Amended Tabernash Sewer Site Outright Exemptions Tract B, 2nd Amended Tabernash Sewer Site Outright Exemptions

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

PThis requirement has been met.

Section 3.2 (2) (d) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves with long chord bearings and distances have all been shown and labeled.

Section 3.2 (2) (e) Names and right-of-way width of each street or other right-of-way.

Show and label (including the width) the GCR 824 right-of-way.

Section 3.2 (2) (f) There is a pre-existing recorded easement for an effluent line, a label where the 40' easement is recorded shall be added to the Final Plat.

Section 3.2 (2) (g) Number to identify a lot or site, names of adjacent property owners, and acreage of each site to nearest 1/100th of an acre have all been shown on this proposed plat.

Section 3.2 (2) (h) Sites shall remain in use for an existing Waste water treatment facility and as vacant land in conservation.

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

Section 3.2 (2) (j) A title insurance commitment or attorney's title opinion showing that the applicant is the owner of all the land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use or for common use by all lot owners are free and clear from all liens and encumbrances except patent reservations and except liens and encumbrances which cannot be extinguished, released or purchased by the developer. If such land is mortgaged by the developer, it shall be sufficient if the mortgagee joins in the dedication. A draft Quit Claim Deed shall be supplied for review by the County Attorney and recorded with Final Plat.

A title commitment will need to be provided prior to any hearing by the Board of County Commissioners.

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

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Grand County Board of County Commissioners is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Tract A, B and C, Amended Final Plat, Tabernash Sewer Outright Exemption and;

Tabernash Meadows Water and Sanitation District is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Tract B Amended Final Plat, Tabernash Sewer Outright Exemption That they have caused said real property to be laid out and surveyed as 2nd Amended Tabernash Sewer Outright Exemption, and does hereby dedicate and set apart all the streets, alleys, and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF Grand County Board of County Commissioners has caused his name to be hereunto subscribed this ___ day of _____, 20__.

Grand County Board of County Commissioners

STATE OF COLORADO }

ss

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this ___ day of _____, 20____ by Grand County Board of County Commissioners _____.

My commission expires:

Notary Public

IN WITNESS WHEREOF Tabernash Meadows Water and Sanitation District has caused his name to be hereunto subscribed this ___ day of _____, 20__.

Tabernash Meadows Water and Sanitation District

STATE OF COLORADO }

ss

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this day of , 20____ by
Tabernash Meadows Water and Sanitation District.

My commission expires:

Notary Public

Section 3.2 (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 plat to be in substantially the following form:

SURVEYOR'S CERTIFICATE

I, Warren D. Ward, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of 2nd Amended Tabernash Sewer Outright Exemption truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said statute and by the Grand County Outright Exemption Regulations have been placed on the ground.

Warren D. Ward

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

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

COMMISSIONER'S CERTIFICATE

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

Chairman

Board of County Commissioners

Grand County, Colorado

Section 3.2 (2) (n) A vicinity map is provided and shall remain on the Final Plat.

Section 3.2 (2) (o) Documented proof of legal access is provided by way of County Road 827.

Section 3.2 (2) (p) Documented proof of the availability of sewer and water supply was addressed with the original Tabernash Sewer Site Outright Exemption plat, so this requirement has been met.

Section 3.2 (2) (q) Statement of taxes due showing current taxes paid.

Section 3.2 (2) (r) 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 .

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

XV. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing is scheduled for April 8, 2020.

XVI. STAFF RECOMMENDATION

Staff recommends the approval of the 2nd Amended Tabernash Sewer Outright Exemption with the following conditions to be met:

1. **[CONDITION]** [3.2 (2) (a)].
2. A label where the 40' easement is recorded shall be added to the Final Plat. [3.2 (2) (f)].
3. The dedication shall be corrected as necessary as determined by Staff and the County Attorney's office [3.2 (2) (k)].
4. Certification by a surveyor shall be corrected [3.2 (2) (l)].
5. Certificate of approval by the Board of County Commissioners shall be corrected [3.2(2) (m)].
6. Statement of taxes due showing current taxes paid [3.2(2) (s)].
7. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [3.2 (2) (t)].
8. The Applicant shall meet all Plat requirements and such additional information as may be required by the Grand County Board of County Commissioners.

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

No applicants are present for this agenda item.

Commissioners asked, Tract A, B, and C, nothing was in a subdivision just a previous Outright Exemption. And then you have Metes and Bounds?

Staff replied, yes it originated as Metes and Bounds. In 2001 it was the first Outright Exemption which created Tract A and B. Tract A being about four acres. In 2004 a new lot was created, creating Tract A. Tract C is the Habitat for Humanity parcel. The Habitat for Humanity project has gone away.

Commissioners stated this is not Metes and Bounds, a subdivision or a subdivision exemption. We are going from three plats to two plats with a second amendment.

Staff replied, correct.

Commissioners asked should it not be a third amendment. The first time two lots were created with an Outright Exemption and then another parcel carved out that would be the first amended, so this would be the second amended. I see now.

Commissioners asked is there no longer going to be a Habitat for Humanity lot, is it being dismissed?

Staff replied yes, but he did not know the reason why.

Commissioner then asked, the new Tract A, does that belong to the County?

Staff replied yes, the new Tract A is eighty percent high quality wetlands.

Commissioner asked in the presentation it states Tract A, B, and C, in the packet there was a different schematic.

Staff stated that it was correct, at the end of the Intergovernmental Agreement (IGA) as an exhibit, there was a schematic purposed plat just so there was a graphic to go with what was in writing in the Intergovernmental Agreement (IGA).

Commissioners asked in your conditions you state that the plat will be updated showing two lots. Tract A and B, correct? Where Tract A will be the combination of both Tract A and C.

Staff replied we need to add a tenth condition regarding language changes and the elimination of Tract A as shown on the final plat.

Commissioners asked do you want to say Tract A and C will be merged, because that is the new Tract A. A is not being eliminated, you are eliminating C and expanding Tract A.

Staff replied yes, we will add that as a condition.

Commissioners asked how Tract C will be accessed, is there an easement in place?

Staff stated the existing Right of Way terminates at Tract C.

Commissioners asked in the original current lot lines, Tracts B, C, and A. Tract A is where they show a site for a single-family home. What looks like what happened is on the proposed version, basically was to cut off part of Tract C, eliminate A and create two tracts that would be C and B. Which on the new version will be Tract A not C.

Commissioners asked staff if they feel they have enough information to clarify for the Board of County Commissioners.

Staff replied yes, he feels it would have been useful to present the historical plat to the Commissioners. This will be shared with the Board of County Commissioners.

Commissioners asked we are creating a Tract that is wetlands and unbuildable?

Staff replied that is correct and this tract is already part of a conservation easement.

Commissioners asked if the parcel will be added to the conservation easement?

Staff replied, yes.

Motion to recommend approval by Sally Blea for Tabernash Sewer Site Second Amended Outright Exemption – A boundary line adjustment of Tract A and B as presented with the additional of 1 condition as noted. Seconded by Kim Shepton, Voting by Exception. All in favor "aye", none opposed. Motion carries.

Meeting adjourned at 7:55 pm.
