

GRAND COUNTY PLANNING COMMISSION
MEETING MINUTES

Wednesday, April 10th, 2019

MEMBERS PRESENT:	Sally Blea Ingrid Karlstrom Bob Gnuse Deborah Fitch	Tara Fournet Marcus Davis Henry Broadhurst
MEMBERS ABSENT:	Jennifer Scott	Kim Shepton
STAFF PRESENT:	Robert Davis Joan Lyons Maxine LaBarre-Krostue	Alex Taft Patty Kemper Christopher Leahy

The meeting was called to order by Chairman Marcus Davis at 6:32 PM. Roll call was taken.

Minutes from March 20th, 2019 were presented. Motion to approve was made by Ingrid Karlstrom, with one (1) minor update, seconded by Tara Fournet. All in favor "aye", none opposed, motion carried.

Chairman Marcus Davis gave a reminders to Public Attendees to come to the mic and identify themselves when making public comments. There were 20 members of the Public in attendance.

Sterling Point – Amended Final Plat

Presented by: Alexander Taft, LEED Green Associate

I. BACKGROUND

a. History:

Sterling Pointe has a long history of replatting for new condominium type development. The original Plat, Winter Park Ranch, Sixth Filing of Recorded October 1979 at Reception No. 167324 created 29 single family lots and two open space tracts.

The second iteration Colony at Winter Park Ranch Recorded February 1982 at Reception No. 190970 contemplated 15 buildings containing 90 total units. Only two of the buildings were constructed, Building 1 within "Parcel E" and Building 2 within "Parcel D." Both previous Plats are shown below.

In 2001, a third iteration came to the County as Ponderosa Park a development utilizing the Colony at Winter Park Ranch Plat to build out the remaining 13 buildings with a height variance request. The developer was contemplating taller buildings to gain more units for some allocated for absorption by 80-90% Average Median Income (AMI) buyers. This project was never approved for a Final Plat.

The most recent iteration Sterling Pointe was approved in 2008 and recorded at Reception No. 2008009060. As part of the replat in 2008, the original roads named Sterling Way and Golden Spike were vacated, rededicated and named Sterling Loop and West Meadow Mile. In 2008-2009 within the Sterling Pointe development 24 condos were built before the economic down turn when the developers stopped making payments to the Construction Deed of Trust. Wells Fargo repossessed the property after putting the developer in default of the loan. The County, in September 2010, also put the developer in Default of the SIA and drew on the Letter of Credit for completion of improvements.

b. Proposal:

140 units composed of one-hundred twenty (120) condominiums in twenty (20) buildings and twenty (20) townhomes in four (4) buildings. Each condominium building contains six (6) units each totaling the proposed one-hundred twenty (120) units. In the center of the property lies four (4) townhouse buildings, composed of two (2), six (6) unit and two (2) four (4) unit totaling twenty (20) units. The plan is to start small with one or two buildings and ramp construction over the next several years until complete.

II. STAFF COMMENTS AND ANALYSIS

Sterling Pointe is a condominium project that was platted in 2008 as an infill project where a single family and multi-family project occupying portions of this site were never fully built out.

The Applicant met with Staff in November of last year about updating the Plat with the intentions of starting to build in the coming season. The notes in question (Attachment Q) are not substantial or have been met as a portion of the 2008 Plat.

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 two (2) is relevant to this proposal.

Plan Element 3 - Development: The Built Environment

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

Plan Element 4 - Community and Public Facilities

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

B. ZONING REGULATIONS

The 17.99 acre parcel involved in this proposal lies within the Residential District, existing inside Grand County Urban Growth Area Number 1 (Winter Park Ranch). The site is surrounded by higher density residential uses directly east of the Town of Fraser boundaries.

- (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 7,000 ft² (0.34 acres) when serviced by public water and sewage facilities. The amended lot area will be 783,644.4 ft² (17.99 acres).

Any proposed monument sign shall have a dedicated easement and comply with Section 13.3 Sign Standards.

The Applicant proposed parking complies with Section 14.4 as the Applicant is proposing 396 spaces for the required 372.

C. SUBDIVISION REGULATIONS - Article 5 Design Standards

Section 5.1 Scope - This application complies with the scope as it established a multi-family subdivision with character similar to the surrounding development. Within the subdivision, open space is dedicated and reserved for property owners within.

Section 5.2 Special Site Considerations - Previously an identified spring on site was determined to be a misnomer as it was not characteristic of a spring or identified in any other land records.

Section 5.3 Streets, Alleys and Easements - Any easements established by this Plat shall be dedicated to the public. The Final Plat shall show the location and dedicate easements for access to utility metering. Language supplied by Mountain Parks Electric shall be added to the Final Plat Mylar. Streets and Rights-of-way have been established through the 2008 Final Plat and Sterling Way and Golden Spike were vacated.

Section 5.4 Utility Meter Installations and Accesses - The Applicant shall comply with Utility meter installations and accesses. MPEI sent review comments for power lines and meters, the Applicant shall comply.

Section 5.5 Dedications and Public and Private Reservations - The open space allotted for use by residents within this subdivision is calculated at 61.7%. This open space quantity meets the minimum 60% required by the regulations. As a portion to the proposed Amended Final Plat, a table and graphics have been supplied to calculate these built areas composing the 40% while reducing the constrictive nature of the former platted building envelopes that had to be matched exactly.

Section 5.6 Design Standards for Flood Hazard, Fire Hazard, Geological Hazard and Mineral Resource Areas - No hazard maps have been supplied with this submittal or similar in the area. The mineral rights owners were notified previously, Staff confirms this Amended Final Plat is compliant.

Section 5.7 School lands - Impact Fees were previously paid in lieu of land dedication to the amount of \$482,365. Staff's opinion is that the fees previously paid are sufficient as the current calculation at 124,394.50/acre amounts to \$367,212.56.

Section 5.8 Addressing Requirements for Enhancement of 911 Emergency System - Current Policy for addressing establishes addresses on the proposed Plat for each lot or unit within the proposed subdivision. The GIS Coordinator has an electronic copy of the Plat with addressing. **The Applicant shall comply with addressing signage as referenced in these provisions.**

Section 5.9 Slash Removal/Disposal - under the Final Plat for Sterling Pointe Subdivision in 2008, all standing dead trees were cleared as a safety hazard, no slash removal or disposal is required as a portion of the proposed Amended Final Plat.

Section 5.10 has been repealed - all solid fuel burning devices shall comply with provisions of Grand County Zoning Regulations, this application shall comply.

D. SUBDIVISION REGULATIONS - Article 6 Improvements Required

All improvements included in engineering construction documents submitted as a portion of Amended Final Plat shall be the basis for a Subdivision Improvement Agreement (SIA) with the County. Utilities, fire protection, water and sewer shall be approved by the governing entities.

E. SUBDIVISION REGULATIONS - 7.3 Final Plat /7.4 Amended Final Plat

The application shall comply with the Subdivision Regulations. The Amended Plat-Section 7.3 addresses each of the following:

Section 7.3 (1) (a-c) this application meets the statement of requirements of the Preliminary Plat. It with minimum scale complies as it is at a one inch (1") equals fifty feet (50') scale on a twenty-four inch (24") by thirty-six inch (36") sheet.

Section 7.3 (2) (a) Sterling Pointe Amended Final Plat a resub division of Lots 1, 2, 3, and Tract A, According to the Plat recorded September 19, 2008 at Reception No. 2008009060. North arrow points to the left side of the sheet, date of issue is February 14, 2019.

Section 7.3 (2) (b) Sterling Pointe Amended Final Plat a resub division of Lots 1, 2, 3, and Tract A, According to the Plat recorded September 19, 2008 at Reception No. 2008009060. **conveyance to the subdivider Recorded at Reception No. 2017000847 note shall be added to the title.**

Section 7.3 (2) (c) Amended Final Plat Complies showing primary control points and ties to such control point, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

Section 7.3 (2) (d-f) Boundaries, Right-of Way lines, easements are all shown on the plat and dimensions, bearings, and curves are identified on line and curve tables. **GCR 840 shall be added in front of the road names on the Final Plat.** All pre-existing recorded easements identified within the title commitment are included on the plat.

Section 7.3 (2) (g) Amended Final Plat Complies showing location and description of monuments.

Section 7.3 (2) (h) Alta owner's policy File No.:5544-3190703 issued February 8, 2019 has been included with this submittal.

Section 7.3 (2) (i-l) this application complies all Certificates are placed on the cover page of this proposed Amended Final Plat. **The County Attorney's Office shall review the Dedication.**

Section 7.3 (2) (m) **A two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder**

Section 7.3 (2) (n) 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 Colorado.

Section 7.3 (2) (o) A vicinity map has been supplied and shall remain on the cover page.

Section 7.3 (2) (p) **Statement of taxes due showing current taxes paid shall be supplied prior to recording the Final Plat.**

Section 7.3 (2) (q) An address table has been supplied on the cover page of the proposed Final Plat, a digital copy has been submitted to the Grand County GIS Coordinator for updates to the system.

Section 7.3 (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.**

F. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for April 10, 2019.

G. STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Sterling Pointe with the following conditions to be met prior to the recording of the Amended Final Plat.

1. The Applicant is encouraged contribute to an affordable housing fund with the County.
2. Any proposed monument sign shall have a dedicated easement and comply with 13.3 Sign Standards.
3. The Applicant shall comply with addressing signage as referenced in these provisions (5.8).
4. No additional Impact fees are required with this Amended Final Plat as they have been paid previously.
5. conveyance to the subdivider Recorded at Reception No. 2017000847 note shall be added to the title (7.3 (2) (b)).
6. GCR 840 shall be added in front of the road names on the Final Plat (7.3 (2) (e)).
7. **A two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder(7.3 (2) (m)).**
8. A statement of taxes that shows all taxes have been paid shall be submitted (7.3 (2) (p)).
9. An electronic copy in AutoCAD.dwg or AutoCAD.dxf of the Final Plat shall be submitted (7.3 (2) (r)).
10. All recording fees are to be paid by the Applicant.
11. All applicable building and sanitation permits shall be obtained through the County prior to construction.

Joe Coughlin with ESA Architecture also joining is Eric Smith, ESA Architecture, Christina Schaefer on the development team and Brad Stempihar from Inter Mountain Engineering for Sterling Pointe were present and spoke to the Planning Commission. The site will remain the same as the previous approved project, in most parts. The 6-Plex buildings will be updated to be a more market friendly condominium project that allows for additional open space site with a compacted building footprint. The town homes in the middle of the property will remain the same as the original approved project from 2008, using the same materials. There are 6-Plex townhomes as well as 4-Plex townhomes, retaining the same architectural characteristic. Open to recommendations for approval.

No public comment.

Henry stated, no comment.

Bob stated, no comment.

Tara stated, no comment.

Deborah stated, no comment.

Sally stated, no comment.

Ingrid asked about the existing concrete pad, what would happen to this?

Joe stated that the existing pad would be replaced with a new pad.

Marcus stated, no comment.

Ingrid proposed to approve the Sterling Pointe – Amended Final Plat as presented with the 11 staff recommendations, Sally seconded. All in favor "aye", none opposed, motion carried.

Belle Fourche Subdivision – Preliminary Plat

Presented by: Alexander Taft, LEED Green Associate

I. BACKGROUND

a. Proposal

The applicant is proposing a twenty two (22) lot subdivision for construction of single family dwellings. The plan substantially meets the development criteria as required in the Urban Growth Area plan, which includes Winter Park Ranch and The Summit at Winter Park Ranch subdivisions.

The units will be served by water and sewer via Winter Park Ranch Water and Sanitation. Electric service will be supplied by Mountain Parks Electric. Both of these utilities will be plat review agencies during preliminary plat.

Each lot proposed will require a driveway to access Bryant Blvd., Cougar Ave, or Caribou Ave.

The current owners purchased the parcel in December 2016, as shown in the Assessor's records. The Applicant's intent is to create lots for single family homes.

b. History

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

The Summit at Winter Park Ranch, a re-plat of a portion of the second filing and a portion of the third filing was platted in 1982 and recorded at Reception No.197823. The historical intent of Summit at Winter Park Ranch was to create a "time-share" resort development.

Winter Park Ranch has been identified in the Master Plan as an Urban Growth Area originally formed in 1998. The density is supported by services such as public water and sewer facilities.

II. STAFF ANALYSIS

This 22 lot infill development is intended to provide smaller single family lots. The general character of the surrounding subdivisions vary from dense multi-family to the west to much lower density east of the proposal. Staff's opinion is this subdivision helps feather the density between the two extremes.

The 20% open space required is allocated within the side, front, and rear setbacks. As mentioned in the Design Standards 2.5 Dedications and Public and Private Reservations provisions state: "The location of all such areas or sites shall be mutually agreed upon by the subdivider and the Planning Commission." Staff believes that the proposed location of the open space dedication is inadequate for the purposes for which open space should be provided.

During the Planning Commission meeting of May 9, 2018, neighbors expressed concerns of the density this proposed development creates. They made it clear that small lots in this neighborhood were an impact on the surrounding neighbors. Of those concerns, highest on the list was impacts to the road. Both traffic and conditions of the road surface were topics that were discussed. Neighbors also would like to see density decreased if this feathers between the condos to the west into the detached single family to the east. The proposed minimum lot size for the proposed development, however, complies with the standards of the Residential District.

a. Existing Reports

With the Preliminary Plat submittal a Phase 1 Drainage Study and Traffic Impact Analysis were supplied as created by Mountain Pine Technical Services, LLC.

Traffic Impact Analysis details traffic generated by the proposed development and its impact on surrounding streets. Within the study, the new trips generated at buildout is listed at 314. The report concludes that the existing street network contains sufficient improvement to handle the capacity.

Preliminary Drainage Study mentions the general flows on the property and existing swales and culverts. The primary drainage pattern is a sheet flow. Outside the project boundary is a "well-defined swale" that moves water along the shoulder of Bryant Boulevard.

Soils Investigation discovers a highly vegetated property with slopes of less than 7 percent. Mountain Pine Technical Services reports highly clay soils or sandy clay.

A previous report, created for Summit at Winter Park Ranch by A.G Wassenaar, Inc., examines the existing soils and bearing capacity for foundations. The report dates back to 1982 and must therefore be updated at Preliminary Plat with a current soils and bearing capacity study.

III. REVIEW AGENCY COMMENTS

Letters were sent to review agencies on February 22, 2019, with responses anticipated between March 15, 2019 and March 24, 2019.

Mountain Parks Electric, Inc.

Hi Alex,

Mountain Parks Electric, Inc. (MPEI) has reviewed the Belle Fourche Preliminary Plat. We have a few concerns.

1. The plat is not clear if the "Existing 10' platted utility easements remain along R.O.W." go all the way around the property. I could not find where this was previously platted. MPEI may need a minimum of 10' UE along the front lot lines. Depending on where gas is located, we may need more.
2. MPEI will need side lot line easements, a minimum of 3' on each side of the line, for our equipment. The depth of the side lot easement is dependent on whether there is a curb or not. Equipment must be 3 feet behind a 6" curb or 5' behind the edge of the pavement with no curb.
3. There was no easement language on the plat.

Suggested dedicated plat language:

ONSITE ELECTRIC UTILITY EASEMENTS ARE HEREBY DEDICATED BY THIS PLAT IN THE LOCATIONS SHOWN HEREON AND ARE ESTABLISHED FOR INGRESS TO AND EGRESS FROM, THE INSTALLATION, REPAIR, REPLACEMENT, OPERATION AND MAINTENANCE OF PUBLIC UTILITIES, INCLUDING ELECTRIC LINES AND EQUIPMENT.

ONCE ELECTRICAL UTILITIES ARE INSTALLED IN SUCH UTILITY EASEMENT(S), NO STRUCTURE SHALL BE ALLOWED CLOSER THAN TEN FEET (10') FROM ANY PRIMARY VOLTAGE POWER LINES OR WITHIN TEN FEET (10') AROUND ANY ABOVE GROUND EQUIPMENT. NO GAS LINE WILL BE PERMITTED CLOSER THAN FIVE FEET (5') TO ANY PRIMARY VOLTAGE LINES OR EQUIPMENT. NOT WITHSTANDING THE

FOREGOING, UNDERGROUND COMMUNICATION FACILITIES SHALL NOT BE ALLOWED CLOSER THAN ONE FOOT (1') TO ANY POWER LINES AND ABOVE GROUND COMMUNICATION FACILITIES SHALL NOT BE CLOSER THAN TWO FEET (2') TO ANY ABOVE GROUND ELECTRIC FACILITIES. NO GRADE CHANGES (FILL OR CUT) IN EXCESS OF SIX INCHES (6") ARE PERMITTED IN THE UTILITY EASEMENT WITHOUT PRIOR WRITTEN AUTHORIZATION FROM MOUNTAIN PARKS ELECTRIC, INC.

We encourage the developer to meet with MPEI early in the design process to make sure we have adequate **easement and space for our equipment**. Please call me if you have any questions.

Thanks, Jean

- **Staff Response:**

The Applicant shall comply with these guidelines. Staff recommends that utility plan and profile be approved by MPEI prior to the Final Plat.

Xcel Energy

RE: Belle Fourche - Preliminary Plan

To whom it may concern,

I have listed below the general guidelines that are required for gas construction.

If you have any questions or concerns please call or email.

Preliminary Plat Review General Guidelines

Application

- Must apply for Gas distribution for the project to extend the main.
- Gas main will be installed at 36" depth, and must be 10' away from water main if water main runs parallel and 5" from electric.
- Gas main preferable to be installed in a 5' easement.
- Gas will be installed in a sole trench- no other utilities are to be located with main or services.
- Xcel must dig gas line for distribution main.
- Reinforcement may be needed for existing system depending on the current capacity (additional cost of reinforcement will be the responsibility of the applicant.)

Meter Locations

- While customer preference regarding meter location deserves reasonable consideration, it remains the right of the Company to determine the placement of meters. All meter locations including multiple points of service shall have the approval of the local Xcel Design Department.
- Meters and service regulators are to be set outside the serviced structure where they will be readily accessible and be protected from corrosion and other damage, including vehicular. Please see the attached diagram showing clearances for meter placement.
- Meter sets in areas of deep snow need to be placed on a gable end (no shed roof allowed) **Note: Due to excessive snowfall, ice and snow shields will not be permitted in the following Colorado counties: Eagle, Lake, Park, Grand, and Summit. Meters shall be installed on the gable or non-drip side of a building or in an approved remote location from the building or structure in these counties.** "
- If the buildings do not own their own lot, and the lot is owned by HOA the meters will need to be located on the building at a single point of service.

Please note - this is not a final assessment of what the new gas distribution will entail. There may be additional things in the field I cannot see. Once an application has been submitted to XCEL we can start the full design process and identify the scope of work that will need to be done for this request

Please see attached information regarding new service.

Sincerely,

Kathleen Jacoby

- **Staff Response:**

The Applicant shall comply with these guidelines. Staff recommends that utility plan and profile be approved by Xcel prior to the Final Plat.

East Grand School District

The East Grand School District has reviewed this submittal and land dedication or the school fees-in-lieu of land. The Board has approved an impact fee of \$49,260.22.

- **Staff Response:**

The Applicant shall pay the impact fee of \$49,260.22 prior to the recording of a Final Plat.

Colorado Geological Survey

Dear Mr. Taft:

Colorado Geological Survey has reviewed the Belle Fourche Subdivision preliminary plat referral. I understand the applicant proposes 22 lots for single family residential development on 6.7 acres located between Caribou Ave. and Cougar Ave., east of Spinner Court. The available referral documents include a Soils Investigation Report for Belle Fourche Subdivision, a Resubdivision of Tracts J & H, The Summit at Winter Park Ranch (Mountain Pine Technical Services, LLC, January 10, 2019).

The site is located within a mapped low to moderate hazard potentially unstable slope area, but does not contain steep slopes and is not exposed to any geologic hazards that would preclude the proposed residential use and density. **CGS therefore has no objection to approval of the preliminary plat as proposed.**

Mountain Pine Technical Services' soils report describes subsurface conditions based on the results of three test pits and very limited laboratory testing. The report contains no geotechnical recommendations. Mountain Pine describes "fat clay" and difficult excavation conditions in all three of their test pits. The site is mapped as underlain by Troublesome Formation. Troublesome-derived clayey layers and lenses within the surficial soils are likely expansive. Potentially highly expansive ash-derived montmorillonite (clay) layers within the Troublesome Formation may be present at shallow depths that could negatively impact foundation performance.

Additional, lot-specific subsurface investigations, laboratory testing and analysis will be needed, once building locations have been identified, to: characterize soil and bedrock engineering properties such as density, strength, water content, swell/consolidation potential and bearing capacity; determine depths to groundwater, bedrock, and any impermeable layers that might lead to development of a perched water condition; verify the feasibility of full-depth basements, if planned; and provide earthwork, foundation, floor system, subsurface

drainage, and pavement recommendations for design purposes. It is imperative that grading, surface drainage, and subsurface drainage are correctly designed, constructed and maintained to prevent wetting of potentially expansive soils in the immediate vicinity of foundation elements.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G. Engineering Geologist

- **Staff Response:**

To prevent problems with drainage caused by clayey soils, Staff recommends a note be added to the Plat that requires individual lot owners submit engineered foundation and drainage reports at submittal of Final Plat.

IV. COMPLIANCE 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 Master Plan splits the county into three subareas, Fraser and Winter Park are located in the “East” subarea. The Master Plan serves as a framework to guide decision-makers to lead the county in policies and goals that shape the built environment. The Plan Elements include policies and implementation actions, of which two (2) are relevant to this proposal.

Plan Element 2 - Land Use: Growth and Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. Focusing density toward Urban Growth Areas is defined in Chapter 4 and mapped in Appendix A of the Master Plan. The criteria to expand Growth Areas includes: central water and sewer, access from existing town streets, flat or gentle topography. Growth Challenge completed within Plan Element 2 indicated 2.6 du/acre was a degree of density desired in the East subarea.

Plan Element 3 - Development: The Built Environment

As stated in Plan Element 3 of the Grand County Master Plan, development shall be located where it takes advantage of existing infrastructure such as public water and sewer. It contributes to the overall characteristic of Grand County by focusing housing development toward infrastructure services and towns. This plan element further emphasizes the need to concentrate development away from agricultural land use, wildlife and habitat corridors.

b. ZONING - Section 4.1 Residential

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

This zone allows for single family dwellings, and therefore the proposed use is consistent with the zoning regulations.

The proposed units will be served by public water and sewer via Winter Park Ranch Water and Sanitation District. The minimum lot area for a property that is served by both public water and sewer is 7,000 ft². The lot area ranges from 10,064ft² to 15,135ft² complies with zoning.

If any monument signage is placed within the subdivision it shall have a dedicated easement and meet current sign regulations within Section 13.3.

Parking will be part of review of each building permit and shall be compliant with Section 14.4.

a. SUBDIVISION (Single-family) - Article 2 - Design Standards

The application shall comply with the **Article 2 - Design Standards** . The Preliminary Plat addresses each of the following:

Section 2.1 Special Site Considerations - There have been no identified hazards within the property subject to this proposal and it is acceptable for the proposed residential development.

Section 2.2 Streets, Alleys, and Easements - The subject property is surrounded by existing County Roads. Any easements established by this Plat shall be dedicated to the public.

Section 2.3 Blocks - This application compiles, the lots created within the property boundaries are a portion of an established block.

Section 2.4 Lots - The Final Plat shall show the location and dedicate easements for access to utility metering. Language supplied by Mountain Parks Electric shall be added to the Final Plat Mylar.

Section 2.5 Dedications and Public and Private Reservations - This Plat shall comply with open space requirements and driveway requirements. These improvements shall be dedicated to owners within the subdivision.

Section 2.6 School Lands -

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

School Fees Formula Calculation

Land areas to be dedicated:

Grand County Planning Commission April 10th, 2019

22Units x 0.018= .396 acres

Fees in lieu of land dedication:

22 units

22 x .20 = 4.4

4.4 x .09 = .396

.396 x \$124,394.50/acre = \$49,260.22 in school fees.

Total School Fees = \$49,260.22

Seven (7) comps below were used in this calculation to arrive at the 124,394.50 per acre price.

Location	Property Owner	Parcel ID#	Sale Date	SALE Price	Acres	Avg Price / Acre
WINTER PARK RANCH 3RD FLG Lot: 10 Block: 1	REQUIST, CALE & BETH	1587-212-08-010	5/11/2017	\$75,000.00	0.7760	\$96,649.48
SUMMIT AT WINTER PARK RANCH SUB Tract: H & J	BELLE FOURCHE, LLC	1587-213-10-012 & 1587-212-10-011	11/20/2017	\$385,500.00	6.66	\$57,882.88
WINTER PARK RANCH 1ST FLG Lot: 27	FARRELL, SIMON & AMANDA	1587-201-01-006	5/21/2018	\$135,000.00	0.58	\$232,758.62
WINTER PARK RANCH 2ND FLG REPLAT Lot: 16 Block: 2	MCMAHON, ERIN & EAKINS, STEVE	1587-212-08-019	9/18/2017	\$89,000.00	0.9	\$98,888.89
WINTER PARK RANCH 2ND FLG REPLAT Lot: 1 Block: 5	BLANDING, ROBERT & BETH	1587-201-01-008	6/21/2018	\$136,000.00	0.78	\$174,358.97

SUMMIT TRAIL LODGE CONDO SUB Lot 3	1215 Bryant Development , LLC	1587-213-10-012 & 1587-212-10-011	12/27/2016	\$110,000.00	0.72	\$152,777.78
SUMMIT AT WINTER PARK RANCH SUB Tract: H, J & L	Termt Development , LLC	1587-213-10-012 & 1587-212-10-011	11/20/2017	\$625,000.00	10.88	\$57,444.85

\$124,394.50

This impact fee shall be paid prior to recording the Final Plat.

Section 2.7 - Design standards for drainage, sewer and water - This application shall comply with the minimum standards set forth within these provisions. The anticipated 22 units accounting for 1 per lot would require water laterals of 1 1/2" minimum at each lot and Sewer laterals of 4" minimum.

Section 2.8 Design Standards for Flood Hazard, Fire Hazard, and Geological Hazard Areas - no hazards have been identified with this submittal or on previous submittals, this application complies.

Section 2.9 Design standards for mineral resource areas - The Applicant is responsible for compliance with addressing requirements to enhance the 911 emergency system.

Section 2.10 Addressing Requirements for Enhancement of 911 Emergency System - Current Policy for lot addressing is established on the proposed Plat for lots or units within the proposed subdivision. The GIS Coordinator has an electronic copy of the Plat with addressing. **The Applicant shall comply with addressing signage as referenced in these provisions.**

Section 2.11 Slash Removal/Disposal - Hazard and standing dead trees shall be removed from the property as a portion of improvements required.

Section 2.12 Solid Fuel Burning Devices - has been repealed, all solid fuel burning devices shall comply with provisions of Grand County Zoning Regulations.

Section 2.13 Ditch Crossings - No ditches have been identified within the property boundaries.

b. SUBDIVISION (Single-family) -Article 3 - Improvements Required Section

All improvements included in engineering construction documents submitted as a portion of Preliminary Plat shall be the basis for a Subdivision Improvement Agreement (SIA) with the County. Utilities, fire protection, water and sewer shall be approved by the governing entities. This Applicant intends to sell the lots to individual buyers who will use them to develop single family detached homes. Staff recommends each lot will require extension of electric, gas, water and sewer stubbed to the lot line.

c. SUBDIVISION (Single-family) - Section 4.2 - Preliminary Plat

The application shall comply with the Subdivision Regulations. The Preliminary Plat-Section 4.2 addresses each of the following:

Section 4.2 (1) (a-c) The Preliminary Plat submittal is representative of the subdivision that may be recorded. The application is at a minimum scale of 1"=40', on a sheet of 24"x36". A vicinity map exists, and shall remain on the cover page. This application complies.

Section 4.2 (2) (a) Name of the development is: Belle Fouche Subdivision

Section 4.2 (2) (b) This application complies, additional lots are being created with this preliminary plat for future development of single-family structures. Is located from existing monuments tie to ¼ section corner of Section 20 and 21 Township 1 South, Range 76 West.

Section 4.2 (2) (c) The owner, engineer, land planner, and licensed surveyor, shall be added to the Plat prior to submittal of the Final Plat.

Section 4.2 (2) (d-f) A land use table has been supplied on the Preliminary Plat to specify the land areas and total acreage within this proposal. The drawing was prepared February 13, 2019 at a scale of 1"=40'-0". **Existing topography shall be supplied on the Preliminary Plat to specify the existing slope and grades within this proposal.** Construction drawings shall show more detail of proposed grades.

Section 4.2 (2) (g) Designation of areas subject to periodic flooding is not applicable in this proposal. This application complies.

Section 4.2 (2) (h) Submittal complies, Winter Park Ranch Water and Sewer will provide public water and sewer service. All taps shall be paid prior to the issuance of each building permit. **A note on the Plat shall read: all taps shall be paid prior to the issuance of each building permit.**

Section 4.2 (2) (i-k) This application complies abutting subdivisions and names of owners of abutting un-platted property are shown. Location and principal dimensions for all existing streets and easements are shown. No new streets are being proposed.

Section 4.2 (2) (l) Interior lot line easements of 10', rear lot line easements shall be placed in width of 20'. The developer shall work with Xcel, Century Link, MPEI, and Comcast to provide connection to services.

Section 4.2 (2) (m) This application complies, 22 residential lots are included in this proposal are proposed single family residential use.

Section 4.2 (2) (n) This application complies the typical lot sizes and dimensions are included within this proposal.

Section 4.2 (2) (o) Provision not applicable, a "Will Serve" from Winter Park Ranch Water and Sanitation District has been provided. ✓

Section 4.2 (2) (p) Utility profiles and depths, standard slopes shall be provided to analyze proposed utility systems and surface improvements.

Section 4.2 (2) (q) Provision not applicable, no rezoning required in this application.

Section 4.2 (2) (r) Not applicable, Applicant is not proposing Restrictive Covenants.

Section 4.2 (2) (s) Not applicable, Applicant is proposing single family residential.

Section 4.2 (2) (t) No additional off street parking is proposed, no structures are proposed, and parking shall be analyzed at time of building permit.

Section 4.2 (2) (u-v) No distribution system is being proposed, connection to the existing system shall occur at each lot. Approximate anticipated use of water totaling 2,200 gallons per day from these lots at buildout.

No distribution system is being proposed, Approximate anticipated production of sewer totaling 1,700 gallons per day from these lots at buildout.

Section 4.2 (2) (w) An estimate of probable cost shall be submitted prior to presentation to BOCC.

Section 4.2 (2) (x) This application complies, property to be served by Public Water and Sewer.

Section 4.2 (2) (y) Applicant has supplied a soil study that give information on the suitability and drainage capacity

Section 4.2 (2) (z) Not applicable

Section 4.2 (2) (aa) A title insurance commitment has been supplied. This submittal complies.

V. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for April 10, 2019.

VI. STAFF RECOMMENDATION

Staff recommends the denial of the Belle Fourche Preliminary Plat for the following reasons:

1. Insufficient information was provided for all review agencies to make beneficial comments to recommend approval.
2. 20% open space calculated in a way that doesn't benefit all future potential residents within the subdivision.

If the applicant chooses to move forward the following two (2) conditions to be met prior to a meeting with Board of County Commissioners:

1. An Estimate of Probable Cost for anticipated improvements shall be submitted prior to presentation to BOCC. [Section 4.2 (2) (w)].
2. Utility profiles and depths, standard slopes shall be provided [Section 4.2 (2) (p)].

The following are to be addressed prior to a submittal of Final Plat:

1. The Applicant is encouraged to contribute to an affordable housing fund with the County.
2. The Final Plat shall locate and dedicate easements for access to utility metering. Suggested language from Mountain Parks Electric and Xcel shall be added to the Final Plat Mylar. [Section 5.4]
3. Impact fees of \$49,260.22 for MILOL for East Grand School District shall be paid prior to recording the Final Plat [Section 5.7].
4. The owner, engineer, land planner, and licensed surveyor, shall be added to the Plat prior to submittal of the Final Plat [4.2 (2) (c)].
5. Existing topography shall be supplied on the Preliminary Plat to specify the existing slope and grades within this proposal [4.2 (2) (d)].
6. A note on the Plat shall read: all taps shall be paid prior to the issuance of each building permit [4.2 (2) (h)].
7. Interior lot line easements of 10', rear lot line easements shall be placed in width of 20' [4.2 (2) (l)].
8. The Applicant will be require to contribute to a proportionate share of road improvements since the anticipated density is over 3 du/acre.
9. The applicant shall meet all Preliminary Plat requirements.
10. All fees shall be paid by the Applicant prior to recording.

Craig Clark, from Belle Fourche, the Managing Partner was present and spoke to the Planning Commission. He would like to address the (2) objections. He stated that we take a collaborative approach, the objections are more a problem of timing rather than a lack of collaboration. Asking for approval with (2) conditions. Timing of feedback from Staff and they were not excited about our layout. We did not understand conceptually specifically what the problems were with the open space. The first objection is the open space on page 2 of the plat we have 39.7% dedicated to open space. We wanted the open space. Staff is worried we will lose open space in front when we create a driveway. We are discussing the Preliminary Plat so we propose that Planning Commission approve and we will work with the Planning Department to move lots forward so open space is all behind the lots. We achieve permanent open space, east to west between all the lots that are not burden by setbacks or driveways. Asking for approval so the project can keep moving forward with this condition. The second problem that has been outlined by the staff has been lack of responsiveness by a couple agencies. We did a timely submittal of all our materials, the county consulting engineer, local fire district and road and bridge. These groups has not responded back. We should not carry the burden and that result in an open denial. We have received feedback from Excel, Mountain Parks Electric, Colorado Geological Survey, and Winter Park Ranch for water and sanitation. Mountain Parks had some suggestions of change, and we made those changes and submitted to the staff. Ask that this also be approved with the condition that when we get feedback we work with planning to take that feedback into account and adjust our plat before it goes to final.

No public comment.

Bob commented that we do not take staff recommendations lightly. He would like to defer to Alex. Given what we just heard how does staff feel now? Has Craig presentation changed your view?

Alex replied not necessarily. Staff is looking at denial as coming back and saying how can we make open space more beneficial as typical for any single family plat. We want to keep moving but at the same time there are things that need to be adjusted. Timing may have been an issue that led to the denial more than concrete issues. Reasonable to say we were a little hasty in the denial, but did not want to put the Planning Commission in a tough place.

Bob inquired as to how the Plat drawing changed in regards to the open space, he understands the building envelopes have been moved forward creating more open space in the back. In your opinion, will this create more continuous open space and meet the requirements?

Craig responded he understands the objection with the open space. He feels moving the building envelope up we can use the traditional setbacks insuring we achieve 20% or more, every lot benefits from a significant amount of open space this way. This will achieve a much larger open space in the fronts and backs of the complex.

Joan stated this change would be in the rear setback so would this need a variance for a Subdivision Preliminary Plat hearing?

Chris responded saying yes this would need a variance.

Alex gave the definition for open space from our regulations: Land dedicated to the common use of all residents of a subdivision, condominium or townhouse development which is intended to provide visual openness and recreational use for that development. Permitted and Not Permitted uses within dedicated open space.

Marcus understanding the utilizing setbacks in an actual sold lot is not common land.

Alex replied that he had discussions regarding an existing trail, maybe we can capture open space on the trail to meet the guidelines, if it is land dedicated to the common use.

Marcus replied there is no specific platted open space not owned by resident who purchased a lot, so this trail would not meet the guidelines.

Marcus commented on the second denial from staff, who have we not received comments back from?

Alex mentioned we just received information back from the fire district and he will forward to Craig. So the county consulting engineer, local fire district and road and bridge have not sent feedback yet.

Sally asked how quickly this could be heard again.

Alex replied if we table today and get comments and revisions, we could possibly be back to the Planning Commission in May and get on the schedule for the Board of County Commissioners in May also.

Sally commented that this delayed would not be too long.

Craig agreed and wished to table this Preliminary Plat.

Ingrid accepted the tabling of the Preliminary Plat for Belle Fourche Subdivision and Sally seconded. All in favor "aye", none opposed, tabling accepted.

Byers Peak Ranch Filing No. 1 Subdivision – Preliminary Plat

Presented by: Alexander Taft, LEED Green Associate

I. BACKGROUND

a. Proposal

Cornerstone Winter Park Holdings is proposing a 123-unit subdivision of single-family detached homes on approximately 12.7 acres within the larger property called Byers Peak Ranch. This Preliminary Plat also includes three adjacent parcels that have been contemplated as multi-family development proposals. These additional subdivisions will be reviewed through Preliminary and Final Plat upon submittal.

The Applicant is proposing a single family subdivision, which creates a density of 9.7 dwelling units per acre. Each unit is approximately 15' x 40' and two stories tall, totaling approximately 1200 ft². Each has a foot print of approximately 600 square feet, with patio or deck extending on the rear.

Access to each unit is along an internal access road of 20' drive width and 44' ROW width.

The units will be served by public water and sewer via Town of Fraser Water and Sanitation. Electric service will be supplied by Mountain Parks Electric. These entities have supplied comment on this proposal. The construction documents shall be submitted to the District for approval prior to issuance of a county building permit.

b. History -

Access to the new homes will be from Mill Avenue (GCR 73) and from Norgren Street, a proposed new access street off Mill Avenue that will serve the development.

The property is within the R - Residential Zone. Some portions of the larger 295-acre Byers Peak property is zoned F - Forestry & Open.

The larger property has been used historically for grazing and agriculture, and irrigation ditches to support those uses have altered the landscape and drainage. The land is relatively flat, sloping at about 2% grade toward the NE corner near the proposed development. While awaiting development, Byers Peak Ranch remains a working ranch

Byers Peak Ranch is located within an eco-region identified as the Southern Rocky Mountain Steppe -Open Woodland - Coniferous Forest - Alpine Meadow Province. There are no large stands of trees or native vegetation. Virtually all of the trees that were present on the site have been logged to reduce the risk of beetle infestation.

St. Louis Creek bisects the northwest corner of the larger 295 acre site and Elk Creek bisects the southeast corner. Otherwise no natural stream course or pond exists on the site. Surface water drains on the east side of the property through a 30' wide CMP (located under the railroad underpass) to a roadside ditch along the west side of GCR 72 that connects to Elk Creek. Surface water on the west side collects into a roadside ditch and eventually reaches St. Louis Creek.

c. Existing Reports

Three previous reports demonstrate that construction on the site is possible, with attention

to unstable soils, steep slopes and proper drainage.

- Habitat Assessment for Byers Peak Ranch (10/26/2007), prepared by Wildlife Specialties, L.L.C. - no sensitive species, unique habitats of other important ecological components were found.
- Wetlands Assessment (12/4/2007), prepared by Western Bionomics LLC - identified wetlands areas, mostly not naturally occurring but caused or influenced instead by irrigation and disturbance of the area.
- Traffic Impact Analysis (February 2011) prepared by Felsburg, Holt, and Ullevig - a Short-Term Future (Year 2018) and Long-Term Future (Year 2030), based on proposed development at that time.
- Phase I Environmental Assessment Report (2/8/2012,) prepared by Corn & Associates- finding of No Risk in all categories of investigation.
- Phase I Drainage Study, (9/13/2013) Prepared by TopKnot Engineering LLC - master plan drainage concepts for the construction of storm drainage facilities.

Staff recommends that the Applicant provide updated studies as appropriate, and specific to the site for the proposed initial development, at the time of Preliminary Plat. However, staff believes that most information relevant to this proposed development has already been provided in extensive studies referenced above. The most important update will be a traffic analysis for traffic generated from development which will begin at the north end of the site off Mill Avenue.

Development on the larger site has occurred to date at the south end of the site at "Tubing Hill" and is in support of activities at that site, and includes an access road aptly named Tubing Hill Road. This proposed project is the first residential development at Byers Peak Ranch, with other phases anticipated in the near future.

The Applicant proposes to secure water and sewer service and connections from the Town of Fraser.

The Applicant has previous "will serve" letters also from Xcel Energy, Qwest Communications (now Century Link) and Mountain Parks Electric Inc. from a previous development proposal, which shall be made current for this proposed phase of development.

II. STAFF ANALYSIS

Staff notes that the density created by this Plat is comparable to Plats within the towns. Similar projects in towns where public water and sewer is available makes this density practical. The supply of services from the Town of Fraser is making the proposed density within this proposal possible

Most notable development in Staff's research that closely matches the density and layout is Edgewater Resort within the Town of Granby. Edgewater Resort, adjacent to the Fraser River, contains modular homes with approximately the same dimensions as proposed within this development.

Significant variances from the dimensional standards of the Residential District have been requested as outlined below.

- minimum easements required within design standards, from 10' side and 20' rear to 3-5' sides and rear;
- minimum area of a lot from 7000ft² to 2000ft²;
- minimum width of a lot from 60' to 25';
- side setback from 5' to 0';
- rear setback from 20' to 10';
- front setback from 30' to 20';
- parking setback from 15' to 0'

Staff recommends the Planning Commission consider these proposed variances pursuant to Article 8.1 (2) of the Grand County Subdivision Regulations where regulations can be modified by the Planning Commission in the case where a plan for an entire neighborhood is being considered.

Additionally, variances will be required for the Right-of-Way width, road drive surface, and cul-de-sac radii. Staff believes the support for this density has the implication of creating a more affordable development. While these densities are not common in the county as our minimum area of a lot and other requirements it does have implications toward focusing density toward the towns as referenced in the Master Plan.

During Sketch Plan application, adjacent town residents voiced concerns about the driveways that would exit to Mill Avenue within Town limits. Now the proposal has created separation from the Town of Fraser and Mill Avenue, with internal circulation routes. As a portion of this proposal, three other lots are being created for future low-rise, multi-family development. All of these future projects will have ingress and egress within the larger Byers Peak Ranch property.

Preliminary Plat is considered the “heavy lifting” stage of the Subdivision process in Grand County. Although, many of the items required for submittal are referenced “to be included before Final Plat” which can lead to some confusion. Since this project is considering a larger development area Staff is working with the Applicant closely to gain compliance with all applicable items. The items that shall be addressed before this Preliminary Plat is scheduled with the Board of County Commissioners include:

- Phase II Drainage Study
- Phase II Traffic Impact Analysis
- Road and Utility Profiles (Construction Plans)
- Revised Preliminary Plat showing existing topography, easements for utilities, sidewalks and snow storage.
- Pavement design
- Landscape and Revegetation Plans
- Snow Storage Calculations and Maintenance plan
- Signage and Striping Plan
- Proposed utilities including fire hydrants, shallow utilities, water and sewer,
- And other plans referenced in Consulting County Engineer’s review letter dated March 14, 2019

All the above will return to applicable review agencies for comment or approval and any additional fees incurred shall be paid by the Applicant.

III. Comments from Review agencies

Letters were sent to review agencies on February 22, 2019, with responses anticipated beginning March 15, 2019.

c. Town of Fraser

On behalf of the Town of Fraser, we have reviewed the Preliminary Plat submittal provided to Grand County for the Byers Peak Filing No. 1 to determine potential impacts to Town infrastructure, including water, sanitary sewer, drainage, and road systems. In general, the information contained in the submittal does not contain sufficient information to analyze these potential impacts and provide review comments. The following is a brief description of the information that is required to complete this review:

WATER SYSTEM

The proposed water system is shown on the plans for the first phase of the development and includes two proposed connections to the existing Town water infrastructure. Based on previous discussions with the Applicant it was the Town's understanding that Core Consultant (Applicant's engineer) was going to utilize the Town's existing water system hydraulic model to analyze and properly design and size the proposed water system within the first phase to accommodate the water demands and fire flow requirements for both this phase of the subdivision and the Byers Peak subdivision as a whole. This analysis should also identify any deficiencies within the Town's system that may require system upgrades. The Town's hydraulic model was provided to Core but the results of their analysis and model have not been provided to the Town.

SANITARY SEWER SYSTEM

The sanitary sewer system design needs to include information regarding total flows, including daily and peak flows, generated by the proposed subdivision. Preliminary information previously provided by Core Consultants indicated that in order to meet Town requirements the proposed 8" sanitary sewer mains would need to be installed at a 2.5% grade. Updated capacity calculations and sanitary sewer plan and profiles will need to be submitted by the Applicant before the Town can provide any review comments for the proposed sanitary sewer.

The Town is currently working on a sanitary sewer metering program to determine actual existing sanitary sewer flows and potential capacity issues as future development flows are conveyed through the existing system. This analysis could result in additional off-site sanitary sewer infrastructure improvements that are necessary as additional parcels within Byers Peak are developed and will be made a part of the future development improvement agreements as necessary.

DRAINAGE SYSTEM

The proposed drainage system discharge point is shown on the drainage plans for the Byers Peak development with a primary discharge to Elk Creek, via a 36" CMP under the railroad and through an open channel that runs on the south side of Elk Creek Drive and another separate discharge conveyance along CR 72. However, the submitted information

does not quantify the anticipated flows or the capacity of the downstream infrastructure and fails to identify proposed improvements necessary to ensure that the downstream infrastructure can safely convey the stormwater runoff from the development to Elk Creek. The calculated capacity of the existing downstream infrastructure will also need to be verified by analysis of on-site conditions by the Design Engineer.

ROAD SYSTEM

The traffic impacts to Town roads shall be included in the traffic impact analysis in order for the town to address potential cost sharing opportunities for infrastructure improvements and upgrades to the existing Road network to address these impacts. This includes tabulating a correlation between phases of development and increased traffic volume, identifying impacts and changes to Town road classifications, and discussing potential safety and capacity concerns that may develop within the Town road network. The Town roads to be analyzed include (at a minimum): Mill Avenue, Railroad Ave., Eisenhower St., CR 721 and CR 72, along with the Eisenhower and CR 72 intersections with US Highway 40.

Staff response

Staff has had discussions with the Town of Fraser about these comments. Staff believes it is appropriate to have additional materials reviewed by the Town to resolve any of the issues and concerns raised within this memo. The density of this development is uncharacteristic for unincorporated Grand County, even in areas within Winter Park Ranch. The Applicant is trading lightly with a plan until by there is buy in from the County. Furthermore, Staff recommends that Planning Commission recommend conditional approval with these items to be addressed prior to Board of County Commissioners.

d. Xcel Energy

Re: Byers Peak Ranch Filing No. 1-

Preliminary Plat

To whom it may concern,

I have listed below the general guidelines that are required for gas construction.

- Space must be allotted on your property to install the utility facilities.
- Zero lot line developments must provide a location on the property gas meter(s). Developers are strongly advised to coordinate with Xcel Energy during the design of these projects.
- Xcel Energy requires that all company-owned facilities on private property be covered with either a platted easement or a Public Service Company of Colorado

- easement, excluding gas service lines that reside solely on a customer's property.
- While customer preference regarding meter location deserves reasonable consideration, it remains the right of the Company to determine the placement of meters. All meter locations including multiple points of service shall have the approval of the local Xcel Design Department.
- Meter sets in areas of deep snow need to be placed on **a gable end (no shed roof allowed)**.
- **Note: Due to excessive snowfall, ice and snow shields will not be permitted in the following Colorado counties: Eagle, Lake, Park and Summit. Meters shall be installed on the gable or non-drip side of a building or in an approved remote location from the building or structure in these counties."**
- Must apply for Gas distribution for the project to extend the main. Gas main will be installed at 36" depth, and must be 10' away from water main if water main runs parallel.
- Gas will be installed in a sole trench- no other utilities are to be located with main or services.
- Xcel must dig gas line for distribution main.
- Reinforcement may be needed for existing system depending on the current capacity (additional cost of reinforcement will be the responsibility of the applicant.)
- Gas main preferable to be installed in a 5' easement.
- Must apply for each meter that will be needed. It is important to apply with the correct address given from the town or county. Address will need to match the final inspections from town or county to release a meter for the address.
- If the development is to have lots divided by a property line then they can have a service on each side of the building. If the buildings do not own their own lot, and the lot is owned by HOA the meters will need to be located on the building at a single point of service.
- Customer can have the option to dig the gas trench for the service line (PROPERTY LINE TO METER LOCATION ONLY).

Please note - this is not a final assessment of what the new gas distribution will entail. There may be additional things in the field I cannot see. Once an application has been submitted to XCEL we can start the full design process and identify the scope of work that will need to be done for this request.

Sincerely,

Holly Selchert

Xcel Energy | Responsible By Nature

Staff response

The Applicant shall comply with these comments. The revised utility plans to be submitted prior to the Board of County Commissioners meeting shall be submitted and approved by Xcel.

- e. County Consulting Engineer, Tim Gagnon (March 14, 2019 letter)

Per your request, we have reviewed portions of the Preliminary Plat submittal for Byers Peak Ranch Filing No. 1, to determine compliance with the Subdivision Regulations ('Regulations'), the Storm Drainage Design and Technical Criteria ('Criteria'), and the Road and Bridge Standards ('Standards'). The following documents were included in our review:

1. Plat - Preliminary Plat Byers Peak Ranch at Grand Park, from Core Consultants, dated 02-13-19 (3 total sheets)
2. Plans - Byers Peak Ranch Filing 1 Preliminary Plat, from Terracina Design and Core Consultants, dated 02-15-19 (13 total sheets)
3. Drainage - Preliminary Drainage Report (Phase I) Byers Peak Ranch - PA3, from Core Consultants, dated February 2019
4. Subsurface Exploration Program Geotechnical and Septic System Recommendations Proposed Barn Structure at the Adventure Park, from Ground Engineering, dated October 24, 2008
5. Traffic Impact Analysis Byers Peak Ranch, from Felsburg, Holt and Ullevig, dated February 2011

Based on our review we have determined that the following required documents and design information was not included in the submittal and are necessary "to check the proposed subdivision against the design standards and improvement requirements" which is the intent of the Preliminary Plat submittal process, per Article IV, Procedures, in the Regulations:

- A. Regulations
 - Landscape Plan, Section 3.4
 - Proof of Sewer (will-serve letter), Section 4.2.2 (h) Estimated Construction Cost, Section 4.2.2 (w)
 - Proof of Water (will-serve letter), Section 4.2.2 (x)
 - Geotech report for the site proposed for development, Section 4.2.2 (y)
- B. Criteria
 - A Phase II drainage report, Section 2.3
 - Storm Sewer infrastructure plans, Section 2.3.1 (II.E) Water quality design and infrastructure, Section 2.3 (III.E) Detention pond design, Section 2.3 (IV.3)
- C. Standards
 - Roadway Plans, Section 2.1.3
 - Horizontal road alignment design, Section 2.1.3

Roadway and Utility profiles, Section 2.1.4
Revegetation and erosion control plan, Section 2.1.6
Signage and striping plan, Section 2.1.7
Proposed Utilities, including fire hydrants, water/sewer services, and shallow utilities, Section 2.13 (13)
Stations and critical elevations of all utility appurtenances Section 2.13 (14)
Snow storage calculations, Section 3.11
Pavement design from a geotechnical engineer, Section 3.13.1
Variance request letters, Section 9.1, for at least the following: right of way width (Table 3.3), driveway offset distances (Section 3.7.3), offset distance from parking to ROW (Section 3.9.3 (2a), and parking space dimensions (Section 3.9)

Based on the limited information we were able to review, we completed a partial review of the submittal and developed the following initial comments. Additional comments will be generated as the required documentation is provided to the County:

1) Drainage Report and Site Grading

- a) The drainage report does not appear to quantify, delineate, and address offsite water flows.
- b) There is a significant cut planned to construct the proposed drainage channel and Pond 2A, but the plans do not address many of the potential design implications including:
 - i) There is a 10'-13' cut into the existing ground and it seems likely that this final grade will be below the groundwater level, which should be addressed in the geotechnical investigation, and further analyzed to address the minimum separation requirements from an Extended Detention Basin and groundwater, as discussed in the Urban Storm Drainage Design Manual from UDFCD.
 - ii) Potential conflicts with the existing electrical main in the easement on the eastern portion of the site, which will require coordination with Mountain Parks Electric, will need to be considered and shown on the plans and cost estimates, if necessary.
 - iii) Potential conflicts and design considerations with the proposed water, sanitary sewer, and storm sewer will need to be addressed in the plans.

2) Traffic Report

- a) This Traffic Report was previously reviewed by the County as a part of the Byers Peak Sketch Plan submittal in 2011 and review comments were generated at that time, that are still generally applicable now. A copy of the review memorandum has been attached and should be addressed by the Applicant, which will require additional information and an updated traffic report be submitted to the County.

3) Preliminary Plat

- a) Plat note #6 should be checked to verify if it is applicable for this development as it references Town of Fraser codes, etc.

4) General Comments

- a) This is a high-density development that is not common for subdivisions with the County and the current County standards do not necessarily properly address all of the design and development standards and requirements that are typical and necessary for these high-density developments.

Because of the numerous development variances that are being requested and based on the unique nature of this development, it is recommended that the County consider and request the following additional information from the Applicant:

- i) Inclusion of concrete sidewalks on both sides of the internal roads to discourage pedestrians from walking down the narrow road corridor
 - ii) Designated common trash dumpster areas, maintained by the HOA
 - iii) Street Lighting
 - iv) A Phasing Plan
 - v) A wetland delineation
- b) Further analysis and discussion shall take place to address snow operation issues that, if not properly addressed, will be caused by: the proposed thin road driving surface, limited open space between the proposed driveways, the density and number of driveways, and having virtually no separation between the street drive lanes and the designated parking areas in the driveways. This should include a detailed snow storage plan that may consider designated off-site snow storage areas where snow can be hauled off and away from the road corridor. Additional discussion and input regarding snow storage is anticipated from the County Road and Bridge Department.

Staff response

Staff has had discussions with both the County Consulting Engineer and the Applicant about these comments. Staff believes that it is appropriate to have additional materials reviewed by the County Consulting Engineer for compliance with all of the items listed within this memo. Furthermore, Staff is understanding that if Planning Commission were to make recommendations requiring changes to plans, it is time and cost lost without a sure path forward. Staff recommends that Planning Commission recommend conditional approval with items to be addressed prior to Board of County Commissioners.

f. Mountain Parks Electric, Inc.

Hi Clark,

MPEI has reviewed the Byers Peak Ranch at Grand Park Filing No. 1 Preliminary Plat and has the following additions:

- 1) Utility easements three (3) feet in width alongside lot lines as shown hereon are **hereby dedicated by this plat for use by all public utilities.**
 - a. This side lot line easement does not have to extend the complete length of the lot, but must extend far enough along the lot line to provide clearance **for above ground equipment from structures.**
- 2) Note 4 needs to be changed to add the language:
 - a. Perpetual non-exclusive 10-foot utility easements are hereby granted and shall apply upon, across, above, over, under, and through the utility easements shown on this plat for the purpose of ingress to and egress from, and the installation, repair, replacement, operation and maintenance **of all utility lines and equipment. Any construction and placement of lines, equipment, or building structures or changes in grade shall comply with the standards of all utility providers utilizing the easement.**

Please call us if you have any questions/concerns about this.

Thanks, Jean

Staff response

Staff spoke with Jean Johnson from Mountain Parks Electric, Inc. (MPEI) about these requested easements. The Applicant is contemplating where to locate service within the development and has not established a location for the electric.

g. East Grand School District

During the March 5th, 2019 East Grand School District meeting, fee in lieu of land dedication was accepted. The impact fee totals \$241,590.43 to be submitted prior to the recording of the Final Plat.

IV. COMPLIANCE WITH GRAND COUNTY REGULATIONS

Any conditions established with the analysis have been **bolded** as well as included in the conditions at the end.

a. Grand County Master Plan

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

Plan Element 3 - Development: The Built Environment

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

Plan Element 4 - Community and Public Facilities

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

b. ZONING - Section 4.1 Residential

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

This zone allows for single family dwellings, and therefore the proposed use is consistent with the zoning regulations.

The proposed units will be served by public water and sewer via Town of Fraser Water and Sanitation District. The minimum lot area for a property that is served by both public water and sewer is 7,000 ft². The lot area of ranges 2,000 ft² to 3632ft² and variances shall be considered under Subdivision Regulations Article 8.

c. SUBDIVISION (Single-family) - Article 2 - Design Standards

The application shall comply with the **Article 2 - Design Standards** . The Preliminary Plat addresses each of the following:

Section 2.1 Special Site Considerations - Soils studies show poorly draining soils composed of silt and organic materials which are easily compacted. The site drainage runs from southwest to northeast. Byers Peak Ranch is currently a working ranch with hay fields and grazing pastures. A buffer has been provide from the adjacent UPRR ROW. No natural features have been identified on this portion of the land to be preserved.

Section 2.3 Streets, Alleys, Easements - The site subject in this proposal is generally flat and streets have drainage adjacent within specific swales and basins. **Any variances from Road and Bridge Standards shall be included in the Final Plat Submittal . The dead-end at the southern termination of "Norgren Road " shall include a temporary easement and improvements for public safety turn around.** 123 units at approximately 8 ADT per unit typical equals trips of 984.

Section 2.3 Blocks - Any easements established by this Plat shall be dedicated to the public.

Section 2.4 Lots - Variances have been requested pursuant to Article 8 of the Subdivision Regulations.

Section 2.5 Dedications and Public and Private Reservations - This application complies, minimum open space has been provided and exceeds the 20% to be used as public ways and open

space as well as snow storage. **Open space and Rights-of-Way shall be dedicated to owners within the subdivision and public utility services** . Language supplied by Mountain Parks Electric shall be added to the Final Plat Mylar.

Section 2.6 School Lands - Impact fees were calculated for this parcel in the following manner.

Land areas to be dedicated:

123Units x 0.018= 2.214 acres

Fees in lieu of land dedication (See next page)

Location	Property Owner	Parcel ID#	Sale Date	SALE Price	Acres	Avg Price / Acre
WINTER PARK RANCH 3RD FLG Lot: 10 Block: 1	REQUIST, C ALE & BETH	1587-212-08-010	5/11/2017	\$75,000.00	0.7760	\$96,649.48
SUMMIT AT WINTER PARK RANCH SUB Tract: H & J	BELLE FOURCHE, LLC	1587-213-10-012 & 1587-212-10-011	11/20/2017	\$385,500.00	6.66	\$57,882.88
WINTER PARK RANCH 1ST FLG Lot: 27	FARRELL, SIMON & AMANDA	1587-201-01-006	5/21/2018	\$135,000.00	0.58	\$232,758.62
WINTER PARK RANCH 2ND FLG REPLAT Lot: 16 Block: 2	MCMAHON, ERIN & EAKINS, STEVE	1587-212-08-019	9/18/2017	\$89,000.00	0.9	\$98,888.89
WINTER PARK RANCH 2ND FLG REPLAT Lot: 1 Block: 5	BLANDING, ROBERT & BETH	1587-201-01-008	6/21/2018	\$136,000.00	0.78	\$174,358.97
SUMMIT AT WINTER PARK RANCH SUB Tract: H, J & L	Termt Development, LLC	1587-213-10-012 & 1587-212-10-011	11/20/2017	\$625,000.00	10.88	\$57,444.85
BROTHER MOOSE SUBEX Lot: 1	Ryan Barwick	1589-133-01-001	8/28/2017	\$245,000.00	3.65	\$67,123.29
MOOSE RUN SUB & OUTRIGHT EXEMPTIONS Lot: 24	1256 MOOSE RUN, LLC	1589-271-36-008	7/31/2018	\$289,900.00	3.3	\$87,848.48

\$109,119.43

Fees in lieu of land dedication:

123 units

123 x .20 = 24.6

24.6 x .09 = 2.214

2.196 x \$109,119.43/acre = \$241,590.43 in school fees.

Total School Fees = \$241,590.43

Five comps were used in this calculation to arrive at the \$109,119.43 per acre price.

They were identified as vacant land in a Residential District. The School District voted to approve the fees in lieu of land. This impact fee shall be paid prior to recording the Final Plat.

Section 2.7 Design Standards for Drainage, Sewer And Water - This application shall comply, Town of Fraser is supplying the water and sewer and have submitted an agreement stating the capacity to serve.

Section 2.8 Design Standards for Flood Hazard, Fire Hazard, and Geological Hazard Areas - This application complies. No flood, fire, or geological hazard have been identified.

Section 2.9 Design standards for mineral resource areas - The Applicant is responsible for compliance with addressing requirements to enhance the 911 emergency system.

Section 2.10 Addressing Requirements for Enhancement of 911 Emergency System - Current Policy for lot addressing is established for lots or units within the proposed subdivision. **This shall be supplied prior to Preliminary Plat being presented to Board of County Commissioners.**

Section 2.11 Slash Removal/Disposal - There is no slash on site require disposal.

Section 2.12 Solid Fuel Burning Devices - **has been repealed via 2016-7-34**, new structures shall comply with provisions of Grand County Zoning Regulations.

Section 2.13 Ditch Crossings - Gaskel and Beaver Dam Ditches have been identified within the Byers Peak Ranch property boundaries but not within this filing. Any utility crossing a ditch shall comply with the design standards listed in this section.

d. SUBDIVISION Article 3 - Improvements Required

Section 3.1 Surface Improvements - This application shall comply with the surface improvements provisions. Monuments shall be set by a licensed surveyor at each property corner. The streets shall be paved as they are greater than three (3) units per acre. The streets shall meet current Road and Bridge Standards, or request variances as applicable.

Section 3.2 Utilities - This application shall comply with the utilities provisions under Section 3.2. Fire suppression measures shall comply with current fire code and be approved by the local fire district.

Section 3.3 Emergency Service Impact Fees This application shall comply with the Emergency Service Impact Fees provisions under Section 3.3. **Proof of Impact fees paid shall be paid prior to the recording of the Final Plat.**

Section 3.4 Landscaping - Landscaping and revegetation plan has not been included in this submittal. **A plan shall include plantings that increase the aesthetic of a disturbed area and mitigate impacts of the proposed built environment.**

Section 3.5 Other Improvements - any improvements deemed necessary by Planning Commission for the benefit of public safety and welfare.

Section 3.6 Guarantee of Completion - The Applicant shall enter into a Subdivision Improvements Agreement (SIA) with the County. A draft SIA will be included with the Final Plat review.

Section 3.7 Post Construction - The acceptance of a security or release of restriction of sale of lots shall follow the procedure within Section 3.7 and further outlined in the SIA.

e. SUBDIVISION (Single-family) - Section 4.2 - Preliminary Plat

The application shall comply with the Subdivision Regulations. The Preliminary Plat-Section 4.2 addresses each of the following:

Section 4.2 (1) (a-c) The Preliminary Plat submittal is representative of the subdivision that may be recorded. The application is at a minimum scale of 1"=40', on a sheet of 24"x36". A vicinity map exists, and shall remain on the cover page. This application complies.

Section 4.2 (2) (a) Name of the development is: Byers Peak Ranch Filing 1

Section 4.2 (2) (b) This application complies, additional lots are being created with this preliminary plat for future development of multi-family structures. Is located from existing monuments at the East ¼ Corner of Section 19, T1S R76W.

Section 4.2 (2) (c) This application complies, owner, land planner, and licensed surveyor are all listed on the cover page.

Section 4.2 (2) (d-f) A land use table shall be supplied on the Preliminary Plat, to then be on the Final Plat to specify the land areas and total acreage within this proposal. The drawing was prepared February 13, 2019 at a scale of 1"=40'-0". **Existing topography shall be supplied on the Preliminary Plat to specify the existing slope and grades within this proposal** . Construction drawings shall show more detail of proposed grades.

Section 4.2 (2) (g) Designation of areas subject to periodic flooding and the volume of water during such floods high water mark is shown.

Section 4.2 (2) (h) Submittal complies, Town of Fraser will provide public water and sewer service. All taps shall be paid prior to the issuance of each building permit. **A note on the Plat shall read: all taps shall be paid prior to the issuance of each building permit.**

Section 4.2 (2) (i) Submittal complies abutting subdivisions and names of owners of abutting unplatted property are shown.

Section 4.2 (2) (j) This application shall comply with current Road and Bridge Standards, variances to proposed streets or Right-of-Way widths shall be requested following procedure within those Standards.

Section 4.2 (2) (k) “Easements of not less than twenty feet (20’) in width shall be provided along all rear lot lines and along certain side lot lines for utilities when alleys are not provided. Such easements may be provided by ten foot (10’) easements on each of adjoining lots” **any variance from these shall be detailed prior to Board of County Commissioners.**

Section 4.2 (2) (l) **The developer shall work with Century Link, MPEI, and Comcast to provide connection to services. MPEI and XCEL submitted comments regarding Final Plat language and concern for location of facilities .**

Section 4.2 (2) (m) This application complies, 123 residential lots are included in this proposal, and additional parcels being created will be multiple-family residential use.

Section 4.2 (2) (n) **Site data including typical residential lot sizes and dimensions shall be supplied on the Preliminary Plat to specify the within this proposal.**

Section 4.2 (2) (o) Provision not applicable, a “Will Serve” from Town of Fraser for central water and sanitation has been provided.

Section 4.2 (2) (p) **Utility profiles and depths, standard slopes shall be provided as detailed in the comments from Grand County Consulting Engineer.**

Section 4.2 (2) (q) Provision not applicable, no rezoning required in this application.

Section 4.2 (2) (r) **A draft copy of any proposed Restrictive Covenants has not been included in this submittal, and a draft shall be supplied and reviewed by the County Attorney ’s Office prior to Final Plat .**

Section 4.2 (2) (s) This application complies.

Section 4.2 (2) (t) **A table shall be supplied on the Preliminary Plat detailing off-street parking required with any additional supplied and accounted.**

Section 4.2 (2) (u-v) This application complies, Town of Fraser has agreed to supply sewer and water.

Section 4.2 (2) (w) **An estimate of probable cost shall be submitted prior to presentation to BOCC.**

Section 4.2 (2) (x) **This application complies, Town of Fraser has agreed that they have the capacity to serve supplied by an existing operating water and sewer treatment facility.**

Section 4.2 (2) (y) This application complies .

Section 4.2 (2) (z) **Has not been included in this submittal, and a draft shall be supplied prior to presentation to BOCC consistent with proposed Restrictive Covenants.**

Section 4.2 (2) (aa) A title insurance commitment has been supplied. This submittal complies.

f. SUBDIVISION - Article 8 - Variances
Variances 8.1 -

...

- (2) These Regulations may be modified by the Planning Commission in the case of a plan for an **entire neighborhood** , community, town, or **planned unit development** having a development and building program that, in the judgment of the Planning Commission

provides for adequate open spaces, traffic circulation and service needs when fully developed and populated. Variances may be granted subject to the approval of a site plan and the following provisions:

- a. The plan shall cover an area of **not less than twenty (20) acres** .
 - b. Parks or open space platted within the large scale development plan shall be:
 - i. Retained in title and maintained by the developer for the benefit of the residents through fees, lease arrangements or other acceptable methods; or
 - ii. **Deeded to an organization composed of the homeowners in the development and subsequently maintained by them** .
 - c. Covenants, restrictions, financial guarantees and other legal assurances to guarantee that the plan will be followed and developed shall accompany the plat.
- (3) Variances may be authorized only after due notice has been given and acknowledged by adjacent property owners.

It is Staff's interpretation that variances pursuant to Section 8.1 (2) create the opportunity for developments to be considered as a Planned Unit Development (PUD). The Applicant has submitted a development proposal for 25.5 acres to include 123-units of single family detached housing and 3 lots of future multifamily ranging from 1.5 acres to 3.2. The potential difficulty of clearing and maintaining these requires a set of Restrictive Covenants that establish an owner association to maintain all the improvements within this subdivision. The Applicant shall be put on notice that the County will not and cannot accept these roads for maintenance, a note shall be added to the final plat to this nature.

V. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for April 10, 2019.

VI. STAFF RECOMMENDATION

Staff recommends the conditional approval of the Byers Peak Ranch Filing 1 Preliminary Plat with the following eight (8) conditions to be met prior to a meeting with Board of County Commissioners:

3. The Applicant is encouraged to make a contribution to the Grand County Affordable housing fund.
4. The Applicant shall submit additional reports and drawings as requested by review agencies to consider compliance.
5. The construction documents shall be submitted to the Water and Sanitation District for approval prior to issuance of a county building permit [Section 2.3].

6. The dead-end at the southern termination of “Norgren Road” shall include a temporary easement and improvements for public safety turn around [Section 2.3].
7. The Applicant shall work with Staff to establish addressing to be placed on the Final Plat [Section 2.10].
8. Site data including typical residential lot sizes and dimensions shall be supplied on the Preliminary Plat to specify the within this proposal [Section 4.2 (n)].
9. Utility profiles and depths, standard slopes shall be provided as detailed in the comments from Grand County Consulting Engineer [Section 4.2 (p)].
10. The Applicant shall meet all Preliminary Plat requirements.

The following ten (10) conditions to be met before the submittal of a Final Plat.

1. Any variances determined necessary by Planning Commission in connection to Road and Bridge Standards or Storm Drainage Design and Technical Criteria shall be included in the submittal package.
2. Restrictive Covenants shall be supplied for review in compliance with Colorado Common Interest Ownership Act.
3. The Final Plat shall locate and dedicate easements for access to utility metering. Suggested language from Mountain Parks Electric shall be added to the Final Plat Mylar [Section 4.2 (l)].
4. The dead-end at the southern termination of “Norgren Road” shall include a temporary easement and improvements for public safety turn around [Section 2.3].
5. Language supplied by Mountain Parks Electric shall be added to the Final Plat Mylar [Section 2.5].
6. Impact fees of \$241,590.43 for MILOL for East Grand School District shall be paid prior to recording the Final Plat [Section 2.6].
7. Proof of Fire and/or emergency Impact fees paid shall be paid prior to recording the Final Plat [Section 3.3].
8. Existing topography shall be supplied on the Preliminary Plat to specify the existing slope and grades within this proposal [Section 4.2 (f)].
9. A note on the Plat shall read: all taps shall be paid prior to the issuance of each building permit [Section 4.2 (2) (h)].
10. Has not been included in this submittal, and a draft shall be supplied prior to presentation to BOCC consistent with proposed Restrictive Covenants [Section 4.2 (2) (z)].

Jeff Marck & Lela Rosales with Terracina to represent the applicant, were present and spoke to the Planning Commission. The project area site is 25 acre, they have a total of 295 acres. Jeff is bringing this proposal back to the Planning Commission with three (3) updates. First update is the drainage along Mill Avenue. The second item was you could see the driveways coming off Mill Avenue and the neighbors objected to this layout. The third involved construction traffic through the town of Fraser. We have shifted the site to the south, by doing this we are not impacting the drainage and the driveways have been moved. The third item is updated to where there are three (3) ways to access the subdivision, one is off US Highway 40 - this is for construction and residents. The second is the Fraser Valley Parkway and the third is through the Town of

Fraser. We use to have two (2) dead end roads now we have a loop which makes the layout more interesting. Now that the site has moved to the south, all the drainage goes to a culvert. The engineers has reviewed this layout, and feel this is more than adequate. We have also added a string of detention ponds to help with the drainage. Open space issues, we have 30% dedicated to open space for this project. We will have snow storage on the site, usually on single family sites we calculate the roadways, because of the density and the driveway's tightness, and we also looked at the hardscape of the driveways and roadways and calculated what that would come out to be, 127 thousand square feet of hard surface. We have 29 thousand square feet of snow storage shown which is 23%. We have space by detention ponds that can be utilized during heavy snow seasons.

Ingrid asked if they would be trucking any snow away if it was a heavy snow season like this was.

Jeff replied that there are definitely smaller locations within the development that extra snow could be stored during the heavy snow seasons. A possibility that we would have to get a front end loader and move the snow around for better storage.

Jeff continued that they proposed all the roads to be private tracks, private utility and access tracks, not right of ways. There will be either a HOA or metro district that will own, maintain, be in charge of the roads, not the county. There have been discussions about the rights of ways and setbacks. We don't feel we need to meet this since we do not have a right of way. This project is a little bit of a cross between a hybrid and a multi-family project when it comes to the design of it. The original plan had the 2 -12 foot driveway, did not have walk on side, we have added the walk. This road is like the road currently being done in Grand Park in Fraser. There are 2-10 foot easements, again similar to Grand Park. Two 20 foot driveways on each side, large enough to park a vehicle on. There is a trend towards smaller homes, less maintenance but want high quality finishes. Going back to the variance request, we thought with all these unique products we have shown, none meet the single family detached code. We think the best way to go about this is to apply the variance as a whole to the entire project, due to the minimum lot size. We have not provided construction documents and a few other documents because we are looking at this as a preliminary level submission and such a unique project that we wanted to get this back to the Planning Commission. We want buy off before they continue so we do not have to pay for documents more than once with updates and changes that might be required.

Parnell Quinn, here personally but also on the Board of Trustee for Fraser, attended and spoke regarding this project. They like the idea/concept and have support from the town of Fraser. Does not speak for all, there were a few members who did not like the project.

Tara is asking with no setbacks, how will residents handle snow falling on their neighbor's decks?

Jeff responded the snow will fall onto the neighbor's property. This will be dealt with through the HOA.

Alex added where do you push the snow from your driveway? They will have to provide us documents that these types of things will be covered and handled by the HOA or metro district.

Jeff added they will have a maintenance/snow easement on neighbor's property.

Bob asked about the utilities easement? If you have utilities in the back will that impact your open space?

Jeff responded that the gas will be on street, we are still working with Mountain Park Electric to determine if the front yard or on the back of the lot would be the best option. Water and Sanitation comes up the front. The utilities will still be maintained within the lot.

Deborah asked the staff if this project was meeting staff expectation.

Alex replied generally yes, we still meet all the requirements for review. Looking at such a unique project that it makes sense to us to take a step and have them do some more work. Giving leeway for preparedness since this is a Preliminary Plat consideration.

Sally is trying to grasp the concept of seven (7) variances (plus more) for this project. The county needs to decide if this is something different that has its own rules, because the county already has its own rules.

Marcus interjected they are trying to take this project through as a single family detached, in the past we ran them through as a multi- family, like we do for townhomes like in Winter Park Ranch, so almost at the point of saying that they are on the right track but semantics wise might need to change the approach from single to multi unless there is a reason not to.

Alex commented we looked at Article 8 of the Subdivision Regulations and it talks about unique situations like this one and basically turning it into a Planned Unit Development, We tried to relay that in our staff report. Looking at larger neighborhood, scale of things.

Marcus replied that we have Planned Unit Development regulations. Why did you choose not to run it through as a single family? Not saying this is wrong, just want to know the reasoning.

Alex replied a Planned Unit Development is more time consuming, confusing and cumbersome. A multi family approach is difficult and has extra platting requirements.

Sally asked is it because they are little houses and the variances need to change to fit them?

Robert mentioned that there are minimum site requirements for Article 8 of the Subdivision Regulations. We see it as a trade off on setbacks for more open space. Which is typical in what you would find in a planned unit development approach.

Marcus stated the variance requirement is only applicable on developments over 20 acres. So you cannot do this on a one by one bases. This is in the certificate.

Ingrid clarified, that this project is less than 20 acres, so they want the variance to cover the larger areas also.

Robert replied not necessarily, Article 8 states: submit a concept plan for an area larger than 20 acres so we can review the overall area, looking at drainage, traffic and consider the entire development. We are looking at the whole 290 acres, not just the 20 acres.

Marcus commented that we are looking at Phase 1 of the larger project.

Bob asked in allowing the variance for Phase 1, current tiny houses on 12.7 acres but also included the other three (3) tracks that add up to more than the 20 acres needed. If we allow variance that include the other tracts, is this a precursor for them to have cart blanche to having these variance on all lots for future builds?

Jeff said that was part of their interpretation, because this will keep coming up with each new filing for future phases.

Marcus is saying that as he understands it the overall concept, the variance requested are very specific to this, but we are being put on notice that as we move into the other filings that we will also see consideration for variances within each of those filings?

Bob replied we don't want to be in the position we are voting on these variances and this serves as a grandfather clause for all phases and expect it to be approved each time.

Marcus replied that we can say the variance only applies to Phase 1 of this project and the plat restricted to Phase 1.

Ingrid inquired if this isn't precedent setting?

Marcus stated the State of Colorado does not allow a variance to be unprecedented.

Robert stated his opinion is we are creating flexibility in the development process. We know this is not all going to get developed in a year, it is going to take many years and the market could change. This allows them to come back in different phases to provide a different product.

Ingrid asked who will buy these homes. Will this benefit the county, especially workers? Can we do a deed restriction for this, because our need is for local workers homes?

Jeff replied that they cannot predict this. Less likely on family side. Possible workers in the area could live there. They will not do any deed restrictions on the homes.

Ingrid inquired into the density, numbers of cars and amount of pollution, suggest a requirement for air monitoring. I believe the added traffic will all go through Fraser.

Jeff state the traffic report submitted was from 2011, a newer version will be complete in about 2 weeks.

Parnell Quinn from Town of Fraser, stated that when the town looked at this, they looked at where the traffic would go and based on how the road goes out the back of the town of Fraser, most people will not go that way, it takes too long to get through the intersection, it's not the train it's when you get on the other side of the tracks all those intersections take too long to pass through.

Sally asked about the affordable housing fund, if there can be requirements for x amount of dollars of contribution to offset, it seems the county is not benefiting.

Marcus replied we do not have anything in our zoning regulations that makes donations a requirement therefore it can only be done as a recommendation.

Ingrid inquired about the range of pricing on this units?

Jeff replied this has not been determined yet.

Henry likes concept but feels there are still some loose ends. Concerns about the paved road in the subdivision being so narrow, traffic control for speeds could be an issue.

Jeff replied that the actual width of the road is the most common 24 feet wide. The narrow roads for speeds is actually better, narrow enough that people cannot speed, but has more than enough room that you are not causing congestion. Pulling out of driveways 24 feet is a typical amount of space.

Bob has one more question, due to traffic, what are the ways to get in an out. Construction traffic plus home owner traffic. Right now that road will dead end, it can't dead end as it needs a turn around. Think you should go ahead (crush and run road) out to parkway, which will take some relief on the town.

Jeff appreciated the comment, but will wait for the traffic studies, but feels the road will be connected quickly. Traffic study will show for full build out of all phases, not just the first phase.

Marcus remarked regulations require before final plat all your studies are in, but this is just the preliminary plat. If this were a condo unit, density would be higher. Difficulty for me is are we presenting this in under the right pretense. Do not see anything from Road and Bridge, even though they are private roads, we do like

to look for safety for fire districts, as for as turn arounds and egress. We want to see that the reviewing agents have seen the plans. Most of the reviewing agents have said they are not complete. Would expect this to be completed by the final plat stage. We would like to include a plat note for Filing 1 indicates that all variance were considered for the entire project, but only consider for Filing 1.

Public comment: Mandy Hanifen remarked that she was a former structural fire fighter - did you do an evaluation with the local fire district? What is the space between the units? Are there hydrants planned? Is this an HOA?

Jeff replied yes they did and met all the fire codes. Space between each structure is 10 feet and met fire code. Hydrants are part of the plan for this development. It has not been determined yet if this will be an HOA or a district.

Bob proposed to conditionally approve the Byers Peak Ranch Filing 1-Preliminary Plat as presented with all of staff recommendations and further conditions include the note be added to the plat regarding the variance as being for this filing number 1 only, Henry seconded. All in favor "aye", Ingrid and Sally opposed, motion carried.

10 minute break return at 8:25pm

Brewer Subdivision Exemption

Presented by: Joan Lyons, Planner I

I. BACKGROUND

a. PROPOSAL

The applicant is proposing a subdivision of a 35.01 acre parcel by process of Subdivision Exemption to create three separate parcels. There are currently no dwellings on the property. The parcel is located within the Tabernash Urban Growth Area as defined by the Grand County Master Plan and is Split Zoned Residential District and Tourist District. Water will be serviced to all three proposed parcels by existing Well Permit number 312671 and will be converted to service the new parcels proposed. The use of ground water for this well is limited to fire protection, ordinary household purposes inside not more than three (3) single family dwellings. The Applicant will be required to obtain On-Site Wastewater Treatment System (OWTS) permits from the Building Division upon development of dwellings, or will be required to connect to the Tabernash Meadows Sanitation District and pay for all applicable fees for connectivity.

a. HISTORY

The Applicant is the current owner. Zdenek Nedele has owned the approximately 35 acre parcel since 2017. The Applicant plans to sell Lots 1 and 2 for the development of single family dwellings and plans to create a future home for his family on Lot 3. The Applicant's representative has mentioned the potential for the northern portion of Lot 3 to be used for a

future commercial use. However, per the current County's Subdivision Exemption Regulations, a Subdivision Exemption Application can only be used to develop up to three (3) tracts of land for single family dwellings. If the Applicant wishes to create a commercial use on the property subject to this proposal in the future, the Applicant will be required to go through one of the subdivision processes and may also require a Special Use Permit (SUP) application depending on the particular commercial use proposed.

b. STAFF ANALYSIS

This proposed division of land, as provided for under the Subdivision Exemption Regulations, meets the requirements of controlling density as outlined in the Grand County Master Plan. The neighboring subdivisions to the west and south of the property lots are larger tracts, however, tracts further to the west and southeast near Tabernash provide for a higher density. The parcel is within the Tabernash Urban Growth Area Boundary, and through the Subdivision Exemption process, the proposed use increases density where public sewer is available. Staff understands that this Subdivision Exemption request is intended to maintain the current character of the area which consist of higher density single family dwellings to the south, such as the Coyote Creek Subdivision and decreasing in density as development progresses north into the Winter Park Highlands Subdivision and its various filings.

Staff has had discussions with the Applicant's representative in regard to sanitation supply. A referral to Tabernash Meadows Sanitation District was requested and Staff is awaiting a reply with the specifics of how the Applicant would connect to the sanitation district. There is also the alternative of acquiring an On-Site Wastewater Treatment System (OWTS). Prior to a Hearing before Board of County Commissioners, Staff will work with the Applicant to establish a sewer source prior to the Final Plat stage of the Subdivision Exemption.

Staff has also had discussions with the Colorado Department of Transportation (CDOT) regarding the applicant's existing CDOT access permit. The Applicant has yet to build access and the access permit will expire on May 17, 2019. The permit is to be for use of one (1) single family dwelling. It is of Staff's determination that the applicant must update their State Highway Access Permit to accommodate for the proposed use of three (3) single family dwellings.

VII. COMPLIANCE/ NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

a. Grand County Master Plan

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

Plan Element 2 - Land Use - Growth and Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the urban growth areas where existing infrastructure and public services exist. This subdivision borders an Urban Growth Area and is surrounded by other larger lot developments. As stated in this section of the Master Plan, "Require a feathering of densities between low densities and high densities..."

Plan Element 3 - Development: The Built Environment

Plan Element 3 in the Grand County Master Plan, speaks to maintaining a high quality of life while taking advantage of existing infrastructure. This subdivision borders existing state highways and surrounded by existing utility infrastructure. The development minimizes additional impacts on open lands adjacent to wildlife corridors. Therefore, this proposed Subdivision Exemption is characteristic of the Development: The Built Environment element.

b. ZONING - Split Zone - Section 4 Residential District and Section 8 Tourist District

The zoning for this parcel is split zoned Residential District and Tourist District. As Tourist District regulations are more rigorous, Tourist District regulations are applied to the Applicant's proposal. This application complies with the regulations in the following ways:

Tourist District:

- Use: Three (3) Single Family Dwellings - This Application complies
- Minimum Lot Area: One (1) acre - This Application complies
- Minimum Lot Width: 150 feet - This Application complies
- Minimum Yard Setbacks - This Application shall comply with the minimum standard yard side setbacks of the Tourist District of 10 feet.

c. SUBDIVISION EXEMPTION - Article 2 - Design Standards

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

[Special Site Considerations (2.1) (1-6)] This application complies with Article 2.1. It appears that Lots 1, 2&3 substantially avoid steep slopes and water basins where proposed dwelling sites exist.

[Driveways, Roads, Streets and Easements (2.2) (1-14)] The Cul-de-sac and road adjoining to the County's Old Runway shall meet County Road and Bridge Standards. The Applicant shall also add local a local/low volume road to meet County Road and Bridge Standards. 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)] This application complies with Article 2.3 (1) regarding minimum lot area requirements.

[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)] A note shall be added to the Plat that property owners are advised to contact an engineer to locate appropriate building area with proper drainage and soil bearing capacity.

This application shall comply with State Division of Water Resources (DWR) for the application, distribution and use of any existing or proposed well. The Applicant shall provide proof of supply by the Tabernash Meadows Sanitation District and shall address sanitation with filing of the application narrative. This shall be determined prior to Final Plat submittal. Alternatively, all residences shall be served by OWTS, and designs shall comply with current County regulations.

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

[IMPROVEMENTS REQUIRED (2.7) (1-5)] Survey monuments shall remain as referenced on the Final Plat. Proposed roads and driveways shall be subject to the requirements in the current Road and Bridge Standards and approved by the County Engineer. CDOT Driveway Permit No. 318009 shall be subject to the requirements set forth by the CDOT State Highway Access Permit Terms and Conditions and approved by CDOT.

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.

The Applicant shall supply an estimate of probable cost for these improvements and enter into a Subdivision Improvements Agreement with the County at Final Plat.

[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.

[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

$3 \times .045 = .135$ acres

Money in Lieu of Land Calculates to:

$3 \times .50 = 1.5$

$1.5 \times .090 = .135$

$.135 \times \$48,532.16/\text{acre} = \$6,551.84$ in school impact fees.

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

[STORMWATER MANAGEMENT (2.11) (1-6)] A Storm Water Management Plan (SMP) shall be required for any site disturbance in excess of one (1) acre.

[DESIGN STANDARDS FOR MINERAL RESOURCE AREAS (2.12) (1-6)] This Application complies. Mineral extraction and exploration are prohibited in order to protect public health and safety as the same also contradicts the purpose of the Subdivision Exemption process.

[DITCH CROSSINGS (2.13) (1-6)] This Application shall comply. The proposed Plat must reference dedicated waterways or historical irrigation ditches such as the Silver Creek Bank mentioned in the Title Commitment.

[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.

VIII. SUBDIVISION EXEMPTION - Article 3 - Sketch Plan

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

[Sketch Plan (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 the name of the exempted tract which is: Brewer 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 proposed Plat is required to not only include the names, and addresses of the applicant(s), but should also include and telephone numbers of the applicant(s). The application complies with the land surveyor, engineer, and/or designer of the proposed division being licensed by the Colorado State Board of Examiners for Engineers and Land surveyors.

[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.

[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 as well as the Silver Creek bank.

[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 including the Silver Creek bank.

[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.

IX. STAFF RECOMMENDATION

Staff recommends the conditional approval of the Brewer Subdivision Exemption Sketch Plan with the following conditions to be met:

1. The proposed Plat will be referred for comment by utility companies including: MPEI, Xcel, CenturyLink, and Comcast [§2.2 (1-14)].
2. All residences shall be served by OWTS, and designs shall comply with current County regulations or by public sewer service provided by Tabernash Meadows. Applicant shall **decide sewer service during the application for Final Plat [§2.5 1-3]**.
3. The Applicant shall update their State Highway Access Permit to accommodate for the proposed use of three (3) single family dwellings [§2.7 1-5].
4. The Applicant shall supply an estimate of probable cost for these improvements and enter into a **Subdivision Improvements Agreement with the County at Final Plat [§2.7 1-5]**.
5. Any burning of slash piles shall follow standards as established by Grand County Natural Resources and the local Fire District [§2.8 1-2].
6. The Applicant shall be responsible to pay any impact fees associated with this application including but not limited to: School Impact and Fire Impact Fees [§2.10 1-6].
7. The Applicant shall verify if they need to enter into a Water Quality Agreement with the County [§3.3 (3) (g)].
8. The title and legal description shall be reviewed by the County Attorney.
9. The Final Plat **shall to include the width of proposed private and State Right-of-Way [§3.3 (2) (f)]**.
10. The Final Plat shall include any natural drainages that exist on the property.
11. Statement of taxes due showing current taxes paid shall be provided prior to recording of the Final Plat.
12. The applicant shall meet all Final Plat requirements.

Parnell Quinn and Will Russell from The Simple Life Team were present and speaking to the Planning Commission. The Applicant, Zednek Nedele was present. We have completed the reapplication for the permit for three (3) houses that were an oversight by CDOT. The access point to the site has been present since 1973. CDOT wants to clarify to make sure it was on their records, we have completed this. As far as the sewer system we have two (2) options. First is pulling it across the highway or second, pulling it from up the street. The one coming across the street from the lift station just into the subdivision is the best option and the one coming up the highway is about \$350 thousand. We will have to do septic systems on this ridge.

Ingrid asked how far away are the two (2) hook up options from the sewer?

Parnell explained the closest sewer was across the highway and the second option was 100 feet away.

Joan stated they have to decide by final plat how they will hook into the sewer.

Public comment: none

Deborah asked about the well. The only refernece she has is from Douglas County regarding splitting a well.

Joan replied that if the applicant has 35 acres or more, and has a domestic well, this can service up to three (3) single family dwellings. They can create a well sharing agreement, that decision is up to the applicant which needs to be determined before Final Plat.

Marcus stated we don't do well sharing agreements anymore this would have to be turned into the state.

Alex stated they get repermited for every lot.

Deborah then asked about tourist zoning verse other zoning, not too clear on that.

Joan replied there are a couple different districts within the county, one of them being Residential and the other Tourist. In Tourist zones, there are particular regulations that they have to comply with. A use permitted by right verses use permitted by special review. There are variations in regards to mostly commercial uses. They have to meet all the other requirements as well in order to create some sort of commercial use when more than an acre. In this circumstance, there will be a note that you cannot use those three (3) lots for commercial uses unless they go through another subdivision process.

Sally stated no comment

Ingrid stated no comment. It is tourist now but the applicant might want to change it to business zoning?

Parnell replied that it has been brought to his attention that the county might want to change the zoning.

Joan stated in a split zone the staff chooses the stricter zoning for the rezone.

Marcus asked to confirm rezoning.

Joan showed on the display the dotted line where the two (2) zones exist. Lots 1 and 2 will stay in their current zones and the Lot 3 will remain in split zoned.

Henry stated no comment.

Bob had one question concerning the well. The state will have to give them three (3) taps for the individual lots, should this be added as a condition?

Marcus stated it is a condition.

Joan replied she will add this to Recommendation #2.

Bob asked what the water quality agreement is and what determines if they have to apply for that?

Joan replied a water quality agreement is a document on file with the county, we do this to comply with state regulations. What is in the document is up to staff, Board of Couny Commissioners and Planning

Commission. They could include monitoring of wells for enviromental impact with soils. To make sure everyone is compliant.

Alex added it is for an impact fee.

Ingrid asked if there are two (2) fees?

Alex explained that the public fee is \$500 per lot and the on site waste water treatment system is \$1000 per lot.

Tara stated no comment.

Marcus stated when you split zone and you subdivide the applicant gets to choose which fee they want.

Ingrid proposed to approve the Brewer Subdivision Exemption as presented with the all staff recommendations, Deborah seconded. All in favor "aye", none opposed, motion carried.

Three Lakes Water and Sanitation District Amended 1041 Permit

Presented by: Joan Lyons, Planner I

X. BACKGROUND

In 1979, Grand County approved the Three Lakes Water and Sanitation District 1041 Permit by Resolution No. 1979-9-1. Over the years, the Three Lakes Water and Sanitation District 1041 Permit has been amended for site approvals for construction of a new domestic wastewater treatment plant in 2000 by Resolution No. 2000-6-3. The permit was also amended in 2001 to reflect the state's interest in the Three Lakes Water and Sanitation District's activities by Resolution No. 2001-1-1.

In 2014, the discharge permit for the Three Lakes Water and Sanitation District Wastewater Treatment Plant, known as the Table Mountain Reclamation Facility (TMRF), was renewed. As part of the renewal process the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division notified the Three Lakes Water and Sanitation District that a new permit limit for potentially dissolved copper was added to the permit.

Three Lakes Water and Sanitation hired Kennedy/Jenks Consultants to conduct a study to evaluate their compliance with new effluent permit limits. The review concluded that the only viable option to comply with the permit limit is to add a copper treatment process at TMRF. This study prompted the Three Lakes Water and Sanitation District to amend the Site Location Approval for the wastewater treatment plant known as TMRF to add for a site to treat potentially dissolved coper.

The Site Location Amendment is to add six (6) upflow reactive sand filters to treat copper to the levels required by the State Discharge Permit. The sand filters will only occur on the existing TMRF site and is designed to remove copper only. The Site Location Amendment does not change the capacity of TMRF. The project is expected to begin construction in the second quarter of 2019 upon the amendment and approval of the Three Lakes Water and Sanitation District 1041 Permit.

It is also Staff's determination to list state compliance as line items for Terms and

Conditions in the Three Lakes Water and Sanitation's 1041 Permit to allocate for future changes in system design as outlined in the 1041 Draft Permit. The Current Three Lakes Water and Sanitation 1041 Permit on file with the County outlines specific limits for effluent parameter values, such as BOD/day, suspended solids, fecal coliform, and total ammonia. As the Permit is a matter of state interest, the permit shall reflect state compliance.

5 CCR 1002-22, also known as CDPHE Regulation 22, applies to the implantation of the Colorado Water Quality Control Act in regards to construction or changing a domestic wastewater treatment plant and its stations. The amendment process of Regulation 22 means that the application changes an existing site location approval or existing domestic wastewater treatment plant.

XI. ANALYSIS OF COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one is most relevant to the development supported by this 1041 proposal. - Element 4.

Plan Element 4 - Community and Public Facilities

Plan Element 4 focuses on the development of public facilities and infrastructure. The Three Lakes Water and Sanitation District is within the jurisdiction of Grand County that provides sanitation services to development in the Grand Lake region and surrounding areas. The sand filters to treat copper being proposed in the Site Location Amendment are a vital component of the district system and its compliance with state regulations. Further, the project aligns with the goals of the Master Plan to provide consistent, reliable and appropriate facilities for the long-term development of the County.

XII. ANALYSIS OF COMPLIANCE WITH THE GRAND COUNTY 1041 REGULATIONS

Grand County Resolution 1978-5-4 designated the major extensions of existing domestic water treatment systems as an activity of state interest and established Administrative Regulations pertaining to such activities. A Public Hearing by the Board of County Commissioners, acting as the Permit Authority is scheduled for April 23, 2019, and public notice was published in the Middle Park Times on Thursday, March 14, 2019.

XIII. PLANNING COMMISSION RECOMMENDATION (April 10, 2019)

This application for a 1041 Permit is scheduled to be reviewed by the Planning Commission during the regular meeting on April 10, 2019.

XIV. RECOMMENDATION

Staff recommends the approval of the amended 1041 Permit for the Three Lakes Water and Sanitation District (the "District") to install and operate six (6) upflow reactive sand filters to treat copper to the levels required by the State Discharge Permit with the following conditions:

Prior to issuance of the 1041 Permit:

- 1) A Stormwater Management and Erosion Control Plan shall be submitted to Grand County prior to construction, as applicable.
- 2) Construction plans and specifications shall be approved by CDPHE prior to commencing any construction and any construction change orders or amendments shall be approved by CDPHE.
- 3) Permit approval will expire after one year from permit approval unless construction of the project has commenced. Construction is defined as entering into a contract for the physical placement of equipment, piping, and/or earthwork that is part of the proposed installation of the six (6) upflow reactive sand filters and their new facility on the TMRF.
- 4) Building permits will be required to be obtained by the Applicant through the Grand County Building Division for any additional structures or modifications to existing structures on the TMRF.
- 5) Standard permit conditions including off-site impacts, noxious weeds, parking, and blight.
- 6) Any additional conditions to be added by the Planning Commission or Board of County Commissioners.

Michael Gibboni, Chief Operator of the district presented and spoke with the Planning Commission. This is something that we did not want to do, but have been forced to do. On a positive note, it will take care of our copper limits as well as future nutrients and whatever else they dream up that we have to comply with.

Ingrid asked, not just copper?

Michael answered it will take care of pretty much any metals. It will take the copper out which is what our limit is for, but there will be additional benefits.

Sally is confident that Michael has done a good job and knows that the state is good at enforcing regulations. She is glad they are getting some grant monies for this project.

Ingrid asked if there will be any cost to home owners for this project and how is it being paid for.

Michael replied they have three and half million dollars in loan money.

Ingrid asked if they have to raise their rate.

Michael responded probably yes.

Marcus stated no comment.

Henry stated no comment.

Bob stated no comment.

Tara stated no comment.

Deborah stated no comment.

No public comment.

Sally proposed to approve the Three Lakes Water and Sanitation District Amended 1041 Permit as presented, Ingrid seconded. All in favor "aye", none opposed, motion carried.

Ranch Creek Solid Waste Transfer Station SUP

Presented by: Alexander Taft, Planner, LEED Green Associate

XV. BACKGROUND

At the March 20, 2019 Planning Commission meeting, the applicant requested that the body consider and approves the land use proposed for the site. It was expressed that because the applicant was requesting a Special Use Permit, that there would need to be conditions provided in the Permit that were consistent to what would be required by the jurisdiction in an Operating Plan. Given that an Operating Plan for the facility was not provided at the meeting, the Commission deemed the application incomplete and the Applicant subsequently tabled the application until the April Planning Commission meeting.

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 sites primary users. Traffic peak hour volumes are anticipated to be an average of eight (8) vehicles per day. Initially it is anticipated that there will be approximately six incoming commercial loads per

peak hour per day and two outgoing loads. Incoming loads will arrive via commercial collection and privately-owned vehicles and outgoing loads will depart via transfer vehicles. Incoming vehicle weights will

be no more than 54,000 lbs. and outgoing vehicle weights will be no more than 80,000 lbs., in accordance

with State law (C.R.S. 42-4-508). 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 high priority of the Applicant. An operations plan shall guide all the potential situations that could impact the site and surrounding properties.

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 is currently in good standing.

XVI. STAFF ANALYSIS

The subject property is adjacent to what was previously the Grand County Landfill. To the east is a recreational use and to the south exists a public utility use. It is also bordered to the north by a larger lot, which is a residential use within Parlay Ranch. Of the nearby residential 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.

a. THE RANCH CREEK TRANSFER STATION OPERATING PLAN

Under Colorado Code Regulations 6 CCR 1007-2, the State regulations enforced by the Hazardous Materials and Waste Management Division of Colorado Department of Health and Environment (the Department) guide the development of Solid Waste and Transfer stations. More specifically Section 1.4 "Exemptions" list transfer stations under 1.4.6 and refer to standards listed in Section 7.

The following is an analysis of the Operations Plan requirements and what was provided to Staff:

7.2 OPERATING PLAN CRITERIA Owners or operators of all new transfer stations shall develop an operation plan that contains, as a minimum, descriptive responses of compliance to this subsection.

7.2.1 General data and maps

(A) Name(s) and address(es) and telephone number(s) of the owner/operator. Name and address and phone number of the person(s) operating the facility and having the authority to take corrective action in an emergency.

(B) Facility mailing address, county and legal description including ¼ section, section, township and range.

(C) Regional map depicting service area, existing and proposed.

(D) Vicinity map showing access and service roads, zoning and land use, residences, water wells and the location of all surface water bodies, the location of 100 year flood plain boundaries, and all manmade or natural features relating to the facility within a ½ mile radius.

(E) Site map showing adjacent properties including land use, property owners names and addresses, site property boundaries and area (acres). If proposed site is adjacent to public roads or streets, include the properties across the street or road. The map should show the present site conditions and the projected site utilization including all site structures (such as buildings, fences, gates, entrances and exits, parking areas, on-site roadways, and signs) and the location of all water supplies and utilities. This site map shall be certified by a state licensed surveyor or engineer.

(F) Site maps and drawings showing all the proposed structures and areas designated for unloading, baling, compacting, storage, and loading, including the dimensions, elevations, and floor plans of these structures and areas, including the general process flow.

(G) Facility's drainage system and water supply system.

This information relating to 7.2.1 A-G was provided in the Operations Plan. Staff is recommending that the applicant demonstrate the movement of drop-offs, the redirection (if needed) of trucks on-site containing hazardous material, measures taken to prevent backing, stacking of truck traffic on internal drives and movement relative to any overflow of recyclables.

7.2.2 Design criteria

(A) Unloading and loading areas shall be:

(1) Adequate in size to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles;

Staff will be requesting that the Applicant demonstrate on the site plan and floor plans that there is adequate facilitate the unloading and flow of vehicles through the site.

(2) Constructed of concrete or asphalt paving material and equipped with adequate drainage structures;

The Operating Plan states that there will not be any discharge to the sanitary sewer or surface water bodies. The tipping building will provide for a containment basis that will control up to 13,400 gallons of liquid according to Section 14 of the Operating Plan.

(3) Solid waste handling shall be confined to the smallest practical area. Such handling shall be supervised by competent operating personnel who shall be familiar with proper operational procedures;

Staff will be requesting that the Applicant demonstrate on the floor plans this concern.

(4) Sufficient internal storage areas to provide for incoming solid waste;

Section 7 of the Operating Plan states that there would be sufficient storage. Staff will be requesting that the Applicant demonstrate on the floor plans this concern.

(5) Exhaust removal systems shall be installed in enclosed areas; and

Operating Plan indicated natural ventilation as per 2015 Code. Staff feels the Operating Plan needs to address ventilation in proposed enclosed areas such as any office spaces.

(6) Measures shall be provided to prevent backing into pits while unloading.

Operating Plan indicates there will be no backing of vehicles through the tipping building.

(B) On-site roads

(1) Designed to accommodate expected traffic flow in a safe and efficient manner;

Applicant needs to demonstrate traffic flow on internal roads.

(2) The road surface design shall be suitable for heavy vehicles and the road base shall be capable of withstanding expected loads;

Staff defers to the Road and Bridge Department for their review of the adequacy of the roads to handle heavy truck traffic .

(3) Passable, in all weather conditions, by loaded collection and transfer vehicles. Provisions shall be made for de-icing ramps during winter months; and

Section 19 of the Operating Plan states there will be all weather access drives provided. There was no mention of any provisions for deicing.

(4) Where public dumping is allowed, separate access for passenger vehicles shall be provided.

Section 19 of the Operating Plan states there will be no public drop-off at this time.

(C) Equipment Number, description and uses of all equipment projected to be employed including the design capacity.

Appendix H of the Operating Plan lists equipment but does not establish numbers of equipment. The Plan explains use of the front end loader in Section 6 and Transfer Trailers in Section 8 but does not provide explanations for how the Bobcat and the excavator will be used.

(D) Gate and fencing Types and heights of suitable gate and fencing material to be placed on site, to limit unauthorized persons from access to the facility when the facility is closed.

Because the operation will be in an enclosed building, there is no need for a fence.

(E) Signs A sign shall be posted, at all access points to the facility, with the hours of operation, the types of solid waste accepted and not accepted, the operating hours the facility accepts wastes, and emergency telephone numbers of a responsible party.

Signs and the posting of signs was discussed in Section 12.2 of the Operating Plan.

(F) Buffer zones Buffer zone of 200 feet around the active operating area to the nearest property line in residential zoned areas, or as otherwise established by the governing body having jurisdiction.

Staff suggests that the Applicant draw a 200 foot buffer around the active operating area of the proposed facility.

7.2.3 Operation standards

(A) Waste characterization The types, composition, and expected daily volume of all solid waste to be accepted at the facility in cubic yards or tons/per day, the maximum time any such waste will be stored, and the proposed capacity of the facility.

The Operating Plan speaks to types of waste in Section 4.1, the volume of wastes in Section 4.4 and speaks to capacity in Section 21.

(B) Supervision Facilities with permanent continually operating mechanical equipment shall have an attendant on duty at all times the facility is open to the public.

(C) Personnel The number, classification, and job descriptions of personnel to be employed at the facility when operating at full capacity. A personnel training plan which includes recognizing unauthorized waste such as PCB's and hazardous wastes, equipment operation, and any other personnel concerns.

Both Supervision and Personnel are discussed in Sections 2 and 4.3 of the Operations Plan.

(D) Nuisance conditions All reasonable measures shall be employed to collect, properly contain, and dispose of scattered litter, including frequent policing of the area, and the use of wind screens where necessary. The facility shall be managed in such a manner that noise, dust and odors do not constitute a hazard to human health. The facility shall be managed in such a manner that the attraction, breeding and emergence of birds, insects, rodents and other vectors do not constitute a health hazard.

Discussed in Sections 2 and 4.3 of the Operations Plan .

(E) Off-site water Control measures shall be provided to protect surface and ground waters, including run-off collection and discharge, designed and operated to handle a twenty-four (24) hour, twenty-five (25) year storm and equipment cleaning and washdown water.

Equipment cleaning and washdown issues are discussed in the building drainage section of the Operations Plan. As per Section 23 of the Plan, it was indicated that a Stormwater Management Plan will be developed for the facility.

(F) Fire protection Fire protection equipment shall be available at all times. A fire protection plan including provisions to prevent the spread of fire to adjoining property shall be approved by the local fire department.

Fire protection is discussed in Section 11 of the Plan. Staff will seek approval of the fire protection plan from the Grand Fire Protection District.

(G) Operational records Records shall be maintained for all facilities. These records shall include a daily log of the quantity of solid waste received and transported, as-built construction details, and variations from approved operations procedures. Records shall be kept on-site whenever practicable or as otherwise approved.

Addressed in Section 10 of the Operating Plan.

(H) Contingency plan Contingency plans specifying the procedures to be followed to handle situations such as the following shall be available at all times to the transfer station attendants:

- (1) Hazardous material incident, including emergency response contacts, equipment, identification of trained personnel, and notification procedures;
- (2) Contamination of surface water or ground water;
- (3) Nuisance conditions on site or confirmed beyond the site boundary; and
- (4) Alternate solid waste handling system for periods of inability to operate or delays in transporting solid waste due to fires, unusual traffic conditions, equipment breakdown, hot loads, or other emergencies or undesirable conditions.

Incidental spills was discussed in Appendix M of the Operations Plan. Section 17 and 18 speaks to nuisance conditions. Section 21 speaks to periods of inability to operate.

(I) Cleaning facilities handling more than 100 cubic yards of waste per day shall be cleaned daily of all loose materials and litter, by wash-down or other approved method, to prevent odors and other nuisance conditions. All residuals shall be properly removed and disposed. All boxes, bins, pits or other container type used shall be cleaned on an approved schedule.

The Operations Plans addresses these concerns in Sections 2, 22, 24 and Appendix 1.1.

(J) Standing water All floors shall be free from standing water. All drainage from cleaning areas shall be discharged to sanitary sewers or other methods that meet local pre-treatment standards.

The Operations Plans addresses these concerns in Section 21.

(K) Storage adequate Storage space for incoming solid waste shall be available at the transfer station. Solid wastes should be loaded into the containerized collection receptacle on the same day it arrives at the transfer station. Uncompacted wastes will not be allowed to remain on the tipping floor overnight. Removal of all putrescible solid waste from the transfer station whenever transfer containers are full, or weekly, whichever comes first, is also required. Uncleaned transfer vehicles containing putrescible material shall not be parked on public streets or roads except under emergency conditions. Adequate off-street parking for facility vehicles shall be provided.

The Operations Plans addresses these concerns in Section 7.

(L) All solid waste received at a transfer station shall be transferred as soon as practicable. All solid wastes arriving at the transfer station that are not transferred within twenty-four (24) hours of receipt shall be placed in closed containers or in totally enclosed buildings, structures, or other means of cover acceptable to the Department, that deter water, birds, insects, rodents and other vectors from reaching wastes.

The Operations Plans addresses these concerns in Section 7.

(M) Final disposal All solid waste passing through the transfer station shall be ultimately treated or disposed of in an approved solid waste disposal site and facility.

The Operations Plans addresses these concerns in Section 8.

(N) Water supply The amounts and source of water for use on site for the control of nuisance conditions, fire protection, construction purposes and personnel use shall be presented.

These concerns have been addressed in the Operations Plan.

7.2.4 Closure plans for final closure of the transfer station shall include a plan for the removal of all stored solid wastes and washdown liquids. The Department and the local governing authority shall be notified, in writing, of temporary or permanent closure of the transfer station.

This requirement has not been addressed in the Operations Plan.

Overall, Staff finds that the Operations Plan has addressed some of the requirements while not addressing others. Although a site plan and floor plans have been included in the Plan, Staff feels that more explanation needs to be provided concerning the actual movement of vehicles and people throughout the site and building.

XVII. COMPLIANCE/NONCOMPLIANCE WITH STATE AND GRAND COUNTY REGULATIONS

H. 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 utility, recreational, vacant and agricultural land uses where the latter 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.

I. COLORADO CODE REGULATIONS 6 CCR 1007-2 Section 7

7.1 PURPOSE, SCOPE AND APPLICABILITY:

- (A) The purpose of this section is to **establish minimum health and safety standards for the operation of transfer stations**. The criteria apply to all transfer stations at which refuse generated off-site awaits transportation to approved solid waste disposal sites and facilities. At such sites, refuse may be transferred from one type of containerized collection receptacle, is processed by shredding, baling, or compaction, and then placed into another receptacle. Other waste management and disposal activities conducted at the site of the transfer station

may require regulation by the Department and a certificate of designation from the local governing body having jurisdiction.[emphasis added]

- (B) A transfer station shall not be deemed to be a solid waste disposal site and facility and therefore, such a facility **shall not be required to apply for and obtain a certificate of designation** as outlined in these regulations. The governing body having jurisdiction can request, in writing, that the Department conduct a technical review of the site and facility documents and its operation plan. The Department shall be notified, by the governing body having jurisdiction when a permit approving a transfer station is issued. A copy of the approved operations plan shall be maintained at the transfer station. [emphasis added]
- (C) An intermediate processing facility is a transfer station under these regulations and a material recovery facility is a recycling facility under Section 8 of these regulations.
- (D) Only residential and commercial waste shall be accepted at transfer stations. Wastes such as asbestos waste and contaminated soil shall not be accepted at transfer stations unless the transfer station is specifically designed and approved for these wastes.
- (E) Transfer stations shall comply with the health laws, standards, rules, and regulations of the Department, the storm water rules of the Water Quality Control Commission, the Air Quality Control Commission, and all applicable local laws, ordinances and regulations.

In conformance with Section 1.5.2, portions of these requirements may be waived or modified for small rural transfer stations as long as the performance of the site under the altered requirements is as protective of public health and the environment as these regulations.

J. 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;

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 traveling east and west. 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'). It has been deemed, however, impractical to require screening on the site.

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 Operations Plan attached to this certificate, there is a section that details facility maintenance and operation.

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.

Additional screening has been deemed to be impractical.

- (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 mitigated because the operation will be conducted entirely indoors.

- (f) A site plan drawn to scale showing man-made structures, surface water drainage and access routes in the immediate area.

A site plan has been submitted to include the above referenced information. The site plan should be revised to indicate the required 200 foot buffer around the active area.

- (g) A vicinity map.

This application complies.

- (h) A screening plan.

Screening has been deemed to be too burdensome for the applicant.

XVIII. PLANNING COMMISSION

Planning Commission hearing was scheduled for March 20, 2019 and at that meeting, matter was tabled until April 10, 2019.

XIX. STAFF RECOMMENDATION

Staff recommends approval of the STC, LLC Solid Waste Transfer Facility Special Use Permit amendment with the following conditions:

- 1) The applicant demonstrate graphically the movement of drop-offs, the redirection (if needed) of trucks on-site containing hazardous material, measures taken to prevent backing, stacking of truck traffic on internal drives and movement relative to any overflow of recyclable.
- 2) Operating Plan needs to address ventilation in proposed enclosed areas such as any

office spaces.

- 3) Road and Bridge Department will review site plan of the adequacy of the roads to handle heavy truck traffic.
- 4) Applicant shall supply a list of equipment as per the Operations Plan to be stored onsite, this shall be updated annually and sent to the Community Development Department. Provide explanations for how the Bobcat and the excavator will be used.
- 5) A Stormwater Management Plan will be developed for the facility.
- 6) Seek approval of the fire protection plan from the Grand Fire Protection District.
- 7) Develop a closure plan as per 7.2.4 of the Regulations for Transfer Stations.
- 8) Any buildings to be constructed shall obtain applicable building permits.
- 9) 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):

- 10) Facility operations plan shall be kept on file with the Community Development Department and updated as necessary.
- 11) 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.
- 12) The Permittee is required to keep a current lease on file with the Community Development Department.
- 13) The site shall be appropriately screened from property to the north and along State Highway 125.
- 14) The following Special Use Permit sections shall include: Hours of operation, Equipment and Materials Storage, Equipment Maintenance, Other Uses, and Off-site impacts.
- 15) 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.

Craig Abrahamson began speaking. The purpose of the exhibit is to show the traffic flow. We will utilize the existing road and it will be improved to handle all weather surfaces. Ingress/Egress at the same point as it is now. The road will go into the transfer station and out again to another existing road (with improvements). Overview of the site - the site is equipped with a gate, it will be secured from unauthorized vehicle access, and restricted to operating hours. The gate will be at the current entrance to the property. Storm water quality will be addressed on the site with a single detention facility. Location will be in such a place that it can capture storm water from the station but also the balance of the existing site. All waste handling is done inside the facility, no waste will be handled outside of the facility. The facility building is 100x100, 10 thousand square feet, with a steel structure and concrete foundation. We intend for the building structure to be 35 feet in height from the foundation to the roofline. There are three primary areas within the facility. Ingress and egress doors where shown. The trucks would come into the building, stop drop their loads and proceed out through the back access door. On the tipping floor, there will be a loader, it will push the waste to the load prep area, and material is then sorted to a degree, with regards to construction materials versus garbage. Next the tunnel, we call it a tunnel not really a tunnel it is an open pit. The waste is taken and placed in transfer trailers, compacted, the truck is covered and using the same access roads, leaves the site. All the floors inside the facility building are sloped away from the exterior of the building to control any liquid that might be in the waste. If there happens to be a liquid spill in the loading area it will be contained in a storage container, it would then be pumped out and properly disposed of.

Ingrid asked what the proper disposal would be.

Craig answered that it would depend on the type of waste. So the tank would get characterized in terms of hazardous component and then disposed of appropriately.

Craig continued his presentation by showing the building design, a prefabbed steel building with a concrete floor, the property naturally slopes and they will take advantage of this. This will not be a big structure on one level, it will have three (3) levels using the natural slope of the land. Will use the existing building on the property as our scale house.

Bob asked about traffic flow regarding the area around the tipping scales. Is the scale house where the loads are coming in, will they get weighed here?

Craig replied that the tipping scales will be on the inside and you will not see them. As far as the weighing scales it has not been determined if we will have one or two scales. So we would have to weigh the truck full and after it dumps its load, they would have to weigh the truck empty to determine the weight.

Public Comment from Darren Carbary, I own a 35 acre ranch by the timber business and am speaking for Brett Hyder who could not be present. Basically they do not want waste station at Highway 125 and Highway 40. Mr. Hyder did launch a formal complaint regarding the violations of the Special Use Permit. Mr. Hyder asked about the complaint.

Marcus stated that does not come before the Planning Commission and that is handled by staff.

Mr. Carbary acknowledged this comment. Mr. Hyder's issues are, will there be any permanent damage to the soil? Will there be any ground water contamination due to some of the things being stored on the property? Will equipment continue to be collected on this property? We noticed a difference in the original operation agreement and this new operation agreement, submitted on behalf of their original application.

Marcus stated the original agreement was tabled because it was not representative of this. The current plan is represented.

Mr. Carbary continued that they wanted more detail to the operational agreement. They had a major fire in 2007, concerns is having a transfer station next to a lumber yard is potentially hazardous. This is a very windy area. The material for the operation agreement of the request for fire suppression device that they will have is a 15 hundred gallon per minute, question is where will they get the water?

Marcus replied that he could answer regarding the water. It can be purchased, and there are many options to truck in water. We now have fire codes associated with our permits, this will definitely be covered.

Public comment from Mandy Hanifen, she stated this proposal has not been identified as a county wide need. Is there a need for a second station?

Marcus replied that this topic was covered at the last Planning Commission meeting.

Ingrid asked your traffic report says 8 vehicles is this per hour of day am assuming it is per hour.

Craig replied it was per hour (peak hour).

Ingrid asked if this could be added to the application. Another question. On page four of the certificate, you talked about liquid waste, 1000's of gallons, what is this referring to?

Marcus located this in the certificate and read: **The Operating Plan states that there will not be any discharge to the sanitary sewer or surface water bodies. The tipping building will provide for a containment basis that will control up to 13,400 gallons of liquid according to Section 14 of the Operating Plan.**

Craig commented that it is a combination of the tank and the tipping floor design. Can contain 13,400 before it needs to be pumped.

Ingrid was confused because your plan stated you were not accepting liquid waste, and she had another question, is there public drop off?

Craig answered, there was some confusion, in Silver Plume there is no public drop off, but the plan for Grand County is to be open to the public for drop off.

Robert interjected that the transfer station regulations state, if you're going to have a public drop off, for passenger vehicles, there has to be a separate ingress for the public versus the trash trucks. Robert is asking, per the plan that states, there will not be any public drop off.

Larry, from STC stated that they were planning on having public drop off.

Robert replied that they would need to work with the county to create a public drop off type of facility. But at the present time the Operation Plan is not allowing public drop off, he believes this is what the plan states.

Larry replied that in Craig's design, the doorway is 24 feet wide with 2 lanes of traffic that can fit through that size at one time. Most likely there will only be one vehicle in there at a time, we can control that with lights and ingress.

Marcus stated in your certificate, **Section 19 of the Operating Plan states there will be no public drop-off at this time.**

Robert states that there would be separate access points from Highway 125.

Marcus stated this can be amended in the certificate but for now we have to stick with there is no public drop off.

Craig stated we will have to clarify this with staff. Will stick with what is in the operation plans which is no public drop off for now.

Marcus stated this must be clarified prior to the Board of County Commissioners meeting.

Marcus stated the point behind it is safety. So small vehicles do not get run over by larger vehicles. It can be added as a condition.

Larry replied every transfer station that he is aware of has the same access for commercial vehicles and passenger vehicles. All have used the same access to the property.

Grand County Planning Commission April 10th, 2019

Alex states that the staff condition will be, we need to get clarification from the State of Colorado, and to get current regulations on what the applicant needs to do to have public drop off.

Ingrid asked at one point it was discussed that screening to the north would be trees, but this did not work in the past, could not keep the trees alive. Will this still require screening to the north?

Robert stated this was an oversight, they have removed all screening requirements.

Tara asked if there will be screening off (State Highway) 125 as noted in #13 of the staff recommendations.

Robert stated # 13 is also an oversight, staff will remove all screening requirements.

Henry, no comment.

Bob, no comment.

Deborah where will this transfer station be located?

Alex stated it is 2 miles west of the town of Granby, past Windy Gap North of Highway 40.

Deborah, I live on a farm and raise cattle, and knows this area is very windy. She wants to know what is going to be done about the smell and blowing debris.

Craig responded from a debris perspective, this facility will have high speed doors that will be closed except to let in or out a vehicle. This will help prevent debris being able to escape. The site will be patrolled and cleaned up on a regular basis. From an odor perspective, there is not a tremendous amount of odor produced, because the material only stays on site max for 24 hours. In the tipping floor area, the simple act of moving the waste across the floor sops up the liquid waste and becomes part of the waste. The liquid tends to be where most of the odor comes from. The constant moving on that floor minimizes odor. Possibility of odor could happen and all business have to meet state regulations.

Sally asked the timber business will be decreasing, does this have anything to do with the current Special Use Permit, as in future beneficial use of the property?

Marcus stated the argument that the waste management business will be there as the lumber operations decreases. The applicant is looking to supplement his income.

Sally asked if you would rent/lease containers.

Craig stated there will be roll off containers on site, but not for private use.

Marcus asked if the trucks on your property that will be going in and out, are privately owned by other organizations or will you operate your own equipment?

Craig stated both.

Marcus asked in the site plan, presuming that the replacement of log trucks will start being replaced by any equipment utilized for this operation or most of the equipment you are buying for this as far as truck transfers, should be on the roads.

Craig stated if it's not moving it's not making money.

Marcus mentioned the main concerns that we have heard from the public are, the existing Special Use Permit, is not in compliance, Staff has that and will address on existing Special Use Permit and as a result we brought to the forefront, the Planning Commission can say it needs to stay in compliance. This is compliant driven so the public needs to bring it to Staff's attention if anything goes 'wonky'. We can limit the Special Use Permit.

Alex stated we changed it to five (5) years from the issuance of a building permit.

Marcus replied there needs to be a regular check up on the new operation. Any operation can have a fire. The site has been there a long time, long before the houses where there, so you knew what you moved next too.

Tara proposed to approve the Ranch Creek Solid Waste Transfer Station – Special Use Permit based on the conditions set forth by staff, plus the addition interpretation of the public access and the elimination of (condition) number 13. Deborah seconded. All in favor "aye", none opposed, motion carried.

Zoning Amendments – Private Camping, Camping Areas, Special Review Procedure, Definitions

Presented by: Joan Lyons, Planner 1

I. DISCUSSION

a. Background:

After various discussions throughout 2018 before the Planning Commission (October and November), and with members of the community, Staff found it appropriate to propose amendments to the Grand County Zoning Regulations in regards to camping. The proposed amendments adjust the verbiage in existing use permitted by special review from 'camping' to 'camping areas' in the Accommodations, Forestry and Open, Tourist, and Business Districts. Private Camping, previously outlined in these districts as a use permitted by special review, is added as a separate type of camping as a use permitted by special review to alleviate confusion.

For consistency, the proposed amendments also adjust the technical name for the Department of Planning and Zoning to the Community Development Department in Section 11.8, Special Use Permit Procedures. As well, the proposed amendments specify requirements for Special Use Permit public notice in regards to mailings, signage, and the process for permit changes in Section 11.8 Special Use Permit Procedures.

b. History

The Grand County Zoning Regulations were last changed in regards to camping throughout the County in June of 2014 to allow the use of camping as a non-commercial use on property consisting of 35 acres or more. No other camping changes have been made to the Grand County Zoning Regulations.

Previous Planning Commission meetings (October and November 2018) elaborated on the importance of having allowable uses for private camping stay the same as outlined in Section 11.8 currently. However, to accommodate for the demand of seasonal camping and to not hinder the development of commercial campgrounds, Planning Commission recommended the development of two types of camping; private camping and camping areas.

During the Board of County Commissioners Zoning Amendments Workshop on March 5, 2019, Commissioners explained concern about continuing to allow private camping in the Estate and Residential Districts, as they were under the impression that there were too few of parcels 35 acres or more within these Districts to allow regulation. Following, during the Board of County Commissioners Zoning Amendments Public Hearing on March 19, 2019, members of the community expressed concern about private camping and proposed changes.

II. STAFF COMMENT AND ANALYSIS: CAMPING

As much of the Grand County's seasonal tourism includes individuals looking to find campgrounds, camp privately on their property recreationally and during building season, Staff found it pertinent to extend uses of different types of camping. With the help of community members identifying concerns from previous Public Hearings, Staff has amended previous zoning amendment proposals to not only distinguish commercial campgrounds from private camping, but also create of a temporary use permit process for private camping on parcels 35 acres or more in the Accommodations District, Mobile Home District, Tourist District, and Business District. The proposed amendments also allow for private camping as a use permitted provided a property owner abide by other regulations outlined in 11.8(2). All other regulation changes in regard to camping bring County regulations up to state standards.

Amendment Wording Explanations

Section V Accommodations District

Uses Permitted by Special Review

(1) Camping areas

- In order to accommodate for current and future commercial camping in the Accommodations District, Camping areas are added as a use permitted by special review.

(2) Private camping

- In order to allocate for current and future private camping in the Accommodations District, Private camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the

language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

Section VI Forestry and Open District

Uses Permitted

(15) Private camping subject to the provisions of Section 11.8, Private Camping

- In order to allocate for current and future private camping in the Forestry and Open District, Private camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.
- Staff discussed the possibility with community members to require parcels in the Forestry and Open District that are adjacent to Residential District Zoned parcels to go through the Temporary Use Process if seeking to privately camp. Staff also took into consideration that 93% of the parcels in Grand County are zoned Forestry and Open. Because of the nature of complexity of the request, Staff found it appropriate to make this an allowable use.

Uses Permitted by Special Review

(1) Camping areas

- In order to accommodate for current and future commercial camping in the Forestry and Open District, Camping areas are added as a use permitted by special review.

Section VII Mobile Home District

Uses Permitted by Special Review

(2) Private camping

- In order to allocate for current and future private camping in the Mobile Home District, Private camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

Section VIII Tourist District

Uses Permitted by Special Review

(1) Camping areas

- In order to accommodate for current and future commercial camping in the Tourist District, Camping areas are added as a use permitted by special review.

(2) Private camping

- In order to allocate for current and future private camping in the Tourist District, Private Camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

Section IX Business District

Uses Permitted by Special Review

- (1) Camping areas
 - In order to accommodate for current and future commercial camping in the Business District, Camping areas are added as a use permitted by special review.
- (2) Private camping
 - In order to allocate for current and future private camping in the Business District, Private Camping is added as a use permitted by special review. Restrictions for use are outlined in existing language from 'camping' in Section 11.8(1)(h). This section, along with minute changes to the language in regard to Temporary Use Permit requirements, is moved to a separate section to alleviate confusion and enforce current regulations.

Section XI Uses Permitted by Special Review and Temporary Uses

Section 11.3 Review Procedure

Prior to submittal of a Special Use Permit Application, the applicant is required to have a pre-application meeting with the Community Development Department. This conference will be to discuss the general suitability of the request and specific submittal requirements.

Unless waived by the Board of County Commissioners (BOCC) pursuant to the provisions contained in Section XI, no application for a Special Use Permit shall be scheduled for consideration by the Board of County Commissioners of Grand County until all of the required material is first filed with the Grand County Community Development Department. The Board of County Commissioners will be guided in their review by the provisions and purposes of these regulations, by the unique conditions of the surrounding neighborhood, and by the countywide need for each use. No use shall be granted under this section without a public hearing being held thereon; notice of which, including a description of the property, the proposed use, and the time and place of hearing, has first been published at least once in a newspaper of general circulation within the area where the property is located and has been mailed to all property owners within five hundred (1000) feet of the proposal, at least twenty (20) days prior to the scheduled hearing in the following manner:

- (1) Publication: Public Notice shall be published at least once in a newspaper of general circulation within Grand County where the property in question is located at least twenty (20) days prior to the scheduled hearing; and
- (2) Mailing: Written notice shall be mailed by certified mail to all property owners within one-thousand (1000) feet of the proposal; and
- (3) Signage: A sign of twenty four by thirty inches (24"x30") shall be furnished by the Applicant and shall be

posted in a location fully visible from the street or county road and no further than twenty-five (10) set back from the road. Photographic proof of the sign shall be provided to the Community Development Department and the sign shall be in the following format:

NOTICE OF (DEVELOPMENT NAME, DATE)

APPLICANT NAME: _____

APPLICANT PHONE: _____

APPLICANT EMAIL: _____

PROPOSED PROJECT: _____

LEGAL DESCRIPTION AND ADDRESS: _____

Contact the Community Development Department at 970-725-3255 or email planning@co.grand.co.us with questions and concerns. The Planning Commission Agendas and Board of County Commissioner Agendas are available online at www.co.grand.co.us

- (4) The cost of publication, certified mailings and sign shall be paid by the applicant for the Special Use Permit.

Section 11.6 Amendments and Renewal

[1] An Administrative amendment will be considered when there are changes to the original permit, such as but not limited to a change in the name of the Permittee or other minor changes that do not otherwise affect the operation of the permit. An Administrative amendment shall only require an approval by Resolution by the Board of County Commissioners, and shall not require a public hearing or notice as described in Section 11.3.

[2] A Permit Amendment will be considered when there are changes to the original permit, and will be reviewed by the Board of County Commissioners during a public hearing following public notice as described in Section 11.3.

[3] A Permit Renewal will be reviewed by the Board of County Commissioners during a public hearing following public notice as described in Section 11.3

- Proposed changes to the review procedure in 11.3 and 11.6 explain the requirement of public notice to potential Special Use Permit applicants. Not only do the proposed changes explain requirements for notice, but also outlines the burden an applicant incurs. Minute changes have also been added to the review process to make projects in the process of obtaining special use permits more visible to the public and surrounding area.

Section 11.8 Special Uses

The following provisions are required for the applicable Special Uses as allowed within these regulations:

- (1) Camping areas are subject to the following additional provisions:
 - (a) Such areas may be occupied only by persons using travel trailers, truck campers and tents for overnight or short duration camping (not to exceed a total of 14 days);
 - (b) Each space for travel trailers, truck campers and tents shall be at least one thousand five hundred (1,500) square feet in area;
 - (c) Each space shall be at least thirty feet (30') in width
 - (d) Each camping area shall provide a central water supply and shall have one (1) sewerage system;
 - (e) The source, quality, quantity, distribution system, volume and method of storage water and method of collection and treatment of sewage and waste water shall be approved by the Colorado State Department of Public Health;
 - (f) No dependent mobile home, travel trailer, truck camper or tent shall be located more than two hundred feet (200') from a service building;
 - (g) Provisions shall be made adequate for all weather walkways to each space.

- Proposed changes to camping areas in 11.8(1) move 11.8(1)(h) to 11.8(2). 11.8(2) creates a separate use by special review for private camping. Other proposed changes bring County regulations up to state standards.

(2) Private camping is subject to the following additional provisions:

Purpose: The purpose of this is to provide for the non-commercial use of an individual self-contained recreational vehicle or other camping shelter (such as a tent) on property consisting of 35 acres or more.

1. Private camping is not permitted in a Residential or Estate Zoned District.
2. Private camping in any District as a use permitted by special review must obtain a camping permit.

A camping permit is a no-fee Temporary Use Permit issued by the Community Development Department. In addition to requirements of the Temporary Use Permit, the following requirements apply:

- a. Applications must be submitted at least fourteen (14) days prior to commencement of camping;
 - b. The permit shall be posted on the required address post, visible at all times;
 - c. By applying for a camping permit the applicant(s)/owner(s) authorizes the County to access the parcel(s) to verify compliance.
3. Exemptions: Any seasonal work crews and/or outfitting type business
 4. Compensation: there shall be no compensation to the owner of the parcel involved
 5. Time Limit: the travel trailer, recreational vehicle, camper or other camping shelter may only be used for camping for a period that does not exceed a total of 14 days during any consecutive three months on the same parcel.
 6. Utilities: Utilities are not permitted to be extended to the camping unit.
- The proposed addition of private camping in 11.8(2) takes mostly existing language in 11.8(1)(h) and breaks camping into two different definitions. 11.8(2) creates a separate use by special review for private camping. Other proposed changes require the creation of a Temporary Use Permit to be on file with the County for any camping occurring on parcels zoned Tourist, Business, Accommodations, and Mobile Home. Verbiage regarding Temporary Use Permit for private camping is almost directly taken from Park County's camping regulations.

Section XX Definitions

Commercial Camping: parcel of land available to and principally used by the public for commercial lodging or camping, where persons can camp, secure tents or cabins, or park trailers for camping and sleeping purposes.

Private Camping: Temporary, non-commercial lodging by a lot owner or owners. No tent, trailer, recreational vehicle, or other camping unit may be permanently affixed to the ground.

- The proposed additions of commercial camping and private camping definitions accommodate for the separation of types of camping in the County. Regulation changes also remove the definition of

'camps', as the verbiage is vague and causes further confusion of separate camping definitions in 11.8(1) and (2): uses permitted by special review.

- Proposed addition definitions are almost directly taken from Park County and the State of Montana's camping definitions.

Joan has stated that staff has worked with the public to talk about how we would propose changes to the zoning regulations to the Planning Commission.

Proposed changes to the Zoning Amendments: The adjustment of verbiage in existing Use Permitted by Special Review form camping to camping areas in the accommodations regarding, Forestry and Open, Tourist, and Business Districts. The adjustment of the technical name for the Department of Planning and Zoning to the Community Development Department of Special Use Permit Procedures. The addition of private camping as a Use Permitted in Forestry and Open District, provided they have the proper land area. The separation of private camping and camping areas in existing Uses Permitted by Special Review. The addition of specification for Special Use Permit public notice, mailings, signage and the process for permit changes. Definitions, including those related to private camping and commercial camping.

Joan noted changes from previous hearings, inconsistencies in regards to the notification boundaries. Mailing notifications, previously was 500 feet will now be 1000 feet. Our county requires notification for Special Use Permit projects. Proof of publication, usually we submit a public notice to be included in the Middle Park Times, 20 days before the meeting. People have contacted us to ask how they would know about the meetings because the Middle Park Times is a paid subscription and not everyone reads it. Possible put in papers in the general area where the Special Use Permit project is being applied. We do have a resolutions that states how we provide notices, we would have to update this document also. The public notices do have to be in a paid publication, so it will have to remain in the Middle Park Times paper. We could supplement that by adding to the week of events section, and our communication director is looking to create a partnership with the newspapers.

Marcus added a need to keep the cost minimal for the applicant and if your general approved notice is always the Middle Park Times then maybe having a note on the county website stating the Public Notice.

Ingrid asked if these announcements are on the county website.

Joan replied that the county's communication coordinator working on having these announcements on the county website. It would be a new tab and something that the public can sign up to be notified. Community Development has its own section now for all updates. We can send out notification to people who sign up.

Joan then discussed signage. Have sign closer to the road, use to be 25 feet from road, now proposing 10 feet from the road. The notification sign is 24 x30 inch sign.

Joan discussing the separation of camping areas and private camping. We added the word "AREAS" to distinguish the two (2) different types,

Ingrid asked could we just call it "private camping" and "commercial camping," not "camping area".

Joan agreed with the changes.

Marcus stated in definition you already have "for profit:" and "not for profit."

Joan stated the next item changes were adding the time limit to "not to exceed 14 days" comment.

Marcus asked about seasonal workers with trailer, what is the point of 14 days in commercial camping, why the limit?

Joan replied, we are trying to stay consistent. Aligns with U.S. Forestry Service for their campgrounds. The Board of County Commissioners disagree with this also.

Marcus if you are in an approved campground, you are generating a lease with that owner and in an established location, why limit it?

Ingrid stated we had this discussion before.

Marcus reiterated why limit it for commercial, private yes? If you have an approved camp ground who cares if they are there all summer? Please remove this.

Joan moved onto the next amendment which is B, crossing of mobile home space. This aligns with state statues.

Joan added the deletion of the definition of camping each as it is separate in private camping as a new separate Special Use Permit review process. Additions include that this is a very heavily debated topic that private camping cannot be permitted in a residential or state zoned district. Second section goes over the special review process, if it is in a district where it is not permitted, we are creating a permitting process, no fee attached to it, that people can camp on their property, like U.S. Forest Service. You have to submit an application prior to your camping, you have to show your permit on the property and Forest Service has access to the parcel while camping to make sure all is legal.

Ingrid asked about someone camping on their own property, you are only allowed 14 days. You need a permit just for the 14 days? This seems like a lot of oversight on private property.

Joan replied took this from a more local Colorado county that has this regulation, so certainly this can be changed. This does not include parcels zoned Forestry and Open. Public concerns, water and sanitation. 94% county zoned Forestry and Open, so this would be very hard to inforce.

Ingrid asked how people would know they would need a permit to camp on their own property.

Joan stated that is something that we have considered as well, though we could restrict to parcels that are zoned residential. This just over complicates the situation, this would be over 700 parcels.

Marcus - Forestry and Open will be use by right. Tourist and Business is all you have left because you excluded Residential. Maybe reword number 2 to say, private camping, in districts were it is allowed by special permit.

Deborah asked why the time limit?

Joan explain we have things to think about, water access, sanitation access, environmental hazard, could the property be adjacent to a property of water and contaminate it? The public health of the individual camping.

Ingrid asked if you could pitch a tent in your backyard for your kids to play in.

Joan replied it depends on how large your parcel is, but limited to 14 days. We did define commercial camping and private camping.

Public Comment: Mandy Hanifen, a comment was made by a Commissioner as to why a number of days for camping. We are trying to make sure we do not have people squatting/living in a camper. There is a real difference between camping and living. In my residential zoned district, we have two (2) parcels of land that are well over 35 acres that have camping on their property. With the forest so close by, they have camping and recreational shooting, we have had a neighbor's dog die from being shot from a long range rifle. There

are no rules and regulations regarding who can be on the 35 or larger parcels of property. As far as public notification goes, touched on county website, newspapers, (also non subscriptions) would be wonderful. We do understand the cost to the applicant, but it only has to be published once. Possible a notification being put in the local post offices. The public appreciated being kept in the loop. After the 3.19 meeting (then postponed) it gave us an opportunity to have a public workshop with the county staff. They then sent a letter to the Board of County Commissioners and received a response from Kris Manguso. Kris stated "she is not in favor of any private camping outside of the Forest and Open zoned district. I may be convinced to consider it in Mobile zoning or Accommodations but not in Tourist or Residential zones."

Joan commented there is a section in the regulations that need to be removed. In regards to notice, we are in the process of developing, 8 1/2 x 11 inch flyers to be posted in the local post offices, market places, county libraries, places that are public services. The thinking was posting once a month. This is something that we would have to present to the Planning Commission before any changes can be made.

Joan asked to revise the regulations for the 14 day time limit for camping. Applications must be submitted prior to commencement of camping.

Marcus stated there still is the question of do they need a permit for camping, but if there are only 80 parcels in residential parcels over 35 acres will accept for now.

Public Comment: Stan Spencer from Grand Lake, a concern for commercial camping, not sure if there is a time limit on commercial. At what point does long term occupancy of a motorhome, travel trailer, truck, camper or tent be consider too long for a camping activity.

Marcus commented in a commercial area, we said to pull the restriction of days, if it actually an approved campground. You are dealing with a lease with that campground owner. The campground owner would regulate the terms.

Stan continued a concern - if I live off County Road 4 and one of our residential neighborhoods are right up against Tourist zoned, we are going to have an RV as a permanent dwelling,

Marcus reiterate, no commercial, meaning established and approved by Planning and Board of County Commission, in a campground. So an established campground that follows the regulations that is set forth.

Stan commented about seasonal campgrounds, long term camping permits in other counties, they have applications where is states the duration of the camping rather than being open ended.

Marcus replied verbiage states seasonal use part that we utilize, and the other thing we allow in our regulations if you are going to build on your property you can camp for a period of 1 year from issuance of the building permit while you are building.

Stan showed pictures of a school bus that was parked on a residential area.

Marcus reminded people to turn these types of things in as a zoning violation.

Stan did turn this in and it took 3 months to remove this bus.

Marcus stated that we want to clean the language up in the camping regulations so we do not have issues and if here are issues, there are ways to remedy the problems. This is why we established commercial and private camping regulations.

Grand County Planning Commission April 10th, 2019

Ingrid proposed to approve Zoning Amendments, Private Camping, Camping Areas, Special Review Procedure, and Definitions as presented. Sally seconded. All in favor "aye", none opposed, motion carried.

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

Meeting adjourned at 10:45PM
