

AMENDED FINAL PLAT
THE E1/2 OF LOT 3 & LOTS 4-6, ADAMS FIRST ADDITION TO GRAND LAKE
SITUATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 75 WEST
OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF GRAND, STATE OF COLORADO
CONVEYANCE AT BOOK 484, PAGE 451

3. The dedication statement shall be amended to reference Amended Lot 6, Adams First Addition to Grand Lake as the correct legal description.

The following conditions shall be met or sufficiently addressed prior to recording:

4. A site visit shall be completed to confirm that the deck no longer encroaches past the property boundary of Lot 6.
5. The Final Mylar shall be on a 24" x 36" sheet, at a minimum scale of 1" = 100'.
6. Current 2022 property taxes shall be paid in full prior to recording.
7. A Quit Claim Deed shall be provided conveying the new property description from "Judy R Brooks Revocable Trust Agreement 03-03-2005" to "Judy R Brooks Revocable Trust Agreement 03-03-2005".
8. An electronic copy of the Final Plat shall be provided.
9. All recording fees are to be paid by the Applicant.

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

DISCUSSION:

Bob asked for a clarification on the deck encroachment being from a neighboring property and as stated their will be a site visit (condition 4) to validate it no longer is encroaching on Lot 6.

No further discussion was made and chairperson asked for a motion, which there was a motion made by Loreta to recommend approval for Amended Final Plot of Adams 1st addition Lots 3-6. Motion was second by Bob. Motion passes by "Aye" from all members.

2.) GRAND VIEW PARK, LOTS 9 & 10 – AMENDED FINAL PLAT

The Applicant is requesting approval of an Amended Final Plat to combine Lots 9 and 10 in order to build a home in compliance with HOA covenants

STAFF COMMENTS:

The Grandview Park Homeowner's Association provided written approval, dated February 28, 2023, for the proposed lot combination, stating that there have been several properties in the

neighborhood that have combined lots to allow for a bigger building footprint or to create more space between neighbors.

STAFF RECOMMENDATION:

Staff recommends approval of the Amended Final Plat of Lots 9 and 10 in Grand View Park Subdivision with the following conditions to be met or sufficiently addressed prior to recording:

1. The correct address, 451 GCR 4571, shall be shown on the plat.
2. An electronic copy of the Final Plat shall be provided.
3. The Final Plat Mylar shall be on a 24" x 36" sheet, at a minimum scale of 1" = 100'.
4. All recording fees are to be paid by the Applicant.

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

DISCUSSION:

No discussion from any parties

Motion for recommended approval made by Loreta and motion was second by Bob. Motion passes by "Aye" from all members.

3.) LA HOCKEYENDA SUBDIVISION EXEMPTION – SKETCH PLAN

The Applicant is requesting to divide a 40.68 acre, Metes and Bounds parcel into 2 lots by process of a Subdivision Exemption.

STAFF COMMENTS:

✓ Given that the current property encompasses 77 acres, there will remain 35.2 acres of the parent property, as a Metes and Bounds parcel and a deed shall be recorded concurrent to the final plat dividing the eastern 35.2 acre property.

STAFF RECOMMENDATIONS:

Staff recommends approval of the La Hockeyenda Subdivision Exemption Sketch Plan. The following shall be added to the final plat:

1. Plat note: One (1) single family dwelling and accessory structures shall be allowed per lot.
2. Plat note: Lot 1 and 2 of La Hockeyenda Subdivision Exemption is located within the Granby Airport Review Area and are subject to the design criteria of the overlay zoning district. Proper notice, if required by the Code of Federal Regulations Title 14 Part 77.9, shall be completed prior to any building permit approval.

3. Plat note: Buildings shall be placed away from ridges to protect view sheds. The top of the roofline shall not exceed the ridgeline. No structure, soil disturbance, vegetation removal or other uses shall be permitted within the designated No-Build Zone.
4. Plat note: One (1) approved solid fuel burning device is allowed per single family residence for any new construction.
5. Plat note: Exterior lighting shall be minimized and shall be designed and installed to subtly illuminate functional areas only. The source of light shall not be visible above a horizontal plane and shall direct the light inward and downward onto the site and away from the adjoining properties. Fixtures shall be hooded and shall not be located above the eave lines. Use of "Dark Sky" fixtures is encouraged.
6. Plat note: Earthen tone colors and materials that blend with the natural environment shall be used on the exterior of all structures, including but not limited to, facades, roofs, doors, and trim.
7. Plat note: All windows shall have low emissivity glass with no exterior reflective coating.
8. Plat note: Any fencing installed on this subdivision shall conform to the recommendations of the Colorado Division of Wildlife publication, "Fencing with Wildlife in Mind."
9. Plat note: Access to Lot 1 of La Hockeyenda Subdivision Exemption is provided by Access Easement recorded at Book 85, Page 44 and Book 159, Page 188 and is subject to the terms and conditions contained in the Access Easement Agreement recorded at Reception No. 2013006232. Access to Lot 2 of La Hockeyenda Subdivision Exemption is provided by Access Easements recorded at Reception Nos. 97000462, 93004294, 93004296, 94004765, 96003898, 96005221, and Book 466, Page 223. Access Easement recorded at Reception No. _____ provides access from access easement recorded at Reception No. 97000462 to Lot 2 of La Hockeyenda Subdivision Exemption.
10. Twenty (20) foot utility easements shall be shown along the rear and side lot lines for utilities on Lot 2.
11. A twenty (20) foot utility easement shall be shown on the plat around all existing power lines.

The following conditions shall be met or sufficiently addressed prior to recording of the Subdivision Exemption:

1. Where possible access easements shall be corrected to be access and utility easements.
2. The Applicant shall be required to correspond with the ditch owner, Grand County Irrigated Land Company, and obtain documentation stating that the ditch is abandoned or

that ditch crossings are required to comply with the provisions outlined in Section 2.13 prior to Final Plat.

3. Current 2022 property taxes shall be paid in full prior to recording.
4. School fees in the amount of \$895.60 shall be paid at the time of Final Plat recording, unless otherwise determined by the East Grand School District.
5. The Applicant will be required to provide \$1000.00 per lot for a total of one (1) lot before the sale of the lot to be held either by Grand County or turned over to a properly formed Sanitation District for future water quality measure. Applicant will also be required to enter into a Water Quality Agreement with the county prior to recording of this plat [Section 3.3 (3g)].
6. The Applicant shall work with the Hesselman's about potentially establishing a new access easement.
7. A new 30' access easement, extending from the Hesselman's property to Lot 2, shall be recorded concurrently with recording of La Hockeyenda Final Plat.
8. The Applicant shall provide Quit Claim Deeds for Lot 1 and 2 of La Hockeyenda Subdivision Exemption and the 35-acre Metes and Bounds parcel. All Quit Claim Deeds shall be recorded concurrently with the final Mylar.
9. A Subdivision Improvements Agreement (SIA) shall be required at Final Plat for access and potentially ditch crossing improvements.
10. All Final Plat requirements shall be met at Final Plat.
11. All recording fees are to be paid by the Applicant.

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

COMMENTS:

Representative would like verbiage added that the top of the roof line shall not exceed the ridge line and view from Highway 34 at a location perpendicular to the proposal building. Chairperson wanted to make sure that representative was comfortable with the available building envelopes with mentioned conditions being amended in #3 and representative confirmed with a yes. Staff agreed with the modification as well.

Thomas wanted clarification as to where the easement would be built. Jorune explained that it is already an existing easement and there would be no new access since the easement already exist. The easement will be a private driveway. There would also be a possibility of underground utilities added in the future as well. Thomas was okay with the addition of the utilities.

Owner North of property in question had concerns on how the road would be maintained and the clarification was made that it would be established as a 1.5 mile driveway maintained by the owner. She also voiced her concerns about the type of wells and the type of dwellings on the land.

Jorune explained the 35 acres has a domestic well and when he does this, he gets 2 single family, household, use wells. He loses a well, so both homes will be single family use only. Just for clarification there is also the 30.15 acres for one household and the 10 acres which is the only one that now has a house on it.

Bob inquired about future use of the 35 acres

Jorune stated that we do not have jurisdiction of properties over 35 acres because of Senate Bill 35. There won't be any restriction that we can impose on that residual property at this time.

Loreta asked if there would be setbacks in the building envelope accounting for the dry ditch, and Jorune confirmed there will still be the 30' setback. However, in order to actually cross it, they will need to find out if the owners have a problem with crossing the ditch without a SIA.

Utility easement has not been established but owners encouraged by staff to contact Mountain Parks Electric (Jean) who can provide more information on the subject.

Loreta motioned to recommend approval for the La Hockeyenda Sketch Plan with staff recommendations and newly listed verbiage and Chris second the motion. Motion passes with all in favor by "Aye".

4.) AMENDED FINAL PLAT, LOTS 1-3, FINNIGAN SUBDIVISION

This request is to combine Lots 1, 2 and 3 of the Finnigan Subdivision back into a single parcel of land to allow for resort cabins and a barn/event center to be constructed.

WH CABINS, LLC, is the owner of Lots 1-3, Finnigan Subdivision, by Warranty Deed recorded at Reception Nos. 2022007674, 2022007675, and 2022007676 of the Grand County Records. The Applicants are requesting approval of an Amended Final Plat to combine three adjacent subdivision lots and remove the portions of the platted building envelopes between them, while retaining the platted utility easements.

Finnegan Subdivision is located east of US Highway 40 near Tabernash, and was originally platted in 2001 (Reception No. 2001005808). This subdivision re-platted Tract D of Sunset Ridge (platted in 1970) into three lots. Lot 1 is 2.71 acres and vacant; Lot 2 is 3.00 acres and currently contains the Wildhorse Inn Bed and Breakfast; Lot 3 is 2.75 acres and currently vacant.

The intention of this Amended Final Plat is to increase the building area of the three lots, as well as allow the addition of 26 resort cabins by removing plat note 2), which states that "Lots 1 & 3 are limited to one (1) single family dwelling only."

STAFF COMMENTS:

Staff has received several emails regarding the possible impacts of the proposed use. While staff understands the concerns, the request before the Planning Commission is to combine Lots 1, 2 and 3 of the Finnigan Subdivision into a single lot. The uses of the property after they are joined will be reviewed during the building permit process in the same manner as any other use by right. This includes ensuring adequate water and sewer is available. Staff would like to note that there is an existing water augmentation plan that is in the process of being amended. This is a State of Colorado Water Court issue, and Grand County does not have the authority or ability to agree or disagree with the State of Colorado on water issues. Staff understands the owner has hired an engineer to ensure the Onsite Wastewater Treatment System is compliant with all applicable regulations. The adequacy of both water and sewer will be ensured at the time of building permit submittal.

STAFF RECOMMENDATION:

Staff recommends approval of the Amended Final Plat of Lots 1, 2 and 3 of the Finnigan Subdivision with the following conditions to be met or sufficiently addressed prior to recording.

1. Either the proper releases from the Finnigan Subdivision 1 LLC and Finnigan Subdivision Lot 3 LLC shall be recorded, or the lienholder certificates shall be placed on the Amended Final Plat.
2. The title and legal description on the plat shall read as follows:

AMENDED FINAL PLAT
LOTS 1-3, FINNIGAN SUBDIVISION
Recorded at Reception No. 2001005808
Located in the SE ¼ Section 5, T1S, R75W of the 6th P.M.
Grand County, Colorado
Conveyance to the Subdivider at Reception Nos.
2022007675, 2022007675 and 20220076796

3. The legal description shall be Amended Lot 1, Finnigan Subdivision.
4. Taxes for 2022 for all three (3) Lots shall be paid in full.
5. The well permit shall reflect current ownership.
6. Recorded confirmation terminating the Finnigan Subdivision covenants recorded at Reception No. 2001-005813 shall be provided prior to recording.
7. A Quit-Claim deed transferring the property from the owner to the owner showing the new legal description shall be provided.

All legal items are subject to the review and approval of the Grand County Attorney's office.

DISCUSSION:

Jeff Vogel gave a presentation for Finnigan's Ranch about plans and ideas for Wild Horse once they have approval for the joining of the three lots and the plans if the lots were not joined. This information was a courtesy and not required since this meeting is about an amended final plat and not about the uses of the land.

Kris noted that Jeff's presentation was given because Devil's Thumb Ranch did not want to blindside the neighbors. They wanted them to know their future plans. This could have gone through as an amended final plat and then they could have gone directly to getting building permits, but out of respect for the neighbors and to give the neighbors a chance to see what was being considered. That's the reason that this presentation was done tonight.

Pamela spoke of how the neighbors are concerned about water conservation, county codes for onsite septic and the most upsetting thing is the thought of 26, tiny little cabins with 2 bedrooms each. Also, the concerns about the impact of the domestic well usage. She also wanted to know what is being done to keep it fire wise. Jeff did note that as they are constructing the removal of downed trees is a constant to keep the area free of fire hazard debris.

Aubrey wanted to echo a lot of the concerns raised here today also expressed concerns for high traffic and noise once established. She also appreciated the access off of county road 83 in the proposal as well.

Kris noted that Amended Final Plats are not required to send notification at all. However, out of respect for the neighbors, the people most impacted (adjacent property owners) were notified, just to try and be as transparent as possible.

Josh made two points, one that the two vacant lots we're limited to one single family home per lot and this re-subdivision is going to eliminate that plat note. So, we are eliminating density restrictions by virtue of what's being proposed today. The 2nd point is there's also some no build areas that follow the old lot lines that are also being eliminated as well.

Kris responded that he's correct in stating the 2 single family residences limitation would be removed. Please keep in mind that as Mr. Vogel showed you, the 2 single family residences can be 35' tall and 20,000 square feet in size – they can also be short term rentals. That is use by right on any single family residential property. Grand County does not limit the size of residential dwellings. It seems the proposed impacts are less than what they could do today.

Max added that amending lots eliminates plat notes and so they will have new plat notes, new requirements, new restrictions. She stated that this is an Amended Final Plat is legal and it is allowed. This is the process.

Chris asked if there could be a restriction added to not be able to re-subdivide the adjoining lots in the future or recommend that we could do a plat note that if these are reduced to one they can

never be re-subdivided in the future? It's just a question. So, combining the lots makes the entire project more cohesive and less intrusive.

Hearing no further comment from the commission. Shaun (Chairman) ask for any motions to carryout. Kim motioned to recommend approval of the Amended Final Plat of Lots 1, 2 & 3 subdivision with the conditions discussed. Bob second the motion.

All in favor stated with aye, none opposed so the motion carries. This will now go to the Board of County Commissioners for final approval.

NORTHERN SLOPE SUBDIVISION – SKETCH PLAN

Stillwater Ranch-11, LLC, represented by Kent Whitmer, is the owner of approximately 130 acres of land by Warranty Deed recorded at Reception No. 2017001053 of the Grand County records. This request of to create a seven (7) lot subdivision on approximately 20 acres in the northeastern portion of this parcel.

This subdivision will be accessed from US Highway 34 via County Road 4. The applicant is required to provide an executed quitclaim deed which conveys any interest they may have in the County Road 4 60' Right-of-way. ✓ A draft Quitclaim Deed, which conveys any interests that the 7.2 acre metes and bounds parcel may have in the County Road 4 60' right-of-way to Grand County shall be provided with any final plat submittal. All legal documents required in conjunction with final approval of this request must be reviewed and approved by the County Attorney prior to any recording of any final plat.

STAFF COMMENTS

It is staff's understanding that the developer's intent is to obtain sketch plan approval, then move forward with preliminary and final plat for the cabins only, leaving the single family and multi-family areas for future platting and development. This is significant considering the preliminary plat that expired in October of 2022 was for multi-family development adjacent to the Arnold property. It was this request to construct multi-family buildings that had a variance to allow for additional height, which created the majority of concerns and comments. As stated above, that preliminary plat has expired, as well as the height variance that was approved in conjunction with that plat.

COMMENTS:

A brief history was presented by Kent Whitmer regarding Stillwater Ranch and the previous development proposals, including an augmentation plan that had never been utilized. That water system is referred to as a global augmentation plan and in order to utilize that for this project and the project South, and for the remaining balance of the property we had to come up with an agreement that would split that augmentation plan into three (3). We created an agreement that is called an augmentation, Sharing agreement. It's an agreement between this HOA that's going to control these lots to the South it's already in place and then the remaining part of the property. That agreement sets out the right and obligations of all of those property owners to the water within that augmentation plan. This was such a robust plan that it will never be fully utilized. So, there's plenty of water for this project here.

Chairman opened for discussion and Bob wanted clarification on lot locations as there were two areas of open space along with the seven (7) lots. Once clarified there were no other questions from the commissioners.

Mandy wanted verification that the lots would be for single family and also voiced concern with the possible wetlands and that would be handled appropriately as well as the conservation part of the land. There are some concerns about homes being built below the ditch if it were to blow out who would be responsible for basement flood out from the top.

No other questions for discussion so the chairman

Chris recommended approval Bob second motion...motion carries, no opposed.

Red Hawk Ranch Subdivision – Sketch Plan

The applicant is requesting sketch plan approval for Red Hawk Ranch Subdivision to allow for 228 residential units on 95 acres of land.

J. Scott Bradley is the current owner of the proposed Red Hawk Ranch Subdivision, which consists of approximately 95 acres of land located just south of Tabernash by Special Warranty Deed recorded at Reception No. 2000005371 of the Grand County records.

Red Hawk Ranch Sketch Plan initially received a recommendation of approval from the Planning Commission in November of 2000, by Resolution No. 2000-1-8. The 2000 approval was for 140 single family lots, with the ability to replat up to 159 units into duplex and/or condominiums, subject to further future subdivision. This could have resulted in a density of 299 total units. In 2013, the sketch plan was revised to reduce the proposed density by 72 units, from 299 to a maximum of 228. Open space increased to 40.5%, well above the 20% required in the subdivision regulations. The revision also provided a more logical transition between Coyote Creek Subdivision, which is adjacent to the north, and larger properties to the south.

Initially, the property was split zoned into both Forestry and Open and Residential Zone Districts. A rezoning for the entire 95 acres to only Residential was granted by BOCC Resolution No. 2002-2-31, recorded at Reception No. 2002-005631.

The sketch plan was extended yearly until a Preliminary Plat was submitted and received BOCC approval in October of 2021. That approval expired in October of 2022. This results in the Applicant having to start at sketch plan again.

There has been much discussion in the past over MF1 and MF2 begin adjacent to the Arnold property. At this time, staff is not going to delve into the details of any future MF platting. This request is to basically re-approve a sketch plan that was done in 2013. It is staff understanding that the Applicant will be moving forward with preliminary plat on the cabin area, not the MF lots adjacent to the Arnold property.

STAFF RECOMMENDATION:

Staff recommends approval of the Red Hawk Ranch Subdivision Revised Sketch Plan with the following conditions to be met or adequately addressed with any Preliminary Plat submittal:

1. Proof of adequate water and sanitation services to serve the proposed density.
2. Irrigation ditches must be shown and labeled on the plat.
3. Adjacent property owners shall be shown.
4. All building envelopes shall comply with setback regulations, including water quality setbacks.
5. All easements, including the high pressure gas line shall be shown.

All items within the certificate identified with a ✓ symbol are preliminary plat requirements and must be addressed with any preliminary plat submittal.

DISCUSSION:

Jeff (representative) What has changed is we did reduce some of the cabins from 44 to 37 and then we transferred that to some of the multifamily areas. The total density stayed the same 228, circulation stayed the same, terms of the roads and the open space. The other change is up in the Southeast corner location we had 8 lots there and now we have two (2). Those tend to be for single family. Having been involved in a lot of these master plans over the years, the more diversity of housing we have the better it is. It's better for adaptability, the community and it taps into alternative price points. Our immediate plan is to proceed forward with the 37 cabins.

Chris noted that it appears to her that this whole project flow well with Coyote Cree and the surrounding neighborhood. It is a natural flow of what's already there in the surrounding neighborhood.

Chairperson added there's not an issue with the density or location but just wants to make sure that the traffic as it flows through and the road, because again, it's an issue and there is a lot of things happening at CR 533 and 522E. I just want to make sure it's studied and I would like to see the study.

Eric asked What's the cabins square footage? Jeff's response was that these would be 3-bedroom 1800 sq. ft. to 2200 sq. ft. with two car garages.

Susan – not opposed to building but there are concerns for floodplain delineation. Tabernash is a low-lying area. Kris stated that on page 7 of the certificate, that the requirement for floodplain has already been addressed with the 100-year floodplain as well as to be delineated. She also expressed her concern right of way issue and expressed that it needed to be addressed before new

development could take place. She also asked the commission to consider adding condition of occupancy be required for the developer.

Becky asked if the developer would be providing second access for more than nine units? Kris stated that there are historical agreements that have been made and yes current road and bridge standards do state that. However, there were agreements made in the past on several levels that the Board continues to respect.

Jeff responded with in regards to the wetlands, the delineation was done and an updated letter was provided from the core regarding what was jurisdictional and not jurisdictional. Also, the access point of the access agreement that's been acknowledged.

Shaun asked for a motion

Loreta made the motion to recommend approval Chris second the motion...motion carried

Subdivision and Zoning – Unincorporated Grand County

Zoning Regulation Amendments – Establishing a distinction between the permissibility of an accessory dwelling unit based off a property's water source and incorporating all of DWR's requirements for accessory dwellings served by household use only wells [Section 13.1 (2E)]

Subdivision Regulation Amendments – Amendment to include the term “open space” in the dedication requirements and remove a statement that does not meet the intent of open space [Section 5.5 (2)]

STAFF COMMENTS:

It should be noted that at the March 8, 2023 Planning Commission a comment was made in opposition of taking out the statement “driveways, however, as entrances to the parking areas may be permitted with Commission approval”, claiming that removing the ability to use driveways as part of the 60% is in direct conflict with the proposed affordable housing incentive to reduce open space and increase density. It was stated that the Master Plan encourages porous paving instead of impermeable surfaces and language in regulatory documents should encourage their use. While this is true, driveways, regardless of surface type, are not a permitted use of open space, as defined in the Grand County Subdivision Regulations (Section 1.6, Subsection 20), and are inconsistent with the intent of these dedicated spaces. During the meeting, comment was also made that the proposed Ridgeview Townhome development would be adversely impacted by this statement being removed. However, according to Road and Bridge Standards, a driveway is classified as an access serving less than 20 average daily traffic (ADT) and, as a 7-unit multifamily development, Ridgeview would generate 35 ADTs (5 ADT/Unit x 7 Units – Section 3.2 Road Design Standards). In view of these facts, the 60% open space in the proposed Ridgeview Townhomes Sketch Plan remains noncompliant with regulations. Ultimately, if the statement is not removed, Staff recommends adding language within this section defining the term “driveway” as provided within the County Road and Bridge Standards.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to the Grand County Zoning and Subdivision Regulations. It is Staff's opinion that establishing a distinction between the permissibility of an accessory dwelling unit based off a property's water source and incorporating all of DWR's requirements for accessory dwellings served by household use only wells will align the overarching restrictions that guide these regulations. The addition of the term "open space" and removing the statement that can allow driveways to be part of the 60% open space requirement will also help ensure the intent of open space is maintained with any future developments.

DISCUSSION:

Shaun ask that there be a clear definition between driveways and open spaces so there is no confusion.

Clarification of the ADU is proposed on a lot served by a well, it must be directly attached to the structure. They can't be off the top of their garage. Jorune state that we usually see something being detached, the state of Colorado calls them auxiliary living spaces. So, it's essentially just a bit of an expansion to an existing house that's a little more isolated.

Loreta asked what's the difference between the domestic? Jorune replied Domestic is usually for properties 35 acres or more. So that's actually allows water usage for 3 single family homes. Most smaller properties that you see throughout the county will be a household use only well.

Chris motions to recommend approval and Bob seconds, motion carries.

The meeting was adjourned at 8:43pm