

GRAND COUNTY PLANNING COMMISSION
WebEx SPECIAL MEETING MINUTES

Wednesday, April 22nd, 2020

MEMBERS PRESENT: Sally Blea Will MacDonald
Ingrid Karlstrom Kim Shepton
Tara Fournet Henry Broadhurst
Marcus Davis

MEMBERS ABSENT: Bob Gnuse Deborah Fitch

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

The meeting was called to order by Chairperson Marcus Davis at 6:31 PM. Roll call was taken.

All minutes from April 8th and 22nd Planning Commission meetings will be presented at the May 13th, 2020 Meeting.

Chairperson Marcus Davis announced that we will vote by exception on this WebEx Planning Commission call. There were 6 members of the Public in attendance by WebEx.

Byers Peak Ranch Filing 2 – Multifamily Preliminary Plat – Byers Peak Properties

Presented by: Robert Davis, Director, Community Development

CERTIFICATE OF RECOMMENDATION

Planning Commission April 22, 2020 ; Board of County Commissioners TBD, 2020

PROJECT NAME : Byers Peak Ranch Filing 2 Multi-Family Subdivision- Preliminary Plat

APPLICANT : Cornerstone Winter Park Holdings (Byers Peak Properties, LLC and Byers Peak Ranch, LLC) represented by Clark Lipscomb

LOCATION : A parcel of land, being Government Lot 3, Government Lot 4 EXCEPT the Westerly 440 feet thereof, and a portion of the south ½ of Section 19, and the N1/2NE1/4 of Section 30, all in Township 1 South, Range 75 West of the 6th P.M., County of Grand, Colorado.,

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

ZONING : R - Residential District

ATTACHMENTS : a) Application
a) Cover Letter and Project Summary
b) Vicinity Map
c) Sketch Plan (Existing Conditions, Existing Zoning, Site Plan and Proposed Buildings: Character Images)

STAFF PLANNER : Alexander Taft, LEED Green Associate, Planner and Robert C. Davis, AICP, SMP Director

REQUEST : The Applicant is proposing a subdivision in order to construct 60-unit subdivision of multi-family on 3.4 acres creating a density of 13.2 dwelling units per acre.

I. BACKGROUND

“Filing 2” is a continuation of the larger proposed development in Byers Peak Ranch. This application represents 4.2 acres of the overall 295.4 acre Byers Peak Ranch site. Filing 1, which is located south of the subject property calls for the development of 123 units on 12.7 acres. The Filing 2 site is bounded by Mill Avenue to the north, an extension of Norgren Road to the west, adjacent to the Union Pacific Railroad to the east and the future remaining phases of Byers Peak Ranch development to the south (see vicinity map above). Both Filing 1 and Filing 2 were the subject of a 23 acre Concept Plan approved at the April 2019 Planning Commission meeting pursuant to Article 8 of the Subdivision Regulations.

The Planning Commission granted a variance pursuant to Article 8 in conjunction with the Filing 1 request for setbacks. The Applicant will include a plat note for Filing 1 stating that variances would be considered for concept but applicable only to Filing 1. The Filing 2 Sketch Plan called for three (3), 3-story buildings and one (1), 2-story building located in four (4) parcels adjacent to Filing 1. These four (4) among three parcels created as a Master Planned 23 acres.

The property subject to this proposal is within the R - Residential District. Some portions of the larger 295-acre Byers Peak property is zoned F - Forestry & Open.

This Preliminary Plat is a review for 60 units in 2 three story buildings and a club house on Parcel 2. The type of units proposed include a mixture of one bedroom units, two bedroom units and three bedroom units.

A variance was also approved, for buildings with pitched roofs and heights up to 45 feet, by the Board of Adjustment in December 2019.

The proposed multifamily buildings are also intended to be incentivized with tax credits by the Colorado Housing and Finance Authority “CHFA”, which was awarded in September 2019, helping to provide for low-moderate income housing units. The land use layout of Filing 2 at the northeast portion of the Byers Peak development provides for higher

densities near town centers and transportation corridors.

The existing neighborhood to the north of the subject site is the Town of Fraser which includes single family homes, community facilities, Town Hall, the Fraser Elementary School and Library, all in an area commonly known as Old Town Fraser.

II. STAFF ANALYSIS

Roads

Current roadways serving both Filing 1 and Filing 2 include the County Road 721 commonly known as Fraser Valley Parkway, County Road 72 and a proposed new 24 foot wide drive that would traverse the eastern edge of the properties and connect to the primary access point into the Filing 1 site. County Road 73 is adjacent to the North, as is Mill Avenue within the Town of Fraser.

The primary site access will occur at the intersection of Mill Avenue and Leonard Lane adjacent to the railroad. Other access points exist at Norgren Street to the west and the entrance to the Filing I site further to the south.

These 'drives' will need to be approved to applicable County Road and Bridge Standards based on the determined roadway classification as a residential drive. The updated traffic study should demonstrate necessary geometric improvements needed at the intersection of Leonard Lane, Mill Ave and the entrance to Filing 2 site.

Road-frontage improvements and entry-statement work is important particularly at the Mill and Leonard Lane intersection. The applicant should address any undesirable effects of the railroad directly east of the site. The traffic from these two filings creates a count that equals greater than 1200 ADT's which would necessitate paved roads.

Parking (Zoning 14.4 and Road and 3.9.3)

The Sketch Plan shows parking areas adjacent to the multi-family buildings dissected by a 24 foot private drive running north south and east-west throughout the site. The Preliminary Plat depicts 218 parking spaces while the Zoning Regulations and R&B Standards requires 209. The parking area being provided is standard dimensions as require by both parking standards in Zoning Regulations and R&B Standards. Snow storage locations shall also be identified in compliance with Section 3.11 of the R&B Standards with any Preliminary Plat submittal.

Open Space

Open space is situated near the proposed clubhouse in the northeast portion of the site but needs to be clearly delineated in the Preliminary Plat as commented below in Section 5.5 and Section 7.2 (2) (d) as well as in comments from the County Consulting Engineer. The Sketch Plan previously submitted indicated 65% of the site area dedicated to open space but that has not been confirmed with this Preliminary Plat submittal.

The Applicant shall provide a link through an internal path to the club house area in Filing 2 connecting the circular drive in Filing 1 via the snow storage lot in Filing 1. In addition, the Applicant should address the interface between the rear yards of Filing 1 and those of Filing

2. Connectivity should allow bicycle and pedestrian connections between neighborhoods and amenities including to Norgren Street, club house and local trails. A continuous open space and trail along the east and west perimeters particularly where the proposed detention pond is located can serve for passive recreation and a focal point for the overall development.

Utilities, Water and Sewer

Utilities shall be provided by Town of Fraser central water and sewer. Subdivision Regulations require all electric utilities to be placed underground. A note shall be added to any preliminary plat to this effect.

The Sketch Plan delineates thirty foot utility easements along the property line of Parcels 1 and 2 but is not shown for Parcel 3. The location and size of existing and proposed utilities and/or easements contained within or adjacent to this property is required to be provided with any preliminary plat submittal.

Reports, Studies, and Analyses

The documents below have been provided for referral agencies and Staff to verify compliance with any applicable regulations and requirements. The supporting information which is listed below was submitted as part of the Preliminary Plat and some has been revised based on comments received by Staff. One study which was not submitted for review in a timely fashion to be included in those reviews was the Soils and Foundation Investigation prepared by CTL Thompson, Inc. It was supplied Friday, March 27, 2020 and has recently been sent to the County Consulting Engineer for further review. Staff anticipates that it will take two to three (2-3) weeks to receive a revised review letter back.

- Phase III Drainage Study, (January 2020, revised February 2020) prepared by Drexel, Barrell & Co. - master plan drainage concepts for the construction of storm drainage facilities.
- Soils and Foundation Investigation (March 5, 2020), prepared by CTL Thompson, Inc. - identified wetlands areas, mostly not naturally occurring but caused or influenced instead by irrigation and disturbance of the area.
- Traffic Impact Analysis (March 2020) prepared by Felsburg, Holt, and Ullevig - a Short-Term Future (Year 2023) and Long-Term Future (Year 2030), based on proposed development at that time. The traffic impact analysis has been updated to reflect specifically build out Filing 1 and 2 and a Master Study for the entire 295 acre development is under way to be submitted with future filings.
- Stormwater Management Plan (December 2019, revised February 2020) prepared by Drexel, Barrell & Co.- finding of No Risk in all categories of investigation.

These analyses and the construction documents which are supported by them have been sent to referral agencies listed in the following section.

III. COMMENTS FROM REFFERAL AGENCIES

In compliance with the Subdivision Regulations, Staff sent notice to sixteen (16) referral agencies for comments on the proposed subdivision.

Section 7.2 (3) (c) (xii) The agencies named in this Section shall make recommendations within twenty-one (21) days after the mailing by the County or its authorized representative of such plans unless a necessary extension of not more than thirty (30) days has been consented to by the subdivider and the Board of County Commissioners of the County in which the subdivision area is located.

A memo, dated February 10, 2020, was sent to those agencies via email with a digital link to the submittal materials. If the agency was unable to use the link other means to access the materials was coordinated. Consistent with the requirements above Staff noted that responses to this submittal were due March 2, 2020. To keep track the email was sent with a read receipt requested, and any which were delayed Staff followed up with confirmation the email was received.

Section 7.2 (3) (d) Along with the review by the interested agencies, the Planning Commission and its staff shall proceed with its own review.

... Provided, however, the Planning Commission may withhold approval of the plat for a longer period in order to await necessary rezoning or the accomplishment of any other essential requirements.

Staff has reviewed the comments and looked for compliance with the Subdivision Regulations, Road and Bridge Standards, and Stormwater and Drainage Criteria which at this stage of platting are essential requirements.

a. Grand County Consulting Engineer(Attachments A,B, and C)

Grand County received two reviews from the Grand County Consulting Engineer, here after referred to as the Engineer. The first one dated January 31, 2020 which reviewed an initial submittal by the Applicant, which Staff had deemed a pre-application submittal. Significant comments within this memo noted by Staff include those listed in the first four sections under the headings: Missing Items, General Comments, and Preliminary Plat comments. This memo was sent to the Applicant to provide a revised submittal, which Staff received February 12, 2020 and included documents and plans.

The second review which was completed, dated March 20, 2020, was a review of documents and plans which had been revised and was being considered under the Grand County Subdivision Preliminary Plat procedure. A complete submittal for this proposed Preliminary Plat was accepted by Staff February 6, 2020. Below are the items of most significance to Staff in a review of compliance of the Requirements.

Open space

The Engineer refers to the Preliminary Plat missing critical dedicated land areas which comply with the required 60% open space requirement. Staff agrees with this comment, and provides further analysis in under the Design standards review of “Compliance with Grand County Regulations” section within this report.

Access and roadways

Based on the Traffic Vehicular access proposed within Filing 2 is anticipated there will be improvements required to all existing roads and highways impacted by traffic at build out. Section 6.4 (3&4) which states:

- (3) Other improvements not specifically mentioned herein but found appropriate and necessary due to unusual conditions found on the site shall be constructed at the subdivider's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Planning Commission.
- (4) All driving surfaces designed in accordance with these regulations and as required by these regulations, including driveways and parking spaces, shall be surfaced with either concrete or asphalt to standards approved by the Grand County Road Engineer.

In an analysis provided by the Engineer (Attachment C) it is our assumption that it will require a new access permit from CDOT. Generally the traffic of this development is determined to head east to intersections at US Highway 40 potentially requiring additional improvements because of that new increased traffic.

Stormwater and Drainage

The Engineer has made comments on the total drainage and its impact to existing storm drainage systems in place. Any improvements that need to be made to maintain historical flows shall be part of the cost estimate.

Estimate of Probable cost .

The Engineer comments that the estimate of probable cost is insufficiently assembled to cover all the improvements we are required to be constructed as covered in the Regulations Section 6.5. Staff agrees with this and has provided some further analysis below as comments to compliance with Section 6

b. Colorado Department of Transportation(Attachment D and E)

Brian Killian provided comments for this project via email

1. Per the traffic analysis, they will need to submit an access permit at CR 72/SH40, Eisenhower/SH-40 intersections and Old Victory Way. It appears that intersection improvements may be warranted.
2. We will review the TIS as part of the access permit process and we reserve the right to ask for additional information in the report.
3. Have them coordinate with CDOT early so we can start the permitting process.

Those intersections are located within the limits of the Town of Fraser, consistent with these comments there are accesses from the development within County jurisdiction which use access to Town of Fraser Rights-of-Way. This is further discussed below under Town of Fraser comments.

a. Town of Fraser (Attachments F and G)

The Town of Fraser submitted comments on both planning and zoning related to the proposed development and wastewater and water utility supply comments since they are providing this project public wastewater and water.

Mill Avenue Apartments Drainage, comments relate to drainage conveyance from Mill Avenue east to the railroad Right-of-Way. It is Staff's understanding that surface drainage from Mill Avenue is shed into this ditch the Applicant shall address the drainage not just from their own development by also off-site which terminates at an adjacent 30" CMP running underneath the railroad.

Byers Peak Master Traffic Study, comments are in regard to the need for an updated traffic study which reviews the total traffic at the build out to help plan offsite improvements in short and long term time frames.

Mill Avenue Traffic Study, notes the inconsistencies with the existing traffic study and proposed build out for this phase of development. Of most significance is the access to the intersection of Mill Ave and Leonard Lane where the intersection cannot meet at a ninety degree angle, this suggests site visibility and safety concerns.

Water and Sewer comments have been provided directly to the Applicant and copied to the town. The proposed sewer connection points have capacity issues both as they stand today and at full build out of Filing 2. Staff is under the impression that water capacity to serve this project is currently not an issue.

b. East Grand Fire Protection District (Attachments H)

The only issue noticed was the location of a single hydrant located at STA: 11+66.00. It will need to be shifted to the North East to be within approximately 6' of the curb to allow for it to be used to serve the Clubhouse and the westerly building. The developer has already been notified of the need with a revised sketch and we anticipate the adjustment to be finished prior to the Counties review meeting.

Otherwise, the proposed subdivision appears to provide adequate access and compliance with Appendix C of the 2015 International Fire Code for this phase of the development. Future filings and the addition of buildings will require the review of access and hydrant locations at the time.

East Grand Fire has no issues with Grand County moving forward with approval of preliminary plat as submitted to us.

Thank You,

Cpt. Adam Gosey

East Grand Fire Protection District

East Grand has reviewed this application for compliance with current Fire Code requirements and stated a minor adjustment was required which has been addressed. Staff notes that there was no comment about emergency impact fees to be submitted on this but has addressed that in other parts of this recommendation.

c. State of Colorado Geologic Survey (Attachment I)

Dear Mr. Taft:

Colorado Geological Survey has reviewed the Byers Peak Ranch Filing 2 preliminary plat referral. I understand the applicant proposes a multi-family residential development on eight acres located southwest of Mill Avenue and the Union Pacific railroad corridor, south of Fraser. ...

The site does not contain steep slopes, is in an “Area of Minimal Flood Hazard,” and is not exposed to any identified geologic hazards or unusual geotechnical constraints that would preclude the proposed multi-family residential use and density. CGS therefore has no objection to approval of the preliminary plat as proposed. Potential concerns that will need to be addressed prior to building permit application include:

Expansive Soils...

Shallow Ground Water...”

Staff would recommend that this review letter updated with the recent Soils Analysis completed by CTL Thompson submitted in late March.

d. Mountain Parks Electric (Attachment J)

Mountain Parks and the Applicant have been working closely to accommodate equipment and service lines they have requested the following note be added to the plat:

MPE would like to have the following language added to the plat:

PERPETUAL NONEXCLUSIVE UNDERGROUND UTILITY EASEMENTS ARE HEREBY GRANTED AND SHALL apply upon, across, 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

associated equipment including but not limited to electric, natural gas, water, sewer, cable television, internet and

telephone. All buildings located within this subdivision shall have gang metering for electric and natural gas when

practical and have a perpetual non-exclusive utility easement for the purpose of constructing and operating the

utilities for distribution. These utility easements for the apartments supply and distribution shall be shown on the

as-built plats for the apartments and may be conveyed on a non-exclusive basis to providers of such services. 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.

e. Xcel Energy(Attachments K)

To whom it may concern:

Public Service Company of Colorado has no concerns to the new development at Byers Peak Ranch Filing No. 2, Fraser CO. Gas main is in the near vicinity. I have listed below the general guidelines that are required for gas construction. If you have any questions or concerns please call or email.

Staff sent this submittal to Xcel Energy for review, being they are a private utility company listed as a typical review agency. Staff understands that these buildings may not have natural gas utilities. If the Applicant later decides they are to be added they shall follow the recommendations of Xcel provided in the memo attached. Generally speaking they have no other significant concerns related to the project.

f. Grand County Surveyor(Attachment L and M)

In reference to that Preliminary Plat, undated, denoted on the plat as B102-8, my recommendations to Staff are as follows:

1. I concur with the recommendations per the county memorandum dated March 2, 2020, which relate to surveying. Please show the north right of way of Mill Avenue and West right of way for Leonard Lane. Grand County Subdivision Regulations require this line to be "accurately drafted", and must therefore be based on monuments if any exist. The surveyor does not have to set any new monuments.
2. Please address and utilize any existing monuments at the northeast corner of Lot 1, Block 1.
3. Attached is a map check showing that the mathematical data closes accurately.
4. All other requirements for improvement survey plats appear to have been met.

Signed,

Warren D. Ward, PLS

Grand County Surveyor

Staff has forwarded these to the Applicant any conditions which arise because of this review shall be incorporated at Final Plat. Conditions mentioned by Staff in the memo, included as reference as Attachment L, include showing the full extent of both adjacent Rights-of-Way.

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 a greenfield infill project adjacent to the Town of Fraser. In this case, architectural design, ingress, egress, connectivity and detention ponds as an amenity will be important design standards to consider.

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. The proposed units will be served by public water and sewer via Town of Fraser Water and Sanitation District.

b. ZONING - Section 4.1 Residential

The property is split zoned, Residential and Forestry and Open being located within the Fraser Urban Growth Area.

Use

The Residential District allows for multi-family dwellings. The proposed use, therefore, is consistent with the zoning regulations.

Minimum Lot Area

The minimum lot area for a property that is served by both public water and sewer is 7,000 ft². As part of the Filing 1 proposal and Concept plan provided in April 2019 the minimum lot areas of 2,000 ft² were granted a variance through the Subdivision Regulations, Section 8. This proposal complies as the total lot area is 4.21 acres (183,387.6 ft²).

Front, Rear, and Side Yards

The Residential District requires minimum 30' front yard, 5' side yard and 20' rear yard. Also part of the granted variance, setbacks were reduced to 20 front yard, 0' side yard, 10' rear yard. The applicants' proposal is consistent with all setback requirements.

Parking (Zoning 14.4 and Road and 3.9.3)

The Sketch Plan shows parking areas adjacent to the multi-family buildings dissected by a 24 foot private drive running north south and east-west throughout the site. The Sketch Plan depicts 218 parking spaces while the Zoning Regulation requires 209. Although all parking areas are required to be setback 15' from all road rights-of-way, variances as per Article 8.1 (2) of the Grand County Subdivision Regulations for parking setback from 15 feet to 0 feet and Right-of-Way width may be needed at the Preliminary Plat stage, depending on how the drives are eventually classified. Snow storage locations shall also be identified with any preliminary plat submittal.

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

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

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

Storm Drainage: Land within an existing one hundred (100) year flood plain or land which is subject to inundation shall not be platted for occupancy unless the flooding condition is alleviated according to plans approved by the Grand County Planning Commission and the Board of County Commissioners. Refer to the Grand County Storm Drainage Design and Criteria Manual.

(2) Sewer Plans and Designs

On-lot sewage disposal systems are not applicable here the proposed subdivision will be served by the water and wastewater treatment systems from the Town of Fraser. The construction being proposed is all new construction connecting to public water and wastewater. The Town of Fraser holds a separate agreement with the Applicant to provide these public water and wastewater services. Water line and Wastewater (Sewer) line sizes shall conform to the applicable building code or **as a minimum** to the following standards, within this code.

For compliance with the Design Standards, Section 2.7 approval of water and sewer design by the Town of Fraser pursuant to the Out of Town Service Agreement (TOF OOTSA) is necessary. Staff understands that the provisions within Section 2.7 are at least as strict as those in the Town of Fraser.

Section 5.2 SPECIAL SITE CONSIDERATIONS:

This property is considered "greenfield land" development site. Greenfield land has been defined as a site where no other development has previously occurred on the property, it has only previously been used agricultural or open space purposes. These sites tend to be great for residential occupancy and have few development constraints such as gentle slopes, and no significant natural

or geologic features. There have been no identified flooding hazards, both waterways and wetlands within the proximity of this proposed development exist outside the boundaries of the property.

The proposed development is also adjacent to Union Pacific Railroad Right-of-Way which has been buffered by open space and parking. No nearby drainage channels have been identified on this submittal or historical submittals in the adjacent lots and blocks. The surrounding parcels are of residential use not necessitating a landscape or setback buffer.

Section 5.3 STREETS, ALLEYS AND EASEMENTS:

Staff notes, All access roads to apartment houses, condominiums, or townhouses areas shall meet County standards.

In the current proposal, the streets within the development are not continuous routes with all adjacent lands to provide legal access to those lands. Staff has discussed internally, at great length, the implications for using a parking lot as a thoroughfare. There is no prohibition against it but good site planning would suggest that there are local streets which connect to the parking reducing traffic conflicts and providing alternate routes where feasible.

Staff concludes there are two solutions as outlined below:

Short Term- this is important for apt traffic disperse, and not just going to the north and adding to the Eisenhower/US 40 issue. **Plus this helps with Fraser political issues. This would be an extension of the parking lot, as shown. Clark is building a construction access road anyway. Drainage wouldn't have to be redesigned and a future dedicated 60'ROW on the plat would not be needed.**

Long Term- this extension to 721 may not be the best solution for traffic circulation into Fraser, even the 60' ROW separation option that isn't the parking lot extension. **The better solution would be the Parkway north to CR 50 and the Norgren extension to 721. Given this, the Leonard extension could then be gated, traffic calming devices, etc. to the south once traffic numbers become an issue going through the parking lot. This would require a connection to the Norgren extension at that point.** And, again would not require the drainage to be tore up and redesigned.

Until these points are reached temporary cul-de-sacs shall be provided at the end of any street, giving access to adjacent lands until connecting streets on the adjacent lands have been constructed.

All planned and proposed streets bear logical relationship to topography as the development area is generally very low slope.

Streets to be constructed subject to this proposal are show to be aligned at intersections or be offset greater than one hundred thirty-five feet (135'), centerline to centerline. A driveway is proposed to access at the intersection of Mill Avenue and Leonard Lane within the limits of the Town of Fraser. All access to the Town of Fraser streets. There is a proposed temporary cul-de-sac to be located at the west end of the parking lot where future development is anticipated to occur.

Street Classification and Design Element Criteria: Refer to the Grand County Road and Bridge Standards.

The access to this subject parcel is via existing county roads. A proposed driveway will connect the units to County Road 830, Mulligan Street. The effective impact of the two units is less than twenty

(20) Average Daily Trips (ADTs). This application shall comply with current road and bridge standards.

Section 5.4 UTILITY METER INSTALLATIONS AND ACCESSES: Mountain Parks Electric Inc. has been contacted as a Preliminary Plat Review agency. Gang meters are anticipated, accordingly MPEI has provided Language to be added to the plat consistent with the easements and equipment needed to serve this development.

Section 5.5 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS :

The access road connecting this development to County Road 721 pursuant to the provision below shall be dedicated to the public.

Dedication of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements shall be required.

This Right of Way and the roadway within it is intended to serve multiple phases of development and will be more clearly tracked being dedicated by this plat and shown as such in those future phases as an existing publicly dedicated road.

The Applicant shall provide for open space dedicated to the public that meets the following provision:

“The Board of County Commissioners shall require the dedication, reservation or conveyance of areas or sites suitable for purposes such as parks, flood channels, scenic areas and green belts, of sixty percent (60%) **of the total of land** [ie gross land area] covered in the apartment house, condominium, or townhouse area dedication...” **These areas shall be a dedicated tract including all outdoor spaces and any additional which are shared between this and other 5 parcels being created in Filing 1. The following areas are to be placed in a table included on the Final Plat: Open space; parking and drive aisles; buildings and decks. These calculations shall be included on a land use table which will be placed on the final plat along with areas shown as illustrative .**

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

Noted in the recent March 2020 Soils and Foundation investigation there is the presence of ground water at sub surface grades. Construction techniques and installations will need to be adjusted for the existing groundwater and making sure lower levels do not flood because of spring water table levels.

Based on the conclusions most recent study provided, Staff would interpret compliance with the provisions listed in Section 5.6. The most significant item of note provided in the study suggest that Radon is present in amounts of 6 pCi/L, safe levels are 4 pCi/L and below. Staff recommends that the Applicant install passive depressurization in these buildings and monitor radon levels as standard. **The following note shall be added to the Final Plat:**

- The soils report provided and on file with the Grand County Community Development Department references higher than normal radon levels. A radon mitigation system shall be incorporated into the design of any occupied structure constructed in this subdivision.

5.7 SCHOOL LANDS :

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

When money in lieu of land is recommended by the appropriate Board of Education, the following formula shall be applied:

School Fees Formula Calculation

Fees in lieu of land dedication:

60 units

60 x .20 = 12

12 x .09 = 1.08

1.08 x \$109,119.43/acre = \$117,848.98 in school fees.

Total School Fees = \$117,848.98

Five comps were used in this calculation to arrive at the \$109,119.43 per acre price. These five comps were established as being vacant parcels which could be readily developed with at least a single family dwelling.

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

In lieu of dedication of land areas for public school sites, the County may require the payment of a sum of money not to exceed the fair market value of such sites and land areas at the time of final plat submittal.

(a) Fair market value shall be **determined by mutual agreement between the subdivider and the Board of County Commissioners**. In the event of inability of any of the above parties to agree on the fair market of the sites, an independent party, being a qualified appraiser in the County of Grand, **shall be selected by mutual agreement of the disagreeing parties**. **Said independent party's findings on fair market value of the site shall be final and binding on all parties**. A qualified appraiser shall be a member of the Appraisal Institute (MAI) or a member of the Society of Real Estate Appraisers (SRA). **The developer shall pay the costs of said appraiser**.

Staff understands that the Applicant disagrees with Staff's calculation of fair market value of this property.

5.8 ADDRESSING REQUIREMENTS TO ENHANCE 911 EMERGENCY SYSTEM

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

Building A: 300 GCR 721 aka Fraser Valley Parkway, Building B: 308 GCR 721 aka Fraser Valley Parkway, Clubhouse: 304 GCR 721 aka Fraser Valley Parkway. An address table shall be included on the Final Plat Mylar

5.9 SLASH REMOVAL/DISPOSAL Staff notes that there will be not clearing or removal of forest materials will required on the subject property. The property as established above was previously used for agricultural purposes and specifically fields were used for growth and harvesting of hay.

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

b. ARTICLE VI - IMPROVEMENTS REQUIRED

6.1 SCOPE

(1) Except as herein provided, improvements required of apartment houses, condominiums, townhouses, and conversions of existing structures to apartment houses (greater than two (2) units), condominiums, and/or townhouses shall be those required by Article III of these Regulations. In addition, the requirements of this Article shall apply.

(2) In each new apartment house, condominium, townhouse, or conversion of existing structures to apartment houses (greater than two (2) units), condominiums and/or townhouses, the developer and the Planning Commission shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to surrounding areas. Improvements shall be made by the subdivider at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Planning Commission.

(3) Security for improvements must be approved by the County Attorney. Letter of Credit must be issued by a Colorado Bank.

The language above is quoted directly from the Grand County Subdivision Regulations and serves as a reminder to the specific requirements and necessary security as reviewed in the sections below.

6.2 UTILITIES

Drainage has been included in the construction drawings provided with the preliminary plat submittal. Final approved drawings shall be supplied to Staff.

(2) Underground placement of utility lines is required in order to preserve the natural character of the country, unless precluded by topographic conditions.

A note typical to any Grand County subdivision plat shall be added to the plat to this effect:

- All extensions of utility service, such as electric, telecommunications, gas, etc., shall be placed underground.

6.3 EMERGENCY SERVICE IMPACT FEES

Any developer of any subdivision wherein construction of an apartment, condominium or town house is anticipated shall be responsible for payment of an emergency service impact fee. The regulations set forth under Section 3.3 of Article III, shall be applied in the same manner to this type of subdivision as any other type of subdivision.

6.4 IMPROVEMENTS

Off-street parking has been provided and is in compliance with the current Grand County Zoning Regulations and Road and Bridge Standards. The approximate density of this development is 14 units per acre, less than the maximum of 20 per acre allowed by this zoning.

The current proposal includes paving with asphalt for all vehicular surfaces as part of the final development. There is additionally a construction road which will be constructed south of the development used primarily by construction traffic.

Other improvements not specifically mentioned herein but found appropriate and necessary due to unusual conditions have been discussed between Staff and the Applicant and are included as part of this review and recommendation. As referenced in paragraph 5 of this sub-section, prior to the issuance of a final Certificate of Occupancy by the Grand County Building Department, the developer will be responsible for attaching proper address plaques to each unit.

6.5 GUARANTEE OF COMPLETION

No final plat shall be signed by the Board of County Commissioners until the improvements required by these Subdivision Regulations have been constructed and approved by the appropriate County officials having jurisdiction over such improvements, or until one of the following assurances is given to the Board of County Commissioners for the completion of the required improvements:

A cash deposit in escrow or corporate security bond in an amount sufficient to complete the Improvements plus an additional ten percent (10%) held as warranty security, with provision for payment of said amount to the Board of County Commissioners if developer fails to complete the improvements.

In each new subdivision the subdivider and the Planning Commission shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationships to surrounding areas. Improvements shall be made by the subdivider at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Planning Commission. Security for improvements must be acceptable to the County Attorney. Letter of Credit must be secured by a Colorado Bank. The Applicant(s)/Developer(s) will be responsible for paying all engineering fees associated with any new subdivision. In addition to the initial costs associated with the development the applicant/developer will be responsible for ongoing engineering fees throughout the project (i.e. traffic study reviews, subdivision improvement inspections, etc.).

The Applicant will enter into a Subdivision improvements agreement with Grand County at the recording of the final plat. The provisions above are

3.1 SURFACE IMPROVEMENTS

Section 3.1 (1) Permanent survey monuments shall be set at all lot corners. Affixed securely to the top of each such monument shall be the Colorado Registration number of the land surveyor responsible for the establishment of said monument.

Section 3.1 (2) Street Paving as discussed in Section 6.4 above is being provided in all locations which will serve traffic from the proposed development.

Section 3.1 (3) Curbs, Gutters and Sidewalks have been considered and reviewed

Section 3.1 (4) County Road number signs shall be installed at all intersections in the subdivision according to the County Road numbers assigned by the Grand County Road and Bridge

Supervisor. Street name signs may also be installed, as approved by the Planning Commission, but must be placed under the road number designation sign required. The developer will be required to install road signs of the size required by the Grand County Road and Bridge Supervisor and in the location required by the Grand County Road and Bridge Supervisor. The developer will be required to install these signs at his expense. Staff has

Section 3.1 (5) Planting and revegetation shall be shown in the Landscape plan. At Final Acceptance Staff would expect seventy percent (70%) or better of new plantings to be maintained.

Section 3.1 (6) There is no existing stumps or combustible material which would cause fire hazards.

3.2 UTILITIES

Section 3.1 (1) A potable water supply shall be provided as per Article II, Section 2.7, (3 & 4).

Section 3.1 (3) Fire Protection - Centralized Water Systems (as defined in Article II, Section 2.7 (4))

Section 2.7 3&4 Water Supply & CENTRAL WATER SYSTEMS

“Water supply systems shall be provided consistent with the standards of the requirements of these Regulations.” More critically, any design requirements of Town of Fraser water utilities shall be followed, but the standards established in these regulations shall be a minimum standard. Water supply systems have not been placed in flood plains, any design requirements of Town of Fraser water utilities shall be followed. The proposed connection is an existing public water system within the Town of Fraser.

Section 2.7 (3) (b) Other regulations for central water systems are contained in the document: "Grand County Administrative Regulations for Major Extensions of Existing Domestic Water and Sewage Treatment Systems" (document under separate cover, available from Grand County).

Staff's interpretation is that under the current 1041 Regulations, listed below, there is a need to Amend the existing 1041 Permit held by the Town of Fraser.

4-102 Purpose and Intent

The purpose and intent of the regulations contained in this Chapter are as follows:

(1) To insure that anticipated growth and development that may occur as a result of major extensions of domestic water and sewage treatment systems can be accommodated within the financial and environmental capacity of the development area and source development area to sustain such growth and development.

4-103 Definitions

(3) Major extension of an existing sewage treatment system: Any modification of existing sewage treatment plant to increase hydraulic capacity or upgrade treatment capability or any extension of existing main collector sewer lines or any increase in capacity of existing main sewer lines or any extensions to service a population of twenty (20) or more people or the equivalent thereof in other uses.

4-202 Boundaries of Area Covered by Designation Major extensions of existing domestic water and sewage treatment systems wholly or partially within this County shall be subject to this designation and regulation.

Fire protection systems shall be installed consistent with the current Fire code, the standards listed in the current Subdivision Regulations are less strict than the 2015 IFC.

3.3 EMERGENCY SERVICE IMPACT FEES

Below are a portion of the provisions which relate to emergency impact fees for new development. The emergency impact fee for East Grand Fire Protection District was originally adopted in 2001 and has been amended since. The fee is \$483 per residential unit at the time of this report that fee is the approved, current, fee. The District has requested amendment to this fee to be increased to \$632.

(3) Imposition of Impact Fees

Any Developer who seeks a Development Approval for a Land Development Activity Requiring Additional Emergency Services is required to pay an Impact Fee in the manner and amount set forth in this Section.

(4) Impact Fee Amount

The amount of any Impact Fee to be charged shall be set and revised from time to time by resolution of the Board of County Commissioners.

(6) Time for Payment of Impact Fee

A Developer requesting approval of a Land Development Activity Requiring Additional Emergency Services shall pay the Impact Fee according to the following timeline, except as otherwise provided in this Section when the total Impact Fee cannot be calculated:

- (a) In the case of a planned unit development, subdivision, subdivision exemption or rural land use process approval, **at the time of recording of a final plat or plan** .
- (b) In the case of a building permit for which an Impact Fee has not previously been paid, prior to issuance of the building permit.

This fee shall be paid at the time of recording of the final plat consistent with the provisions highlighted above. The Applicant shall be responsible for the fee, as approved by the Board of County Commissioners, at the time the Final Plat Mylar is submitted for signature and recording.

3.4 LANDSCAPING

Below is a direct reference to the provisions from the Subdivision regulations which relate to the Landscape plans, those portions which have been bolded are to add emphasis.

Landscaping/revegetation shall be included in the cost estimate. The objective of a Landscape Plan is to provide a sustainable approach to ensure revegetation of the disturbed site, and to improve aesthetics of the built facilities in a sustainable manner upon completion of a new development. A multi-family development will include landscape features for all open space tracts, and areas disturbed during installation of utilities.

The design shall be completed and signed by a Landscape [Architect], Horticulturist, or revegetation specialist (resource specialist, engineer, etc.) approved by the County. The construction cost shall include all features shown in the landscape plan, maintenance requirements for established plantings, and a two-year warranty. All landscaping shall not interfere with the intersection site triangle. The landscaping plan shall be designed anticipating fully mature plantings.

There is a landscape plan which has been a late inclusion into the submittal but it fails to meet the provision bolded above. Plant materials listed are not adapted species for this climate and no seed mix is provided to provide detail to adaptive plant species. The plan also lacks planting and maintenance details to ensure viability of plant materials for the two-year warranty period. Staff has discussed the deficiencies of this plan with the Applicant and is understanding that the minor adjustments needed to complete this plan will be provided at Final Plat.

3.7 POST CONSTRUCTION

This procedure shall be followed when improvements, which are outlined by the Subdivision improvements agreement, are completed to the condition listed in the plans provided by the Applicants engineer and approved by Grand County Consulting Engineer.

c. SUBDIVISION - Section 7.2 - Preliminary Plat

The Preliminary Plat has been submitted and reviewed in compliance with Section 7.2 sub-section (3). Comments from review agencies have been included earlier in this recommendation in conjunction with Design Standards and Required Improvements. The sections below relate to conditions which will directly impact the recorded Plat at the end of the process.

Section 7.2 (1) The preliminary plat shall be prepared as follows:

Section 7.2 (1) (a&b) the proposed plat required some adjustment to language and information provided which is discussed below but is shown having outer dimensions and scale which complies. A vicinity map has also been shown on the Final Plat.

Section 7.2 (2) The preliminary plat shall contain or be accompanied by the following information:

Section 7.2 (2) (a) Proposed name of the development is "The Mill Apartments"

Section 7.2 (2) (b) The location of the development as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner. The proposed plat complies with these provisions.

Section 7.2 (2) (c) The names and addresses of the developer, the architect, or designer of the development, and the land surveyor shall be provided on the proposed Final Plat.

Section 7.2 (2) (d) The total area of the land to be affected by the apartment, condominium, or townhouse and the tabulation of square acreage in land to be built upon, parking area, open space, driveway; and each is to be stated as percentage of the total area.

Section 7.2 (2) (e) Date of preparation was not included in this submitta I. A scale equaling 1"=50' and North sign (designated as true north) have been shown on the proposed Final Plat.

Section 7.2 (2) (f) Topography at two foot (2') intervals where the average slope is less than fifteen percent (15%), provided the same intervals are used throughout the development (interval used to be clearly indicated on plat).

Section 7.2 (2) (g) Designation of areas subject to periodic flooding and the volume of water during such floods. None have been identified as a part of this plat, drainage easements shall be included in a Final Plat consistent with this condition.

Section 7.2 (2) (h) Report of Colorado Department of Public Health approving soil percolation tests if individual sewage disposal systems are proposed. This application is not utilizing individual sewage disposal systems or Onsite Wastewater Treatment Systems (OWTS), therefore this provision is not applicable.

Section 7.2 (2) (i) The names of abutting property owners except for condominiums which may be accomplished by having the condominium name, unit and building listed.

Section 7.2 (2) (j) the 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 subdivided. **Total widths of existing Rights-of- Way for Mill Avenue, and Union Pacific Rail Road shall be included in compliance with this condition shall be shown on the Final Plat.**

Section 7.2 (2) (k) Location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines, and areas to be reserved or dedicated for parks, schools, or other public uses.

Section 7.2 (2) (l) Services by Mountain Parks Electric, Inc. have been in process by the Applicant, MPEI has referenced conversations with the Applicant which suggest that this process is on-going, therefore the application complies with this provision.

Section 7.2 (2) (m) The applicant intends to create this Plat as a singular development permit including sites for the proposed multiple-family residential use and parks or open spaces as required by these regulations.

Section 7.2 (2) (n) **Site data, including the number of residential units and typical floor plans. This site data shall be included on the Final Plat to be recorded and in conjunction with that data as outlined in provision (d) above.**

Section 7.2 (2) (o) This has been provided via a letter of commitment from the water service provider being the Town of Fraser guaranteeing service for the proposed subdivision.

Section 7.2 (2) (p) This proposal is part of a larger development area which was granted variances under Section 8 of these regulations. Utility systems for these sixty (60) units in this project and approximately one hundred and seventy additional (170) throughout the planning area shall be adequately described in master planning documents for the 23 acre area to verify compliance with this provision Master Utility Plans, Master Traffic Study, and Master Drainage Plans considering the entire 295 acre build out shall be submitted and reviewed prior to ANY other phases of development being reviewed by Planning Commission.

Section 7.2 (2) (q) Application form for zoning the area to be developed or an application form for rezoning when so required. This is not applicable, no rezoning is being applied with this proposed subdivision nor is it required.

Section 7.2 (2) (r) A copy of any proposed Restrictive Covenants for the condominium and a copy of proposed Articles of Incorporation and Bylaws of any owners association.

Section 7.2 (2) (s) Maps and tables concerning suitability of types of soil in the proposed subdivision, in accordance with the National Cooperative Soil Survey as prepared by a qualified geologist has been provided.

Section 7.2 (2) (t) Proof of Compliance with Colorado Common Interest Ownership Act, is not applicable.

Section 7.2 (2) (u) Staff has a copy of the title commitment from Filing 1 preliminary plat, **An updated title commitment shall be submitted for verification all lot owners are free and clear from all liens and encumbrances except patent reservations and except liens and encumbrances which cannot be extinguished, released, or purchased by the developer, prior to review of the Final Plat by Planning Commission .**

V. PLANNING COMMISSION RECOMMENDATION

The Planning Commission hearing is scheduled for April 22, 2020.

I. STAFF RECOMMENDATION

Staff is recommending approval of the Byers Peak Ranch Parcel 2 (aka Mill Avenue Apartments or Filing 2) Preliminary Plat with conditions. The following lists provide conditions of approval, many of which shall be added as notes or dedications on the plat and resolved in a Final Plat resolution:

1. Confirmation from the Town of Fraser in the form of a 'Will Serve' letter that a proposed connection to sewer has been accepted by the town prior to the recording of a Final Plat.
2. Provide proof of licensure and easement from the Divide Condominium Association and the Union Pacific Railroad prior to the recording of a Final Plat.
3. The Applicant shall submit access permits issued by the Town of Fraser for any accesses entering Town of Fraser Rights-of-Way, and provide construction plans, surety, and contractual agreements as required by the Town of Fraser.
4. Show proposed Leonard Lane south of the development as the second means of ingress/egress compliant with Section 1.4 (2) (c) which dedicates two points of access being dedicated to the owners within the subdivision unless the Applicant prefers to connect west to Norgren entering the Town of Fraser.
5. Updated drainage report that provides hydraulic analysis of the existing ditch on the south side of Mill Ave. and defines the proposed improvements to this ditch needed to provide the drainage capacity to safely convey the 100-year storm, or provide

similar calculations for a separate drainage conveyance within the site to isolate BPR developed flows from these historic flows.

6. Updated construction plans that address the engineering review comments from CORE Consultants, dated March 20, 2020, and includes Mill Ave. drainage ditch improvements as defined in the updated drainage report.
7. The plat shall restrict vehicular access from the end of the most southerly proposed parking lot to the south property line, or a separate future street access shall be depicted on the plat that will provide separation between through traffic and the parking lots (related to Number 8 below).
8. The Applicant shall reserve a strip of land sixty feet (60') in width on the Plat for the future purpose of a full width road construction as access from Leonard and Mill Ave to County Road 721.

The following conditions listed below to be included with any Final Plat submittal:

9. A revised landscape plan which shall be completed and signed by a Landscape [Architect], Horticulturist, or revegetation specialist (resource specialist, engineer, etc.) and shall include maintenance requirements for established plantings (standard details and notes) and a two-year warranty. Native and adapted species alternatives will be considered.
10. The total area of the land to be affected by the apartment, condominium, or townhouse and the tabulation of square acreage in land to be built upon, parking area, open space, driveway; and each is to be stated as percentage of the total area, Section 5.5 and 7.2 (2) (d).
11. Delineate and tabulate open space on the Final Plat as shown on the site plan and include a plat note stating that cross-hatched areas shall be open space.
12. Cost estimates shall be updated to include ALL onsite roadways and drives to connect the proposed development to existing roads.
13. Two (2), 24" x 36" hard copy complete sets of construction drawings, which are versions that are final and have water and sewer improvements approved by the Town of Fraser and all other required site improvements approved by Grand County.

The following items will be subject to determination by the Board of County Commissioners at their review but have been items discussed between Staff and the Applicant:

14. The Board of County Commissioners shall come to an agreement on a third party appraiser and with the Applicant to make judgement for fair market value which will determine payment of fees in lieu of school lands.
15. Surety shall be provided to the Town of Fraser for any off-site water and sewer improvements required by the Town pursuant to the Town of Fraser Out of Town Service Agreement and therefore excluded from a Subdivision Improvements

Agreement with Grand County.

16. Master Utility Plans, Master Traffic Study, and Master Drainage Plans considering the entire 295 acre build out shall be submitted and reviewed prior to ANY other phases of development being reviewed by Planning Commission.
17. The Applicant shall partner with the Town of Fraser for an amendment of the Town of Fraser's 1041 Permit prior to ANY other phases of development, within the 295 acres considered Byers Peak Ranch, being reviewed by Planning Commission per Section 2.7 3 & 4 relating to Water and Sewer.

The following shall put the Applicant on notice that these are requirements pursuant to Grand County Subdivision Regulations:

18. The Applicant shall enter into a Subdivision Improvements Agreement with the County to construct any required public improvements shown in the final plat documents together with collateral to be provided at time of recording the Final Plat.
19. The Applicant shall be responsible for the cost of and to be paid in full, the Emergency Impact Fee as approved by the Board of County Commissioners, at the time the Final Plat Mylar is submitted for signature and recording per Section 3.3 (6) (a).
20. The Applicant shall be responsible to pay in full any school impact fees as agreed upon between the Applicant and Board of County Commissioners.
21. Written verification from CDOT identifying the need for updated Access Permits at all impacted CDOT intersections prior to Final Plat approval. Byers Peak Ranch shall be the Applicant on any Access Permits deemed necessary by CDOT. A Notice to Proceed from CDOT shall be issued to the Applicant prior to Grand County issuing building permits for the apartments.
22. Confirmation of approval from the Town of Fraser of the proposed water and sewer construction plans, surety, and contractual agreements (i.e., SIAs).

Staff stated that they would like to talk about staff recommendations. We would like the Norgren connection to be shown on the plat, which is in the process of being revised. We would like to delete Condition Number Two and replace it with language that says the developer will build a road, a two-lane gravel road to county road standards that will connect to County Road 721. We would like more details as to landscaping and drainage from the developer. We are recommending certain plant species to the developer and how they will be maintained. We would like to see details on the plat in regard to establishment of square acreage, parking, open space, etc.

Commissioners asked Mr. Lipscomb if he has reviewed the certificate and is there anything he would like to add.

Mr. Lipscomb has reviewed the certificate and feels since he has been working diligently

with staff and with the one change made yesterday, that they are in good shape, by getting rid of the Leonard Lane connection. We will be extending a two-lane county road standard gravel road over to County Road 721. It will also serve as a secondary access in the construction phase.

Commissioners added as a reminder within our Subdivision Regulations for Preliminary Plat what our purpose is as Commissioners. We are charged with; per the regulations, the goal is that staff has reviewed the overall project and it is at an extent where review agencies have the final goal of what this is going to look like. This is not the final plat but preliminary. Here is our best shot at it we think we have everything in order, let's go to some review agencies and see what they have to say. So we do have responses from review agencies that we need to consider. Additionally, our goal is to assure that we have all the elements necessary to make recommendations or ask for conditions that gets us to the final plat. This project has had a couple Variances already but there has been a tremendous amount of work put into this project already and this plat looks different from the sketch plan and that is ok. The goal here is, with the preliminary plat, what has been submitted, is it sufficient for us to make an educated assessment that comes to final plat we will be happy with it. The goal is to make sure we are moving towards an achievable conclusion for the applicant. So the goal here is questions and feedback so we have a better understanding of the project.

Commissioners stated the letters of opposition that were received for this project have been addressed by the developers. The public road access has been addressed properly by building the two lane gravel road to county standards.

Commissioner commented that all please keep a watch out for anything that was included in public letters that the issue has been addressed.

Commissioner Ingrid Karlstron disclosed that she received a call from Katie Soles, Fraser Trustee to discuss certain aspects of the traffic issues, specifically Leonard Lane/Norgren Ave. entrance. She assured the board that whatever had been discussed she feels she can still be impartial and make a fair judgement. Wondering about the parking lot, will a lot of water run over the parking lot and is there a detention pond along the railroad to collect water?

Mr. Lipscomb replied no there will not be a lot of water on the parking lot, the master drainage report has been revised and has addressed all the county's comments. The reports show approximately 178 CFS at a hundred-year for storm, the ditch area along Mill Ave. The engineers are looking and studying drainage around the parking lot. As far as the hard surface run-off from the parking lot, it will be releasing at historic rates meaning it is completely detained by the detention pond between the parking lot by the railroad and the railroad.

Commissioner stated that they like the idea of having both street names and numbers on the roads. Also like the idea of more dispersal of traffic through the entire complex, so air pollution in Old Town and Fraser do not build up so much. Concerned about roadways being built for the future and not just for the present. Did the Town of Fraser vote to NOT annex this property and now the Town is wanting to annex the property?

Mr. Lipscomb responded that the property was approved to be annexed into Fraser years ago, it is an expensive process. Andy Miller lead a referendum against the annexation and successfully stopped the annexation, therefore the property was not annexed into Fraser. The vote lost by thirteen votes, so the property stayed within the County.

Staff interjected that they have not forgotten the request for air quality studies. There is a PPHE Grant that the County Public Health has been awarded monies to obtain some monitors to install. We have the monitors but need to locate a building to place the monitors. We need locale authorities to install on buildings and have not come to an agreement yet. As the C-DOT (Colorado Department of Transportation) studies continue we will keep all informed of the results.

Commissioners asked about sidewalks and crosswalks, and a flasher for speeding since this project is so close to a school.

Mr. Lipscomb replied that the project does include sidewalks. These sidewalks will be identical to the Town of Fraser's sidewalks. We are trying to be very pedestrian orientated for friendliness and safety.

Commissioner asked about storm water management knowing that St. Louis Creek has overflowed in the past. Is this issue being addressed?

Mr. Lipscomb replied that he has had extensive discussion with his engineers and the county engineers and feels he has a good handle on the drainage. His design is to keep the Byers Peak Ranch property from flooding and to not cause flooding in the surrounding area.

Commissioner asked about a logistical area in the certificate, at the bottom of page seven just above item number three that states "these analysis and construction documents which are supported by them and then sent to referral agencies listed in the following section". You do eventually list the items in a lower section. We like to see as a point of order the list of review agencies and provide any relevant feedback that the agency has provided and then how it was addressed within the certificate. You can also add another bullet point paragraph that refer to this document or let us know that it is still outstanding. Are we looking at surety in Filing Number Two?

Mr. Lipscomb replied yes. I will have surety to the Town of Fraser for water and sewer improvements. Fraser is a separate utility provider like Mountain Parks Electric's is an example. This agreement provides for the water and sewer improvements with them that are necessary for any of the projects, in this case filing two. There will be surety associated with other public improvements that are a part of filing two.

Commissioners added as we complete each filing, we will be looking for this at final plat, a subdivision improvement agreement which may have additional surety from the county.

Staff agreed and added there should have been a cost estimate in the packet.

Commissioners agreed there was a cost estimate in the packet and basically, they got out of the cost estimate that it needs work. Assuming this will be updated and modified, and

SIA will be brought with appropriate surety at the time of final plat.

Staff agreed.

Commissioners wanted to make sure that we are clear. Filing Two we are looking at making a recommendation of the preliminary plat and we are looking at two buildings and a club house. We want to make sure we are sure of what we are approving. We are approving all of Filing Two whether you have plans to build the other two buildings yet or not. The footprint is there and the drawings, engineering, drainage, soil and all those should be comprehensive for the build out of Filing Two. Are we looking at all of filing two or just a portion of Filing Two?

Staff replied we are looking at portion of Filing Two called Parcel Two, which is also known as Mill Apartments.

Commissioners continued, Filing Two, Parcel Two. Is the applicant aware that when you go back to finish Filing Two you go through this process again and we look at comprehensively again?

Mr. Lipscomb replied yes. He is aware, but he knows that the engineering that is being done now for Parcel Two, Filing Two, is all the engineering that is necessary for Lot One and Lot Three. Due to the time restraints and that the focus has been on Lot two, as far as the actual plat was concerned, they did not feel they could make our schedule.

Commissioners replied they understand the circumstances behind trying to narrow this down to an achievable bite. Let's get started and keep the affordable housing grants and the relationships there. Let's break ground and get moving forward. Traditionally when we break projects up into filings, the intention is to say, this filing is approved as presented, that is what breaking it up into filings is indicating, that we are saying, all of Filing Two is complete. As far as plat notes, prior to final, somewhere we need to indicate that the approval is for Filing Two, Parcel Two only. Although the variance for the height was granted for the entirety of filing two, that Variance still has to be listed on the plat. The approval this far is Filing Two, Parcel Two and that is the piece we will move forward on from a platting standpoint. We need to make sure we are not confusing the issue, that we are showing something bigger than we are approving on the plat. If you gray out the other two parcels, just say for future consideration.

Staff agrees.

Commissioners asking Tim Gagnon, in our packets we have received three different reports from you. The latest being dated, March 20, 2020. In this report there is still a considerable amount of items to complete, questions to be answered. Sounds like most of those have been taken care of, can you please confirm this and let us know your thoughts.

Mr. Gagnon replied, a lot of the conditions or issues on the last memo have certainly been addressed. Particular considered now that we have dialed this down to the sixty apartment units. That is really what is being approved now. We have an understanding that the master studies we received will continue to be reviewed but have little impact on the first

sixty units.

Commissioners asked if Mr. Gagnon was comfortable with expansions as we continue to look further into the filings that this nugget of the big picture, fits into the big picture or will not compromise anything at a later time. Are there any red flags that you are seeing for future development of this project?

Mr. Gagnon replied right now I am good, particularly since the road network and the connection to County Road 721 was sorted out. That was the only lingering item that he can think of.

Commissioners asked about GEO technical, looking at the wetlands, we have seen the reports we are fine with the reports but we are going to take another look. Have the been back for that second look? This was a huge issue with an enormous amount of work put into the study to make sure this is not wetlands. Is Jeff Elliott satisfied at this point that this property is not wetlands, we just don't want any surprises?

Mr. Lipscomb replied to this question. He is not sure who "they" are, but looking at it, SWCA is our consultant, that handles wetland mediations and states that all of Filing One and Filing Two are fine. There are no mapped wetlands on this property.

Staff asked if the Commissioners are referring to the study by the Army Corp of Engineers. Staff is clarifying, the Army Corp of Engineers has provided both referral comment as well as discussion staff had with Ben Wilven, whose comments were "on this property as a whole there is no US waters requiring a corp permit".

Commissioners added it is the Army Corp of Engineer's letter that stated, "Our offices are currently reviewing a wetland delineation that was conducted to identify the boundaries of wetlands on the subject's property". The wetland delineation report indicates that no natural wetlands are indicated on the property". We have yet to concur with the extent of aquatic resource identified." "A site visit during the summer growing season is needed before the Army Corp of Engineers can finalize our review". Odd to say it does not look like a problem, but maybe.

Staff replied to add a little color to that, Ben suggested that they are going to look at St. Louis Creek and Elk Creek as they are doing their analysis in our region.

Commissioners asked, does this have any impact or bearing, that they might come back later with a recommendation?

Staff replied no, but what we can do is have Ben provides us with clarification on that gray area.

Commissioners added we don't want to open up a can of worms, but they made the point and we are getting close to where they can be conducting their studies.

Katie Soles, Fraser Trustee added she would like to thank Mr. Lipscomb and the developer for vacating the primary access onto Leonard Lane. It is a big deal for Old Town and public

safety. On preliminary plat, the connector road was called Leonard Lane, consider changing that if there is no connection road now. Thoughts regarding pedestrian access, on county road 721 connection would you consider making that wide enough for a bike path, it could potentially be a route for kids in Grand Park to take straight along the tracks with a non-motorized path onto Leonard Lane, could possibly be worked out in the future for bikes and pedestrians. Which would be a straight shot to the elementary school. There will be impacts when the project is complete on the Town of Fraser and at that point. We would hope the developer at that time could help the Town of Fraser mitigate the cost of adding some sidewalks for pedestrian movement, especially from Norgen to Eisenhower. In her letter she also asked if there was any way for the county to memorialize our letter from the mayor on January 9th, 2020, this will play in the future. The Town of Fraser appreciated the changes that have been made.

Commissioner added we were having language change to Condition Number Two and possible Number Four and did not hear what those changes were.

Staff added Condition Number Two will be deleted. We will come up with new language like, "the developer will construct a connection to County Road 721, which will be a two-lane gravel road, built to county road standards. Condition Number Four will stay the same. We are going to be flexible in our negotiations with Mr. Lipscomb we even talked about zero landscaping. We are leaving landscape up to Mr. Lipscomb. We will see landscaping ideas at the final presentation for the project.

Motion to recommend approval by Sally Blea for the Byers Peak Ranch Filing 2 (also known as the Mill Apartments Filing 2) – Multifamily Preliminary Plat – Byers Peak Properties as presented with conditions discussed, except for a language change in Condition Two, to accommodate the building of a two lane road to County Road 721. Seconded by Ingrid Karlstrom, Chairman is asking for a rollcall vote. Sally, "aye", Ingrid "aye", Tara "aye", Kim "aye", Will "aye". Henry "aye" Marcus (even though does not vote "aye"). All in favor "aye", none opposed. Motion carries.

Revised Shearon Outright Exemption – Mark and Tine Shearon and Mark and Kristi Buchannan

Presented by: Alex Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission April 8, 2020; April 22, 2020 ; Board of County Commissioners TBD, 2020

PROJECT NAME : Shearon Outright Exemption

APPLICANT : Mark H. and Bettina A. Shearon; Matthew and Kristen Buchannan

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

APPLICABLE

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

ZONING : F - Forestry and Open District

ATTACHMENTS :

- A. Vicinity Map
- B. Application and Narrative Letter
- C. Title Commitment
- D. Proposed Outright Exemption Plat
- E. Matson Subdivision Exemption Final Plat
- F. Tirana Subdivision Exemption Final Plat

STAFF PLANNER : Alexander Taft, LEED Green Associate

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

II. BACKGROUND

a. Proposal

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

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

a. History

Matson Subdivision Exemption was created in December 29, 1993 recorded at Reception 93013415. This Subdivision Exemption created three lots from 40.29 acres. Adjacent to the east, Tirana Subdivision Exemption was created in November 20, 1996 recorded at Reception 96010230. This Subdivision Exemption created three tracts out of 36.6 acres. Both of these Subdivision Exemptions were created from a land division commonly called Shadow Mountain Estates which created 35 or greater acreage parcels which was a subdivision not reviewed by Grand County.

III. STAFF ANALYSIS

This proposal was originally presented to during a regular Planning Commission meeting April 8, 2020. During that meeting Staff and Planning Commission discussed the need for Tract 1, Tirana Subdivision Exemption to also be shown on this proposed plat to prevent the problem of creating a lot without water or access. The Planning Commission agreed to table a decision on the proposed

plat until it was revised to show the connection of the proposed Outright Exemption tract with Tract 1, Tirana Subdivision Exemption.

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

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

As a note for the record, Staff feels that it would have been proper to exchange the tract of land south of County Road 408 owned by the Shearon's for the tract of land north of County Road 408 owned by the Buchanan's. One complication to completing such a request is that the Shearon's well is located south of the Right-of-Way. Staff also understands that historically the County has not been heavy handed in re-plat requests so long as they comply with current regulations.

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

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

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

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

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

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

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

V. COMPLIANCE/NON-COMPLIANCE WITH REGULATIONS

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

a. Grand County Master Plan

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

Plan Element 2 - Land Use - The Pattern of Development

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

b. ZONING -Section 6.1 Forestry and Open District

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

Use

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

Minimum Dimensional Requirements

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

Front, Side, and Rear Yard Requirements

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

c. OUTRIGHT EXEMPTION - Article 1.4 - JURISDICTION

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

- a) Which involves adjustment of a tract boundary to resolve a boundary to establish/determine a boundary when substantial evidence of a bona fide dispute is presented.
- b) Which involves adjustment of a tract boundary to eliminate an existing encroachment of a substantial structure upon the real property of another.

- c) Which involves acquisition of access from one parcel of property through another.
- d) Which involves other unusual circumstances which are deemed by the Board of County Commissioners to justify such a grant.

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

d. OUTRIGHT EXEMPTION - Article 2 - DESIGN STANDARDS

Section 2.1 Driveway, Roads, Streets, and Easements .

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

The "Old" County Road 408 Right-of-Way shall be aligned with the adjacent Laman parcel southern boundary . A deed recorded at Book 337 and Page 802 references the southern boundary of the Laman parcel to be the Northern Boundary of "Old" County Road 408.

Section 2.2 Tracts/Parcels/Lots .

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

This address shall be placed on the Final Plat Mylar.

Section 2.3 Public Dedications.

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

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

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

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

E. OUTRIGHT EXEMPTION - Section 3.2 - PLAT

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

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

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

Title of the plat is:

Shearon Outright Exemption

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

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

Ownership Recorded at Reception No. 2012004531

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

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

Amended Tract 1, Matson Subdivision Exemption

Tract 1, Triana Subdivision Exemption together with Outright Exemption Parcel A.

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

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

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

Section 3.2 (2) (f-i) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements have all been provided and accurately labeled on this proposed plat (f). Lots are identified and adjacent property owners are shown, lots subject to this proposal include acreage to 1/100th of an acre (g). Lot 1 is to remain as residential use; Lot 2 shall be for agricultural use only, as an out lot to Triana Subdivision Exemption pursuant to this plat (h). The location and description of all found monuments has been included on the proposed plat (i).

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

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

DEDICATION

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

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

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

That **Matthew Buchannan and Kristin Buchannan** are the owners of that real property situated in Grand County, Colorado, more fully described as follows: Tract 1, Triana SUBDIVISION EXEMPTION, according to the final plat thereof filed November 20, 1996 at Reception No. 96010230.

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

Mark H. Shearon

Bettina A. Shearon

STATE OF COLORADO }

}ss

COUNTY OF GRAND }

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

Bettina A. Shearon

My commission expires:

Notary Public

WHEREOF **Matthew Buchanan and Kristin Buchanan** have caused their names to be hereunto subscribed this ___ day of _____, 20__.

Matthew Buchanan

Kristin Buchanan

STATE OF COLORADO }

}ss

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this ___ day of _____, 20____ by Matthew Buchanan and Kristen Buchanan

My commission expires:

Notary Public

Section 3.2 (2) (l) Certification by a surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the plat to be in substantially the following form:

SURVEYOR'S CERTIFICATE

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

Timothy R. Shenk

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

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

COMMISSIONER'S CERTIFICATE

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

Chairman

Board of County Commissioners

Grand County, Colorado

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

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

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

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

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

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

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

VI. PLANNING COMMISSION RECOMMENDATION

This application was originally presented to Planning Commission during their regular meeting scheduled for April 8, 2020. During the April 8 meeting a recommendation was tabled in order for the Applicant to make adjustments to the proposed plat.

VII. STAFF RECOMMENDATION

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

1. Remove the ensuring statement from the proposed plat as that language has been removed from the most current Outright Exemption Regulations.
2. The "Old" County Road 408 Right-of-Way shall be aligned with the adjacent Laman parcel southern boundary, Section 2.1.

3. Add Resolution 2019-8-6 to the Board of County Commissioners Certificate [3.2 (2) (m)].
4. Statement of taxes due showing current taxes paid for all involved parcels [3.2(2) (s)].
5. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [3.2 (2) (t)].
6. The Applicant shall meet all Plat requirements and such additional information as may be required by the Grand County Board of County Commissioners.

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

Tina Shearon, the applicant was present and available to answer any questions for the Commissioners.

Commissioners asked if the applicant had a chance to review the certificate and if they had any questions.

Ms. Shearon replied that her and her husband, Mark Shearon are in agreement with the certificate and recommendations. She has also spoken with the Buchannan's who are also in agreement. Also Ms., Shearon stated that they have a written letter from their (HOA) Homeowners Association with their approval for the change.

Commissioners asked on page two of the certificate it shows the satellite view in a yellow outline with an arm stretched out. It appears to go on another house on the lower portion and yet it does not show up on page six, which is the plat. What is this arm?

Staff replied in on the GIS map for unknown reasons, there is still a right of way that extends into the neighbor's property which is owned by the Wilson family, from an old county road that was mostly vacated, except for a small portion on the Shearon's property. This portion of the property is not vacated so it will remain open and be a vehicular access.

Commissioners also added that GIS is not always accurate to a plat line. The sixty foot Right of Way at the creek bottom area and the road that comes off of the Right of Way are they the same road?

Ms. Shearon responded that it is Jeep Trail that is very steep, not a road.

Staff added that the Jeep Trail referred to was supposed to be County Road 408 but is not in the Right of Way that was deeded. It is technically the access (historic access) to the Wilson's property.

Commissioner asked when this Outright Exemption is complete because both of these properties were from original subdivision exemption plats, I was looking for what was "E" and "F" on the attachments?

Staff replied the Matson Subdivision Exemption Final Plat and then Tirana Subdivision Exemption Final Plat, should be on the last two pages, pages 96 and 93. They were the old 96 and 93 Final Plats that were recorded.

Commissioners asked if there needs to be revisions to those original plats, in that there were other tracts in those subdivision exemptions.

Staff replied that the plat recreates the lot's boundaries. Any future property owner will have property and property boundaries pursuant to this plat.

Commissioner added, to state it another way, we always look at the most recent plat. We take a subdivision and we look at two lots and we combine those two lots, that subset plat then is more relevant than the original plat. We don't redo the entire plat just the section of concern.

Commissioner had a couple comments. Staff analysis on the certificate, page two, second paragraph is what created the confusion, there is no more proposed Lot Two. This proposal effectively creates two lots. Rework: "This proposal does not add density and is merely transferring a portion of property between two owners in two different subdivision exemption subdivisions. The Outright Exemption parcel does not exist at the end of this process as it is merged". Secondly, I think we need two plat notes. 1. The Outright Exemption parcel is created from Tirana and forever merged to Tract One of the Buchanan Subdivision Exemption. 2. "There is a need to restrict the ability to have this proposed lot separated from its adjacent parcel in another Subdivision Exemption 3. To be merged forever with and create one parcel within the Buchanan Amended Tract One.

Ms. Shearon stated that she and her husband are good with the changes.

Commissioner stated add above as a condition.

Motion to recommend approval by Sally Blea for the Revised Shearon Outright Exemption and the Vacation of those portions of Right of Way identified on the proposed plat with the conditions as presented and with the additional conditions that referred to the plat note to note that is does not add density and that the property in question is to be merged to the Amended Buchanan Tract Subdivision Exemption. Seconded by Henry Broadhurst, Vote by exception. All in favor "aye", none opposed. Motion carries.

Motion to adjourn the meeting, Ingrid Karlstrom. Seconded by Kim Shepton. No Discussion. All in favor "aye", none opposed.

Meeting adjourned at 8:05 pm.
