

**GRAND COUNTY PLANNING COMMISSION
MEETING MINUTES**

June 8, 2016

MEMBERS PRESENT:	Ingrid Karlstrom	John Rankin
	Marcy Monnahan	Marcus Davis
	Steve Sery	Melanie Zwick
	Sally Blea	Todd Clausen

MEMBERS ABSENT Don Woster

STAFF PRESENT:	Bill Gray	Bob Franek
	Lisa Webb	Brett Hanlon
	Kelly Oxley	

The June 8, 2016 Grand County Planning Commission meeting was called to order by acting Chairman Ingrid Karlstrom at 6:30 p.m.

The Planning Commission Meeting minutes from the May 11, 2016 meeting were presented. Melanie Zwick motioned to approve the minutes as read, John Rankin seconded the motion. All members voted "aye". Motion was carried.

Looking Glass Townhomes Sketch Plan

The applicant, Pat Bremner is proposing a subdivision in order to subdivide a property and a two-unit townhome building into two separate properties. The two townhome dwelling units are identical. Each unit is approximately 2,700 square feet in size and has four bedrooms, four bathrooms, a two car garage and a separate entrance. The two units share a driveway. The property features a shared parking area near the top of the steeply sloping driveway. According to the plat, this shared parking area is located within the GCR 850 right-of-way. If this is the case, this shared parking area will need to be removed because it is not on the applicant's property. At this time, there are no plans for construction on the site. This subdivision is being proposed in order to create two legal lots to facilitate refinancing and enable the sale of one of the properties.

The applicant has explained to staff that he would like to create a party wall agreement in lieu of incorporating an owners' association and recording restrictive covenants for the property. Staff does not see an issue with this and will allow it subject to the approval the Grand County Attorney's Office. This party wall agreement must be provided prior to applying for preliminary plat approval.

STAFF RECOMMENDATION

Staff recommends the approval of the Looking Glass Townhomes Sketch Plan with the following conditions to be met prior to submitting an application for preliminary plat approval:

1. The applicant will need to provide a driveway profile that shows the driveway's change in grade within 50 feet from the county road.
2. If the driveway does not meet Road and Bridge Driveway Standards, it must be brought into compliance (via a Road and Bridge Variance or a new driveway plan).
3. The applicant will need to confirm the location of the shared parking area. If it is located within the GCR 850 right-of-way, this parking area will need to be removed.
4. The applicant shall submit a site plan that identifies the six required parking spaces, site drainage and snow storage. This site plan will need to show that all of the parking spaces meet zoning requirements

5. The applicant will need to submit a party wall agreement.
6. The applicant shall meet all preliminary plat requirements.

DISCUSSION

Pat Bremner introduced himself and has no concerns with the staff report.

Melanie Zwick asked for the definition of a party wall, and why the applicant chose this route. Mr. Bremner explained that a party wall agreement is easier to manage than an HOA on a monthly and yearly level. An HOA requires a board that must meet monthly, take and publish minutes and follow numerous guidelines. A party wall agreement eliminates the need for an HOA, yet still defines which part of the duplex is owned by which property owner.

Melanie Zwick stated that she was concerned about site drainage and with current parking situation. Mr. Bremner stated that Warren Ward would look at the site and make recommendations regarding parking. Sally Blea commented that parking was a concern to her as well.

Todd Clausen asked if utilities were already separated for each property, and stated that an easement will be required by the managing utility company for utility hook up and access. He asked that this information be clearly marked on the plat.

Marcus Davis wondered if this was a public or private road, as it appeared that the original driveway should have required a variance when it was built in 2004, as from all appearances, it does not meet the driveway standards. He further stated that there were significant differences in the survey points on this plat, and recommended it be carefully reviewed after the new survey was completed.

Mr. Bremner commented that the surveyor points are good, that in fact the upper driveway was installed prior to when the certificate of occupancy was issued. Further stating that all of the neighbors have similar driveways, however if the survey shows that the driveway needs fixing, that he will pay to have this corrected.

John Rankin recommended approval Looking Glass Townhome Sketch Plan with staff conditions. Marcus Davis seconded the motion. All members present voted "Aye". Motion carried. (Resolution No. 2016-6-1)

Grand County Road 137 Vacation

Over the last few years, Grand County Road and Bridge (GCRB) has received numerous calls regarding a locked gate across a portion of Grand County Road (GCR) 137. This locked gate is located in the Gore Lakes Unit 1 Subdivision. Based on discussions with the Road and Bridge Department it is presumed that residents in the Gore Lakes Unit 1 or Unit 2 Subdivision are responsible for constructing this gate. GCR 137 is a publicly dedicated road and this gate is restricting the access to the public for which it was dedicated. This is a violation of Colorado State law and must be addressed. To remedy this violation, the gate must be removed or a portion of GCR 137 must be vacated.

Although GCR 137 is an unimproved road, it is maintained by GCRB as a Secondary Maintained Road. Currently, GCRB performs summer and winter maintenance on GCR 137 up to the locked gate but does not perform any maintenance east of the locked gate. GCRB brought the issue of the locked gate to the attention of the Board of County Commissioners (BOCC) in late 2015. The BOCC directed GCRB to survey residents of the Gore Lakes Unit 1 and Unit 2 Subdivisions to determine the residents' attitudes in regard to a vacation of a portion of GCR 137. The responses from the survey showed that thirty (30) residents are in favor of vacating the portion of the road, seventeen (17) residents are against the vacation and two (2) residents responded that they had no opinion. Based on this favorable response, the BOCC directed staff to proceed with vacating this section of GCR 137. It should be noted that GCR 137 is a dead end road that does not provide access to any notable public interest. The road only provides access to private property. Also, because the portion of GCR 137 to be vacated is not maintained, it is likely that these homes are only used seasonally when there are not heavy snows.

The point of beginning for the road vacation is not at the locked gate, it is approximately 100 feet to the west of the locked gate. The Grand County Attorney advised staff to pick a definitive,

permanent, platted location to use in the legal description of the road vacation. So, the westerly property line of Lot 23, Gore Lakes Unit 1 where it crosses GCR 137 is being used as the point of beginning for the legal description of the vacation. The eastern end of GCR 137 as depicted on the plat of Gore Lakes Unit 2 is the description of the ending point of the road vacation.

It is staff's recommendation that a deed of easement be provided by all affected parties (property owners that rely on this portion of GCR 137 for legal access). The deed of easement should address issues pertaining to the maintenance of the road, emergency access and other relevant topics.

STAFF RECOMMENDATION

Staff recommends the approval of the vacation of a portion of GCR 137 with the following conditions to be met prior to recording the resolution vacating a portion of GCR 137.

1. The resolution for the road vacation shall reserve a private access easement for the owners, successors and heirs of the properties that currently utilize the portion of GCR 137 to be vacated for access.
2. The private access easement that is described in the resolution for the road vacation shall also be reserved for the placement of utilities.

DISCUSSION

Marcy Monnahan asked when the gate was installed, Brett Hanlon said it had been in place for many years. According to Bill Honer the gate was installed and locked about 1975, and then moved in 1979 to its current location. Mr. Honer stated that the community has shared a padlock for the gate for the past 17 years. He further referenced a letter from Josie Allen about the gate.

Mr. Davis stated that Big Horn Park is obstructed as well, and Marcy Monnahan stated that this road was maintained by someone privately, that it was not maintained by Grand County Road and Bridge. Mr. Franek said that the recommendation by the county was to remove the gate in Bighorn Park.

Ingrid Karlstrom and Todd Clausen agreed they want to make sure those property owners behind the gate had access.

Mr. Honer explained the reason the gate was originally installed was for property and homeowner safety. There were multiple break-ins in the past, prior to the installation of the gate, that there are a number of ponds on private property there and once the gate was installed, both the number of break-ins and trespassing to fish and hunt were greatly reduced.

Marcus Davis said that he would like to address the survey that was distributed which asked the residents about their attitudes about the gate. The survey responses showed that approximately 25% of the homeowners affected by the locked gate were not in favor of it remaining locked. Commissioner Davis asked Mr. Hanlon if he had a record of why these residents were averse to the locked gate. Mr. Hanlon stated that he did have the survey responses, but the survey responses were organized by parcel numbers and not lot numbers, so he could not provide an answer at this point. Commissioner Davis stated that an easement would need to be established so that every property owner continues to have access to their property.

Sally Blea agreed, most importantly, if the gate remains in place, there will need to be an access easement put in place. Todd Clausen agreed with Sally's recommendations.

Melanie Zwick asked if a sign stating "Reserved for Private Access" was considered in lieu of the gate. Mr. Hanlon stated that it had not been considered as far as he knew.

Melanie Zwick asked how the property owners that don't have properties directly accessible from GCR 137 get to their properties. Mr. Hanlon explained that there were access easements established on the Gore Lakes Unit 1 and Gore Lakes Unit 2 Plats.

Steve Sery asked for clarification of the violation with the gate. If the gate was installed in the mid to late 1970's, and it is a violation, then perhaps a vacation of the road is the proper way to address this situation, since it would legalize the gate.

PUBLIC COMMENT

Randall Schildgen introduced himself. He lives at the end of GCR 135 and has concerns about the locked gate, first and foremost with emergency responders, and with the gate blocking access, how they will get to a property needing assistance. He also states that there is concern that vacating the road will devalue the property. If the vacation goes through, no winter plowing, or maintenance will be done on the road.

Ingrid Karlstrom stated with the vacation of the road that residents would have access, it would be private access only. EMS would have a code to access all the properties behind the gate, or worst case scenario, they do carry bolt cutters and can access the property.

Mr. Schildgen asked why the gate should be kept, when realistically; anyone can cut the lock with bolt cutters, not just EMS. He also said there is an old story about the fire department being called to a property behind the gate, and because they did not have access, they were forced to turn around, never helping the caller.

Steve Sery responded that it is customary for all fire departments and emergency responders to have keys, or a means of access to all private and public locks. Todd Clausen agreed, stating that even utility companies require access.

Mr. Schildgen said there was a similar situation occurring on GCR 134. Mr. Franek stated that there is a gate on GCR 134, however it has not been locked for the past 4-5 years.

Mr. Davis stated that generally the county doesn't tend to vacate county roads. Concerns mentioned about first responders is a moot point, their job is to protect the public, if they need to get in, they will cut the lock. Big Horn Park was mentioned earlier, they have a point of contact through the HOA for gate access. Vacating the road will legalize what is currently happening here. Finally he stated that property assessments are not based on the access to any particular road.

Mr. Schildgen recommended signs at the entrances to both GCR 137 and GCR 134 stating there is no public access.

Ingrid Karlstrom suggested a sign declaring the road as a "Dead End," may be effective.

Marcia Honer introduced herself as the owner of Lot 30, a full time resident, and trustee to lot 18. She corroborated the reason for the gate with numerous break-ins, trespassing on private property to fish and hunt, and that her father was assaulted by two men riding dirt bikes. The gate was installed first and foremost for their protection. In her opinion, there is an overwhelming feeling from those who live behind the gate that it is valued. Road and Bridge said there were portions of the road they could not maintain, and a number of the property owners have paid for and taken on this maintenance.

Bill Honer, husband of Marcia says they have lived on this property for 37 years. The full time residents, 16 or so, pool their resources to keep the road maintained. He further recommended a Knox-Box be installed on the gate so the first responders and utility companies have access.

Bill Gray agreed that the first responders all carry bolt cutters. He added that many emergency responders are not in favor of installing Knox-Boxes as each jurisdiction has their own key. So, upon an emergency, they would have to figure out which key belonged in this particular jurisdiction. He further stated that many driveways in the valley have locks on them, and that first responders and utility companies have worked through this for the past 40 years. If an easement agreement is written, there is a concern that Lot 12A and Lot 23 in filing #1 might both vote no, or refuse to sign the easement agreement.

Mark Malinowski said the property they purchased was attractive for his family because the gate was there, and provided security. He has never had an issue with getting insurance for his house, or having first responders or utility companies having access issues. He and his wife are in favor of keeping the locked gate.

Melanie Zwick asked for clarity, if the road is vacated, the gate may stay in place. The homeowners are already doing the maintenance on the road, so there will be no change once it is a private road not being maintained by the county Road and Bridge department.

John Rankin asked for further definition from the county attorney, if the gate is kept, then the vote would be to vacate the road. Bob Franek clarified, if the vote is in favor of vacating any county interest in the road, then the road becomes a private easement and a private road.

Robert Franek states the Board of County Commissioners may require a private access easement, and a resolution must be approved then.

Steve Sery recommended approval of the Partial Vacation of GCR 137, with two Staff conditions, John Rankin seconded the motion. All members present voted "Aye". Motion carried. (Resolution No. 2016-6-2)

Grand County Parking Standard Amendment

Mr. Pete Golub ("Applicant") has requested that Grand County amend its off-street parking standards as they apply to short term rentals (aka vacation rentals). The Applicant's request proposes the County consider the following options:

- Adequate on-site parking be **determined by Community Development** Department after considering **number of guests, frequency of operations and availability of on-street parking**. **Location** of parking should be to the **side or rear of the dwelling**.
- Each Vacation Rental must provide at least **1 on-site parking space for a rental with 1 or 2 guestrooms**, and at least **2 on-site parking spaces for a Vacation Rental with 3 or 4 guestrooms**. **Larger Vacation rentals must demonstrate adequate parking with a minimum of 3 spaces**. At the **discretion of the Community Development Department, on-street parking may be considered** to meet a portion of the total parking requirement when the applicant can demonstrate that adequate road capacity and public safety will be maintained.
- The number of off street parking spaces will be indicated on the application. Wherever possible, enough **off street parking spaces must be provided to accommodate the occupancy level of the dwelling unit, generally one parking space for each four people housed**. The parking spaces must be **situated so as to be in keeping with the neighborhood**. **Vehicles shall not be parked on front lawns**. **Where off street parking is not possible, street parking may be allowed with the approval of the Director of Community Development and Superintendent of Road and Bridge**.

Grand County adopted terms, conditions and requirements for Short Term Rental use in October 2011. Before this date vacation rentals were not permitted by Zoning Regulations. One of the adopted standards for short term rentals is that they must comply with off-street parking standards, as follows:

- 14.4 OFF-STREET PARKING
 - (1) Minimum off-street parking spaces required (these parking requirements are the minimum, and, based on individual circumstances, may be increased at the discretion of the County.
 - (a) Single-family or multi-family dwellings with one (1) bedroom or less, one and one-half (1-1/2) spaces per dwelling unit.
 - (b) Single-family or multi-family dwellings with two (2) bedrooms or more, two (2) spaces per dwelling unit.
 - (c) Single-family or multi-family dwellings with three (3) bedrooms or more, three (3) spaces per dwelling unit.
 - (2) Location and dimension of parking spaces:
 - (a) All parking spaces shall be a minimum of 10' (W) x 20' (L).
 - (b) No parking spaces shall be permitted in side yards.
 - (c) All parking areas shall be setback a minimum of 15' from all street rights-of-way.

The Applicant is the owner of Lot 22, Block 9, Scanloch (Lot 22). Scanloch is zoned Residential. Residential District zoning permits short term rental. The dwelling located on Lot 22 is a three bedroom single family residence. Parking standards requires three (3) parking spaces. In addition, the property is a registered short term rental. As part of registration an owner agrees to comply with all regulations related to the operation of a short term rental as are indicated below:

- **TERMS, CONDITIONS AND REQUIREMENTS:**

- (a) **Annual Registration.** A completed registration form, accompanied by the annual fee, shall be maintained and provided annually and signed by the owner and if applicable, any property management company representative, agent or designee.
- (b) **Taxes.** Owner is responsible for maintaining a State of Colorado Sales Tax License and remitting applicable Federal, State and Local Taxes.
- (c) **24-hour Contact Person.** Each Short Term Rental owner shall have a contact person responsible for the Short Term Rental and shall be available on a twenty-four (24) hour basis, seven days per week.

The 24-hour contact person may be the owner, a property management company representative, agent, designee or other person employed, authorized or engaged by the owner to manage, rent or supervise the Short Term Rental.

If the Short Term Rental is found to be in Violation of this Section 14.8 pursuant to Section XVIII Enforcement and Section XIX Violations and Penalties of the Grand County Zoning Regulations, a **local** 24-hour contact person shall be required. The **local** 24-hour contact person shall maintain a residence or permanent place of business within one (1) hour driving distance to the Short Term Rental and must be available on a twenty-four (24) hour basis, seven days per week

- (d) **Safety.** The Short Term Rental shall contain at least one operable fire extinguisher and operable smoke alarms as required by the current Building Code. The Short Term Rental shall contain operable carbon monoxide alarms in compliance with Title 38, Article 45 of the Colorado Revised Statutes.
- (e) **Noise.** Be a good neighbor. While occupying or visiting a Short Term Rental, no person shall make, cause or permit unreasonable noise to be emitted from the Short Term Rental that is audible upon private premises in excess of the limits set forth in Title 25, Article 12 of the Colorado Revised Statutes.
- (f) **Garbage.** Clearly-defined garbage storage areas shall be provided, with an adequate number of garbage containers. A plan for regular garbage pick-up or individual plan for garbage removal (including name and location) must be identified for all occupants. Any outside garbage storage areas and containers shall be of a bear-proof design. Garbage containers shall not be left unattended for on-street pick-up for more than a 24 hour period. The property shall be properly maintained and free of garbage, trash and litter.
- (g) **Lighting.** Outdoor lighting shall be downward lit, subdued and have minimal off-site impacts to adjoining properties.
- (h) **Access and Parking.** Adequate driveway access and parking shall be provided in compliance with Section 14.4 of the Zoning Regulations. If a Short Term Rental is accessed by a shared driveway, written permission to access the drive must be obtained from each shared driveway property owner.

Occupants and visitors utilizing Short Term Rentals must park in designated off-street parking spaces. On-street parking within a County Road right-of-way

or within a private road right-of-way is prohibited. Parking on adjacent or neighboring properties is prohibited without written permission. No person shall be permitted to stay overnight without written permission.

- (i) **Snow Storage.** On site snow storage shall be provided. Snow storage shall not be part of the required off street parking area. Snow storage on adjacent neighboring properties is prohibited without written permission.
- (j) **Compliance** with the terms and conditions set forth herein shall be the non-delegable responsibility of the owner of the Short Term Rental; and each owner of a Short Term Rental shall be strictly liable for complying with the conditions set forth in this Section or imposed by Grand County. Owner shall comply with all applicable County, State and Federal Regulations.
- (k) **Posting of Information.** The owner shall post information inside the short term rental in a conspicuous location for its Occupants including, but not limited to the following information:
 - 1. A copy of this Section 14.8 Short Term Rentals.
 - 2. The name, address and telephone number of the 24-hour contact person, management company, agent or owner of the Short Term Rental that can be reached.
 - 3. The maximum number of persons allowed to occupy the short term rental.
 - 4. The maximum number of vehicles allowed to park on the Short Term Rental property. All vehicles must park in designated off-street parking spaces. On-street parking or on neighboring properties is prohibited.
 - 5. The day of garbage pick-up or plan for garbage removal and notification of all rules and regulations regarding garbage removal.
- (l) **Signs.** At no time shall a Short Term Rental qualify for a sign permit. Signs for advertising shall not be permitted on Short Term Rentals except as outlined in Section 13.3 of the Zoning Regulations.

As with all county regulations, Enforcement of vacation rentals is a complaint driven task. The volume of complaints for short term rentals is not significant. The top three complaints received by Community Development with this use are noise, shared driveway permission, parking and garbage disposal. As it relates to Mr. Golub's short term rental the complaints have ranged from garbage to parking and have been intermittent for the past 4-years. The most prominent of the complaints is compliance with the county parking standards. Over the past year the County has had at least 4 separate complaints for parking – either on-street parking, parking at the US Hwy 34 overlook or simply that the parking area provided does not meet the minimum number of spaces or location standards.

In April, the County issued the Applicant a compliance notice offering several options to address the parking issues with his short term rental use. The options included:

- 1. **Permanently STOP using the 3-bedroom single family dwelling as a short term rental.**
 - a. If you elect this option the County would agree to reimburse you the short term rental registration, subject to the approval of the Board of County Commissioners. In addition, at this time you do not meet the terms, conditions and requirements that would permit you to use the property for a short term rental use. You are also well aware of the neighborhood complaints regarding your property and the short term rental use These complaints have

also accurately cited the requirements of the County's off-street parking standards and their relationship to Section 14.8, Short Term Rentals. A short term rental use is only considered permitted if compliance for all terms, conditions and requirements are met.

2. Appeal administrative decision to the Board of Adjustment.

- a. An appeal is processed under Section XVI, Board of Adjustment, County Zoning Regulations.
- b. The appeal that you would make to the Board of Adjustment is that the Department of Community Development has incorrectly applied the county off-street parking standards pursuant to Section, 14.4, County Zoning Regulations for your 3-bedroom single family dwelling being used as a short term rental as permitted by Section 14.8, Short Term Rental, County Zoning Regulations. It is my advice that this may not be the best course as the code is clear that off-street parking areas shall be setback 15' from all rights-of-way and no parking shall be permitted in side yard setbacks.
- c. To initiate the appeal process you will have to submit a written request to appeal. An appeal requires public notice and notification to all adjacent property owners. The cost of an appeal are the public notification costs and mailing costs to adjacent property owners.

3. Request that the County Community Development Department pursue revisions to the County Zoning Regulation Off-Street Parking Standards.

- a. This request could include both number of spaces required by use and the locational standards for off-street parking. Community Development would be in agreement to pursue a revision of this nature. The estimated time frame to complete is approximately 3-months. The earliest a change could be adopted is approximately July 2016. If you chose this option it would require that you not use the single family dwelling that you own as a short term rental until such time as the amendments were adopted by the Board of County Commissioners. Furthermore, this process does not guarantee that the amendment would allow use of the dwelling as a short term rental. The amendment would evaluate whether or not a change was in the best interest of the county and does it fit with county wide goals and plans.

To understand why this is a problem we need to consider more details about Scanloch Subdivision and the property owned by Mr. Golub. Scanloch Subdivision was created in 1953. Lots in Scanloch are considered legal non-conforming lots due to their size. The county zoned the lots Residential District in 1971 and as such each lots served by either public water or public sanitary sewer are required to be a minimum size of 15,000 square feet. Lot 9 is approximately 7,000 square feet. Many of the lots are located on steep slopes. Their width and depth present challenges to meeting setback standards. Assessor data indicates that the home built on Lot 9 was constructed in 1978. The lots of Scanloch were not created through a process (i.e., Grand County Subdivision Regulations) that would have allowed their layout to be considered with adopted site development standards (i.e., setbacks, parking, etc.). A land survey plat is provided that shows the constraints that current land use standards have, in this case, with pre-1972 lots. Grand County adopted its current subdivision regulations in October 1971.

Yes, there are site specific challenges that Mr. Golub's property has as it relates to complying with current zoning regulations (i.e., setbacks and parking). Anecdotal this situation may be common throughout the county with pre-1972 lots, but not to a degree that it is a problem that needs a solution. Zoning regulations do provide for variances to be granted to address situations of hardship or practical difficulty as a result of the application of adopted standards. In the case of our code, zoning variances may only be granted for building setbacks, building height, lot size and lot width. County parking standards may not be varied through variance procedures. Aside, from having to locate parking spaces away from rights-of-ways and side property lines there are always many options to comply with the standards.

These standards are important to ensure that parking is clearly on-site – not on street right-of-way or on neighboring properties and to allow safe travel and use of county roads and streets.

The Applicant's proposal requests the County amend its parking standards in 2 general ways:

1. Allow for on-street parking where off-street parking is not possible.
2. If on-street parking is allowed road capacity and public safety will be maintained.
3. Allowing on-street parking is at the discretion of Community Development and Road and Bridge.

There are a few issues with on-street parking:

1. County road standards do not allow parking on a road or right-of-way.
2. Roads in unincorporated Grand County are not designed to accommodate on-street parking. The edge of roads provide a road side shoulder, drainage and snow storage.
3. Parking on-street on many roads is unsafe due to road width and the potential for obstructing travel, particularly public safety vehicles.

For the above reasons County staff would conclude that on-street parking is not a viable consideration at this time. A change of this magnitude would require changes to county road standards, analysis as to where on-street parking should and could be accommodated, maintenance practices, entity responsible for maintain on-street parking spaces (County, Property owner, Owners Association).

The Applicant's proposal also has a locational focus. Adopted standards require that off-street parking be located at least 15 feet from any street right-of-way and not in any side yard setback. Our parking standards are in place to ensure their usefulness, protect public safety and insulate surrounding land uses from their impacts. Clearly, this standard is established to ensure that parking is off of the right-of-way and also not on an adjacent lot. There is some merit to allowing our parking standards to have some flexibility on location to address a variety of site characteristics, many of which are present with the Golub property. Last, Staff feels that the number of spaces for uses as they are current set are adequate, particularly as they are currently prescribed for single and multiple family dwellings. In addition, the minimum number of spaces is also appropriate for these uses if they are also used a short term rentals.

A practical revision to the county parking standards could be as follows:

SECTION 14.4 OFF STREET PARKING AMENDMENT – CONCEPTUAL FORMAT ONLY

1. Parking spaces, aisles and turning areas shall be entirely within lot lines and shall not encroach on any public or private road right-of-way or adjacent property.
 - a. Eliminate the 15' setback from any right-of-way.
 - b. Eliminate the standard that parking areas shall not be allowed in side yard setback.
 - c. Parking standards already require all parking areas to be separated from adjacent properties a minimum of 7 feet. This standard addresses a parking areas potential impact to adjacent properties.
2. For parking facilities where there are 4 or more spaces, the parking facility shall be designed so that it will not be necessary for vehicles to back into any street or right-of-way.

An amendment of this nature will continue to ensure off-street parking facilities do not interfere with the use of roads, maintain their usefulness, protects public safety and insulates surrounding land uses from their impacts. In addition, it increase the design options a land owner has to meet the county's parking standards. This is what the Applicant desires with the proposals presented for this amendment.

The amendment as outlined above is not at all a decision regarding whether or not a short term rental use is permitted on Lot 9. It certainly adds opportunity for this lot to possibly gain compliance in the future. It might involve constructing parking along the side of the dwelling or along the right-of-way. Both are big endeavors as they would require construction of a structural parking area. There is a possibility that a parking facility in compliance with current standards could be constructed, but it would be at a high cost.

Finally, this is not a request to grant a parking variance, which is not permitted by County regulations, nor is this an appeal of Staff's determination of compliance with the Applicant's desired use of the property as a short term rental. This is a request from the Applicant to amend Section 14.4 to add the ability for on-street parking to be permitted to meet parking standards if circumstances warrant.

I. RECOMMENDATION

Staff recommends that the Planning Commission direct staff to draft an amendment to Section 14.4, Off-Street Parking Standards regarding the location of required off-street parking spaces as conceptually outlined on page 6 of the Staff Report and to deny the request to pursue an amendment that would allow for parking standards to be met with on-street parking.

DISCUSSION

Marcus Davis stated he is the owner of a property management company and offers to withdraw himself if necessary due to a potential conflict of interest. All agreed he could remain.

Bill Gray states this is not a change to the Short Term Rental program in place with the county. There currently is no on-street parking allowed in the regulations. He gave some background information about the Scanloch subdivision.

Ingrid Karlstrom asked if this would be in addition to the on-street parking regulations, or if this was to be separately addressed.

Bill Gray asked for the commissioners to direct staff on the current county regulations if desired. There needs to be 2 separate motions, one about on street parking and the other to pursue changing the parking standards.

The applicant, Pete Golub, said he has owned the house for the past 9 years, it was built in 1978 and there has been no driveway, or garage on the site. He stated there is no room to build on the parcel so he is proposing on-street parking in the county.

Ingrid Karlstrom asked about the road right of way. Bill Gray said it was 20 foot total in the Scanloch subdivision per the Plat.

Pete Golub said there are 7 homes in this circle, that there are 4 homes that don't use this road to access their property, that in fact, there is only one resident who accesses their property past his home. He would like to propose on-street parking for the county. Through research he has compared how other counties have addressed on-street parking. Some county's do not approve of on-street parking, but acknowledge issues on small properties, and deal with this issue "with county approval as needed," while other counties have ruled against on-street parking altogether. His only other option is off-street parking. On his property, he has only 7 feet available, on which he would have to do significant grading, building retaining walls. With a 15 foot driveway setback in the current standards, there is no way his property can meet these current regulations. He believes that off-street parking was adopted in 1971 at the county level, and that at that time there were no short term rentals operating. So, when he and friends are on the property, then he may park on the street. However once it is rented, then there is no way he can meet the minimum setbacks. He is appealing the commissioners to allow on-street parking, and reiterates this is not a safety hazard.

There was much discussion on legally parking in the street vs. short term rentals.

Mike Green introduced himself as the owner of 99 Grand County Road 6121, the house just north of Mr. Golub, and, in fact he sold Pete the house. Mr. Green states that Mr. Golub has the room to park off the roadway, per the survey on the site. Further states that he does not meet the required parking for a 3 bedroom house now, as standards require 3 parking spaces. For a short term rental, it is the requirement that the property needs to meet both of these regulations. County Road 6121 is only 15 feet wide and this winter alone they pulled 9 cars out of the ditch.

Unlike Mr. Golub, Mike states the road is more traveled than stated, and when Mr. Golub advertises the house as a rental on the internet, there is a spike in traffic, those looking at it for consideration as well as those renting the home.

Steve Sery asked with this proposal if this would be a county-wide change to the parking regulations. Mr. Gray stated yes, this decision would not be specific to this particular property. Mr. Golub stated he was not wanting this to be applied throughout the county, he was hoping to have the county overview this on a case-by-case basis.

Mr. Davis asked if this was possible in a variance process. Mr. Gray said it was not valid with the Board of Adjustment, as the parking standard is not under their jurisdiction.

Ms. Karlstrom states that whether it is Mr. Golub and/or friends staying on the property vs. renters, this appears to be a problem. She asked if this amendment would apply to the all of unincorporated Grand County?

Bill Gray says there are options: Provide off-street parking. If this is not feasible on a piece of property, then it becomes the discretion of Community Development and Road and Bridge. It becomes a case-by case basis. He could also be directed to look into changing the 15' road setback for parking as well as allowing parking on the side of the properties.

Mike Green agrees that in some cases the 15 foot setback is difficult to meet on some properties. He agrees that some type of case by case analysis might be best.

Georgia Noriyuki attorney for the Greens and stated the following:

1. Difficult for the county to legislate and make changes which would apply county-wide. Recommends more input from the entire county, and how this would affect everyone. She is unaware of many complaints about this, states that in this case, one habitual offender should not change the parking standards throughout the entire county.
2. In the first sentence of the parking standards, it already grants the county the right to make changes to the established parking standards on a case by case basis.
3. Can the County regulate a private road? This road has is proven to be a safety hazard, particularly in the winter months.

Earl Howard lives two doors away from Mr. Golub, and has owned this house since 1982. He states the neighborhood was quiet until Mr. Golub began the short term rental business there. It was disruptive for four years until the Board of County Commissioners were forced to adopt regulations and rules for short term rentals. He was present for those meetings and discussions, and clearly remembers giving up some residential zoning protections as homeowners in order to adopt the short term regulations. The rules were put in place to protect everyone involved. There are 14 homes in this neighborhood, and all properties have off street parking except for Mr. Golub and the neighbor next to Mr. Golub. This is a residential neighborhood with covenants that clearly prohibit business activities. However, they do not have an active HOA to enforce these restrictions. The only protection the neighborhood and homeowners have are the parking standards.

John Rankin states it seems Mr. Golub has not been a good neighbor, and recommends that he follow option number 1, which is to terminate the use of the house as a short term rental. Mr. Rankin states he is attempting to park too many vehicles on the property.

Steve Sery is opposed to on-street parking, as it will become a county wide standard. He asks for clarification on the survey, showing that the road is in fact 7 feet on Mr. Golub's property. Mr. Gray states the edge of the road may be on a piece of Mr. Golub's property.

Melanie Zwick stated that some properties in the county are not suited for short term rentals, and it appears this may be one of them.

Todd Clausen recommends that the Commissioners direct the Department of Community Development to see what alternatives they can find.

Sally Blea stated there are many houses that cannot meet the new regulations, so they are in effect prohibited from nightly rentals. Is this considered a "harm" to them? In this case, since he cannot meet new regulations, he is prohibited from short term rental of his property.

Robert Franek clarified that before the regulations were in place, we could not regulate short term rentals. Rentals were becoming an issue in the county, so the regulations were brought into affect. The county can control the use of a home through the short term rental regulations.

Marcus Davis is appalled with the lack of zoning violations based on the short term rental regulations. This property does not meet the current regulations. There was more discussion on Regulations vs Pre-Existing, Non-Conforming homes.

Mr. Franek said there are three choices for Mr. Golub:

1. Stop using the house as a short term rental
2. Ask the Board of Adjustment for a variance with the parking standards
3. Amend the current parking standards in the zoning regulations.

Mr. Gray stated the current regulations do not adequately address the county needs. He also said there is a practical problem to the current parking standards. As a county we are not trying to be heavy-handed, just pointing out the problem with the parking. Thinks finding a solution that works is best option.

Marcy Monnihan says she is not in favor of prohibiting Mr. Golub on the use of his land. However, she is appalled that Mr. Golub has not been fined in the past with the numerous complaints and violations he has had on the property. She will not recommend on street parking at all, but agrees that owners must comply with the short term rental regulations.

Mike Green is in agreement that off-street parking is acceptable for home-owners but not for the renters. He believes a more stringent set of rules should apply to the business application versus the residential application of the property.

Earl Howard feels there should be restrictions on short term rentals versus the home-owner. These short term rental regulations provided this for us.

Sally Blea recommended to deny the On-Street parking standards amendment, Melanie Zwick seconded the motion. All members present voted "Aye". Motion to deny is carried, (Resolution No. 2016-6-3)

Todd Clausen recommended further study be done into the parking standards, John Rankin seconded the motion. All members present voted "Aye". Motion carried. (Resolution No. 2016-6-4).

Meeting was adjourned at 9:03 PM.