

GRAND COUNTY PLANNING COMMISSION

June 14, 2023

MEMBERS PRESENT: Bob Gnuse (via Webex) Kim Shepton
Loreta Silverio Ryan McNerty
Chris Murphy Lynn Adams

MEMBERS ABSENT: Shaun Mullahey
Brad White

STAFF PRESENT: Kris Manguso Maxine LaBarre-Krostue (via Webex)
Jorune Klisauskaite Shira Cohen

There was one person present in the board meeting room.

The June 14, 2023 Grand County Planning Commission. The meeting was called to order by Assistant Chairman, Ryan McNerty at 5:33 p.m. Minutes from April 12 and May 10 PC meeting were reviewed and motioned for approval with no changes and all commissioners agreed on approval.

1.) Fairways at Pole Creek Lot 4-24 – Amended Final Plat

The Applicant is requesting approval of an Amended Final Plat to relocate the originally platted building envelope in the Fairways at Pole Creek Subdivision.

STAFF COMMENTS

The Fairways at Pole Creek Design Review Committee (DRC) has provided a letter, dated April 21, 2023, for the proposed amended building envelope stating that, *“there is no restriction in the HOA governing documents that would be breached should the County determine a shift in the building envelope be approved.... Our concerns are always that the reason is valid (obstruction, saving forest, potential for damage from golf balls) and that the shift is minimal”*. In further correspondence with the DRC, they stated that their approval is conditional on the adjacent property owner agreeing to the building envelope relocation, but they also acknowledge that the approval of the Amended Final Plat is entirely up to the discretion of the Grand County Planning Commission and Board of County Commissioners.

It is Staff’s opinion that if the adjacent property owner remains in opposition of the Amended Final Plat to relocate the building envelope, it is not reasonable grounds to deny the proposal given that the request is in compliance with Grand County regulations and is not in violation of Fairways at Pole Creek Valley governing documents. Additionally, the relocation will minimally impact views of adjacent property owners and will reduce potential golf course impacts to the future residence.

May 10, 2023

STAFF RECOMMENDATION

Staff recommends approval of the Amended Final Plat of Lot 4-24 in Fairways at Pole Creek Subdivision with the following conditions to be met or sufficiently addressed prior to recording:

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

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

DISCUSSIONS:

There were no comments from the public or commissioners. It all seems straight forward.

Kim motioned to recommend approval for Amended Final Plat of Lot 4-24 in Fairways at Pole Creek Subdivision with staff recommendations and was second by Loretta. Motion passes.

2.) Fourth Amended Final Plat – Unit 6 and 7, The Harbor

The Applicant is requesting approval for an Amended Final Plat to combine Units 6 and 7 in the Harbor Subdivision.

STAFF COMMENTS:

The Applicants legal description will change with the recording of this plat, if approved. With this in mind, the following shall be provided:

- ✓ A Quit Claim Deed from The Harbor Association (grantor) to Timothy Rady conveying the "Addition" as shown on the Fourth Amended Final Plat, Unit 6 & 7, The Harbor, recorded _____, 2023, at Reception No. _____ of the Grand County Records.
- ✓ A Quit Claim Deed from Timothy Rady to Timothy Rady for the newly created Lot 6A as shown on the Fourth Amended Final Plat, Unit 6 & 7, The Harbor, _____, 2023, at Reception No. _____ of the Grand County Records.

STAFF RECOMMENDATION:

Staff recommends approval of the Fourth Amended Final Plat, Unit 6 & 7, The Harbor with the following conditions to be met prior to recording:

1. A correctly executed Quit Claim Deed from the Harbor Association (grantor) to Timothy

May 10, 2023

Rady conveying the “Addition” as shown on the Fourth Amended Final Plat, Unit 6 & 7, The Harbor, recorded _____, 2023 at Reception No. _____ of the Grand County Records.

2. A correctly executed Quit Claim Deed from Timothy Rady to Timothy Rady for Lot 6A as shown on the Fourth Amended Final Plat, Unit 6 & 7, The Harbor, recorded _____, 2023 at Reception No. _____.
3. An electronic copy of the plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to recording.
4. A correct final plat Mylar, with support documents and recording fees shall be provided.

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

DISCUSSION:

There were no comments or questions from the public or commissioners.

Loretta motioned for approval for the Harbor 4th Amended Final Plat unit 6 & 7 with staff recommendations. Motion was second by Bob. Motion passes.

3.) Mulligan Estates – Sketch Plan

The Applicant is requesting approval for a subdivision in order to divide a two unit (duplex) building on a 0.58-acre parcel creating a density of 3.4 dwelling units/acre.

STAFF COMMENTS:

Written notice was sent on May 30, 2023 to adjacent property owners and proof of a sign posted on the property was provided at least 15 days prior to this meeting, as required.

✓ The Applicant is responsible for all costs associated with mailing notification requirements and shall be paid in full prior to final plat recording.

Previous neighbor concerns pertained to drainage and the existing rock wall location impeding access across the public bridle path easement. While Winter Park Ranch does not have an active HOA, the covenants for the subdivision have been amended five times and run with the land. The last amendment to the covenants, recorded at Reception No. 2010004624, including any reference to prior Declarations of Covenants, does not include any restrictions on the 10 foot bridle path easement.

Within approximately a ¼ mile from the property, there are eleven (11) other townhome and condominium type developments. The density of the development is approximately 3.4 du/acre which is similar to densities of surrounding townhouse and condominium development.

In addition, it is to be noted that an Agreement dated February 19, 2010, recorded at Reception No. 2010001479, restricts Lot 27 to building of and use for a single family dwelling or two-family dwelling. While this Agreement, does not encumber this request, this is an important condition to be included on the final plat.

✓ A plat note stating “Lots 1 and 2 of Mulligan Estates Subdivision is restricted to a single family unit unless the agreement recorded at Reception No. 2010001479 is terminated.”

REQUIRED FEES

✓ In order to address water quality concerns in the long term, if this subdivision is approved, the Applicant will be required to provide \$500.00 per unit at the time of recording of any final plat to be turned over to the Winter Park Ranch Water and Sanitation District, for future water quality measures. The Applicant will be required to enter into a water quality agreement for the payment of this fund.

✓ The Applicant shall be required to pay a fee in lieu of school land dedication. The calculation of school fees will be based on a dollar amount per acre of comparable properties and determined with any preliminary plat review of this subdivision request. School fees will be deposited with the Grand County Treasurer prior to recording of the final plat.

ADDITIONAL PRELIMINARY PLAT REQUIREMENTS

✓ An updated title commitment dated within 6 months shall be provided with any preliminary plat submittal.

✓ The Applicant shall certify that notice has been provided to the mineral estate owner pursuant to C.R.S. §24-65.5-101.

✓ An easement shall be added to the Final Plat to allow water and sewer service line maintenance and repair, which serves both units.

✓ Draft declaration of covenants and bylaws have been provided by the Applicant. The Grand County Attorney’s office shall review these documents during preliminary plat.

STAFF RECOMMENDATION:

Staff recommends approval of Mulligan Estates Townhomes Sketch Plan with the following conditions to be met or sufficiently addressed prior to Preliminary Plat:

1. The plat shall be updated to show the building meeting all setbacks as required.
2. The Applicant shall be required to remove this parking area from the plat prior to Preliminary Plat submittal and revegetate this area prior to recording of any Final Plat.
3. A plat note shall be added stating “All parking areas shall be setback a minimum of fifteen (15) feet from all Rights-of-Way and no parking shall be permitted within seven (7) feet of the adjacent property according to Section 3.9.3 of the Grand County Road & Bridge Regulations.”
4. A variance to Section 4.1 of the Grand County Storm Drainage Design and Technical Criteria Manual (August 1, 2006) regarding on-site storm water detention requirements shall be granted prior to final approval.
5. The Applicant is responsible for all costs associated with mailing notification requirements and shall be paid in full prior to final plat recording.
6. A plat note stating “Lots 1 and 2 of Mulligan Estates Subdivision is restricted to a single family unit unless the agreement recorded at Reception No. 2010001479 is terminated.”
7. In order to address water quality concerns in the long term, if this subdivision is approved, the Applicant will be required to provide \$500.00 per unit at the time of recording of any final plat to be turned over to the Winter Park Ranch Water and Sanitation District, for future water quality measures. The Applicant will be required to enter into a water quality agreement for the payment of this fund.
8. The Applicant shall be required to pay fee in lieu of school land dedication. The calculation of school fees will be based on a dollar amount per acre of comparable properties and determined with any preliminary plat review of this subdivision request. School fees will be deposited with the Grand County Treasurer prior to recording of the final plat.
9. An updated title commitment dated within 6 months shall be provided with any preliminary plat submittal.
10. The applicant shall certify that notice has been provided to the mineral estate owner pursuant to C.R.S. §24-65.5-101.
11. An easement shall be added to the Final Plat to allow water and sewer service line maintenance and repair, which serves both units.
12. Draft declaration of covenants and bylaws have been provided by the Applicant. The Grand County Attorney’s office shall review these documents during preliminary plat.

13. All preliminary plat requirements shall be met.

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

DISCUSSION:

Kim had two questions. One about the ownership in 2021. Has it changed since then? Staff confirmed it is all the same family. The second question was in reference to how the parking issue is being addressed.

Kris & Jorune confirmed that with 3 bedrooms or more it is one parking space per bedroom and there are 6 allotted parking spaces. The 7th space in the corner is not compliant and will be eliminated.

Chris asked for clarification on the encroachment on the front setback and Kris confirmed that is one of the conditions that will need to be fixed before the next meeting for the preliminary plan.

Bob also asked for clarification on the Adam C report concerning geologic characteristics of the area significantly...What? The sentence in the original certificate was an incomplete sentence.

Jorune clarified the sentence by adding it doesn't have an impact. It's the opinion that there isn't a concern there. The biggest concern is the drainage and that will be improved. Bob's second question is in the conditions on parking spaces. Bob would like a written clarification on which parking spot is being removed on the sketch plan. Jorune stated that she can add that to the conditions.

Ryan wanted clarification of the 30 foot front setback and Jorune confirmed that it was condition number one. Another added condition was to have the names of the owners on the plat as well. The last item Ryan had in question was to make sure that the Rockwall was being moved back and the owner did confirm that it would be in the next plat show where it is being setback even though it is considered landscaping opposed to a retaining wall.

Ryan asked the Applicant (Simon) about reviewing the certificate and if he had any concerns with the conditions. Simon confirmed that he did review and did not have any concerns

The floor was opened to the public and Diana Peters wanted to know if the property was part of a HOA and Ryan confirmed that there was no HOA.

There was no other comments and Chairman Ryan entertained a motion
Chris moved to recommend approval of Mulligan Estates sketch plan with 14 conditions 13 on the document plus one added as presented. Loretta second the motion. Motion passes

5.) The Hideaway Townhomes – Sketch Plan

The Applicant is requesting sketch plan approval of The Hideaway Townhomes.

STAFF COMMENTS

The purpose of the sketch plan review is to insure that the proposed development is in accordance with the Master Plan, that adequate utilities and access are available, and to insure that the property on which the subdivision is proposed is at least apparently suitable for subdivision in the manner contemplated by the subdivider. Given the property is in a growth boundary and is being served by existing infrastructure, It is Staff's opinion that the project is in compliance with County Regulations and the density is appropriate for the area. ✓Staff expects the Applicant to provide a more detailed Preliminary Plat, and suggests the Applicant and his professionals (engineer, surveyor and architect) schedule a meeting to discuss the requirements of preliminary plat as it is an extremely detailed review stage. At the preliminary plat stage any technical information not provided can result in review being post-poned until such time Applicant meets all requirements.

✓The Board of County Commissioners have determined that any division of land produces an impact on Grand County Schools and therefore fees will be required in lieu of school land dedication. The Grand County Subdivision Regulations allow the Board of County Commissioners the latitude to apply these fees. The calculation of school fees will be based on the dollar amount per acre of what the Applicants paid for the property or Assessed Actual Value from the Grand County Assessor and will be determined with any preliminary plat review of this development request. School fees will be deposited with the Grand County Treasurer prior to any approved final plat being recorded.

✓In order to address water quality concerns for a long term, if this subdivision is approved, the Applicant will be required to provide \$500.00 per lot, at the time of recording of any final plat, to be held either by Grand County, or turned over to a properly formed Sanitation District, for future water quality measures. The Applicant will be required to enter into a water quality agreement for the payment to this fund.

✓A complete erosion, sedimentation, and drainage plan, specific to this proposal shall be provided with any preliminary plat submittal.

As the net density is more than three (3) units per acre, all driving surfaces, including parking, must be designed in accordance with Grand County Road and Bridge Standards, and shall be surfaced with either concrete or asphalt. ✓Comprehensive cost estimates for road construction, revegetation, landscaping, utilities and all other improvements should be provided with any preliminary plat submittal. These cost estimates must be reviewed and approved by Grand County. ✓All required improvements must be guaranteed through a Subdivision Improvements Agreement (SIA).

✓Proposed draft covenants for this proposed development must include winter maintenance requirements. They shall be provided with any preliminary plat submittal and be reviewed and

accepted by the County Attorney.

STAFF RECOMMENDATION

Staff recommends approval of the Hideaway Townhomes - Sketch Plan with the following conditions to be met or sufficiently addressed with any preliminary plat:

1. The location of trash dumpsters shall be shown on the preliminary plat.
2. If signage is anticipated, there needs to be a designated tract which cannot be open space. This shall be shown on the preliminary plat.
3. The following notes shall be placed on the plat:
 - *Material and colors used in the architecture shall be those that are indigenous to the local area. Color schemes for both the buildings and roofs should be compatible and found in the natural landscape, such as earth toned solids (browns, greens, greys, etc.), bedrock and woodland vegetative growth. The desired result is to blend the architectural structure with the natural surroundings and lessen visual impacts.*
 - *Exterior lighting shall be “dark sky” compliant. It shall be designed and installed to subtly illuminate functional areas only. The source of light shall not be visible above a horizontal plane and shall direct the light inward and downward onto the site and away from the adjoining properties. Fixtures shall be hooded and shall not be located above the eave lines.*
4. All preliminary plat requirements are met.

All items within the certificate identified with a ✓ symbol are preliminary plat requirements and must be addressed with any preliminary plat submittal. This is not a totally inclusive list, but simply pointing out some of the main issues that will need to be specifically provided.

All legal documents are subject to the review and approval of the County Attorney’s office

DISCUSSION:

Ryan opened the floor for discussion. The owners confirmed that they had reviewed the certificate and had no concerns.

Bob wanted a better understanding of where the water storage tank was and if it interfered with any of the structures. Kris confirmed that it did not and that there would be a clearer drawing of the location in the preliminary plat phase.

There were no more comments, questions or concerns. Ryan then entertained a motion proceeded by Chris to recommend approval of the Hideaway Townhome sketch plan with staff recommendations. Loretta followed with a motion to second. Motion passes.

6.) The Divide Apartments – Sketch Plan: A Replat of Coyote Creek at Winter Park MF-2
The Applicant is requesting to replat Lot MF-2 of Coyote Creek at Winter Park in order to build 70 apartment units.

STAFF COMMENTS

Grand County requires all subdividers to enter into a Wastewater/Water Quality Agreement with the County and pay applicable fees. This agreement was created to ensure the water quality in the County by providing funding for water quality monitoring and will be calculated during preliminary plat. Since this property has been platted in the past, Staff will confirm all associated fees pertaining to water quality, emergency service impact, and school fees of which were paid previously. The Applicants will be required to pay the proportional difference that is identified from this review. For water quality measures, this will amount to \$500 for each additional unit. The sum of these fees will be determined during the preliminary plat review of this development request and deposited with the Grand County Treasurer prior to any approved final plat being recorded.

Staff has received many public comments pertaining to the increased density and the impact on the Pole Creek Valley Subdivision. Considering that Sketch Plan is the initial evaluation of a subdivision request, this meeting is the first of six meetings to be held and public comment is welcomed throughout the process. Many individuals expressed concern that the proposed increased density from 20 units is not in character to the intent of this property. However, Pole Creek Valley Subdivision, created in 2000, was originally platted to develop up to four hundred (400) single-family and multi-family units and up to ten (10) commercial units in accordance with engineering, traffic design, and the creation of the Tabernash Water and Sanitation District. For example, during the platting of Pole Creek Valley, the developer was required to invest over \$900,000 on improvements to Highway 40 accel/decel lanes, County Roads, and collector roads alone. An 80 foot Right of Way for County Road 5221 was also dedicated with the creation of Pole Creek Valley Subdivision to accommodate future density. This makes it clear that the original subdivision was purposefully configured. Although the currently platted subdivision is for 20 units, the added density does not exceed the bounds of what this area was designed for. At full build out of Pole Creek Valley single family lots, Coyote Creek Phase 1 and 2, and Lakeside @ Pole Creek Townhomes, there are a total of 272 units in this area. That said, the remaining area of Pole Creek Valley can be developed to an additional 128 units.

There were repeated concerns that the proposed development was also not in line with the Grand County Master Plan. While Staff acknowledges these concerns, Staff considers scale to be a vital component of sound planning and the foundation on which the Grand County Master Plan is based. The Master Plan acknowledges that there are overlapping issues and goals between municipalities and unincorporated Grand County and that the Master Plan acts as a necessary framework county wide. On these grounds, Urban Growth Areas are identified areas within the

County where the majority of development is to be encouraged. As development moves out of these areas, there should be a feathering density, however as the County grows, the Master Plan encourages the expansion of Growth Boundaries that contain existing infrastructure.

Finally, there have been concerns, including but not limited to, the impact on traffic, drainage, parking, and guarantee of affordability. Staff would like to reiterate that review agencies such as Colorado Department of Transportation, Colorado Parks and Wildlife, the County Engineer, and others will have opportunity to comment on the proposal for a thorough review during preliminary plat. Likewise, the Applicants are required to draft covenants during preliminary plat, where other concerns are likely to be addressed.

STAFF RECOMMENDATION

Based on Staff's initial evaluation Staff recommends approval of the Divide Apartments Sketch Plan with the following conditions to be met or adequately addressed with any Preliminary Plat submittal:

1. Recorded confirmation that the existing covenants for Lot MF-2 have been legally terminated shall be provided with any preliminary/final plat submittal.
2. Draft covenants for the new subdivision shall be provided for review by the County Attorney's office with any preliminary/final plat submittal.
3. The following plat note shall be added "Earthen tone colors and materials that blend with the natural environment shall be used on the exterior of all structures, including but not limited to, facades, roofs, doors, and trim."
4. The following plat note shall be added "Exterior lighting shall be minimized and shall be designed and installed to subtly illuminate functional areas only. The source of light shall not be visible above a horizontal plane and shall direct the light inward and downward onto the site and away from the adjoining properties. Fixtures shall be hooded and shall not be located above the eave lines. Use of "dark sky" fixtures is required."
5. The following plat note shall be added "A full approved landscape plan will be required with any building permit application within this subdivision."
6. Engineered, detailed plans for all infrastructure associated with water and sewer facilities shall be provided with any preliminary plat submittal. This shall include the entire system layout, all easements, lift stations, storage tanks, etc. The plans shall be sent to TMWSD for their review and approval at preliminary plat.
7. All utilities are required to be placed underground, which shall be noted on the plat. The location and size of existing and proposed utility easements within or adjacent to each lot is required to be provided with any preliminary plat submittal. Mountain Parks Electric, Xcel, and TMWSD will be review agencies with any preliminary plat submittal, and their requirements shall be made a part of any approval.

8. The Applicants shall provide engineered road construction plans and cost estimates with any preliminary/final plat submittal.
9. The Applicants shall obtain written approval from East Grand Fire District and Grand County Road and Bridge regarding variance to the two access point requirements.
10. The Applicant shall provide a drainage report with preliminary plat submittal.
11. A soils report will be required with the preliminary plat submittal.
12. If there is to be signage or monumentation identifying the subdivision, there shall be a designated tract depicted on the plat in accordance with setback and sight triangle requirements contained within the zoning regulations. Signage is not allowed within open space tracts.
13. A site specific inspection of on-site geologic conditions will need to be provided which is able to be used for road design and construction. This shall accompany the preliminary plat submittal.
14. The Colorado Geological Survey is a preliminary plat review agency and will be commenting on the proposal.
15. As the potential for radon gas exists countywide, a site specific report regarding potential radiation hazards must be provided with any preliminary plat submittal. According to the EPA website, 1.3 picoCuries of radon per liter of air, (pCi/L) is the average amount of radon in any home. If the level is 4 pCi/L or higher, mitigation during construction may be required.
16. The preliminary plat shall show 30% of the total area covered by driving surfaces designated to snow storage as required by Section 3.11 in the Grand County Road & Bridge Standards.
17. All preliminary/final plat requirements within the Subdivision Regulations shall be complied with.

All items within the certificate identified with a symbol are preliminary plat requirements and must be addressed with any preliminary plat submittal. This is not an inclusive list, but some of the main issues that shall be addressed based off initial review.

DISCUSSION:

Ryan opened the floor for discussion starting with the commissioners. Loretta asked if there was any commercial units in the area and Jorune stated that there is one currently in the process, but none that are existing.

Question was asked about deed restriction or rental restriction and Jorune stated that would be discussed during preliminary.

Ryan wanted a clearer understanding of where the studios and one-bedroom units were located and the applicants clarified the request. Ryan also wanted clarification on the parking and how it fit in with the Master Plan and the HOA covenants.

Public also asked for clarification on the parking. If there is 1.5 parking spaces per 70 units there could potentially be 140 people living there. Kris did confirm that is potentially possible.

Max also added that a sketch plan is a concept of what the developer would look like and so if they're proposing studios, it could be a couple living in a studio. We don't know what's going to happen in the studio. So, all the details will be worked out at preliminary plat and get concrete before they go to final plat.

Paul stated that there is no mechanism identified in this proposal for ensuring that these units will be affordable. As a result, the document should not include any language to the effect that these units will be affordable, in his opinion.

Kris wanted to clarify that there were 5 lots that were left out of the original Pole Creek Valley Plat for future planning. Coyote Creek was one of those. I just wanted to point that out that this was not platted for 20 units in the original Pole Creek Valley.

Steve stated after thought review, that the proposal is not in line with the Grand County Master Plan element 6. The market rate apartment complex does not qualify as providing affordable housing. It is not aligned with element 3 in the Master Plan. There is no feathering of density as apparent in this development. Questionable if it aligns with element 2 with the limited schedule of the bus in the area.

Michelle had concerns about snow removal and where it would go. Jorune & Kris explained that would come later in the preliminary plat.

Ryan made a comment that property changes all the time. It is the owners & developers rights to make changes whether is right or wrong and we don't know where this is going but units in this county are units. Not only is there a lack of affordable units there is a lack of unit's period.

Susan expressed her concerns about not showing two points of access and how that's important for a safety evacuation. Kris clarified once again, that these concerns will be addressed at preliminary plat and the engineer and Road & Bridge superintendent will look at all the engineering along with the fire department and make sure they feel it's safe. If it's not safe it stops right there.

Richard felt with the parking situation not be housed that it takes away from the aesthetic look of the area and needs to be taken into consideration. Becky also felt that is was too dense for the area as well.

There were several public comments expressing that the 70 unit development is not a good fit for the Pole Creek Valley area.

Loretta stated that she is proud of a community that cares so much that turns out and has made some really valid points. She also hopes that the developers, Eric and Dave consider Susan's point about access into the area.

Lynn also stated that she does agree with the need for housing of the size in Grand County but also believes we have an obligation to support the notion of feather density, both in aggregate and individually as it abuts neighboring properties. The size and single-family nature of the adjacent Homesite means this application does not meet that standard and I'm concerned about setting a precedent that infringes on the reasonable expectations of existing owners across the county as well as existing character. Moreover, I do believe that this development in this location does not comply with neither the language nor the intent of simple aspects of the master plan

Bob stated the interaction between the community, and developer can actually change and improve the plans to at least reach some kind of compromise on both sides. This way the project can move forward in a more pleasant way. Kim agreed with Bob as well.

With no further discussion Ryan entertained a motion for recommendation. Kim recommended approval of the Divide Apartment sketch plan with conditions as stated. Loretta second the motion and the motion passes.

7.) Byers Peak Ranch Metropolitan District Nos. 1-7 Service Plan

The applicant is requesting a recommendation of approval for the formation of 7 Metro Districts to serve the future Byers Peak Ranch development.

STAFF COMMENTS:

Grand County hired outside counsel to assist in the review of this request. Pat Hrbacek of Sparks Wilson Law Firm assisted staff in this review.

STAFF RECOMMENDATION:

Staff supports the Developers stance on ensuring that the future platting of Byers Peak Ranch remain flexible in order to be able to change the development depending on the economic and market changes. With this in mind, staff believes there is uncertainty in the future project costs and therefore is asking the Grand County Planning Commission to send forth a recommendation of denial for the Byers Peak Ranch Metropolitan District Nos. 1-7 as presented.

However, Staff does believe that the developer should be able to use Metro Districts in the future, under the following conditions:

1. Each Metro District shall be processed concurrently with the subdivision that is located within the respective District. The Metro District shall be submitted at the time of Preliminary Plat, and be heard with the Final Plat.

2. Any Service Plan shall show the maximum interest rate as either prime plus 2% or read “The interest rate on any debt is limited to the market rate at the time of debt issuance. In the event of a default, the maximum voted interest rate on any debt shall not exceed twelve percent (12%).”

If the planning commission desires to recommend approval for District 1 at this time, then staff requests the approval be conditioned upon final plat approval of the last subdivision within District 1 boundaries.

All legal documents are subject to the review and approval of the County Attorney’s office

DISCUSSION:

Kim asked for an explanation on how the infrastructure works on the financial end of development.

Clark’s presentation explained the breakdown of how the public infrastructure works today.

Clark stated that the 7 districts is the most cost-effective approach for this infrastructure instead of a piecemeal approach.

Kim stated that helps her understand why there are so many districts.

Bob commented that basically by looking at holistic approach today versus the piecemeal approach it allows you to allocate costs for infrastructure more accurately to each district, so that the people who live in the district, or buy the property in the district are paying for their pro rata share that’s put in say filing 1, for example. Clark confirmed that’s correct.

Chris stated that she appreciates what Bob had to say that it’s really up to the BOCC to decide if we’re going to have special districts in this county. They can decide what we have to do to be prepared and move forward.

Bob also clarified that it’s part of the PC’s responsibility to make suggestions to the BOCC as to what policies or things that they should consider in deciding to have districts or not have districts.

Kim stated that she is supporting the service plan because we need to trust the developer and go forward. The concept is there and it’s been planned out and hasn’t changed in the 5 years.

Loreta motioned to recommend approval for the 12-page service plan, so that’s all 7 districts, with an added condition for the coverage of the 2024 state statute. Bob second the motion. motion passes with a 3 to 2 vote.

The meeting was motioned to adjourn at 9:31pm, motion was second.