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GRAND COUNTY PLANNING COMMISSION
WebEx MEETING MINUTES

Wednesday, July 8th, 2020

MEMBERS PRESENT: Sally Blea Will MacDonald
Ingrid Karlstrom Kim Shepton
Tara Fournet Bob Gnuse
Marcus Davis

MEMBERS ABSENT: Deborah Fitch Henry Broadhurst

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

The meeting was called to order by Chairperson Marcus Davis at 6:45 PM. Roll call was taken.

Minutes from June 10th, 2020 were presented. Motion to approve by Ingrid Karlstrom with staff reviewing one comment. Seconded by Kim Shepton. All in favor, “aye”. None opposed, June minutes approved.

There were 23 members of the Public in attendance by WebEx for the July 8th meeting.

Lots 4 & 5, Block 5, Grand View Highlands Filing 1 – AFP and Easement Vacation – Charlie & Diana Rau & Faustine Chandler

Presented by: Alex Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission July 8, 2020; Board of County Commissioners TBD, 2020

PROJECT NAME : Lots 4&5, Block 5, Grand View Highlands- Filing No. 1, Amended Final Plat and Vacation of Easements

APPLICANT : Charles E. and Diana Lynn Rau; Faustina Chandler

LOCATION : Lots 4&5, Block 5, Grand View Highlands - Filing No. 1 commonly known as 71 & 76 GCR 8511 (Fawn Lane)

APPLICABLE

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

ZONING : R/B - Residential and Business District (split zoned)

ATTACHMENTS :

- A. Vicinity Map
- B. Application and Narrative Letter
- C. Title Commitment
- D. Proposed Amended Final Plat
- E. Grand View Highlands - Filing No. 1 Final Plat

STAFF PLANNER : Alexander Taft, LEED Green Associate

REQUEST : The Applicant is proposing a boundary adjustment to prevent encroachment of a new garage on Lot 5 owned by the Rau's.

I. BACKGROUND

a. Proposal

Charles E. "Charlie" and Diana Lynn Rau own Lot 5, Block 5, Grand View Highlands - Filing No. 1 via Warranty Deed recorded at Book 400 and Page 975 dated August 15, 1986. There is an existing single family residence on the property which was originally built in 1990 according to Assessor records.

Faustina Chandler owns Lot 4, Block 5, Grand View Highlands - Filing No. 1 via Warranty Deed recorded at Reception No. 2003-016438. There is an existing single family residence and garage on the property which was originally built in 1993 according to Assessor records. Ms. Chandler.

a. History

Grand View Highlands - Filing No. 1 was created in October 23, 1970 recorded at Reception No. 115969. It consists of approximately 76 lots within 125 acres more or less. This subdivision was platted with the intention of creating single family home sites. Grand View Highlands Subdivision lies approximately 3 miles west of Tabernash and approximately 6.5 miles southeast from the Town of Granby. The lots range in size from 1 acre to 2.16 acres (See Attachment E).

II. STAFF ANALYSIS

This proposal is a boundary adjustment to provide additional area on the Rau's property (Lot 5) to place a garage where they currently only have a parking area. Staff and the Applicant have discussed the options, one of which was a variance to the required front yard. Staff suggested that we would not support that request because the amended plat was an alternative which upholds the current zoning regulations.

Given that both lots are split zoned, the most restrictive zoning district, i.e., Business governs.

CRS 30-28-123 Higher Standards Govern

Wherever the regulations made under authority of this part 1 require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this part 1 shall govern. Wherever the provisions of any other statute require a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this part 1, the provisions of such statute shall govern.

According to the Colorado Revised Statute language above, Staff reviewed the requirements of each zoning district for this parcel and found the following, Business District requires a 1 acre minimum area of the lot which is more restrictive, minimum side yard requirements are 10 feet “...when adjacent to residential use...”

III. COMPLIANCE/NON-COMPLIANCE WITH REGULATIONS

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

a. **CRS 43-2-part 3 et seq - Vacation Proceeding: Roads, Streets and Highways Compliance with C.R.S. 43-2-303**

There are interior lot line easements throughout Grand View Highlands of 10’ either side of the property line. This proposed plat vacates and rededicates the easements surrounding the property lines. Staff would therefore interpret that no access to services is eliminated because of this vacation.

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.

b. **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 within a Rural Growth Area and have minimal infrastructure and no public services. Parcels throughout this subdivision and adjacent are served by wells and Onsite Waste Water Treatment Systems. This proposal is causing no net density changes, and is therefore keeping consistent with this Plan Element.

c. ZONING -Section 4.1 Residential District and Section 4.1 Residential District

These parcels lie in both Residential and Business District being Split Zoned. This application complies with the regulations in the following ways:

Use

Both Lots 4 and Lot 5 already contain a single family dwelling which will remain. Single-family dwellings are a use by right in both the Residential and Business Districts.

Minimum Dimensional Requirements

The minimum lot area in the Residential District is 30,000 ft² or .68 acres and the minimum lot area in the Business District is 1 acre. Both lots shall remain 1 acre or greater in this proposal. The lots are pre-existing non-conforming in terms of width. It would be impossible to meet the Residential minimum requirement of one hundred twenty feet (120') minimum width.

Front, Side, and Rear Yard Requirements

The Business and Residential District higher standards requires 30' front yard and 20' rear yard and 10' minimum side yard. The Applicants' proposal shall comply with all minimum yard requirements.

E. Subdivision Regulations - Section 4.3/4.4 - PLAT

Section 4.3 (1) (a&b) A Final Plat presented on a 24" x 36" sheet, drawn to scale, detailing the proposed Final Plat 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 4.3 (2) (a) The plat shall contain or be accompanied by the following information:

Title, bar scale, North arrow and date.

Title of the plat is:

Amended Final Plat

Amended Lot 4 & Amended Lot 5, Block 5 Grand View Highlands Filing 1,
Being a replat of Lot 4 & Lot 5, Grand View Highlands Filing 1 Reception 115969
S1/2, Section 33, Township 1 North, Range 76 West, of the 6th P.M.

Ownership Lot 4 Recorded via death certificate, Reception No. 2015001901 and
Ownership Lot 5 Recorded at Book 400, Page 975

The proposed Plat includes information which complies with these provisions including: a
scale 1"=40', north arrow, and June 12, 2020 as the date of creation.

Section 4.3 (2) (b) conveyance to the subdivider is recorded Lot 4 Recorded via death
certificate, Reception No. 2015001901 and Ownership Lot 5 Recorded at Book 400, Page 975.

The new legal descriptions will be:

Amended Lot 4, Block 5 Grand View Highlands Filing 1

Amended Lot 5, Block 5 Grand View Highlands Filing 1

**Quit Claim Deeds back to the current owner with the new legal description shall follow
the recording of the plat.**

Section 4.3 (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 4.3 (2) (d) Tract boundary lines, 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 4.3 (2) (e) Names and right-of-way width of each street or other rights-of-way.

Names and width of right-of-ways have been show on this proposed plat. **Total width (being both
sides or circumference of cul-de-sac) of each street or other rights-of-way shall be shown.**

Section 4.3 (2) (f-i) Location, dimensions and purpose of any easement, including reference
by book and page to any pre-existing recorded easements (f). Number to identify each lot or site
and acreage of each site to nearest 1/100th of an acre(g). Purpose for which sites, other than
residential lots, are dedicated or reserved(h). Location and description of monuments (i).

Section 4.3 (2)) (j) A title insurance commitment (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 4.3 (2) (k) Statement by owner platting the property and dedicating the streets,
rights-of-way, easements and any sites for public uses, to be in substantially the following form:

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That **Charles E. and Diana Lynn Rau** are the owners of that real property situated in Grand County, Colorado, more fully described as follows: Lot 5, Block 5, Grand View Highlands, Filing No. 1 according to the final plat thereof filed October 23, 1971 at Reception No. 115969.

That **Faustina Chandler** is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Lot 4, Block 5, Grand View Highlands, Filing No. 1 according to the final plat thereof filed October 23, 1971 at Reception No. 115969.

That they have caused said real property to be laid out and surveyed as **Amended Final Plat, Amended** Lot 4 & Amended Lot 5, Block 5, Grand View Highlands, Filing No. 1, 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 Charles E. Rau and Diana Lynn Rau have caused their names to be hereunto subscribed this ___ day of _____, 20__.

Charles E. Rau

Diana Lynn Rau

STATE OF COLORADO }

}ss

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this ___ day of _____, 20____ by Charles E. Rau and Diana Lynn Rau

My commission expires:

(Notary Public)

WHEREOF Faustina Chandler have caused their names to be hereunto subscribed this ___ day of _____, 20__.

Faustina Chandler

STATE OF COLORADO }

}ss

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this ___ day of _____, 20____ by Faustina Chandler My commission expires:

(Notary Public)

Section 4.3 (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 final subdivision 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 **Amended Final Plat, Amended Lot 4 & Amended Lot 5, Block 5, Grand View Highlands Filing 1** 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 4.3 (2) (m) Certificates for approval by the Planning Commission and the Board of County Commissioners has been provided in compliance with these regulations.

Section 4.3 (2) (n) Certification by a qualified professional engineering, designing or planning firm, insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations, as follows: This condition is not applicable.

Section 4.3 (2) (o) A two and one-half by three inch (2-1/2" x 3") vertical box in the lower right hand corner has been provided for use by the County Clerk and Recorder.

Section 4.3 (2) (p) The executed original of the Restrictive Covenants and Articles of Incorporation and Bylaws of any owners' association showing filing of the Articles in the office of the Secretary of State of the State of Colorado. This is not applicable; Covenants are not changing subject to this proposal.

Section 4.3 (2) (q) A vicinity map has been provided and shall remain on the Final Plat.

Section 4.3 (2) (r) The subdivider shall provide: Not applicable.

(i) Storm drainage plans and related designs, in order to insure proper drainage ways. New building shall follow applicable codes.

(ii) Property survey and proof of ownership. Title commitment provides proof of this.

(iii) Sanitary sewer plans and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems. (Percolation test will be taken on every lot where individual sewage disposal systems are used and the depth of the ground water table will be indicated.) OWTS serves each dwelling on both lots currently

Section 4.3 (2) (s) Two residential lots adjusting a property boundary are not subject to reserving school lands.

Section 4.3 (2) (t) The proposal is a boundary adjustment not requiring any specific studies by these regulations therefore, this provision is not applicable.

Section 4.3 (2) (u -v) Major Activity Notice and Land Use Commission provisions are not applicable to this proposal.

Section 4.3 (2) (w) Addresses for the lots shall remain and be shown on the final plat

Section 4.3 (2) (x) Statement of taxes due showing current taxes paid. This shall be included prior to recording the Final Plat Mylar.

Section 4.3 (2) (y) 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. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system. **This shall be included prior to recording the Final Plat Mylar.**

IV. PLANNING COMMISSION RECOMMENDATION

This application is scheduled for review by Planning Commission during their regular meeting scheduled for July 8, 2020.

V. STAFF RECOMMENDATION

Staff recommends the approval of the Amended Lots 4A and 5A, Block 3, Grand View Highlands - Filing No. 1 Amended Final Plat and vacation of interior lot line easements as identified on the Grand View Highlands - Filing No. 1 Final Plat with the following conditions to be met:

1. Quit Claim Deeds back to the current owner with the new legal description shall follow the recording of the plat [4.3 (2) (b)].
2. Total width (being both sides or circumference of cul-de-sac) of each street or other rights-of-way shall be shown [4.3 (2) (e)].
3. Any draft Deeds shall be supplied for review by the County Attorney and recorded with Final Plat [4.3 (2) (j)].

4. Statement of taxes due showing current taxes paid shall be included prior to recording the Final Plat Mylar [4.3 (2) (x)].
5. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [4.3 (2) (y)].
6. The Applicant shall be responsible for fees associated with recording the plat.

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

Staff stated that he has spoken with the applicant Charlie & Diana Lynn Rau and they were uncertain if they were joining, do not see them on the WebEx. They did represent to staff that they were comfortable with the six conditions.

Commissioners asked if there was anyone from the public attending for this application.

No response, no public in attendance for this agenda item.

Commissioner asked staff if the first recommendation, with the Quit Claim Deeds, just validate that the neighbors confirm that this project is OK.

Staff replied that the first condition, typically we are not as verbal about this condition and when there is a plat, it makes it clear on title if they additionally record the Quit Claim Deed, clarifying the new owners. It makes it clear that it goes from Lot four to Amended Lot four.

Commissioner reiterated that the neighbors have confirmed that they are OK with the new amended final plat.

Staff replied yes, there is an agreement in place.

Commissioner ask if the lot size was not an issue, we are just vacating the old easement and reestablishing the new easement and moving the lot line, correct?

Staff replied correct. Clarifying, there is a requirement because it is located in the Business District that they have a least one acre lot, each lot is close to that so there are no concerns.

Commissioner asked if they are under the required lot size with these adjustments.

Staff replied they are just over one acre.

Motion to recommend approval by Ingrid Karlstrom for Lots 4 & 5, Block 5, Grand View Highlands Filing 1 – AFP and easement vacation with six additional condition as noted. Seconded by Kim Shepton. Not further discussion. All in favor "aye", none opposed. Motion carries.

Amended Lot 79A, Trail Creek Estates, Second Filing – AFP and Easement Vacation – Gary Craig

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

Project Name	Craig AFP, Lot 79 Trail Creek Estates
Applicant	Gary L. Craig
Location	211 GCR 414 & 718 GCR 212
Zoning	Forestry/Open District (F/O)
Applicable Regulations	Grand County Zoning Regulations, Subdivision Regulations, Trail Creek Estates
Attachments	<ul style="list-style-type: none"> A. Variance Application B. Project Narrative Letter C. Proposed Amended Final Plat D. Trail Creek Estates Second Filing Final Plat – Reception No. 121553 E. Trail Creek Estates Third Filing 2nd Amendment Final Plat – Reception No. 202537 F. Middle Park Times Public Notice Order Confirmation dated July 2, 2020 G. Mailer Memo dated June 25, 2020 H. List of Adjacent Property Owners as Determined by County GIS I. Current Title Commitment J. Current Tax Receipts
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Amended Final Plat to vacate the lot line and corresponding utility easements separating the Applicant’s two adjacent lots, increasing the buildable area and eliminating potential setback encroachments.

Background

Gary and Judy Craig, the “Applicant”, have owned lots 79 (2nd filing) and 87 (3rd filing) of the Trail Creek Estates subdivision since November of 2019, per Reception No. 2019-010024. The properties are a combined 1.79 acres in size (lot 79: 1 acre; lot 87: 0.79 acres). There are no existing structures on either property. The parcel is not located in any Growth Areas and is not served by any municipal water or sewer systems.

The Trail Creek Estates subdivision is located north of the Willow Creek Reservoir, between CO Hwy 125 and US 34. Filing 2 of the subdivision was platted February 29th, 1972, per Reception No. 121553; Filing 3 was platted August 14th, 1980, per Reception No. 176262. Other lots in the vicinity of the Craig’s property are single-family residential or vacant and range in size from 0.85 acres to 4.7 acres.

Site Photos

Taken by Staff on 6/30/20History
 There have been two other Amended Final Plat applications for properties in the Trail Creek Estates, as well as two easement vacations. There are 142 lots in the subdivision (lots 1-38 in Filing 1; lots 39-101 in Filing 2; lots 102-142 in Filing 3).

AFP’s in Trail Creek Estates	
Lot #	Reception #
25, 26, 27	2010-002061, 2010-0020612
73, 74	2018-004230, 2018-004231

Utility Easement Vacations in Trail Creek Estates
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Purpose of Request

The Applicant would like to build a single-family home on the property, and would like to combine their two lots to minimize potential encroachments on rear yard requirements.

Lot #	Reception #
2	2002-005687
25	2005-006784

The proposed Amended Final Plat includes a plat note (note #3) as follows:

3. The as-built roadway is situated out of the right of way and on a portion of the "Craig Property". Per this plat, an easement is granted to Grand County for said roadway, utilities and snow storage. Said easement is situated 10' southerly of the southerly edge of the driving surface as depicted herein.

The proposed AFP would grant the GCR 414 road easement to Grand County, eliminating potential legal ambiguity.

Staff Comments and Analysis

Because both lots are under five acres (1.0 and 0.79 acres each) and are located in the Forestry/Open District outside of any Growth Area boundaries, both lots presently exist as legal non-conforming lots. This Amended Final Plat will not resolve the issue of legal non-conformity, but it will create a lot more appropriately sized for the context of the subdivision’s developed parcels, maintaining the rural, low-density residential character of the neighborhood.

Were an Amended Final Plat not recorded, the Applicant would have to construct their house on one of the two lots, therefore closer to either to the right-of-ways of GCR 412 or GCR 414, to ensure rear yard compliance. The house would still be built on a lot too small to conform to Forestry/Open zoning minimum lot size requirements; it will just be more visible from the road.

Compliance with Zoning Regulations

Section VI – Forestry & Open District

- §6.1 Uses Permitted** The planned single-family dwelling is in compliance
- §4.2 Minimum Area of Lot** The Applicant’s property is not located inside any Grand County Growth Boundaries. The combined lot would be 1.79 acres (77,972 ft.²) large and would not be in compliance with minimum lot area regulations (§6.2.1).
- §4.3 Minimum Lot Width** Lot 79, 2nd Filing is 29.14’ wide at GCR 412; the shared rear lot line separating Lot 79, 2nd Filing and Lot 87, 3rd Filing is 254.83’; Lot 87, 3rd Filing is 217.37’ at GCR 414. Applicant intends to access the property from GCR 414, where lot width will be in compliance.

Compliance with Master Plan Chapter 3: Plan Elements

Section 2: Land Use – Growth and Development

Vision Statement “Growth is directed to occur in and around existing communities in a way that complements and enhances the County’s rural character.”
The location of these two properties in an existing subdivision minimizes the impact the planned single-family residence will have on undisturbed natural areas in the County.

- §2.2 Land Use – The Pattern of Development** **§2.2.1:** “Promote an overall pattern of development that directs intensive development toward existing towns and communities [...], supports land use

decisions in rural areas that complement the County’s rural character [...] and is (sic) considerate of the county’s abundant public lands.”

The proposed development contingent on approval of this Amended Final Plat would not be aligned with the Master Plan’s recommendation of directing development towards existing towns. However, the proposed development is within an existing subdivision and will be at a density low enough to maintain the “rural character” of the County.

§2.2.1: “Encourage development in designated Growth Areas”.

Applicant’s properties are not located in any designated Growth Areas.

**§2.4 Rural and Open Lands
Pattern**

§2.4.1: “Encourage a land use pattern that feathers density”.

The low density of the development proposed by Applicant would comply with this section of the Master Plan.

§2.4.1: “Continue to require the clustering of development in rural areas with land use policies that encourage development away from sensitive lands”.

The “clustering” in this case is the existing Trail Creek Estates subdivision; the development proposed following approval of this Amended Final Plat would comply.

**CRS 43-2-303 et. al. – Vacation Proceeding: Roads, Streets and Highways Compliance with
CRS 42-2-303**

The Land Dedication on the Trail Creek Estates 2nd Filing Plat (Rec. No. 121553) establishes 10’ easements on all interior property lines, including the rear lot lines. The 3rd Filing Plat (Rec. No. 176262) does not show any Land Dedications for utility easements. The vacation of the interior lot line easement for Lot 79 (2nd Filing) will have no impact on access for adjacent property owners. By vacating this utility easement corresponding with the shared property line separating the properties, the Applicant will be able to fully connect the lots to maximize buildable area.

Subdivision Regulations – 4.3 Final Plat

§4.3 (1) (a-b) The Final Plat Mylar shall be on a 24” x 36” sheet, at a minimum scale of 1”=100’.

§4.3 (2) (a) The Title of the Amended Final Plat shall be amended to read:

Amended Final Plat

**Amended Lot 79A, Amended Trail Creek Estates, Second Filing
Being a Replat of Lot 79, Amended Second Filing, Trail Creek Estates, Reception No.
121553, and Lot 87, Third Filing, Trail Creek Estates, Reception No. 176262
Section 19, Township 3 North, Range 76 West of the 6th P.M.
Ownership recorded at Reception No. 2019010024**

§4.3 (2) (b) The legal description shall be written as follows:
Amended Lot 79A, Amended Second Filing, Trail Creek Estates Subdivision

§4.3 (2) (c) Primary control points, or description and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
These requirements have been met.

§4.3 (2) (d) Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lot 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.
Tract boundary lines, easements, lot lines, and accurate dimensions shall be shown on the Plat, including those boundaries of adjacent properties.

§4.3 (2) (e) Names and right-of-way width of each street or other rights-of-way.
These requirements have been met.

- §4.3 (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 final subdivision 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 **Amended Final Plat, Amended Lot 79, Amended Trail Creek Estates, Second Filing**, 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 Subdivision Regulations have been placed on the ground.

(Surveyor's Signature)

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

- §4.3 (2) (m) Certificates for approval by the Planning Commission and the Board of County Commissioners as follows:

PLANNING COMMISSION CERTIFICATE

Approved this ___ day of _____, 20__ by the Grand County Planning Commission, Grand County, Colorado.

Chairman

COMMISSIONER'S CERTIFICATE

Approved and all public dedications accepted this ___ day of _____, 20__ by the Board of County Commissioners of Grand County, Colorado. Acceptance of this platted subdivision by the County of Grand does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said County. Until such roads and rights-of-way meet County specifications and are specifically accepted for maintenance by Resolution of the Board of County Commissioners of Grand County, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within the subdivision. This approval does not guarantee that the size or soil conditions of any lot shown herein are such that a Building Permit may be issued.

Chairman
Board of County Commissioners
Grand County, Colorado

- §4.3 (2) (n) Certification by a qualified professional engineering, designing or planning firm, insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations.

This provision is non-applicable.

- §4.3 (2) (o) 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.

- §4.3 (2) (p) The executed original of the Restrictive Covenants and Articles of Incorporation and Bylaws of any owners' association showing filing of the Articles in the office of the Secretary of State and the State of Colorado.

This provision is non-applicable; there are no existing Articles, Bylaws, or Owners' Associations.

- §4.3 (2) (q) A vicinity map.
This requirement has been met.

§4.3 (2) (r) The subdivider shall provide:

- (i) Storm drainage plans and related designs, in order to insure proper drainage ways.
- (ii) Property survey and proof of ownership.
- (iii) Sanitary sewer plans and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems.

Provisions (i) and (iii) are non-applicable. Property survey and proof of ownership are provided.

§4.3 (2) (s) The subdivider shall provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof.

This provision is non-applicable. The scale of development for the proposed Amended Final Plat is too small to have any substantial impact on school district resources.

§4.3 (2) (t) No subdivision shall be approved until such data, surveys, analyses, studies, plans, and designs as may be required by this section and by the County Planning Commission or the Board of County Commissioners have been submitted, reviewed and found to meet all sound planning and engineering requirements of the County contained in these Subdivision Regulations.

This Amended Final Plat application shall comply.

§4.3 (2) (u-v) “Major Activity Notice” and “Colorado Land Use Commission”.

These requirements are not applicable, as this is not a new land division in Grand County. Colorado Land Use Commission does not receive applications for Amended Final Plats.

§4.3 (2) (w) A 14” x 18” black-line mylar(s) with approved addresses and road numbers as required.

These shall be places on the Final Plat Mylar. The final address for the Amended lot shall be as follows: Amended Lot 79A, 211 GCR 414.

§4.3 (2) (x) Statement of taxes due showing current taxes paid.

This shall be submitted prior to recording of the Final Plat Mylar.

§4.3 (2) (y) 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. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.

This shall be included prior to recording of the Final Plat Mylar.

Planning Commission Recommendation

Planning Commission hearing for this Amended Final Plat application is scheduled for **July 8, 2020**.

Staff Recommendation

Staff recommends approval of the Amended Final Plat to create Amended Lot 79A, Amended Trail Creek Estates Second Filing, being a replat of Lot 79, Amended Trail Creek Estates Second Filing and Lot 87, Trail Creek Estates Third Filing. The following conditions shall be met prior to the recording of the Final Plat:

1. The title of the Amended Final Plat shall be amended as recommended (see (a) above).
2. The legal description shall be amended as recommended (see (b) above).
3. Primary control points or descriptions shall be amended as recommended (see (c) above).
4. Tract boundary lines, easements, residential lot lines and accurate dimensions shall be shown on the Plat, including those boundaries of adjacent properties (see (d) above).
5. Easement shall be granted to Grand County for the portion of GCR 414 which is location on a portion of the Applicant’s property (see (f) above).

6. The Dedication shall be amended (see (k) above).
7. A vicinity map has been provided and shall remain on the Final Plat (see (q) above).
8. An electronic copy of the Final Plat shall be submitted (see (y) above).
9. Documented permission shall be granted—prior to Grand County Board of County Commissioners approval of this Amended Final Plat—by utility companies providing service to the property allowing for the vacation of the interior lot line easements.
10. All recording fees are to be paid by the Applicant.
11. Quit Claim Deeds to describe the amended legal description of the lots shall be completed and recorded with the Grand County Clerk and Recorder's Office.

Commissioner asked what the lot size was, because we need to have a variance in the conditions for minimum lot size.

Staff replied he will include as a condition.

Commissioner asked if the application was on the WebEx. Hearing no response, assuming the applicant is not on the WebEx. Also ask if any of the public was on for this project. Hearing no response assume no public on for this project.

Commissioner noted that the paperwork stated it was a really steep terrain, is there enough buildable area including the easement? The combined properties would be one point seven nine acres.

Staff replied that the Craig's plan to position the house at the top end of the two properties where the grade is easier and they would have better access. We will need to pay close attention when building plans come in to the height of the structure with the steeper grade of the property.

Commissioner asked somewhere in the wording they stated there was second and third filing, the development was being talked about not this piece of property, correct?

Staff replied, correct, those were filings for the subdivision as a whole.

Commissioner stated you mentioned in the discussion the front lot width that you are choosing the upper road and there is no change to the lot width, where is that relative to the minimum lot width? We like to see this in the certificate, how does it conform to the lot front yard, if this can be added in the future.

Staff replied, will do.

Commissioner noted on the maps the lots are depicted as lot seventy three, when they should be lot seventy nine.

Staff will correct this, before presenting the Board of County Commissioners.

Commissioner asked about the lot width again?

Staff replied the maximum width of property is measure at two hundred and fifty four feet. At the top of the road is (County Road four fourteen) is measured at one hundred and twenty one feet and seventy six inches.

Commissioner added, in the conditions you have "Easements shall be granted to Grand County a portion of County Road four fourteen, which is located on a portion of the applicants property (see above), does that mean the road is misaligned?

Staff replied yes.

Commissioner continued, you will be looking at thirty feet from the property line for a building permit, because they will be building from County Road four fourteen. Is this practical saying their front entrance will be fourteen, is that still practical as you push the house back because of how steep the property is, with driveway concerns there.

Staff replied they have not had any discussions with the applicant regarding where on the parcel they will build. Our impression was the applicant will be building close to if not upon where the existing property line is, that will be vacated. It sounded like the applicant would be centered on the parcel, but we do not have any documentation of exactly where the applicant will build.

Commissioner added with that thought in mind, note three on the plat and wondering if it makes sense to add a note on the plat that discusses how the front yard setback will be evaluated. Typically when we have a driveway easement we still like it to the appropriate setback, which most of this is for snow removal. We have a couple spots in the county where the road did not get built in the correct spot and ninety percent of that was because it was a goat trail at one time that never got surveyed. Not sure if we want to plat restrict the applicant or take a look at this as a condition to evaluate front yard setback from County Road four fourteen prior to the Board of County Commissioners meeting. Would that be an acceptable condition to add?

Staff replied yes.

Commissioner stated we have two conditions, variance to minimum lot size and potential plat note discussing front yard setbacks from County Road four fourteen.

Staff added the Variance to minimum lot size, the property owner only owns these two lots. In the past instead of doing a variance to lot size we have acknowledged that it is pre-existing non-conforming lot and that it is increasing its area to the maximum expect possible.

Commissioner agreed that you are reducing the non-conforming to the greatest extent that is possible and yet through subdivision regulations it says we have the authority to grant a variance. Because you are still under minimum lot size we have to add the condition. We cannot create a non-conforming lot through our decision, so we have to do the variance.

Staff agreed.

Motion to recommend approval by Sally Blea for Amended Lot 79A, Trail Creek Estates, Second Filing-Amended Final Plat and Easement Vacation with two additional condition as noted. Seconded by Ingrid Karlstrom. Not further discussion. All in favor "aye", none opposed. Motion carries.

Fraser Rural Growth Area Master Plan Amendment

Presented by: Robert Davis, Director Community Development

No Presentation, will be sharing a Staff Report.

Staff stated they would like to discuss an amendment for Rural Growth Area Number Three.

Commissioners asked if staff could start out by addressing the Master Plan, since they only discuss this in March and September.

Staff explained that the Master Plan does indicate that Growth Amendments “must” occur in March and September. But based on our research it was an addition that was done in 2011. Previously the review had only been allowed once a year.

Commissioner stated this is not March or September. Why is this being brought forth?

Staff replied we see a need to look at changing a growth area boundaries, in consideration of the growth of the county as well as any potential development that will come up. Looking at all the growth areas this is probably the one that has the best opportunity to grow.

Commissioners stated this does not answer the Commissioner’s question. The Master Plan indicates in Chapter Four, section Growth Area Amendments that the Planning Commission can at their discretion entertain applicants initiated request to expand existing growth areas, boundaries or establish new growth areas. Request are made in March or September of each year following proper public notice. So the Commissioners would like to understand why we are hearing this now.

Staff added the Master Plan in Colorado is an advisory document, is not a mandatory document. What we see is reviewing twice a year has question of reasonableness to it. Other communities that have done twice a year amendments to the Master Plan and their growth dynamics are not the same as Grand County. A real life example in Florida in Del Ray Beach, there was a Master Plan but we would also get these proposals that would convert say low density single family areas into a high density plan unit development that include commercial uses and high density residential on one side of the city. Later we would get a different proposal for converting a residential area to an industrial area and over a period of time we got so many different proposals it didn’t make sense to make Master Plan changes as the proposals came in. What the state did, as part of its Concurrency Law, is said basically you could only change your Master Plan twice a year. That gave us the opportunity to collect all of the Master Plans proposals and take a look at how they affect the community as a whole and basically we use those proposals to revise the Master Plan. We would have to replan the entire community based on these proposals. The different dynamics is for example Del Ray Beach at the time was a small town but it still accommodated industrial development, high density residential areas, it still had a downtown it had a lot of uses that we generally don’t deal with here in Grand County. Mainly what we deal with in Unincorporated Grand County is residential. It is either high density or single family low density. We have to take a look at how our land use arrangement are configured and how our transportation systems can accommodate all the extra growth and intensity. The issue in Grand County is whether or not we want to accommodate higher density in certain areas or not. Do we want to go from an existing rural area to something that we would call a Rural Growth Area? The point is I don’t think the two times a year requirement in the Master Plan is advisory, I don’t think it is reasonable.

Commissioners asked if there was a request to the Planning Commission to subvert the Master Plan requirement.

Staff replied, subvert, we would not want to use the word subvert. I would say we would look at the Master Plan as being more accommodating and reasonable.

Commissioners stated they would rephrase the question. Do you have a request to make an exception to the Master Plan, from the Planning Commission to hear this, this evening?

Staff replied that they do have a request that the Planning Commission consider amending the Rural Growth Area Number Three to expand it to allow it to accommodate more rural residential development.

Commissioner added to be heard tonight?

Staff replied to be heard tonight, yes.

Commissioners to discuss this request amongst themselves. The question is, the Planning Commission puts together the Master Plan, and it is very straight forward on what it says. There has been a request brought forth to the Planning Commission to hear this request today, which is not March or September. Let's make sure we stick to this right off the bat, so we can get this cleared up so we can hear this. The way the Commissioner read the staff certificate of recommendation in the description in Section two, Grand County Master Plan, they do this twice a year not so much as a mandate but as a suggestion. However, the reason they give for having it more than twice a year would be that the demand is so great were that had many applications being brought forward. I don't see that there is a lot of people bring this forward at this time. Is there more than one applicant at this time asking for this to be heard?

Staff replied that this reinforces the point. If you are in a circumstance were you have all these proposals that dramatically changes the land use configuration of your community? We are trying to make sure that the infrastructure is in place before we get proposal, along with the recreational space, schools, and all the requirements that go along with the development. The point is now we do not have the pressure here, we are not looking at all the competing developments that is totally changing the scope of the Master Plan. We have one proposal, why are we limiting it to twice a year?

Commissioner added that they were part of all the Master Planning and it was extended to twice a year to make it coincide more with building and plans. There is no guarantee, when we said must we meant must. Even though the entire plan is advisory we are allowed to make specific mandates within the advisory document. There is no guarantee that you want to do a plan that you can come forward at any time, when it has to do with these growth areas. This request needs to be put off until September.

Commissioners stated that the public needs to be noticed before this type of discussion can happen.

Maxine added she has not read the Master Plan. I understand what staff is trying to do and I understand there are restrictions. I do agree that the Master Plan is an advisory document so I believe the Planning Commission can make that choice with their discretion there is nothing stopping you.

Commissioners asked for a vote with Commissioners only of hearing it now or in September.

Bob - September
Kim - September
Will - September
Tara - September
Ingrid - September
Sally - September
Marcus agrees.

Commissioners stating they will wait until September as directed by the Master Plan. How would we like to handle hearing a topic like this outside of scope in the future? Notifications? Possible an eminent emergency. If it fulfills an urgent need.

Commissioners requested having the comments/questions from the public in writing before the meeting so they can be prepared.

Public please send your request to the Planning Department by e-mail at: planning@co.grand.co.us.

Commissioners not sure we need to vote, but let's have it on the record.

Motion to recommend hear the Master Plan in September by Kim Shepton. Seconded by Bob Gnuse. Not further discussion. All in favor "aye", none opposed. Motion carries.

Zoning Amendments

Presented by: Alex Taft, Planner, LEED Green Associate

This agenda item has been removed by staff. Staff is satisfied with what is in the Resolution 2015-25-7

Commissioners stated as they understood it, it was the wording in the Resolution verses the wording in the actual zoning amendment, but this has been reconciled.

Staff agreed that this issue has been reconciled.

Discussion on Entryway, Monument Signs and Gates

Presented by: Community Development Staff

PROJECT NAME: Zoning Regulations Discussion Applicability - Gates, Monuments, Entryways, and Signs

APPLICANT: Grand County LOCATION: Unincorporated Grand County

APPLICABLE REGULATIONS: Grand County Zoning Regulations (Section 13.3 Signs).

EXHIBITS: N/A STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: Discussion about Gates, Monuments, Entryways, and Signs

Memorandum Gates, Monuments, Entryways, and Signs Planning Commission July 8, 2020

I. DISCUSSION

Staff is under review of a building permit for a gate within an existing subdivision. Staff does not have consensus on how this should be addressed. There is a feeling of some ambiguity in the zoning regulations on what a gate would be classified as. On the other hand, there are no directives that pertain to gates and entryways in the Regulations. Questions arise as to whether sign regulations can be applied to gates or entryways or whether there should be entirely new language with respect to regulating them.

In subdivisions created in the 1980's and on, there have been dedicated tracts for monument signs which identified the subdivision and are described fully in Section 13.3 (12) (c). In recent times, Staff and Grand County as a whole has seen a few more subdivisions with gates. In the zoning regulations, Staff could loosely interpret the below definition of a freestanding sign as applicable for a gate.

(b) Freestanding Sign: An on-site sign which is supported by one or more columns, poles, posts or braces extended from the ground or from an object on the ground, with air space between the ground and the sign area and no part of the sign attached to any part of the building, structure, or other sign.

The 2015 Fire Code Appendix D103.5 Fire apparatus access road gates, provides criteria for the construction and size of gates. This criteria is similar to that mentioned above with regard to construction. Using the freestanding sign language creates ambiguity as a proposed gate which could have the columns on the ground, could exclude having posts or braces which extends into the air space above the columns. This led an investigation if it could be considered a ground or monument sign identified as follows:

(c) Ground or Monument Sign An on-site sign permanently affixed to the ground at its base, supported entirely by a base structure and not mounted on a pole.

(i) A premise may display one (1) ground sign on each street or highway on which it has frontage. A multi-use building may display one ground sign facing each street or highway on which the building has frontage, provided that no ground signs are displayed by the individual occupants of the building. (ii) Shall not exceed eight feet (8') in height and comply with all Sign Standards.

(iii) Shall be designed as an integral architectural element of the site and/or building to which it principally relates; (iv) Shall incorporate predominantly natural construction materials such as wood and native stone. Natural colors (earthen tones) are favored. Use of penetrating stains rather than paint on wood surfaces is encouraged. Any metal flashing or trim must be anodized or painted so as to be nonreflective

This definition is specific enough to meet the need ruling out gates from the definition of ground or monument signs. Elsewhere in the sign regulations there is language which fits a gate and mentions gates within the definition. Section 13.3 (18) (p) lists Entryway Identification which Staff understands is the closest language to gates in their totality. While 13.3 (18) (p) allows for a sign to be placed on an entryway or front gate of a property, 13.3 (19) prohibits signs that may be determined to interfere with the safe flow of traffic.

(18) Signs NOT Subject to a Permit The following signs do not require a permit under this Article and may be placed in any Zone District subject to the provisions of this Article. (p)Entryway Identification An overhead entryway located at a driveway entrance or front gate of a property for the purpose of identifying the property owner, property name or residence located thereon. The entryway structure shall not exceed Grand County's maximum building height.

Where the ambiguity lies from Staff's interpretation is the idea of "Entryway Identification" in a public right-of-way.

(15) Sign Setbacks and Height Standards Signs shall not be located within utility easements or public right-of-ways, or closer than ten feet (10') from the property line. Signs are restricted to a maximum height of fifteen feet (15').

An Entryway Identification could be a passable marker or threshold which notifies a passerby about the change in space. As a very extreme example the St. Louis Arch is the gateway to the west. Does a gate also pass for entryway identification? A gate can occupy right-of-ways but there is a question as to whether an identification sign can. A followup question - is there something else which Staff has not yet considered in our regulations?

Gates are a security feature to any residential and commercial property and are designed to slow or stop people and vehicles people from entering the property without permission. Gates, unlike signs, also can impede fire and emergency personnel from arriving on the property in a timely matter. At a minimum, the county should require newly installed gates to be permitted and to comply with fire access requirements. This includes width, distance and method of opening.

Additional questions - are the sign regulations enough or should the county consider additional regulations pertaining to gates and entryways? Until regulations are drafted, is it appropriate to use the sign regulations for gates and entryways?

No presentation there is a Memo for the Commissioners to review.

Staff stated we received an application for a gate. In house we were trying to figure out how to accommodate this request. We could not reach a consensus. Our question is can we use the Sign Regulation to process a gate request or do we need to present with regulations and new language that speaks directly to gates and entryways?

Commissioners commented, in the past the Board of County Commissioners made a ruling and in the regulations it talks about head gates. The Board of County Commissioners ruling was head gates are not subject to permit. Referencing the Memo, "signs not subject to a permit". We talked about head gates, and entryway identification. So my understanding of the questions is that the gate would be in public Right of Way?

Staff replied, correct. It would block the Right of Way, which would block the entrance into the subdivision.

Commissioners asked you are not talking on a county road but on a gated subdivision.

Staff added that it is a public road. The plat, which is a dedication to the road says to the public, but it is a private non-county maintained road. There is some ambiguity that the road is intended for the public of that specific subdivision, held in a simple deed by the Home Owners Association (HOA).

Commissioners stated, within the state of Colorado, you can erect (if it is your road) a gate, toll booth, do whatever you want. I am hearing you say, the plat dedicates this to the public, but is privately maintained through the HOA. So the road has not been accepted and maintained by the county.

Staff replied, correct.

Commissioners continued, in other subdivisions that have chosen to gate, like Big Horn Park, there are allot of requirements where you have to be keyed or programed as such that the Emergency Service groups can use their common code for entry. There should also be a book in Planning and Zoning that has all the gate codes to the subdivisions. I don't know of any limitations in the regulations that stops people from gating, even if it is public maintained, which also might be a Road and Bridge question.

Mike McCormick, commented this request is actually for a private road owned by the HOA (came to county to verify this). The confusion was there were some maps that showed it still part of forty nine eleven, but it is a private road. In fact this particular gate is a deterrent to the tourists and campers that come into the subdivision cull-de-sac. This is a small cull-de-sac off of the main road. The community has asked that we put this gate (non-lock), in the request it specifically states that it is push open (no lock). Regarding Road and Bridge, to confirm Mr. McCormick did speak with Mountain Parks Electric engineering, there is no obstruction, no encumbrance whatsoever. Spoke with Three Lakes Design Review and received confirmation from Tim Good, that there is no issue. Chris Baer, at Road and Bridge, stated they had no authority over private roads but confirmed, as proposed (diagrams with the plat) and the design for the push open gate that would (even if it was a public road) would conform to the width and height regulations. Emergency Medical Services (EMS) and fire, spoke with Tim Good at EMS and Dan Mayer at the Grand Lake Fire District. Dan provided a letter for the Board which states that the subdivision is well within width and height requirements for their equipment. Dan Mayer further commented "by doing this we provide deterrent (to exactly what the community is asking) to the campers and hunters that could come into this area and present further fire risk". Fire was the primary driver for this gate request.

Commissioners thanked Mr. McCormick and stated they are just not sure if there is any place in our regulations or in the state regulations that states you can't block off a road by putting up a gate. Commissioners feel that gates should not be part of the signage regulations. The only difference is head gates, were added because a question, if it was actually signage. Allot of subdivisions will put up a head gate and their ranch name or subdivision name and those are spelled out to be non-permitted. A good number of head gates in the county actually have a fence across the front too.

Staff asked an additional question, would it be appropriate to look at putting together an amendment to the zoning regulations about gates just to clarify that they are not subject to permit.

Commissioners added subject to building code though.

Staff added and fire code.

Commissioner commented we don't regulate fencing and I keep falling back on a state requirement. Is that most areas that are gated are for either HOA's regulations (it was brought up in the subdivision when it was being designed) and happens to show up on a plat or it's for entryway identification. There is talk about the front gate but it never talks about regulations of front gates. Believes we are good to go to just say you can put up a gate, has to be on your own property.

Staff added we do regulate fences, if it is over six feet in height. It requires a building permit.

Commissioner agreed.

Staff added if we are going to allow a gate, through our fire code we have to permit the gate so it meets fire code standards.

Commissioner agreed. Maybe an amendment to the zoning regulations is, we do not restrict gates unless they exceed anything over six feet that requires a building permit like a fence. Has to be on your own property. We have multiple times allowed head gates to be in the road right of ways for subdivisions, because you have a thirty foot road right of way and you build something that is twenty feet, who cares where it is on the outside, if they were ever to widen the road you just knock the head gate down. It is not what we would classify has a permanent structure. If the gate is locked, then it needs to be compliant with first responders as well as the county having the code to the gate.

Staff asked if that is a fire code requirement.

Commissioners replied, yes. In first responders they are including police, EMS and fire. The gate should be subject to subdivision regulation not with Open and Forestry because all Agricultural property is Open and Forestry mostly and there are lots of gates on each property. So maybe the wording would be, gates for purposes other than agricultural which needs to be subject to subdivision regulations. Gates are not considered a structure, so maybe no regulations. To the point of a locked subdivisions gate, we do have rules that (a book in Planning and Zoning) possible out of date, no one calls in to update Zoning with new codes, we did not say they cannot put in the gate, just Planning and Zoning is required to have the gate codes. It also has to comply with emergency services. Maybe discuss with emergency services also. I don't think we need to regulate gates. Are there issues with putting up a gate that blocks access to Headwater Trails?

Staff replied, yes we are dealing with an issue right now.

Commissioners asked if it was public or private road.

Staff replied it is a trail, so there is a trail that goes on private property that leads to a conservation easement. We received a complaint that the private property owner has gated on his property to the trail.

Commissioners asked if there is an easement for the trail across the private property.

Staff replied, yes.

Commissioners continued well then he cannot fence it. That is a legal standpoint, there should be something in the easement that says "shall have access to XYZ". If the property owner is restricting the easement, then there is a problem, which is more of a legal matter. If Colorado already has a law we should follow it.

Staff will look into the Colorado laws for gating regulations and follow it.

Motion to close the meeting by Ingrid Karlstrom. Seconded by Sally Blea. Not further discussion. All in favor "aye", none opposed. Meeting closed.

Meeting adjourned at 8:30 pm.
