

GRAND COUNTY PLANNING COMMISSION
WebEx/In Person MEETING MINUTES

Wednesday, July 14th, 2021

MEMBERS PRESENT: Marcus Davis Will MacDonald
 Ralph Graves Bob Gnuse
 Tara Fournet Ryan McNertney
 Kim Shepton

MEMBERS ABSENT: Ingrid Karlstrom Deborah Fitch

STAFF PRESENT: Robert Davis Taylor Schlueter
 Maxine LaBarre-Krostue Patty Kemper

The meeting was called to order by Chairperson Marcus Davis at 6:35 PM. Roll call was taken.

Minutes from May 12th & June 9th, 2021 were presented. Motion to approve by Kim Shepton. Seconded by Will MacDonald. All in favor, “aye”. None opposed, May & June, 2021 minutes approved.

Robert Davis, Director Community Development, announced that Tara Fournet would be leaving the Planning Commission. Her last meeting with us will be the August, 2021 Meeting. We all thank her for her service and wish her well.

There were 8 members of the Public in attendance In Person and WebEx for the July 14th meeting.
Rock Creek Ranch Outright Exemption – Outright Exemption Final Plat – Blue Ribbon Ranch, LLC represented by Lisa Palmer

Presented by: Robert Davis, Director, Community Development

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION JULY 14, 2021

Project Name	Rock Creek Ranch Outright Exemption
Applicant	BLUE RIBBON RANCH, LLC
Location	42090 US HWY 40
Zoning	Forestry & Open (F) District
Applicable Regulations	Grand County Zoning Regulations, Grand County Outright Exemption Regulations
Attachments	A. Development Application B. Project Narrative Letter C. Proposed Final Plat D. Vicinity and Detail Maps E. BLM Right of Way Grant/Temporary Use Permit F. Title Commitment G. 2019 Property Tax Receipt
Staff Planner	Taylor Schlueter, Planner I
Request	Approval of an Outright Exemption to divide a 10.63 metes and bounds parcel into a 5.116 acres parcel and a 5.524 acre parcel to then combine the 5.5 acre parcel to Lot 8 of Gold Medal Ranch Subdivision.

Purpose of Request

The applicant has requested to divide a metes and bounds property of 10.63 acres into two parcels. The applicant wishes to separate the western half of the subject parcel and combine it with the 56.90 acre parcel across the Colorado River, Lot 8 Gold Medal Ranch.

Background & History

The 10.63 acres parcel is identified as an 8.90 acre, metes and bounds property (Lots 1 and 2) Grand County Assessor. The 10.63 acre measurement comes from the survey as shown on the proposed plat. The survey includes a river portion of metes and bounds parcel to be detached and then attached to Lot 8 of the Gold Medal Ranch Subdivision.

The applicant requested a lot line adjustment and Staff advised using the Outright Exemption process to change boundary lines of a metes and bounds parcel less than 35 acres. The intent is to sever the river portion of the property from the meadow and single family home to be combined with the property on the south side of the Colorado River under the ownership of Blue Valley Ranch, LLC with the caveat that it will never be separated from the Blue Valley Ranch ownership as a stand-alone parcel.

The subject area straddles the Colorado River for roughly 1,500 feet on the parcel’s western boundary; across the river sits Lot 8, Gold Medal Ranch, which would be joined with a western portion of the 10.63 acre parcel (Lot 2). There is an agricultural residence on proposed Lot 1, accessed from US Highway 40 through Bureau of Land Management land with a right-of-way grant, serial number COC-61605. The residence is served by well, septic and power. There are also out buildings and a barn on the site.

Farris Ditch runs parallel to the Colorado, through the proposed Lot 2. A twelve-foot wide easement was decreed in 1986 (Reception number 242666), granting access across proposed Lots 1 and 2 to Farris Ditch.

The applicant, Blue River Ranch LLC, purchased the metes and bounds property in April 2021. Blue River Ranch bought Lot 8, Gold Medal Ranch in November 2020.

Staff Comments and Analysis

These properties are all located outside of any growth area, and each lot in the proposal will exceed the minimum lot size requirement for the Forestry and Open District. Lot 1 will be 5.12 acres, and the combined acreage of the new Lot 2 will 5.5 acres. Access to the Farris Ditch on the east banks of the Colorado River is provided through a court decreed easement across Lot 1.

If Lot 2 were combined with Lot 8 of the Gold Medal Ranch tract, it would create one (1) single lot 62.4 acres. If combined, a new plat should reflect a 62.4 acre parcel and be renamed. Lot 2, according to the application, is intended to be a stand-alone parcel which means it could exist as proposed on the plat. If Lot 2 is intended for development, well permit issues would need to be addressed. No structures currently existing on proposed Lot 2. Because of water quality setback requirements from both the Farris Ditch and the Colorado River, Lot 2 has very limited buildable space.

A gravel drive from the north which crosses both proposed Lot 1 and Lot 2 provides access to the Farris Ditch. There is also a private road owned by the adjacent parcel to the east terminating near the southern boundary of proposed Lot 2.

Staff feels the plat should be revised to reflect a new amended Lot 8 of the Gold Medal Subdivision reflecting the intent to carve off the proposed Lot 2 and to join it with Lot 8.

This Outright Exemption application presents minimal land impacts.

Compliance with Zoning Regulations

Section VI6 – Forestry & Open District

- §6.1 Uses Permitted** *The use of the property will be an existing single-family home on Lot 1; the remainder, Lots 2 and 8, will remain vacant at this time.*
- §6.2 Minimum Area of Lot** *The minimum lot area required outside a growth area in the Forestry & Open Zoning District is five (5) acres. The resulting Outright Exemption Lots 1 and 2 will be 5.12 acres and 5.52 acres, respectfully.*
- §6.3 Minimum Width of Lot** *The minimum lot width in the Forestry & Open Zoning District is 200'. The resulting Lots A and B will measure approximately 450 feet and 850 feet, respectfully.*
- §6.4-6 Minimum Yards of Lot** *This Outright Exemption complies with minimum setback requirements.*
- §6.8 Water Quality Setback** *The required 35' water quality setbacks regarding the Colorado River as well as the Farris Ditch prevent any development of the area between the east river bank and the start of Lot 1 (Area depicted as 'Lot 2' on the proposed plat).*

OUTRIGHT EXEMPTION – Article 1.4 – JURISDICTION

- §1.4.1 (c) This Outright Exemption will combine a portion of a metes and bounds property with an adjacent Lot in the Gold Medal Subdivision.**

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

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

- d) *Which involves other unusual circumstances which are deemed by the Board of County Commissioners to justify such a grant.*

Staff feels that this boundary line adjustment using the Outright Exemption process is appropriate when combining a portion of a former metes and bounds parcel to a subdivided parcel.

Section 2.1 Driveway, Roads, Streets, and Easements. Twenty (20) foot easements shall be established adjacent to all side and rear property lines within this Outright Exemption Plat in compliance with this provision.

No existing utility easements have been shown on the plat.

Section 2.3 Public Dedications. Twenty (20) foot easements along all interior property boundaries shall be established per this plat. **This requirement has not been met.**

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

Section 2.5 (1-2) Emergency Service impact fees.

Impact fees shall be paid at time of building permit.

E. OUTRIGHT EXEMPTION – Article 3.2 – PLAT

§3.2.1 The Final Plat drawing shall meet all requirements.

§3.2.2 (a) The Title of the Outright Exemption Final Plat shall be amended to read:

Rock Creek Ranch Outright Exemption
Located in Section 10, Township 1 North, Range 79 West of the 6th P.M.
Grand County, Colorado
Ownership Recorded at Reception No. 2021004157 & 2020010986

§3.2.2 (b) Legal description of the property shall be written as follows:

Rock Creek Ranch Outright Exemption, Lots 1 and 2

§3.2.2 (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.

§3.2.2 (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.

These requirements have been met.

§3.2.2 (e) Names and right-of-way width of each street or other rights-of-way.

This requirement has been met.

§3.2.2 (f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.

This requirement has been met.

§3.2.2 (g) Number to identify each lot or site and acreage of each site to the nearest 1/100th of an acre.

These requirements have been met.

§3.2.2 (h) Purpose for which sites, other than residential lots, are dedicated or reserved.

This provision is non-applicable; the Lot 1 is intended to be used for residential purposes. Lot 2 is to be joined to Lot 8 of the Gold Medal Subdivision and never to be severed from the ownership of the parcel.

§3.2.2 (i) Location and description of monuments.

This requirement has been met.

§3.2.2 (j) Current title commitment.

Proof of ownership for each parcel has been provided by the applicant.

§3.2.2 (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

KNOWN ALL MEN BY THESE PRESENTS: That **Blue Ribbon Ranch, LLC** is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Subd: METES & BOUNDS 79 ALL 8.9 ACRES PARCEL NE4SW4 SEC 10 T1N R79 DESC B/205 P/494

And

GOLD MEDAL RANCH SUBDIVISION Lot: 8

That they have caused said real property to be laid out and surveyed as **Rock Creek Ranch Outright Exemption**, and do 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 do hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF, **Blue Ribbon Ranch, LLC** have caused their names to be hereunto subscribed this _____ day of _____, 20__.

_____ Blue Ribbon Ranch, LLC

STATE OF COLORADO }
 }ss
 COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Blue Ribbon Ranch, LLC.

My Commission Expires: _____

_____ Notary Public

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

SURVEYOR'S CERTIFICATE

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

_____ (Surveyor's Signature)

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

§3.2.2 (m) Certificates for approval by the Board of County Commissioners of Grand County, Colorado as follows:

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 outright exemption 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

- §3.2.2 (n) A two and one-half by three inch (2-1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.**
This requirement has been met.
- §3.2.2 (o) A vicinity map.**
This requirement has been met.
- §3.2.2 (p) Documented proof of legal access.**
This requirement has been met. Applicant has provided a copy of the Temporary Use Permit issued by the Bureau of Land Management, Serial Number COC-61605, which grants access from Highway 40 to Lot 1. A twelve-foot wide easement on Lot 1, decree of which was recorded at #242666, grants access to Lot 2 across Lot 1.
- §3.2.2 (q) Documented proof of the availability of sewer and water supply.**
This requirement has been met. DWR Permit #75197- for domestic use for Lot 1.
- §3.2.2 (r) Statement of taxes due showing current taxes paid.**
This requirement has been met.
- §3.2.2 (s) An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. 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.
- §3.2.2 (t) Such additional information as may be required by the Grand County Board of County Commissioners.**
No additional information has yet been requested.

Staff Recommendation

Staff recommends approval of the Rock Creek Ranch Outright Exemption. The following conditions shall be met prior to the recording of the Outright Exemption:

1. The Title of the Outright Exemption shall be amended (see (a) above).
2. The Dedication shall be amended (see (k) above).
3. The Surveyor's Certificate shall be amended (see (l) above).
4. An electronic copy of the Final Plat shall be submitted (see (y) above).
5. All recording fees are to be paid by the Applicant.
6. 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.
7. If Lot 2 is to be forever joined to Lot 8, A Quit Claim Deed that joins Lot 2 and Lot 8 into a single parcel restricted from being sold, transferred or mortgaged separately should be provided.
 - a. The Final Plat shall be amended to change the labels of both 'Lot 2' and 'Lot 8' to Lot 8A
 - b. Well permits will be required to be amended with the State to reflect changes in the Legal description of each lot.

Commissioner Davis asked for a summary. Lots 1 & 2 exist currently today...

Robert Davis Director Community Development stated no Lot 1 exist today.

Commissioner Davis continued, looking at creating Lot 2 and forever joined with Lot 8, of Gold Medal Ranch with Lot 1 remaining. We are calling it Lot 1 not amended Lot 1 or anything, because it never existed before.

Robert Davis stated correct. We are calling this Rock Creek Outright Exemption, Lots 1 & 2. Since Commissioner Davis stated forever joined, Robert wanted to add we would have an amended Lot 8. Lot 8 is more than 35 acres, because of Senate Bill 35.

Commissioner Davis added, for clarification, the easement in Condition #7, you would have added a parameter easement? The easement is already established, staff started there. There is a private road that extends through the neighboring property and it stops at the border, we were wondering if we could identify that road as a potential access to Lot 2.

Taylor Schlueter, Planner, added, that is what the Outright Exemption Regulations calls for.

Commissioner Davis replied, you are forever merging with Lot 8 so there is no need for the access.

Commissioners Davis asked for public comments.

Lisa Palmer asked a couple questions on the survey. There was a survey done by Jim Ward in 1992 and it came up with 10.7 acres. So the accessor's office is incorrect. The plat note states we will never sell separately and the title company will find that with a plat note. That is the intent to make sure it never gets sold. On Condition #6, it says Quit Claim Deed should describe the amended legal description of the parcels shall be completed. Quit Claim Deed from who to who?

Robert replied, Quit Claim to yourself. To change the legal description.

Lisa Palmer continued, why are we changing the legal description?

Robert replied, for Lot 8.

Lisa Palmer, stated Lot 8 is not changing. We are going to Quit Claim from Blue Ribbon to Blue Ribbon the 5 acres. But there is just 1 deed, correct?

Robert replied, correct.

Lisa Palmer, continued, I don't think it matters to anyone, but there is a lot of reference to Blue Valley Ranch in the Certificate, and that is not correct, (in the background and history sections).

Robert stated this will be corrected.

Commissioner Gnuse stated no questions.

Commissioner Graves stated no questions.

Commissioner Fournet stated no new questions.

Commissioner McNertney stated no questions.

Commissioner MacDonald asked if there will be a house on Lot 8 on the new section.

Lisa Palmer replied no, not on the new section of Lot 8, it is all river and wetlands.

Commissioner MacDonald asked if there will be any additional well permits or anything.

Lisa Palmer replied, no. I do not think you could put a house on the new section of Lot 8. Lot 8 on its own there will probably be a home someday, but not on Lot 2 that will be added to Lot 8.

Commissioner MacDonald continued, does Lot 8 already have its own well permit?

Lisa Palmer replied, no.

Commissioner Davis asked, how many acres is Lot 8?

Lisa Palmer replied 62 acres. There are no plans at this time to build so no well permit.

Commissioner MacDonald asked if the well and septic are overlapping with setbacks on the property.

Lisa Palmer replied, on Lot 1, no. On Lot 1 there is well and septic and the correct setbacks. Lots 2's access will be through Lot 8.

Commissioner Davis showed on the drawing where the well and septic would be.

Commissioner Shepton asked, is this Rock Creek Ranch Outright Exemption? I see on the plat that it is stated Blue Ribbon Ranch and Gold Medal Ranch.

Lisa Palmer stated Rock Creek is the one that is being split and is now owned by Blue Ribbon Ranch. Blue Ribbon bought the platted Gold Medal Ranch.

Commissioner Shepton continued, there was a temporary use access permit for a Thomas Joyce?

Lisa Palmer replied, yes that is who Blue Ribbon bought the property from. To the west, from Highway 40 to the property line is Bureau of Land Management (BLM) property and you have to have a temporary right of way and they grant it for 30 years.

Commissioner Shepton stated 20 years and this is 2021. Is Thomas Joyce still around?

Lisa Palmer stated, no. Blue Ribbon Ranch assumed that right of way. They will have to reapply.

Commissioner Shepton asked, if it is for BLM people?

Lisa Palmer stated, no it is a right of way to access Lot 1 from Highway 40 across BLM.

Commissioner Shepton asked, now you have the access permit?

Lisa Palmer stated, yes.

Commissioner Shepton continued, do you still have access to the Colorado River from Lot 1?

Lisa Palmer replied, no. We have access to BLM, Colorado River, but no access to private Colorado River.

Commissioner Davis stated, terminology needs to be corrected within the Certificate. On the Conditions, scrap Condition #7 because it is not applicable with this project. So we are looking at 8 Conditions, which is an addition of 2 from the original list. Adding a tie bar, which is a surveyor condition, that shows they are forever joined. So we are back to 9 conditions, 6 conditions presented and 3 added.

Commissioner Davis asked if there were any additional questions or concerns, hearing none he asked for a motion.

Motion to recommend approval by Will MacDonald for Rock Creek Ranch Outright Exemption – Outright Exemption Final Plat – Blue Ribbon Ranch, LLC represented by Lisa Palmer with the 9 conditions. Seconded by Ryan McNertney. No further discussion. All in favor "aye". Motion carries.

LibbyClair Ranch Outright Exemption – Outright Exemption Final Plat – LibbyClair Ranch, LLC represented by David Taussig

Presented by: Taylor Schlueter, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION JULY 14, 2021

Project Name	LibbyClaire Ranch Outright Exemption
Applicant	<i>Applicant:</i> David C. Taussig <i>Owner:</i> LibbyClaire Ranch, LLC
Location	12401-02 CSH 134
Zoning	Forest & Open (F) District
Applicable Regulations	Grand County Zoning Regulations, Grand County Outright Exemption Regulations
Attachments	H. Development Application I. Project Narrative Letter J. Proposed Final Plat K. Vicinity and Detail Maps L. Title Commitment M. 2019 Property Tax Receipt N. Staff Memo, dated May 5 th , 2021
Staff Planner	Taylor Schlueter, Planner I
Request	Approval of an Outright Exemption to combine two adjacent lots for the purpose of minimizing potential encroachments on setback requirements when constructing a planned single-family residence.

Purpose of Request

The Applicant has requested two metes and bounds properties be combined so that a new single-family residence can be constructed on the new property without encroaching into the currently existing side and rear-yard setbacks.

Background & History

The earliest deed on record for these properties is dated January 5th, 1981, from Ernest G. Ceriani to Gary and Marianne Ceriani. Records indicate the properties have never been developed and remain vacant. The applicant wishes to place a house in an area near the two properties' common boundary. The applicant has a Colorado Department of Transportation Access Permit, #314007.

Staff Comments and Analysis

This Outright Exemption will create a 29 acre parcel. Both properties being combined are not in any growth area and are currently zoned Forestry & Open. The combined property will be accessed via Colorado State Highway (CSH) 134 from existing CDOT Access Permit #314007. Both of the properties are currently classified as Agricultural Land by the Grand County Assessor. Pass Creek runs through the northern portion of both properties. The applicant has received a permit to construct a well. CSH 134 intersects the larger of the two parcels (134120300034).

Compliance with Zoning Regulations

Section VI6 – Forestry & Open District

- §6.1 Uses Permitted** *The use of the property will be a Single Family Home.*
- §6.2 Minimum Area of Lot** *The minimum lot area permitted outside a growth area in the Forestry & Open Zoning District is five (5) acres. The resulting parcel will equal approximately 28.98 acres.*
- §6.3 Minimum Width of Lot** *The property will measure approximately 1,861.9 feet in width following completion of this Outright Exemption. The minimum lot width in the Forestry & Open Zoning District is 200', so this lot will be in compliance.*
- §6.4-6 Minimum Yards of Lot** *This Outright Exemption will increase the amount of buildable area within the required front, side, and rear yards.*
- §6.8 Water Quality Setback** *The required 35' water quality setback from Pass Creek will be enforced during review of any building permit.*

Outright Exemption Regulations

- §1.4.1 (c) This Outright Exemption will provide access to parcel 134120300034.**
- §3.2.1 The Final Plat drawing shall meet all requirements.**
- §3.2.2 (a) The Title of the Outright Exemption Final Plat shall be amended to read:**
LibbyClaire Ranch Outright Exemption
Located in Sections 19 and 20, Township 2 North, Range 81 of the 6th P.M.
Grand County, Colorado
Ownership Recorded at Reception No. 2013009894 & 2013009895
- §3.2.2 (b) Legal description of the property shall be written as follows:**
LibbyClaire Ranch Outright Exemption
- §3.2.2 (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.
- §3.2.2 (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.**
These requirements have been met.
- §3.2.2 (e) Names and right-of-way width of each street or other rights-of-way.**
This requirement has been met; the property's access is via CSH 134, Access Permit #314007
- §3.2.2 (f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.**
This requirement has been met.
- §3.2.2 (g) Number to identify each lot or site and acreage of each site to the nearest 1/100th of an acre.**
These requirements have been met.
- §3.2.2 (h) Purpose for which sites, other than residential lots, are dedicated or reserved.**
This provision is non-applicable; the lot is intended to be used for residential purposes.
- §3.2.2 (i) Location and description of monuments.**
This requirement has been met.
- §3.2.2 (j) Current title commitment.**
Proof of ownership for both parcels has been provided by Applicant.
- §3.2.2 (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

KNOWN ALL MEN BY THESE PRESENTS: That **LibbyClaire Ranch LLC** is the owner of that real property situated in Grand County, Colorado, more fully described as follows:
ALL 25.90 ACRES 28.14AC IN W2 SEC 20 T2N R81 DESC B/133 P/119 LESS 2.24AC
DESC B157, as described in a Warranty Deed recorded at Reception No. 2013009894
And

METES & BOUNDS 81 ALL 3.08AC E2NE4SE4 SEC 19 T2N R81, as described in a Warranty Deed recorded at Reception No. 2013009895

That they have caused said real property to be laid out and surveyed as **LibbyClaire Ranch Outright Exemption**, and do 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 do hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF, **LibbyClaire Ranch, LLC** have caused their names to be hereunto subscribed this _____ day of _____, 20__.

David C. Taussig

STATE OF COLORADO }
 }ss
COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this ___ day of _____, 20__ by **David C. Taussig as Agent of LibbyClaire Ranch LLC**

My Commission Expires: _____

Notary Public

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

SURVEYOR'S CERTIFICATE

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

(Surveyor's Signature)

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

§3.2.2 (m) Certificates for approval by the Board of County Commissioners of Grand County, Colorado as follows:

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 outright exemption 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

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

This requirement has been met.

§3.2.2 (o) A vicinity map.

This requirement has been met.

§3.2.2 (p) Documented proof of legal access.

This requirement has been met.

§3.2.2 (q) Documented proof of the availability of sewer and water supply.

This requirement has been met.

§3.2.2 (r) Statement of taxes due showing current taxes paid.

This requirement has been met.

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

§3.2.2 (t) Such additional information as may be required by the Grand County Board of County Commissioners.

No additional information has yet been requested.

Staff Recommendation

Staff recommends approval of the LibbyClaire Ranch Outright Exemption. The following conditions shall be met prior to the recording of the Outright Exemption:

1. The Title of the Outright Exemption shall be amended (see (a) above).
2. The Dedication shall be amended (see (k) above).
3. The Surveyor's Certificate shall be amended (see (l) above).
4. An electronic copy of the Final Plat shall be submitted (see (y) above).
5. All recording fees are to be paid by the Applicant.
6. 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.

David Taussig representing the applicant stated he was having a hard time following along, since he was participating online.

Commissioner Davis stated we are working on the LibbyClair agenda item and the only thing we changed was in the Conditions in the Certificate, there was consideration to put in utility easements but, because there is no full requirements to do that, we will remove. Then we are going to add a tie bar that shows what lots are actually joined together and that is just surveyor platting requirements.

David Taussig asked, you are referring to a Certificate, I guess I have not seen that. Is there a way to access this?

Commissioner Davis stated, a staff report.

Taylor Schlueter, Planner, sent the Certificate to Mr. Taussig, via e-mail.

Commissioner Gnuse asked, the Certificate of Recommendation, that I have, shows 6 conditions, how many conditions are there?

Commissioner Davis replied, during the presentation we added a 7th Condition, which was utility easement is required..., we are not going to use that. We are going to replace Condition 7 with adding the tie bar as well as a plat note for the forever joined, because we are merging these lots forever.

Commissioner Graves stated no questions.

Commissioner Fournet asked when you do the tie bar, does it essentially keep it as a separate plat acreage? How do you determine wells? I see they have applied for 1 well permit. How do you say only 1 well permit now goes with this property, not 2.

Commissioner Davis stated, the concern would come into to play if the original acreage of any given parcel was large enough or if there was a previous well permit associated with it. The question to staff would be, is there any other well permits hanging out there, correct?

Taylor replied, no, but there is a spring and they own the water rights to the spring that goes through there. But they also have a single family well that they have applied for.

Commissioner Davis asked, if the total acreage is still under anything that would give them more than a single family and there was nothing hanging out there before, they start with 1 and they end with 1 well.

Commissioner McNertney stated no questions.

Commissioner MacDonald asked the applicant why you need more buildable area with a very large existing lot?

David Taussig replied, it is not shown on the plat map, but there is an electric line that runs across the property that is where the half moon is and diagonals across there. Where we want to build is kind of on the western edge, but is bounded in by that electric line so we are blocked into the east. When we sited where we wanted to put the house, it was encroaching on the 10 foot setback on the smaller part of the parcel. Because of that the recommendation was to legally combine the 2 lots, which we were fine to do. It is close to utilities, highway and access road.

Commissioner Shepton asked Taylor, in the presentation that we got in the drop box, it did not show the half-moon section.

Taylor replied, the Certificate does show that.

Commissioner Davis asked, how wide is the easement for the utility line?

David Taussig replied, it is 15 feet on each side, total of 30 feet.

Commissioner Davis added, that will need to be shown on the plat. Make this Condition #8. Plats have to show every easement associated with the property. Clean plat up before it goes to Board of County Commissioners (BOCC). Before recording add Condition #8.

David Taussig stated, there is several easements on this property that Middle Parks has. It is on the title.

Commissioner Davis stated, we need to cross reference title work with the plat.

David Taussig asked, even if the easements are abandoned, particularly from Middle Park, and they have never been used?

Commissioner Davis stated, yes even if they have never been used.

David Taussig stated, he received his Certificate.

Commissioner Davis stated, staff will circle back before BOCC meeting to see if you have any questions.

David Taussig, asked, are 2 Conditions being added?

Commissioner Davis stated, let's go back and review the conditions. The Certificate shows 6 Conditions. #7 will be to add the tie bar for forever joined which is standard plat note language. Condition #8 will be to cross reference with the title work and make sure all easements are shown on the plat as required.

David Taussig asked if an amended condition list will be sent out.

Commissioner Davis stated, Taylor will send the updated condition list to David.

Commissioner MacDonald asked if in the future if we could recommend to remove the lot line and combine so we are not losing density in a growth area. I feel like we are losing a lot of buildable space in a growth area.

Taylor stated, this is not a growth area.

Commissioner Davis asked if the property is in a growth area that we are going to discuss, please add it to the Certificate.

Robert Davis added that Taylor had added the growth area discussion to the Certificate. We may have to look at creating maximum lot sizes and limiting the lot to a certain size. This would probably involve the Master Plan. As of this point, we do not have anything to limit the size of lots.

Commissioner Davis asked to start a list for Master Plan discussions. Are there any more comments or questions. Hearing none he asked for a motion.

Motion to recommend approval by Kim Shepton for LibbyClair Ranch Outright Exemption Final Plat – LibbyClair Ranch, LLC represented by David Taussig with 8 Conditions. Seconded by Will MacDonald. No further discussion. All in favor "aye". Motion carries.

Hadley Outright Exemption

Presented by: Taylor Schlueter, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION JULY 14, 2021

Project Name	Hadley-Lee Outright Exemption
Applicant	Applicant 1: HADLEY, JONAS Applicant 2: LEE, RICHARD JACK & ANNA D
Location	235/289 GCR 524
Zoning	Forestry & Open (F) District
Applicable Regulations	Grand County Zoning Regulations, Grand County Outright Exemption Regulations
Attachments	O. Development Application P. Project Narrative Letter Q. Proposed Final Plat R. Vicinity and Detail Maps S. Jones Unrecorded Subdivision Map T. Title Commitment U. 2019 Property Tax Receipt
Staff Planner	Taylor Schlueter, Planner I
Request	Approval of an Outright Exemption to combine one lot with a portion of an adjacent lot.

Purpose of Request

The Applicant has requested two metes and bounds properties be combined to increase lot size. This Outright Exemption will increase the amount of buildable area within the required front, side, and rear yards. No additional or new housing, however, is being proposed.

Staff Comments and Analysis

Jonas Hadley, the applicant, purchased a 1.01 acre portion of his neighbor’s property at 289 GCR 524 and would like to combine it with his 2.0 acre property at 289 GCR 524. Residential uses exists on both parcels. Both properties are located in the Tabernash Urban Growth Area and currently zoned Forestry & Open. Both sites will retain access from County Road 524.

Outright Exemption Regulations

- §1.4.1 (c) **This Outright Exemption will combine a portion of a metes and bounds property with an adjacent metes and bounds property.**
- §2.1(c) **Driveway, Roads, Streets, and Easements.** Twenty (20) foot easements shall be established adjacent to all side and rear property lines within this Outright Exemption Plat in compliance with this provision.
- §3.2.1 **The Final Plat drawing shall meet all requirements.**
- §3.2.2 (a) **The Title of the Outright Exemption Final Plat shall be amended to read:**
 - Hadley-Lee Outright Exemption
 - Located in Section 1, Township 1 South, Range 76 West of the 6th P.M.
 - Grand County, Colorado
 - Ownership Recorded at Reception No. 2017008858 & 2007004719
- §3.2.2 (b) **Legal description of the property shall be written as follows:**
Hadley-Lee Outright Exemption
- §3.2.2 (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.
- §3.2.2 (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.**
These requirements have been met.
- §3.2.2 (e) **Names and right-of-way width of each street or other rights-of-way.**
This requirement has been met; the property’s access is via CSH 134, Access Permit #314007

- §3.2.2 (f) **Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.**
This requirement has been met.
- §3.2.2 (g) **Number to identify each lot or site and acreage of each site to the nearest 1/100th of an acre.**
These requirements have been met.
- §3.2.2 (h) **Purpose for which sites, other than residential lots, are dedicated or reserved.**
This provision is non-applicable; the lot is intended to be used for residential purposes.
- §3.2.2 (i) **Location and description of monuments.**
This requirement has been met.
- §3.2.2 (j) **Current title commitment.**
Proof of ownership for each parcel has been provided by Applicants.
- §3.2.2 (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

KNOWN ALL MEN BY THESE PRESENTS: That **Jonas Hadley and Richard Jack & Anna D Lee** are the owners of that real property situated in Grand County, Colorado, more fully described as follows:

Subd: METES & BOUNDS 76 ALL 2AC LOT 11 SEC 1 T1S R76 DESC B/205 P/38
And

Subd: METES & BOUNDS 76 ALL 4.278 AC IN LOTS 11 & 12 SEC 1 T1S R76W, DESC AT B/271 P/56 & B/190 P/116

That they have caused said real property to be laid out and surveyed as **Hadley-Lee Outright Exemption**, and do 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 do hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF, **Jonas Hadley and Richard Jack & Anna D Lee** have caused their names to be hereunto subscribed this _____ day of _____, 20__.

Jonas Hadley

Richard Jack Lee

Anna D. Lee

STATE OF COLORADO }
 }ss
COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____

My Commission Expires: _____

Notary Public

- §3.2.2 (l) **Certification by a Surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final subdivision plat, to be in substantially the following form:**

SURVEYOR'S CERTIFICATE

I, _____, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of the **Hadley-Lee Outright Exemption** truly and correctly represents the

results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.

(Surveyor's Signature)

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

§3.2.2 (m) Certificates for approval by the Board of County Commissioners of Grand County, Colorado as follows:

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 outright exemption 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

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

This requirement has been met.

§3.2.2 (o) A vicinity map.

This requirement has been met.

§3.2.2 (p) Documented proof of legal access.

This requirement has been met.

§3.2.2 (q) Documented proof of the availability of sewer and water supply.

This requirement has been met. DWR Permit #281054 (Hadley), #

§3.2.2 (r) Statement of taxes due showing current taxes paid.

This requirement has been met.

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

§3.2.2 (t) Such additional information as may be required by the Grand County Board of County Commissioners.

No additional information has yet been requested.

Staff Recommendation

Staff recommends approval of the Hadley-Lee Outright Exemption. The following conditions shall be met prior to the recording of the Outright Exemption:

1. The Title of the Outright Exemption shall be amended (see (a) above).
2. The Dedication shall be amended (see (k) above).
3. The Surveyor's Certificate shall be amended (see (l) above).
4. An electronic copy of the Final Plat shall be submitted (see (y) above).

5. All recording fees are to be paid by the Applicant.
6. 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.
7. Utility Easements as required by Section 2.1 are provided on the final plat.

Taylor asked about the tie bar and utility easements on this project.

Commissioner Davis stated treat Condition #7 as we have been for the 2 projects before. Not about utility easements but adding the tie bar in the plat notes.

Taylor noted that the applicants, Richard & Anna Lee and Jonas Hadley are present and available to answer any questions.

Commissioner Davis asked if the applicants had any questions/concerns regarding the Certificate.

The applicants have no questions and all looks good.

Commissioner Davis stated there have been discussion regarding how we use this Outright Exemption, what is the purpose. This is actually the best use of the Outright Exemption Regulations. What happens is things get carved off pre-regulations (pre 1972). We have all these small Metes and Bounds, so technically now that we have zoning regulations, anything less than 35 acres should be a platted lot. We utilize the Outright Exemption process to "legalize" the lot. So we ask, does it meet these conditions, and sometimes it is non-conforming, which legalizes the plat. Now it has a name and location and someone can go find it in zoning and we would do an amendment after this. The Outright helps us to go through a very simplified process to legalize it. At the same time they are doing a lot line adjustment. We would legalize Lot A, legalize the existing Lot B and then we would have done an Amended Final Plat of those 2 Outright Exemptions to change the lot line. That is ridiculous to put any applicant through all that, so we bring them through a 3 part proposal and was presented perfectly. This is just the easiest way to do this process. Nothing is forced to be legalized until it is changed. The requested change kicks it to into the needs to be in full compliant with current regulations. This will be forever called an Outright Exemption Subdivision now. This is a great case study of why you would use the Outright Exemption process. Everything tonight has been a different use of an Outright Exemption.

Commissioner Gnuse stated no questions.

Commissioner McNertney stated no questions.

Commissioner Fournet stated no questions.

Commissioner Graves stated in the Certificate on page 4, Section 3.22E. There was an incorrect access noted something about Karl State Highway 134.

Commissioner MacDonald stated I see 2 driveways and 2 houses, one on CR 80 and another driveway coming through another property.

Taylor showed a slide and asked if Commissioner MacDonald was referring to this section. This is where Mr. Hadley's primary residence is located.

Mr. Hadley, the applicant responded, yes 2 driveways, one goes up to up to the top and continues through Mr. Lee's property which is an existing easement. There is a parking area on the top and then a lower driveway that comes up off the common easement.

Commissioner MacDonald stated, my question is, it looks like 2 full houses on the same lot?

Mr. Hadley replied, the cabin at the first driveway was used from the 40's. The house was built before building codes. I would call it a temporary building.

Commissioner MacDonald ask, an accessory building?

Mr. Hadley responded, if I understand accessory dwelling unit, a separate garage-apartment.

Commissioner MacDonald asked if there was water and sewer in the cabin and the house.

Mr. Hadley stated, yes.

Commissioner MacDonald asked if he was on Tabernash Water and Sanitation.

Mr. Hadley stated, no. On well and septic. One well shared. This is all pre-1974.

Taylor stated the house was built in 1947.

Commissioner Davis added, the only thing that would be required would be to review the well permit.

Mr. Hadley stated, the well and septic was put in maybe 10 years ago.

Commissioner Davis stated, as long as it shows that there is access to both, then you are good to go because that is what was approved. Do we have the well permit as part of our packet?

Taylor stated, not that he is aware of.

Commissioner MacDonald stated the second house has a Certificate of Occupancy. That may be a different way of looking at it. I also want to check since there are 2 driveways, that the second driveway has not been used by the other property.

Mr. Hadley stated that is a neighbor and I can check with her.

Taylor stated, the property that the driveway is leading to, does have access otherwise, to Lot B.

Commissioner Davis clarified, the driveway going to the cabin is on Lot B. So we need to confirm that there is an applicable easement listed on the plat for where the driveway crosses the properties. The driveway is coming across the adjacent, 2.01 acre property. For both Lot A & B that driveway goes across the 2.01 acre parcel. Here is the problem with the plat. The plat as shown here, then is 2.01 acre parcel should have a name associated with it, 1 and there is 2 different access going to Lot B. There is also an existing electric line going across and I believe assumed 18 foot easements as stated on the top of the plat. We want to make sure the easements are labeled correctly on the plat. This plat is not showing the Lot B access from the south.

Mr. Hadley added, they come in right off of County Road 524.

Commissioner Davis, continued, that should all be on plat because we are not allowed to create a lot that is land locked with no access. This property has 3 points of access, technically. So either no easement was assigned and the plat is insufficient because it is not showing the actual access. We have the utility line, 15 feet overhead electric easement.

Mr. Lee added the utility line comes up to our property line on the north and dead ends. There is no access to power lines on my property. The road clear to the right is County Road 524, it dead ends where the easement starts and goes to up to Mr. Hadley's house. That easement was to 1 acre plot sold in the 1940's. At one time, was just a road that went to the house.

Commissioner Davis stated, the plat is not showing what is reality. The plat needs to be revised. We need to take this back to Warren, there is a lot of clean up needed. All easements, utilities, driveways and well permits need to be reviewed and cleaned up. Let's make that a Condition. If at the end of the day the well permit says it can only be for 1 house, then staff will need to chat with the applicant regarding this. If the

well permits says it is for 2 homes, then you are fine. We don't enforce water resources, we just ask the questions.

Commissioner MacDonald stated, he wanted to make sure the 2nd house is legal and certified.

Commissioner Davis stated, in this case it is pre-existing non-conforming, so if the well permit supports this, they can have it. If it was something that was done later and legally, it has to be cleaned up on the plat. We are not increasing or decreasing the non-conformity.

Commissioner MacDonald asked, if there is enough acreage if they choose to sub-divide the property with this addition?

Commissioner Davis asked, in the Forest/Open zoning and a Growth Area?

Taylor replied, (inaudible)

Commissioner Davis, replied you need 5 acres. If everything is legal with the non-conforming, there would be no requirement or improvement by asking to split the property. If they chose to ever sell the property separately or keep the well permit and tear down the house, then there would be a question. If they are on the original footprint and they are just replacing the footprint then the no requirement to change would come into play either, because nothing really substantial would have changed. We need to add a condition for a variance to the minimum lot size.

Taylor stated, this is a project that Alex had started and he believes they have Tabernash water.

Mr. Hadley stated we are well and septic on both properties. Minimum lot size is 2 acres.

Commissioner Davis stated I think you are correct.

Taylor stated if they are outside of the growth area it would be 5 acres, in Forestry and Open. Forestry and Open is determined by growth area not how you are connected to public water and sewer, like the Residential District is. They are in fact in the Tabernash Growth Area and have a minimum of 2 acres.

Commissioner Davis stated, so the lot sizes are good. The staff analysis, add to the analysis that you have the minimum lot size. Section 3.32G, you could add it there also.

Commissioner Shepton stated no questions.

Commissioner Davis asked if there were any more comments from Commissioners or staff. Hearing none, he asked for a motion. We are at 8 Conditions. Condition #7 is being removed and Condition #8 will be checked on the title commitment that we have all the correct easements showing. Condition #9, to revise the plat to actually meet our requirements, showing neighboring full access, names of ownership, etc.

Motion to recommend approval by Ryan McNertney for Hadley Outright Exemption with 9 Conditions. Seconded by Will MacDonald. No further discussion. All in favor "aye". Motion carries.

Peters Subdivision Exemption – Lots A & B

Presented by: Taylor Schlueter, Planner I

PULLED by APPLICANT

Lake Forest 1st Addition Lots 7-11, Block 6 Subdivision – Amended Final Plat – Jamie Mitchell

Presented by: Robert Davis, Director Community Development & Taylor Schlueter Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION **JULY 14**, 2021

Project Name	Lots 6-11 Lake Forest 1 st Addition: Amended Final Plat
Applicant	MITCHELL, JAMES & LESLEIGH A
Location	Subd: LAKE FOREST 1ST ADD SUB Lot: 6 - 11 Block: 6 LESS THE NORTH 5FT OF LOT 11
Zoning	Residential (R)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations, Three Lakes Design Review Area Regulations
Attachments	V. Development Application W. Project Narrative X. Proposed Amended Final Plat Y. Lake Forest 1 st Addition Plat (Original), circa 1953 Z. Vicinity and Detail Maps AA. Quit Claim Deed, Reception no. 2016006586 BB. Title Commitment effective February 8, 2021
Staff Planner	Taylor Schlueter
Request	Approval of an Amended Final Plat to combine five lots in order to provide developable space for a detached garage.

Purpose of Request

This Amended Final Plat is intended to combine common ownership interest to allow for the development of a detached garage over the existing lot line that separates lots 10 and 11.

Background and History

MITCHELL, JAMES & LESLEIGH A, herein referred to as the “Applicant”, have owned Lake Forest Subdivision 1st Addition Lots 7-11 (as well as Lot 6) since August 23, 2016 per Quit Claim Deed recorded at Reception no. 2016006586. The Lake Forest Subdivision 1st Addition was recorded September 11, 1953 at Reception no. 76469.

The five lots combine to equal 1.75 acres. Lot 8 is currently developed with a single family household.

The property is serviced by Three Lakes Sanitation infrastructure and well water.

Staff Analysis

This Amended Final Plat application is typical of most Amended Final Plat applications received by Grand County in that it is intended to increase the size of a parcel by combining two or more adjacent parcels, eliminating any possibility for future development of the parcels.

The subject parcel is surrounded by residential uses on three sides, with the Lake Granby shoreline directly bordering the fourth. Access to the site will be provided by the existing driveway off GCR 642.

A utility electric line traverses the southwestern corner of Lot 7. No reception number was found for this presumed easement.

The proposal is fully compliant with all zoning and subdivision regulations, but it is not in line with the Grand County Master Plan’s recommendations to focus future growth and denser developments in growth areas. In the case of this Amended Final Plat proposal, five small lots in Grand County Urban Growth Area 2

would be eliminated, thus reducing density for future development. In the future, Master Plan considerations may include development of maximum lot size in the zoning regulations and density requirements in growth areas as a good way to address these growth area development concerns.

On the other hand, it is also argued that an owner should have the right to expand his lot and the ability to combine lots to create a premium of more open space. Until such time as an optimal range of lot sizes are determined in a contextual manner through some type of growth area analysis, the practice would still be to allow the consolidation of lots.

Compliance with Zoning Regulations

Section IV – Residential District

- §4.1 Uses Permitted** Intended uses of the property shall be in compliance. (§4.1.1)
- §4.2 Minimum Area of Lot** (3) On subdivided land served by either public water or public sewage facilities
15,000 sq. ft.
- *Proposed lot is approximately 1.16 acres*
- §4.3 Minimum Lot Width** (3) On subdivided land served by either public water or public sewage facilities
60 feet.
- *Proposed lot is approximately 230 feet wide*
- §4.4-6 Minimum Yards** 4.4 MINIMUM FRONT YARD 30 feet
4.5 MINIMUM SIDE YARD 5 feet
4.6 MINIMUM REAR YARD 20 feet
- *Proposed lot will meet all minimum yard requirements*
- §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 read:
- Amended Final Plat**
Lot 7a, Lake Forest, First Addition Subdivision
STATE OF COLORADO
- §4.3 (2) (b)** The legal descriptions shall be written as follows:
- Amended Final Plat**
LOT 7A, LAKE FOREST FIRST ADDITION SUBVIDION
- §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.
- *These requirements have been met.*
- §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) (f)** Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.
- *These requirements have been met.*
- §4.3 (2) (g)** Number to identify each lot or site and acreage of each site to the nearest 1/100th of an acre.

- *These requirements have been met.*

§4.3 (2) (h) Purpose for which sites, other than residential lots, are dedicated or reserved.

- *This provision is non-applicable; the lot is intended to be used for residential purposes.*

§4.3 (2) (i) Location and description of monuments.

- *This requirement has been met.*

§4.3 (2) (j) Current title commitment.

- *This requirement has been met.*

§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

KNOWN ALL PEOPLE BY THESE PRESENTS: That **MITCHELL, JAMES & LESLEIGH A** are the owners of that real property, more fully described as follows:
 LAKE FOREST 1ST ADD SUB Lot: 7 - 11 Block: 6 LESS THE NORTH 5FT OF LOT 11
 That they have caused said real property to be laid out and surveyed as **Amended Final Plat, Lot 7A, Lake Forest First Addition Subdivision** and do 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, **MITCHELL, JAMES & LESLEIGH A** has caused their name to be hereunto subscribed this _____ day of _____, 20__.

James Mitchell

Lesleigh A. Mitchell

STATE OF COLORADO)
 ss
 COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this ___ day of _____, 20__
 by _____
MITCHELL, JAMES & LESLEIGH A.

My Commission Expires: _____

 Notary Public

§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, _____ a duly registered land surveyor in the State of Colorado, do hereby certify that this **Amended Final Plat Lot 7A, Lake Forest First Addition Subdivision** shows the result of a field survey done by me or under my responsible charge, based on facts known to me. 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.
- *This requirement has been met.*
- §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 requirement has been met.*
- §4.3 (2) (q) A vicinity map.
- *This requirement has been met.*
- §4.3 (2) (r) The subdivider shall provide:
- Storm drainage plans and related designs, in order to insure proper drainage ways.
 - Property survey and proof of ownership.
 - 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 requirement is non-applicable.*
- §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.
- *This requirement will be met.*
- §4.3 (2) (x) Statement of taxes due showing current taxes paid.
- *This requirement has been met.*
- §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.*

Staff Recommendation

Staff recommends approval of the Amended Final Plat the following conditions shall be met prior to the recording of the Amended Final Plat:

1. The Title shall be amended as recommended [§ 4.3 (2) (a)](Also see Staff Analysis).
2. The Dedication shall be amended as recommended [§4.2 (2) (k)].
3. Surveyor’s Certificate shall be amended as recommended [§4.3 (2) (l)].
4. The existing address shall be placed on the Final Plat Mylar [§ 4.3 (2) (w)].
5. An electronic copy of the Final Plat shall be submitted as recommended (see (y) above).
6. All recording fees are to be paid by the Applicant.
7. Quit Claim Deeds to describe the amended legal description of the parcels shall be completed and recorded with the Grand County Clerk and Recorder’s Office.
8. A new plat to be submitted showing Lot 6 with ‘Amended’ removed from its label.

Commissioner Davis asked the access is through the gravel road on the east?

Taylor responded it is to the north. It is an offshoot of County Road 642.

Commissioner Davis stated access is from the gravel road from the north. Does the plat show the easement that crosses Lot 11?

Taylor stated that is what I was trying to clarify, they don’t need an easement because they own the entire property. The plat shows that the driveway is on their property only.

Commissioner MacDonald asked what was in the middle of the lot.

Taylor responded, the applicant does have an existing home on Lot 8. This proposal would allow the applicant to make better use of his own lots, by moving the lot lines and setbacks.

Commissioner Davis stated, Lot 8 is currently non-conforming and this would actually cure the non-conforming by dividing Lot 7 & 8. What is just to the north?

Taylor stated that Mr. Mitchell is on line if he is able to respond to the question.

Commissioner Davis, stated not a big deal, what it tells me is we have non-conforming lots between Lot 7, 8 & 9. This cures Lot 7, 8 & 9 encroachments and we are adding 10 and 11.

The Applicant, James Mitchell, stated he was not following what was trying to be identified.

Commissioner Davis stated, where we are at right now, the plat shows the existing house footprint, just immediately north on Lot 8. There is a little diamond, what is that?

James Mitchell responded, it is a well.

Commissioner Davis asked if it is being used or is it disconnected.

James Mitchell replied, it is disconnected, it is functional, but we have Northshore Water running to the property and also have Three Lakes Sewer.

Commissioner Davis stated, we will need to confirm that the well permit is fully forfeited, because we can't have that.

James Mitchell stated, when I purchased the property it was in that condition and it has the Northshore water running to it. It is not connected to the other well line.

Commissioner Davis stated it is pretty easy to verify that there is no well permit. If there is, it will just need to be forfeited. You cannot have a well permit if you have public water.

James Mitchell asked if that was a search with Northshore water or who manages that.

Commissioner Davis replied, Colorado Division of Water Resources. Taylor can assist with this verification.

Commissioner Davis asked James Mitchell, if he had a chance to review the Certificate and if he had any questions/concerns.

James Mitchell, replied no I have not seen the report.

Commissioner Davis replied, we will make sure we get that to you. If you have any questions as we go through the report, feel free to jump in.

Commissioner Gnuse stated no questions. I was concerned about Lot 6 being included in this proposal, but I am aware now that it is just Lots 7-11.

Taylor stated that on Friday we received an updated version of the plat that stated Lot 7-11 only.

Commissioner Graves stated no questions.

Commissioner Fournet asked, why is this already shown as 1 combined lot on all of the maps and when you go to the Grand County parcel viewer it is shown as 1 lot. The account information stated it is kind of considered 1 lot.

Commissioner Davis explained, here is how that works. For tax purposes, if you own any adjacent lots, you can go to the Assessor's page and show common usage, they will combine for tax purposes. With that said, I should have prefaced with, as a planning and zoning person, I am not speaking for the Assessor's office or offering advice. When the Assessor draws the maps, they show the common ownership but they are not

legally combined. They are combined for the Assessor's purposes. Always look at the deed or title work for what reality is.

Commissioners McNertney stated, I have not seen this before, but we keep going back and forth on amended or Lot 7A.

Commissioner Davis stated it should be Lot 7A. The title will say Amended Lot 7A.

Commissioner MacDonald asked when was this house built.

James Mitchell stated he believes it was built in 1965.

Commissioner MacDonald stated he was going to say shouldn't the building department be involved in the construction next to a lot line. But this makes more sense now.

Commissioner MacDonald stated, I can see these are really tight lots, but at the same time, it is in a growth area, serviced by water and sewer. I believe splitting down the middle would still allow a garage to be built with plenty of space without reducing the density so significantly. I think combining 2 or 3 lots but not all 5 lots.

Commissioner Shepton stated we do not have a name on Lot 7-11 and we don't have names on the adjacent land. I don't know then if there are any other owners to the west.

Taylor stated to the west is the lake.

Commissioner Shepton stated, OK. Lot 6, I was not sure if Mr. Mitchell owned Lot 6.

Taylor stated he does.

Commissioner Davis stated he is not including Lot 6 in the request. Although Lot 7 could be split down the middle and you would have a north and south half. The most contentious for me is the north lot, Lot 12. 12 stands both sides of the highway and the adjacent property it needs to be shown and it needs to be shown in entirety with ownership. The lot on the other side of the dirt road, is back to water, correct?

Taylor responded, there is a lot on the east across the road.

Commissioner Davis, stated lot needs to be shown a well. You need to show a platted road as well. And ownership of the lake can be shown as well. Lake Granby and Shadow Mountain we know who owns those. So there is 1 condition being added.

Taylor stated he had 2 new conditions. We changed the Lot 7 and named it Lot 7A. Add ownership information for Lots 6 and 12 and water also.

Commissioner Davis added, appropriately showing the adjacent lots. The well is not a condition, just something that should be researched by staff. All of our decisions are based on water, but we have no control of the water so it is up to staff to verify the work and report back that it was verified. Any further discussion, hearing none than he asked for a motion.

Motion to recommend approval by Ryan McNertney for Lake Forest 1st Addition Lots 7-11, Block 6 Subdivision – Amended Final Plat – Jamie Mitchell with 10 Conditions as presented plus 3. Seconded by Kim Shepton. No further discussion. All in favor "aye". Will MacDonald Opposed. Motion carries.

Summit Trail Lodge Condominiums Lot 1, Phase 1 – Amended Final Plat – Stratus Companies

Presented by: Robert Davis, Director Community Development

PULLED by APPLICANT

**Soda Springs Heights – Sketch Plan – Hill Industries, LLC
represented by Tom Hill**

Presented by: Robert Davis, Director Community Development

PULLED by APPLICANT

Meeting adjourned at 8:30 pm
