

GRAND COUNTY PLANNING COMMISSION
WebEx MEETING MINUTES

Wednesday, October 28th, 2020 Moved from October 14th, 2020

MEMBERS PRESENT: Marcus Davis Will MacDonald
 Ingrid Karlstrom Kim Shepton
 Tara Fournet Bob Gnuse
 Deborah Fitch

MEMBERS ABSENT: Henry Broadhurst

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

The meeting was called to order by Chairperson Marcus Davis at 5:30 PM. Roll call was taken.

Minutes from September 9th and 23rd, 2020 were presented. Motion to review September minutes at November, 2020 Meeting.

Commissioner Marcus Davis asked for a moment of silence for all that have lost their homes or have been displaced in Grand County.

Commissioner Marcus Davis stated he wanted to make a correction to the record for the Rural Growth Amendment, last month he inadvertently used the term “Workshop” to describe our Rural Growth Amendment. It was actually a Public Hearing that was continued and Staff - it is not on the agenda tonight, would you like to continue that until next month’s meeting?

Robert Davis, Director Community Development stated, with regards to Rural Growth Amendments that proposal has been withdrawn by the Applicant.

Commissioner Marcus Davis asked, we really looked at it more from Staff coming to Commissioners to discuss the need for Rural Growth Amendment changes. Would you like to continue it to next month for further discussion, or are we good as we stand until March when we would chat about it again?

Robert Davis, Director Community Development stated he would rather defer until March 2021.

Commissioner Marcus Davis stated, Rural Growth Amendment is pulled and we would be able to readdress for the first time again in March, 2021.

There were 3 members of the Public in attendance by WebEx for the October 28th meeting.

Lot 1, Granby Lake Shore Estates – Amended Final Plat – Sonia Chritton

Presented by: Jacob Cote, Planner 1

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION OCTOBER 14, 2020

Project Name	Chritton AFP, Lot 1, Granby Lake Shore Estates
Applicant	Sonia Chritton
Location	248 GCR 640
Zoning	Mobile Home (M)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations
Attachments	A. Development Application B. Project Narrative Letter & HOA Approval C. Proposed Amended Final Plat D. Granby Lake Shore Estates, Amended Final Plat of Lake Shore Marina Condominiums, an Amendment to Lake Vue Townhomes - Reception No. 99004003 E. Lake Shore Marina Condominiums Final Plat - Reception No. 216416 F. Lake Vue Townhomes Final Plat - Reception No. 173929 G. Current Tax Receipt
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Amended Final Plat to amend the property Building Envelope and an existing utility easement, allowing for construction within five (5) feet of the property line.

Background

Sonia Chritton, the “Applicant”, has owned Lot 1 of the Granby Lake Shore Estates subdivision since June of 2003, per Quit Claim Deed recorded at Reception No. 2003-007377. The property is 0.42 acres, or 18,295.2 ft.², in size. There is currently a single-family residence on the property, constructed in 2001. The parcel is not located in any Growth Areas, but is in the Three Lakes Design Review Area. The parcel is serviced by Three Lakes Sanitation for sewage and is on well water.

The Granby Lake Shore Estates subdivision is located on the west shores of Lake Granby, east of US 34 and immediately south of the Highland Marina. The subdivision is an Amended Final Plat of the Lake Shore Marina Condominiums subdivision (Reception No. 216416, recorded May 9th,

1984), which was itself an amendment to the Lake Vue Townhomes subdivision (Reception No. 173929, recorded May 5th, 1980).

The Applicant’s property is surrounded on the north and west by existing single-family residences, to the east by a vacant lot, and to the south by Lake Granby. The parcels of the Granby Lake Shore Estates subdivision are relatively small, ranging in size from approximately 0.15 acres to 0.55 acres.

History

There have been four other Amended Final Plat applications for properties in Granby Lake Shore Estates, as well as two easement vacations/amendments. There are eight developable lots in the subdivision and two “open space” parcels.

AFP/ABE 's in Granby Lake Shore Estates	
Lot #	Reception #
4	2002-013028
6	2006-003669
8	201001540
2	2010-003923

Purpose of Request

The Applicant would like to build a 400 ft.² outbuilding on their property. The proposed location of the outbuilding is not within the existing building envelope and is located within the private utility easement running parallel to the lot’s west side lot line.

Utility Easement Vacations/Amendments in Granby Lake Shore Estates	
Lot #	Reception #
6	2006-003611
8	2009-011459

The Amended Building Envelope and vacation of the private utility easement will allow the

Applicant to build the outbuilding in an area of the property that does not impact neighboring property owners’ views of Lake Granby or the Continental Divide beyond. It will also be less visible from the water and from the private road servicing the property and the Homeowners Association common area along the lake shore.

Staff Comments and Analysis

The proposed Amended Final Plat would not eliminate the existing easement, and the Amended Building Envelope would still comply with Grand County Zoning Regulations for side yards in the Mobile Zoning District (5’ side yards).

Article VIII of the Granby Lake Shore Estates Covenants clarifies the designation of the easement as a **private easement** . The language reads as follows:

Section 1. All easements and restrictions of record are hereby reaffirmed. All easements and rights of previous owners are transferred at sale to Granby Lake Shore Estates, LLC.

Section 2. Any easements required over, across, under or through the property herein above referred to that are not considered by the Declarant to be inconsistent with the plan and development, may be granted by the Declarant prior to the sale of the last lot by the Declarant.

There is no other documentation to suggest that the utility easement is anything other than a private utility easement. Therefore, public notice was not given to neighbors prior to this hearing by the Grand County Planning Commission.

Letters from the Granby Lake Shore Estates HOA has suggested that this utility easement was vacated as part of a building permit approval for Lot 2. There is no evidence or documentation to support this.

Compliance with Zoning Regulations

Section VII - Mobile Home District

- §7.1 Uses Permitted** The planned accessory structure is allowed.
- §4.2 Minimum Area of Lot** The minimum lot area permitted in the Mobile Home (M) Zoning District when the land is served by either public water or public sewage facilities is 15,000 ft.². The Applicant's lot is serviced by public sewage facilities and well water, and is 18,295.2 ft.² in size. This lot is in compliance. (§7.2.3)
- §7.3 Minimum Lot Width** Lot width was measured at 93.84' along the north property line. The parcel grows wider at the location of the primary dwelling and proposed structure, so the 93.84' measurement ensures compliance with the required 60' lot width for land served by either public water or public sewage facilities. This lot is in compliance. (§7.3.3)
- §7.5 Minimum Side Yard** Minimum required side yard is five (5) feet. This Amended Final Plat would allow for construction up to the required 5' side yard, and is therefore in compliance.

Section XIII - Accessory Uses and Structures

- §13.1 Description Of** Outbuildings are permitted as an accessory building in the Mobile Home (M) Zoning District. This proposal is in compliance. (§13.1.2.b)

Section XIV - Supplementary Regulations

- §14.5 Design Review Area** **§14.5.1.d.i.1.b** : "In areas of existing high visual quality, the proposed development shall be unobtrusive in nature and carefully fit its environment so that its presence is subordinate to the pre-existing character of the site and its surroundings are maintained to the maximum extent possible."
The proposed location of the outbuilding—contingent on approval of this Amended Final Plat application—was chosen because it is not visible from Lake Granby, nor would the outbuilding infringe upon neighboring property owners' views of Lake Granby and the Divide beyond. The location was chosen to be as unobtrusive as possible.
- §14.5.1.d.i.1. e**: "...structures shall not be located in open grasslands where they would be highly visible, but clustered near hills, forests and other natural terrain features, or existing development to the greatest extent possible."
The proposed outbuilding location contingent on approval of this AFP would be amongst a grove of existing coniferous trees, close to the Applicant's single-family residence and less visible from the private road providing access to the property or Lake Granby.

Compliance with Master Plan Chapter 3: Plan Elements

Section 1: Natural and Cultural Resources

- §1.3 Water Resources** **§1.3.1**: "Continue to require minimum water quality setbacks."
The proposed development outbuilding could be placed on the south side of the Applicant's house, close to the Lake Granby waterfront. However, by amending the Building Envelope, the outbuilding can be placed on the other side of the house, away from the water and mitigating the structure's impact on water quality.

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

The Lake Vue Townhomes Final Plat (recorded May 5th, 1980 at Reception No. 173929) designated a 10' utility easement along the west boundary of the Applicant's property. This utility

easement remained in the Lake Shore Marina Townhomes Final Plat (recorded May 9th, 1984 at Reception No. 216416). The Final Plat for Granby Lake Shore Estates (recorded April 9th, 1999 at Reception No. 99004003) designates the same easement. This is, as noted in an earlier section of this Certificate of Recommendation, a private easement; there are no requirements for public notice when private easements are being amended or vacated.

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 1, Granby Lake Shore Estates
Being a Replat of Lot 1, Granby Lake Shore Estates, Reception No. 99004003
Section 34, Township 3 North, Range 76 West of the 6th P.M.
Ownership recorded at Reception No. 2010009838

- §4.3 (2) (b) The legal description shall be written as follows:
Amended Lot 1, Granby Lake Shore Estates
- §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.
Private utility easement subject to amendment through this Amended Final Plat shall be referenced as "10' Utility Easement Rec. #173929".
- §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 shall remain residential with this proposed amendment.
- §4.3 (2) (i) Location and description of monuments.
This requirement has been met.
- §4.3 (2) (j) Current title commitment.
A current title commitment shall be submitted to Grand County Community Development Staff prior to the hearing of this application by the Grand County Board of County Commissioners.
- §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 MEN BY THESE PRESENTS: That **Sonia L. Chritton** is the owner of that real property situated in Grand County, Colorado, more fully described as follows: **(Warranty Deed Rec. No. 2010009838) Lot 1, Granby Lake Shore Estates** . That she has caused said real property to be laid out and surveyed as **Amended Lot 1, Granby Lake Shore Estates** , 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, **Sonia L. Chritton** has caused her name to be hereunto subscribed this _____ day of _____, 20__.

- §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 1, 248 GCR 640.
- §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 **October 14, 2020**.

Staff Recommendation

Staff recommends approval of the Amended Final Plat to create Amended Lot 1, Granby Lake Shore Estates, being a replat of Lot 1, Granby Lake Shore Estates. The following conditions shall be met prior to the recording of the Final Plat:

1. The private utility easement subject to amendment consequent of this Amended Final Plat shall be referenced as "10' Utility Easement Rec. #173929" (see (f) above).

2. A current title commitment shall be submitted to Grand County Community Development Department Staff prior to the hearing of this application by the Grand County Board of County Commissioners (see (j) above).
3. The Dedication shall be amended (see (k) above).
4. An electronic copy of the Final Plat shall be submitted (see (y) above).
5. 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.
6. All recording fees are to be paid by the Applicant.
7. 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 Marcus Davis, stated that Ms. Chritton was present at our previous meeting and knows she has reviewed this certificate. Has anyone had any further discussion with the applicant regarding this meeting? Any questions that the applicant might have had?

Staff Jacob Cote replied, Ms. Chritton had no additional questions.

Commissioner Karlstrom asked on the Certificate - please include this is an Amended Final Plat. Are the lot lines being amended, I thought it was just the Building Envelope was being amended?

Jacob replied the Building Envelope is being amended to reduce the distance between the envelope and the lot line. The lot lines themselves will not be changing.

Commissioner Karlstrom continued, why didn't you just eliminate the building envelope instead of amending it?

Jacob replied, we had this discussion on a similar building envelope back in March or April. I don't have a good answer for you other than building envelopes exist for the other parcels on the properties as far as I can tell and to just remain consistent with the subdivision standards.

Commissioner Karlstrom asked is it something that could be done if it was more appropriate.

Jacob replied that it is his understanding yes, but I would have to go back and review the subdivision's covenants. I do not recall if they mandate a building envelope. If they do then we can only amend we cannot eliminate the building envelope. It could be an options depending on the regulations.

Commissioner Fitch stated no questions.

Commissioner Shepton stated she was looking at the proposal of a 400 square foot building, what are they going to use it for?

Jacob replied, I do not know. The application narrative did not clarify. I believe it is for big outdoor toy storage.

Commissioner Shepton continued, it states that it will not impede the neighbors view, the neighbors window looks a little close but if they have no problems I have no problems.

Jacob agreed, he noticed that also, but he thinks the applicant was thinking that they are already staring at her house.

Commissioner Shepton stated she is glad she did not add the structure on the water side.

Commissioner MacDonald asked staff to show where the structure was being built using the maps provided.

Jacob showed a map and used a laser pointer to show location of build. On the map the location described as the parking/driveway location is where the garage will be built.

Commissioner Marcus Davis stated west of the item marked parking/driveway location and north of the covered parking.

Commissioner MacDonald asked if this project will still meet the minimum open space requirements for the lot, like required undeveloped percentage of the property.

Commissioner Marcus Davis replied the calculations are based on non-owned lots and they are not changing the non-owned portion of this subdivision. This is just within Ms. Chritton’s personal lot.

Commissioner Fournet asked if the neighbors have been notified.

Jacob replied that the subdivision has a Home Owners Association (HOA) and they have given approval of this project. As to whether the neighbors have been notified, I do not know. There is no requirement that they be notified.

Commissioner Marcus Davis asked, do Amended Final Plats get public noticed to surrounding neighbors?

Jacob added they do not require a public notice if a public utility easement is not being vacated.

Commissioner Gnuse stated no questions.

Commissioner Marcus Davis stated no questions.

Commissioner Marcus Davis asked if there was any public comment, hearing known he asked for a motion.

Motion to recommend approval by Ingrid Karlsrom for Lot 1, Granby Lake Shore Estates – Amended Final Plat with staff conditions. Seconded by Bob Gnuse. Not further discussion. All in favor "aye", none opposed. Motion carries.

St. Joseph’s Retreat Center, Special Use Permit

Presented by: Alexander Taft, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission September 9, 2020, **Planning Commission October 14, 2020** ; Board of County Commissioners TBD 2020

PROJECT NAME:	St. Joseph’s Retreat, Commercial Camping Area - Special Use Permit
APPLICANT:	St. Joseph’s Foundation represented by John Ryan Owners: Ashley Warner Ryan and John Robert Ryan Revocable Trust dated July 19, 2011 represented by John Ryan
LOCATION:	Government Tract 37, Section 6 Township 2 South Range 78 West of the 6th P.M. AND Part of the West ½ OF Section 31 T1S Range 78 West of the 6th P.M.; Part of the E ½ of Section 36 Township 1 South Range 79 West and Section 1 Township 2 South Range 79 West of the 6th P.M. more fully described in a deed Recorded at Reception No. 2017009631.
APPLICABLE REGULATIONS:	Grand County Zoning Regulations Article 6, Section 6.1, Uses Permitted by Special Review, Special Use Permits Section 11.8 (1) Commercial Camping, Grand County Master Plan

ZONING:	Forestry and Open District - F
	ATTACHMENTS:
	A. Vicinity Maps
	B. Application and Narrative Letter/Project Summary
	C. Site Plan
	D. Building Plan Schematic Design
	E. Water Use Calculations
	F. Well Permit Application
	G. Septic System Design
	H. Draft Special Use Permit 2020-XX-XX
I. "Camper Cabins" memo dated April 8, 2010	
J. Email from John Ryan to Staff dated October 7, 2020	
STAFF PLANNER:	Alexander Taft, LEED Green Associate
REQUEST:	The Applicant is requesting a Special Use Permit for a Camp consistent with Section 11.8 (8) to accommodate cabins for hermitage, reflection, and prayer.

I. BACKGROUND AND PROPOSAL

John Robert Ryan Revocable Trust dated July 19, 2011 represented by John Ryan is the property owner of 780 acres formerly known as Williams Peak Ranch. The property was purchased November 2017 and a single family residence and barn was constructed between the years 2018-2019.

As discussed during the December 2018 meeting with the applicant, the proposed development consists of up to 16 cabins of approximately 12’ by 20’ in size on 780 acres of land for a silent prayer retreat to be built in three phases over the next ten years. Each cabin is single person occupancy. The concept is focused around campers in attendance and their ability to gain meditation and relaxation. The existing storage barn is proposed to serve as a chapel space. Private roadways are proposed but not necessary for regular vehicular traffic. Guests will enter the existing private road from County Road 3, park in the parking area and walk to their hermitage.

II. STAFF ANALYSIS

Additional information following the September 14 Planning Commission

The Applicant had referenced the application being a “camp,” Staff in our analysis used Section 11.8 (9) which covers “Camps and Lodges, Bed and Breakfasts, rooming and boarding houses, and rest homes with over five (5) total bedrooms.” Reviewing this use in comparison with the “Commercial Camping” as detailed in Section 11.8 (1), It is Staff’s determination that this application complies with the provisions of “Camps and Lodges, Bed and Breakfasts, rooming and boarding houses, and rest homes with over five (5) total bedrooms.”

Uses also approved by the County using these provisions listed in Section 11.8 (9) include, Devils Thumb Ranch, Young Life: Crooked Creek Ranch, and Hideaway Mountain Lodge. While the intensity of use, of these other properties varies and is greater than that of this proposed use the intent appears to be similar in that they accommodate individuals looking to remove themselves from the daily grind and enjoy the mountains and nature.

The proposed cabin structures are reviewed by the Building Division pursuant to Section 310 Residential Group R which “includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the International Residential Code (IRC).” Group R-1 includes sleeping units which are transient in nature (occupancy for less than 30 days), including: Boarding houses, Congregate living facilities, Hotels, and Motels.

A memorandum has been included (Attachment I) which outlines the requirements of “Camper Cabins” as classified under an R-1 occupancy and further details those specific building code requirements.

Grand County Zoning Regulations Section 6.1 Forestry and Open District subsection (2) Schools, churches and hospitals are listed as a use by right. The Church definition doesn’t give any requirements specific to minimum requirements for the use in the zoning regulations but the building itself shall comply with the assembly group type structure in 2015 IBC as adopted and amended by Grand County. Additionally staff has identified several other churches in the area and will be reviewing building permits to detail water and sanitation requirements to be incorporated to the final SUP. Also the Applicant needs to provide more information on the proposed church or chapel, i.e., whether it will have water and sanitation needs which will be connected to the proposed system or through another building and use specific system.

Traffic at full buildout equal 16 cars a day and would access the site from County Road 3 and it is anticipated each guest would stay a minimum of 2 days. This amounts to approximately 48 trips (3 change trips*16 cabins). The Applicant also plans for the cabins to only be occupied 6 out of 7 days a week, suggesting there would be a staggering of trips. During the 5 year initial period, there would be between 18 and 33 trips being created over a week by just the cabins. The existing residence is anticipated to create approximately 8 trips if occupied full time. Staff will need to work with the Applicant to verify average trips which can be done before the Public Hearing with the Board of County Commissioners. EMS, Road and Bridge, and the Parshall Hot Sulphur Fire District (Attachment J) have all reviewed the road construction proposal and feel that it is adequate to serve access purposes for the proposed uses.

During the 2018 pre-application meeting, staff advised the proposed use could be analyzed under one of the following subsections:

- (1) Camping areas which has since changed into: Commercial camping is designed for temporary living quarters and it is the intent of these provisions to ensure that the occupancy space within a campground will not be perpetuated beyond the time limits set forth in these regulations. No recreational camping vehicle, tent or similar shelter shall be allowed to occupy space within the campground for periods exceeding one-hundred fifty (150) days, unless otherwise approved by the Board of County Commissioners.

- (9) Camps and Lodges, Bed and Breakfasts, rooming and boarding houses, and rest homes with over five (5) total bedrooms.

Before the Applicant made this submittal, discussion directly related to the proposed structures and water supply. Staff gave the Applicant the above options as two potential most applicable uses.

The Applicant's team represented that the model for the use was based on an existing facility in Minnesota where the cabins served as a protected sleeping area, but did not have access to running water or flush toilets. Staff shared that Grand County's Building Code and Zoning Regulations both required running water and standard sanitation.

It is Staff's understanding that because the property doesn't have power accessed from the power grid lighting will be minimal. The standard condition of down cast and dark sky compliant will be included in the final SUP.

Staff would like to see how the site plan relates to open space and visibility from CR3, the adjacent public access area and the visual impact on the neighbors. The Applicant shall work with Staff to coordinate a time to visit the site and photograph critical views to verify future impacts will be mitigated.

Information relative to the impact on wildlife also needs to be addressed. Any fencing shall be limited to wire no taller than 42" consistent with CPW guidelines or if there are areas which need protection from wildlife, "Game Fence" shall be used having heights of 7-8".

Water and Sewer

The application states water will be supplied by a new well. The cabins will all be served by one (1) well. The narrative states:

This potable water source will fill an underground holding tank near the well, which will then feed each of the three groups of prayer cabins by gravity flow. The total water used will be significantly below the DWR's requirement of 108,000 gallons per year. The water from this well will only be used to provide drinking water and sanitation requirements for the prayer cabins."

The system being proposed will be a commercial well and a supply system is going to be constructed similarly to a Public Water System as defined by Regulation 11. There is no information, however, included in the application about how the system stores water for use by all cabins at build out, or if it is compliant with Regulation 11 - Public Water Systems as approved by the Colorado Department of Public Health. Regulation 11 provision is listed below:

(60) "PUBLIC WATER SYSTEM" or "PWS" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has **at least fifteen service connections** or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system or a non-community water system. Such term does not include any special irrigation district. Such term includes: (a) Any collection, treatment, storage, and distribution facilities under control of the supplier of such system and used primarily in connection with such system. (b) Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.

Information for the construction and operation of the system shall be provided to the Community Development

The proposed use of water will require approval from the Water Quality Control Division of CDPHE. A 1041 Permit would not be needed because the number of units are less than 20. One hundred and eight thousand (108,000) gallons per year is equivalent to a third acre foot. Typically, as Staff understands, the State issues well permits for single family dwellings with approximately a third of an acre foot as the anticipated water usage for the year and the State well permits specifically detail that it shall be used in one single family residence only.

For this type of use, while the quantity may be under that amount, the use of that water is inconsistent with a “household” or “residential” type well. Staff has had this discussion with the Applicant and was supplied a Well Permit Application for a Commercial Well. It is Staff’s understanding that it is possible to augment domestic well(s) on a property for a Commercial. The Applicant is currently working with Kent Whitmer to complete this.

Each group of cabins, three (3) total groups anticipated, between five and six will each have a single sewerage system designed by the Applicants engineer, Karl Smith.

III. COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which two (2) are relevant to this Special Use Permit proposal.

Plan Element 4 - Community and Public Facilities

The Grand County Master Plan supports Recreational Facilities in Section 4.4 of the Master Plan. The Plan briefly points to providing various recreational activities for the benefit of county residents and traveling public. Especially consistent with the current times we are facing, these outdoor recreational activities give additional opportunities to outdoor enthusiasts while keeping safe and healthy.

Plan Element 6 - Economic Base

The intent of Plan Element 6 is to expand and diversify the economic base of the county through development of year-round businesses focusing on recreation, tourism and natural resource based industries while carefully considering the impact of second homes on the affordable housing options and service sector jobs. This proposal for development of a year round camping area will contribute to the local tourism economy and potentially boost the need for service sector employment. This proposal, however, does not address the overall shortage of affordable housing in the area or the county.

IV. COMPLIANCE WITH THE GRAND COUNTY ZONING REGULATIONS

The property is located in the Forestry and Open District, outside of any Growth Areas. Allowed in this District are Camps and Lodges, Bed and Breakfasts, rooming and boarding houses by Special Review as outlined in Section 11.8 (8). All proposed structures shall comply with the minimum setback requirements as they appear to be based on the site plan shown on the right.

a. **SECTION 11.8 (8) SPECIAL USES – Camps and Lodges, Bed and Breakfasts, rooming and boarding houses, and rest homes with over five (5) total bedrooms:**

- a) Traffic to and from the site shall not create hazards in developed Estate or Residential areas.

The surrounding area is all lies within the Forest and Open District, being primarily used for ranching and agricultural uses. The nearest residential use is the Lost Ranch and Aspen Canyon Ranch West Subdivision which are large lot subdivisions having lots the size of approximately 10 to 35 acres.

The developer should provide information relative to a traffic impacts on the site as well as the impacts of road construction on the surrounding area.

- b) The source, quality, quantity, distribution system, volume and method of storage of water and the method of collection and treatment of sewage and waste water shall be approved by Grand County.

The Applicant provided an estimated use of water supplied by the project architect. It has been estimated that the 16 cabins at 6 days of use per week, 52 week a year will use approximately 102,117 gallons. As discussed above in Section II of this recommendation, the use shall comply with the State Permit and confirmation that a State issued Commercial Well construction permit shall be submitted prior to this moving forward to the Board of County Commissioners.

The system being proposed will be a commercial well and a supply system is going to be constructed similarly to a PWS. There have been other issues of water quality in the area. Water quality testing by the way of regulatory level CDPHE issued kits shall be a permit condition to be completed and filed once a year.

- c) Adequate fire protection provisions. Plans shall include proposed facilities and adequate access for emergency vehicles.

The Hot Sulphur/ Parshall Fire Protection District has reviewed the plans and additional turn-around (3) will be required.

- d) The use shall not create offsite negative impacts such as water pollution, noise, dust or glare.

Staff would interpret the retreat cabins as a low impact use, any pollution would be from patrons of the retreat moving in and out of the site with personal vehicles.

- e) Proof that public access is adequate to serve development.

Access to the site is via County Road 3 connecting to US Highway 40 to the north and Colorado State Highway 9 to the southwest. A driveway connects the site to Hwy 9 approximately one (1) mile from the site.

- f) Offsite uses, if any, shall be identified. If public lands are to be used, proper permitting from the applicable Federal or State agency must be provided.

No offsite uses are anticipated because of the proposed use. A condition shall be added to confirm that all permitting to use Federal or State lands shall be obtained before carrying out the use.

- g) Proof of financial capability to install public improvements if required. This could include a financing mechanism or financial guarantees.

The private road, water and sewer will be provided by the applicant. Staff understands the use of the cabins will be connected to Saint Joseph's Foundation, although in the application it has not been clearly identified as to the extent or nature of financial means for this operation.

- h) If more than five (5) total bedrooms are desired, the structures must be constructed or modified to meet the R-1 requirements of the current County Building Code.

The proposed structures are permanent and the "Camper Cabins" as they are often referred to, shall be approved compliant with the International Building Code as amended currently used by Grand County.

Staff and the Application has had several discussions with the Building Section to review ways to comply with the R-1 standards while still achieving the goals of the Applicant.

Due to the cabin design being single room detached, it is anticipated that there will not be a requirement for fire sprinklers. To prevent any hazard of fire caused by devices within the cabins, all indoor heating or cooking appliances shall be compliant with R-1 requirements of the 2015 IBC adopted and amended by Grand County.

- i) An appropriate number of solid fuel burning devices shall be allowed on commercially operated facilities in the Forest and Open Zone District on parcels of thirty-five (35) acres or more.

There are no indoor or outdoor solid fuel burning devices being proposed. Any additions of these devices shall trigger an amendment to the Special Use Permit to consider use and safety. The existing residence on the property shall be excluded from this consideration and comply with Section 14.9 of Grand County Zoning Regulations.

These conditions can be addressed by submitting the following items:

- a) A narrative describing the proposed operation in detail.

A narrative was supplied with the application detailing Project Description/Organizational Structure, Hermitages (Prayer Cabins), Well, Septic, Roads, Fire Authority Requirements, Chapel, Guest Safety & Restroom Strategy, Handicap Accessibility, Number of Persons Using the Site, Zoning Information, Utilities and Service Provisions, and Environmental and Animal Habitat.

- b) A site plan showing the proposed development of the entire site, to scale. Said site plan must show all proposed and existing structures, surface water drainage, access routes and wetlands.

The provided site plan show proposed and existing structures and access routes. Staff has pulled information from Natural Resource Conservation Services (NRCS). The report is included in the support materials for this application. No wetlands have been identified with this report.

- c) Vicinity map.

This has been provided.

- d) Identify adjacent property owners or platted subdivisions and proposed screening or buffering, if necessary.

This was not submitted with the application, but detailed during initial contact with the Applicant. The property is primarily surrounded by public lands being the Arapahoe National Forest

- e) Legal description of property to be developed with total acreage.

A legal description of the entire 780 acres property was provided. Before the permit is finalized, if approved, a legal description shall be provided which would be attached as any lease or agreement for the use of Saint Joseph's Foundation.

- f) Estimated maximum density.

As listed in the application, the total build out of the camp retreat will be 16 individual use cabins, this proposal is for approval of the first six (6) then the remaining shall be considered under an amendment in the future.

V. PLANNING COMMISSION RECOMMENDATION

This item was scheduled for Planning Commission September 9, 2020 and was tabled until the regularly scheduled meeting in October 14, 2020.

VI. STAFF RECOMMENDATION

Staff recommends the approval of the St. Josephs Retreat Special Use Permit with the following conditions to be met:

- 1) A State issued Commercial Well Construction Permit shall be submitted prior to

review by the Board of County Commissioners. The use shall comply with the State Commercial Well Permit and an acknowledgment of compliance from the Water Quality Control Division of CDPHE shall be submitted prior to this moving forward to the Board of County Commissioners.

- 2) Water quality testing by the way of regulatory level CDPHE issued kits shall be a permit condition to be completed and kept on file by the Applicant for County review on request.
- 3) The developer should provide information relative to a traffic impacts on the site, appropriate Road and Bridge Standards as well as the impacts of road construction on the surrounding area prior to review by the BOCC.
- 4) Provide information on hours of operation, whether the church will have running water and sanitation, how noise and lighting will be handled on the site prior to review by the BOCC.
- 5) The site plan should be expanded and revised prior to review by BOCC to demonstrate how the site relates to open space and visibility from CR3, the adjacent public access area and the visual impact on the neighbors.
- 6) The Applicant should provide an agreement with St. Josephs for the proposed use prior to the issuance of a SUP.
- 7) Building permits shall be obtained for all proposed new structures and conversions of use for all existing structures.
- 8) Prior to going to the BOCC, the development shall be reviewed by both Colorado Parks and Wildlife and the United States Forest Service.
- 9) All permitting to use Federal or State lands shall be obtained before carrying out the use.
- 10) Cut sheets or schematics of the proposed water supply system shall be submitted to Community Development to keep on file.
- 11) The Applicant shall install road improvements consistent with the Fire District Review prior to the issuance of the permit by the Board of County Commissioners:
 - a. New private roads will be at least 14' in width.
 - b. New turnarounds will be 60' in diameter at the end of each private road
 - c. Cabins will have 30' of cleared forest around each. (Some Individual trees with 10' of spacing are ok).

The following requirements shall be made a part of the Special Use Permit:

- 1) Water quality testing shall be a permit condition to be completed and kept on file by the Applicant for County review on request.
- 2) Any building or sanitation improvements shall be approved and inspected by the Building Division of the Department of Community Development and granted a Certificate of Occupancy prior to occupancy by any guests.
- 3) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:
 - Control of Site
 - Noxious Weed Control
 - Site Maintenance
 - Rehabilitation of Site
 - Storage of Abandoned Equipment
 - Compliance with County, State and Federal Regulations
 - Limitation of Liability
 - Alteration of Terms and Conditions
 - Access and Right to Enter Site
 - Assignability
 - Binding Contract
 - Abandonment
 - Violation of Terms and Conditions
 - Termination

Commissioner Marcus Davis asked if staff/owner could specifically address the water and what had been discussed at the last meeting. Give us an update.

Applicant John Ryan shared he could address his take away list with this group.

- *The lease to St. Joseph's Foundation has been provided. It is a 15 year lease.*
- *You had mentioned you needed the name of the Special Use Permits (SUP) as to who is requesting, it would be the John Robert Ryan Revocable Trust and the Ashley Warner Ryan. Because some of the actual walking trails may be near that actual proposed use now, we would like the (SUP) to be for the land itself and then St. Joseph's will lease the land at no cost. That lease is in place right now. A copy has been provided to Grand County Staff.*
- *Talked with Alan Pulliam from Grand County Emergency Medical Services (EMS) on September 22nd, Alan stated the roads do not need to be bigger than 14 feet. He was glad Tom Baumgarten, Fire Chief from Hot Sulphur Springs, had come to visit the property. He stated the walking paths could be 150 feet away from the driveway, but did not need to be within 100 feet. They could be of a hard packed material and that material could be dirt. This included to the Americans with Disabilities Act (ADA) Handicapped cabin. He stated they should be 3-4 feet wide at a minimum. We are going to make them 4 feet or more. If wood chips are used they need to get their cars or structures through there. The chips should be a light spread so there is no bogging down. Alan Pulliam did not have a desire to visit the property. Alan had no further follow ups.*

- *I spoke with Bob Lowers, District Foreman from Road and Bridge on October 5th. He saw no issues with the current driveway. Stated Road and Bridge had inspected when the driveway was complete. We discussed full capacity so when all 16 cabins are full, with multiple people throughout the week occupying each cabin. And in addition to the traffic for ranch support and for our own personal family use. He stated he had no issues with the driveway. He stated he would follow up if he had any additional questions, and I have not heard back from him at all.*
- *We are working with the Whitmer Law Firm and with Karl Smith on water. We are talking with the state to see if they will approve a conversion of the domestic well to a commercial well. Because the use is so small, we feel it makes sense. We are using almost 3, 35 acre tracks using less water than 1 single family domestic home. Karl Smith has reviewed the projected use grid.*

Alex Taft, Planner added he thinks you had asked about the church on site, and Mr. Ryan and I discussed this. Further review of the Zoning Code shows churches are a Use by Right, provided they have the appropriate source of water. At the time, Mr. Ryan shows building plans that complies with code and the right water supply he should be good.

Mr. Ryan wanted to request that we understand the re-review in 5 years. We would like to receive approval for the 16 cabins and the Chapel, obviously less of those being built within 5 years. We spoke with Alex regarding a minimum of 4 cabins being built within the first 5 years and the Chapel which will take us a year to construct, so that will account for the first 5 years. There is a chance with some funding partners that we will be able to build quicker. It may be in 5 years we can build possible up to 8 cabins. We would like to seek approval for the 16 cabins structures with a re-review after 5 years.

Karl Smith added concerning the waste water, we have a couple different estimates of water use and they are mainly from engineering stand point. Originally we received approval for 108 thousand gallons per year but did not feel like that was enough, especially when there was full occupancy. We went to the state through the Whittmer Law Firm asking for 326 thousand gallons per year, this would be enough water with a peaking factor of 1.5, just to ensure the guest do not have to fight for water supply 20-30 years down the road.

Commissioner Karlstrom asked - the project shows 16 parking spaces for build out, will that be enough spaces to include staff and residences? Or does the residence have its own parking spaces?

Mr. Ryan, responded that the residence does have its own parking spaces. If there is a need for more parking spaces, we do have the space to accommodate.

Dale Sander's, Designer, added right now the plan shows a gravel parking area for about 15 spaces. The main intent of that was for those who are coming to stay at the Retreat Center. There is additional space that could be made in that zone if desired but the thought process is as people are coming in and out they are only having at most 1 car per person that would be allowed to be at the facility. We do not perceive that we will have many times where we will have more than 16 cars. There is an area near the residence that could be used for staff parking.

Alex displayed an imagine showing where the gravel parking lot will be on the property. The parking spaces will be adjacent to the Chapel and residence to give you an idea of how much space is actually available.

Commissioner Karlstrom asked if the parking spots will be delineated or just open spaces.

Dale Sanders replied, the parking spots for guest will be delineated. It is the area off to the north of the existing home that is shown. They would be identified so guest could pull into that area to park.

Commissioner Karlstrom asked if there will not be any electricity, will there be exterior lighting for guest to walk around at night, solar lights or something?

Mr. Ryan replied we can add if it is required. There will be lighting in each single occupant cabin. I had submitted the exact number of appliances we are planning on using to Alex. We will work with the Building Department on their codes, but the cabins will be lighted. There will be lights and heat, we are required to have water heated by having the restroom in the cabin. There will be a number of appliances and one will be lights in all rooms.

Commissioner Karlstrom reiterated, what about exterior lighting? Maybe solar lights? Also glad to hear that you are working on more water.

Mr. Ryan explained, that he had not thought that far ahead yet, but can certainly add outside lighting. The goal of the Retreat Center is to have silence and I believe the darkness is part of that. We want to do whatever is needed for security and safety. We do not plan on having street lights or lighted walking trails.

Dale Sanders, added that the buildings themselves will have porch lights. You would be able to see the cabin if you walked away and be able to see the cabin to get back also. This is to meet building code.

Commissioner Fitch, all questions have been answered no further comments.

Commissioner Shepton stated she was also glad they were adjusting the water for the future. On the application why are there 11 recommendations and 3 requirements why not 14 recommendations?

Alex replied, the last 3 recommendations are things that we intend to tie directly into the Special Use Permit. We need to reorganize because some were intended to be requirements for the public hearing in front of the Board of County Commissioners (BOCC) and they might just be misdirected.

Commissioner Shepton added that you can always use flashlights when the guest are walking outside and that works just fine.

Commissioner Marcus Davis added, the point of the lighting is to insure that for any Special Use Permit (SUP) that we issue, that we are not leaving something out were later where we would be held liable.

Commissioner MacDonald asked about the staff recommendation of fire mitigation to 30 feet seems pretty minimal, most insurance companies won't cover that. What other fire mitigations plans do you have?

Mr. Ryan stated that Tom was at the property and stated there was no requirement for clearance other than a very short amount of clearance around the cabins. Mr. Ryan asked if 30 feet would be helpful and he stated, yes that would be more than what is required. I can connect with Tom again and ask what is actually required. We do want to have that time in the woods, but at the same time safety is most important. As far as other fire mitigations, we are putting in a turnout (which is not required) right next to the spring feed pond so that they can pull for their fire trucks.

Commissioner MacDonald added that he wants to balance the safety with the esthetics.

Commissioner Fournet stated no questions.

Commissioner Gnuse stated nice presentation, you came back and answered all my questions.

Commissioner Marcus Davis added we discussed several years ago adopting a fire prevention plan for Grand County. It may have been through the Building Department, but it was about fire mitigation opportunities. Can we not stack fire wood under the deck? Can we have separation of our fuels at a certain distance? There were several recommendations that different groups in the state have proposed. I do not believe Grand County adopted the plan. One of the reasons was the insurance companies themselves mandate so we did not want to double dip under that pretense. So your insurance company may have a completely different set of rules for you to get insurance. Something that staff might want to take a look at and see if it ever was adopted and see if the building department has a copy.

Robert Davis added that there was a mitigation plan that was put together by the Emergency Manager with a 2020 date on it. I believe it is still a draft, but it is posted on the Emergency Management Web page. We have not had an opportunity to review this document yet. The document offers suggestions of how to reduce the threat of disaster. We will review this document and get back with the Commissioners at our next meeting to discuss ideas.

Commissioner Marcus Davis stated that is good, it sounds like the County did not adopt the plan and now it is being circled back. Obviously, it is a topic of great discussion at this meeting where as 6 months ago it may not have been.

Commissioner Marcus Davis continued, now that all these questions have been answered we like to look at the initial term of the lease as being commensurate with our initial Special Use Permit (SUP). It sounds like all the questions have been answered. You have dealt with the waste water. A Special Use Permit (SUP) will not be issued until there is proof of water, the lease is worked out and the applicant had requested having the full 16 cabins and Chapel as part of the permit. I would like to recommend to the Commissioners, would it be appropriate to do an initial 15 year term, commensurate with the lease and approve with the 16 cabins and Chapel. Since all of our questions have been answered. Or would you prefer to stay with the 5 year renewal. So 2 questions 5 or 15 year permit and limit them to 4 cabins or give them the full 16 cabins, plus the Chapel?

Commissioner Karlstrom is OK with this idea since changes are complaint driven.

Commissioner Marcus Davis stated at that point we could do the lifetime permit as long as there is no substantial changes, because we do have provision to revoke a Special Use Permit (SUP), within the permit itself.

Alex added staff would be more comfortable taking forward a 15 year, because we know that the Board of County Commissioners (BOCC) have been pushing back on a lifetime permit.

Commissioner Marcus Davis stated maybe we could present a lifetime and they could push back and you would have 15 years to fall back on because it is commensurate with the lease.

Alex added that is fair.

Commissioner Marcus Davis asked the other Commissioner's to voice their opinions.

Commissioner's Shepton, Gnuse and Fournet all gave a thumbs up.

Commissioner MacDonald added I would like to see a 10 year permit and then do a lifetime after the 10 year permit but I don't have a particular issue with it.

Commissioner Marcus Davis always asks, what would you review in 10 years?

Commissioner MacDonald continues the 5 years might be better, if there haven't been any complaints.

Commissioner Marcus Davis asked again what would you review in 5 years?

Alex added what might be necessary for review is, the state requires a public water system at 15 taps, so maybe it is 10 years and/or 12 cabins, then review the public water system in conjunction with the state prior to it being a lifetime permit.

Commissioner Marcus Davis stated that would be a 1041 Permit (a second Special Use Permit) correct?

Alex stated it is not a 1041 Permit because it does not meet the 20 unit regulation.

Commissioner Marcus Davis agreed. If there is nothing that has changed in the Special Use Permit (SUP) for the 5 or 10 year review, are we just checking in or are we expecting something different. Either way is fine, I am just trying to save the applicant from going through the process again.

Commissioner MacDonald stated he just wants to see that it has been developed the way they said it would be developed, then we can move on to the lifetime permit. The sooner we see it is being developed the way it says the sooner they can have the lifetime permit.

Commissioner Marcus Davis stated that is a valid point. He asked the other Commissioners their thoughts.

Commissioners Shepton, Gnuse and Fournet all gave a thumbs up.

Commissioners Karlstrom asked, if the lease is for 15 years, at the end of that 15 years will anything change? Maybe 15 years would be a valid time to review.

Commissioner Marcus Davis, stated we have 5 years, 15 years and lifetime, staff what is your thoughts?

Alex replied we like the option that is consistent with the lease best, 15 year review. I believe this would be characteristic of other Special Use Permits (SUP) that have been presented in the last several years.

Commissioner Marcus Davis stated, ok 15 years and we would check on build out, water supply and renewed lease.

Alex added, maybe the condition is at 5 or 10 years the applicant can request a lifetime permit if they choose.

Commissioner Marcus Davis added they would be building out prior to that and the applicant can come in early and request a lifetime permit, just present to the Planning Commissioners what the point for review would be. I think it would be helpful in a Special Use Permit (SUP) to layout "here is why we want to look at it sooner". That way everyone has the same expectations.

Alex agreed.

Commissions responded with a thumbs up on the WebEx.

Commissioner Marcus Davis stated the proposal at hand would be, Special Use Permit as presented, changes being 15 year review with option to come in for request for lifetime permit early at fully built out and Special Use Permit (SUP) would be for all 16 cabins plus Chapel.

Alex added he would like to amend condition 1 to remove the first sentence, the state issued permit can be available in a short amount of time so suggesting that the application shall comply with the state well permit, etc., is sufficient.

Commissioner Marcus Davis added, reword that to be a little more general, to say “The Special Use Permit (SUP) will be issued upon issuance of an appropriate well permit provided by the Colorado Department of Water Resource”. We can’t issue a Special Use Permit (SUP) if the applicant does not meet all the requirements and that is one of the requirements, it can be whatever they agree upon as long as the Colorado Department of Water Resources says it is appropriate then we would agree with that anyway.

Alex agreed.

Commissioner Fitch added a thumbs up on WebEx.

John Ryan added we plan on building 1 cabin per year with the Chapel taking 1 year. I am not sure if this needs to be in the Special Use Permit (SUP) language. If this works for the Commissioners it will work for the applicant. When we review in 15 years, we may not have the full 16 cabins, in case that is needed in the language we have projected, I just want to make sure this will be OK for the Board of County Commissioners (BOCC).

Commissioner Marcus Davis added, at the end of the day if you are approved for all 16 cabins and the Chapel and you get built early because you have special funding, as you mentioned earlier, or you don’t, when you came back to review that will just be a status check.

John Ryan asked if we have less than 15 cabins build out, that would be the same way?

Commissioner Marcus Davis agreed, yes. It is your prerogative how quick you want to build, we just want to say, and hey you are good to build the 16 cabins as you have requested.

John Ryan asked, he was not sure if this is part of the Special Use Permit, asked Alex to show a map that displayed the red dashes, will that be in the Special Use Permit?

Commissioner Marcus Davis added, your Special Use Permit (SUP) will always have a site plan and if anything changes substantially from that site plan, you are required to come back in for an amendment to that Special Use Permit (SUP). Make sure your site plan includes the parking, Chapel and the recommendations we should have added was, sufficient parking for all guest and staff. If you are fully built out you should have parking for 20 people or whatever staff agrees to. Before it goes to the Board of County Commissioners (BOCC) make sure you have the site plan delineated with appropriate parking for full build out.

John Ryan asked Alex, the map the applicant sent includes the whole woods not just a portion of the woods. The cabins will be building near the entire woods which is consistent with what has been sent in from the beginning. We will send in a full map for the Commissioners to review.

Commissioner Marcus Davis added, we will amend Condition 1 to state that the Special Use Permit (SUP) will not be issued until appropriate well permits has been received from the Colorado Department of Water Resources. An amended site plan to include full build out parking plus the actual area to be shown. Permit for 15 years with language to identify the reasons why we would be looking to review. And the Special Use Permit (SUP) would be for full build out of 16 cabins plus the Chapel.

Motion to recommend approval by Kim Shepton for St. Joseph's Retreat Center – Special Use Permit (SUP) as Commissioner Marcus Davis just presented. Seconded by Will MacDonald. Not further discussion. All in favor "aye", none opposed. Motion carries.

Cook Outright Exemption – Final Plat – Jonathan Cook

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission **October 14 , 2020**; Board of County Commissioners TBD, 2020

PROJECT NAME : Jonathan Cook Outright Exemption

APPLICANT : Jonathan Cook

LOCATION : Part of the North ½ of the Northwest ¼ , Section 32, Township 3 North of the 6th P.M. commonly known as 2611 GCR 41

APPLICABLE

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

ZONING : F - Forestry and Open District

ATTACHMENTS :

- A. Vicinity Map
- B. Application and Narrative Letter
- C. Title Commitment
- D. Proposed Outright Exemption Plat
- E. Federal Land Patent Number 852862
- F. Cook Subdivision Exemption Plat Rec. No. 305072
- G. Cook Outright Exemption Plat Rec. No. 94001422
- H. Quit Claim Deed Book 357 and Page 171
- I. Warranty Deed Rec. No. 2004001694
- J. State Well Permit Number 175922

STAFF PLANNER : Alexander Taft, LEED Green Associate

REQUEST : The Applicant is proposing to a boundary adjustment of two Metes and Bounds parcels through an Outright Exemption Plat.

VII. BACKGROUND

a. Proposal

Jonathan Cook is the owner of two parcels, one identified in a Quit Claim Deed recorded in Book 357 Page 171 which granted an eighty (80) acre parcel to Jonathan. Jonathan Cook then deeded the North half, of the North half of the Northwest ¼, which is a forty (40) acre

parcel by Quit Claim Deed to a Carol H./M. Cook. Carol H. /M. Cook then deeded back **remaining portions of the North ½, of the North ½ of the Northwest ¼ which were** approximately 23 acres recorded at Reception No. 2004006844.

The intention of this plat is to complete a boundary adjustment of two parcels being the **North ½ of the North ½ and the South ½ of the North ½ all in the Northwest ¼.**

a. History

The property has had an interesting past which created the two metes and bounds parcels subject in this application. The original properties were created from a large homestead ranch granted by a Federal Land Patent in 1922.

George Kinser. The ranch was composed of approximately 160 acres as referenced in Land Patent 852862. The ranch was transferred throughout the years to family and divided into smaller tracts.

As stated above Jonathan Cook was deeded an eighty (80) acre parcel via Book 357 Page 171 which months later, Jonathan gave half, being forty (40) acres to a Carol H./M. Cook.

Adjacent to the subject parcels, Cook Subdivision Exemption created under the ownership of Carol Cook was proposed and approved in 1992. This land division created Tract A of **9.8 acres and Tract B at 14.4 acres, from part of the Southwest ¼ of the Southwest ¼ of Section 29 and North ½ of the Northwest ¼ of Section 32. The remaining portion was** approximately 130 acres of ranching property which has since been distributed in forty (40) acre tracts to others.

VIII. STAFF ANALYSIS

The intention of this boundary adjustment through the Outright Exemption procedure is to create two exempt parcels being legally able to obtain a well permit. The southern parcel, with an existing residence, which is approximately 23 acres as **the South ½ of the North ½ of the Northwest ¼ does** not have an existing well permit but formerly tied to a domestic well permit which was transferred to the owner of the Cook Exemption created in 1994. The well permit number 175922 was originally for the forty (40) acres of the **South ½ of the North ½ of the Northwest ¼ but not drilled until the** after the county approved the Exemption Plat in 1994.

The North ½ is 37 acres and should be able to obtain a domestic well permit, but Staff also has concerns that the State may consider this for a household (exempt) permit. **Based on this , Staff recommends that after Planning C ommission makes the recommendation , the Applicant or their representatives send our recommendation and support documents to the State for verification** . Staff called this out below in Section 3.2 (2) (p). It is also Staff's understanding that proposed Tract A will be sold contingent on the well permit.

IX. COMPLIANCE/NON-COMPLIANCE WITH REGULATIONS

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

a. Grand County Master Plan

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

Plan Element 2 - Land Use - The Pattern of Development

These parcels are located far from the Urban or Rural Growth Area and have minimal infrastructure and limited public services. This Outright Exemption helps maintain beneficial agricultural land uses in an area that has minimal public and utility services and not within a growth area.

b. ZONING -Section 6.1 Forestry and Open District

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

Use

Proposed Tract A is anticipated to have at least one new single-family dwellings. Proposed Tract B already contains a single family dwelling which will remain. Single-family dwellings are a use by right in the Forestry and Open District. This application complies.

Minimum Dimensional Requirements

The minimum lot area in the Forestry & Open Zone District is five (5) acres. Proposed Tract A of the Cook Outright Exemption has a minimum area of 35.46 acres, Tract B has an area of 12.55 acres both lots comply. These lots also comply with the two hundred feet (200') minimum width.

Front, Side, and Rear Yard Requirements

The Forestry & Open Zone District requires 30' font yard, 10' minimum side yard, and 20' rear yard. The Applicants' proposal is consistent with all minimum yard requirements. Any new construction shall also be consistent with these minimum yard requirements.

c. OUTRIGHT EXEMPTION - Article 1.4 - JURISDICTION

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

- a) Which involves adjustment of a tract boundary to resolve a boundary to establish/determine a boundary when substantial evidence of a bona fide dispute is presented.
- b) Which involves adjustment of a tract boundary to eliminate an existing encroachment of a substantial structure upon the real property of another.
- c) Which involves acquisition of access from one parcel of property through another.
- d) Which involves other unusual circumstances which are deemed by the Board of County Commissioners to justify such a grant.**

The existing parcels are remnant tracts which were created because of other exemptions, therefore, they should be platted as exemption tract to obtain and clarify well permits.

d. OUTRIGHT EXEMPTION - Article 2 - DESIGN STANDARDS

Section 2.1 Driveway, Roads, Streets, and Easements .

One new driveway accessing County Road 41 is anticipated to be constructed in regard to this application. There are 10' and 20' utility easements established pursuant to the proposed plats.

Section 2.2 Tracts/Parcels/Lots .

This proposal complies with the minimum requirements for area and dimension of the Forestry and Open District. Both lots subject to this application will have separate access to County Road 41.

Addresses shall be placed on the Final Plat Mylar, Tract A shall be 2611 GCR 41, Tract B shall be 1903 GCR 41.

Section 2.3 Public Dedications.

This requirement has been met, no new streets, utility easements, or access is being dedicated as part of this proposal. Noted in the Title Commitment the Right of Way for County Road 41 has previously been dedicated or deeded to the County. The location of these documents shall be referenced on the Final Plat.

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.

New construction shall be subject to the applicable impact fees, if located in the boundary of any district which has adopted impact fees.

E. OUTRIGHT EXEMPTION - Section 3.2 - PLAT

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

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

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

Title of the plat is:

Jonathan Cook Outright Exemption

Located in Part of **North ½ of the Northwest ¼, Section 32**, Township 3 North, Range 76 West, of the 6th P.M.

Ownership Recorded at Reception No. 2004001684 and Book 357 and Page 171

The proposed Plat includes information which complies with these provisions including: a scale 1"=100', north arrow, and August 6, 2020 as the date of creation.

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

Tract A, Jonathan Cook Outright Exemption

Tract B, Jonathan Cook Outright Exemption

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

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

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

Section 3.2 (2) (f-i) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements shall be provided and accurately labeled on this proposed plat (f). Lots shall be identified and adjacent property owners shall be shown, lots subject to this proposal include acreage to 1/100th of an acre (g). Both pursuant to this plat (h). The location and description of all found monuments has been included on the proposed plat (i).

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

Section 3.2 (2) (k) Statement by owner platting the property and, if required by the Grand County Board of County Commissioners, dedicating the streets, rights-of-way, easements and any sites for

public uses, to be in substantially the following form (dedication language may be omitted if not required by the Board of County Commissioners):

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That **Jonathan Cook** are the owners of that real property situated in Grand County, Colorado, more fully described as follows:

That **Jonathan Cook** are the owners of that real property situated in Grand County, Colorado, more fully described as follows: **All the N ½ of the NW ¼, section of 32, Township 3 North, Range 76** West of the 6th P.M. lying southerly right of way boundary of Grand County Road 41 as described in a Quit Claim Deed recorded at Reception No 94001423.

That they have caused said real property to be laid out and surveyed as **Jonathan Cook Outright Exemption**, and does hereby dedicate and set apart all the streets, alleys, and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF **Jonathan Cook** have caused their names to be hereunto subscribed this ___ day of _____, 20__.

Jonathan Cook

STATE OF COLORADO}

}ss

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this ___ day of _____, 20__ by **Jonathan Cook** .

My commission expires:

Notary Public

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

SURVEYOR'S CERTIFICATE

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

Warren D. Ward

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

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

COMMISSIONER'S CERTIFICATE

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

Chairman

Board of County Commissioners

Grand County, Colorado

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

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

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

Section 3.2 (2) (q) Proof of adequate water supply shall be confirmed by the State Engineers office in the form of a letter confirming the type of well granted upon approval of the plat.

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

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

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

X. PLANNING COMMISSION RECOMMENDATION

This application is to be presented to Planning Commission during their regular meeting scheduled for October 14, 2020.

XI. STAFF RECOMMENDATION

Staff recommends the approval of the Jonathan Cook Outright Exemption with the following conditions to be met:

1. Addresses shall be placed on the Final Plat Mylar, Tract A shall be 2611 GCR 41, Tract B shall be 1903 GCR 41 [2.2].
2. New construction shall be subject to the applicable impact fees, if located in the boundary of any district which has adopted impact fees [2.5].
3. Title shall be corrected as shown in this recommendation [3.2 (2) (a)].
4. Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements shall be provided and accurately labeled on this proposed plat [3.2 (2) (i)].
5. Dedication statement by owner platting the property shall be corrected as shown in this recommendation [3.2 (2) (k)].
6. Lots shall be identified and adjacent property owners shall be shown [3.2 (2) (g)].
7. Add Resolution 2019-8-6 to the Board of County Commissioners Certificate [3.2 (2) (m)].
8. Proof of adequate water supply shall be confirmed by the State Engineers office in the form of a letter confirming the type of well granted upon approval of the plat [3.2 (2) (p)].
9. Statement of taxes due showing current taxes paid for all involved parcels [3.2(2) (s)].
10. An electronic copy of the Outright Exemption Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided [3.2 (2) (t)].
11. The Applicant shall meet all Plat requirements and such additional information as may be required by the Grand County Board of County Commissioners.

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

AGENDA ITEM PULLED BY APPLICANT

Rural Growth Amendment

Presented by: Robert Davis, Director Community Development

CERTIFICATE OF RECOMMENDATION

Planning Commission: October 14, 2020; Board of County Commissioners

PROJECT NAME : Rural Growth Area Amendment

APPLICANT : Gold Medal Ranch, LLC represented by Jeff Vogel, AICP

LOCATION : South of County Road 73

APPLICABLE

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

ZONING : Split Zoned F/R - Forestry and Open District; Residential District

ATTACHMENTS : Ranch Headquarters and Byers Peak Ranch Estates Project Overview
Staff Certificate presented at September 23rd Planning Commission meeting

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

REQUEST : The applicant request Rural Growth Area No. 3 be amended to include a 138 acre parcel to accommodate 10 homes on approximately 5 acre lots (continuation from September 23, 2020)

At the September 23, 2020 Special Planning Commission meeting, Staff and the developer represented by Jeff Vogel, provided an extensive analysis of the proposed amendment to Rural Growth Area #3. Staff has accumulated comments and questions from both the Commissioners and the Public and is presenting topics of concern discussed at two previous virtual meetings with the public.

Proposal

The request to amend Rural Growth Area #3 was precipitated by a site-specific proposal from Gold Medal Ranch to develop a 10 lot subdivision on 138 acres. Because the subject site is located outside of any growth area, the only way to develop the subdivision, other than through the Subdivision Exemption process, is through the Rural Land Use process. The Rural Land Use development process requires a minimum of seventy (70) acres, partitioning two lots per thirty-five (35) acres. Using this process, however, would require modification of the proposal by either enlarging the size of the site, reducing the size of the site or reducing the number of lots. As such, the applicant requests Rural Growth Area #3 growth boundary be amended to include a 138 acre parcel to accommodate 10 homes on approximately 5 acre lots.

Please refer to the Staff Certificate presented at the September 23, 2020 Planning Commission meeting for more substantive analysis of the site-specific proposal.

Public Meeting Comments

As stated earlier, in addition to the Planning Commission meeting held on September 23, Staff also engaged the public in general discussions concerning amending Rural Growth Area #3 on August 20 and 26, 2020. Many of the points brought out at these meetings are summarized below.

The highest number of concerns centered on preserving views and open space, protection of the St. Louis Creek Wildlife Corridor and a proposed firing range.

Open Space and Development

Concerns center around open space and how to maintain visual quality while developing the property. One public speaker stated that it was open space and the ‘attraction to be in a county that values the preservation of rural land and the protection of nature.’ That brought his family here. All have agreed with the Master Plan’s assessment of the subject area as environmentally sensitive and vital to the long-term maintenance of wildlife habitat areas, steep slopes, wetlands, and prime agricultural lands.

Residents pointed out it was notable that the county choose to exclude the subject area from the Rural Growth Area #3. Many said this is truly the critical corridor for Grand County. One resident made reference to the Land Sensitivity Map from the Master Plan. She said, ‘looking at the map, in the Master Plan, you will see that they made this a hotspot of landscape sensitivity which they said should be protected from development’.

The Master Plan makes reference to environmentally sensitive lands throughout the document and based on public comment, environmental sensitivity continues to be a driving influence in the development of the subject area. The Plan’s direction for development of the subject parcel envisions cluster like lower density development that is buffered from riparian or sensitive areas:

1.5.1 Visual Resources Policies - Maintain the view shed and major roads that influence the County’s character and identity and play a role in economic development.

1.5.1 Visual Resources Policies - Cluster lands, whenever possible, or cluster against or within forested areas.

1.5.2 Visual Resources Implementation Actions - Balance the visual appearance and location of development within important view corridors with preservation of environmentally sensitive lands (wildlife habitat, wetlands, and steep slopes).

3.1.1 Location of Development Policies - When designing development, focus low intensity land uses and open lands in locations with environmentally sensitive areas.

The Master Plan found that residents representing the east, supported by 84% - incentives such as clustering density or density bonuses for leaving sensitive lands open. Staff is examining the best practices for minimizing impacts to sensitive lands and what tools can be used to provide sustainable protection while guarding development rights.

The developer’s presentation discussed a site plan analysis and various avoidance practices affecting wetlands and the riparian corridor.

St. Louis Creek/River Shed

‘The St. Louis River Shed, the backdrop of Byers Peak is probably the most important element of Grand County that defines its natural appealing habitat’, stated one resident. Staff will analyze the assessment of St. Louis Creek and recommendations for protection. A resident reported that the Natural Registry listed the Eisenhower Cabin and the entire ranch itself. Another resident found that:

- St. Louis Creek is a critical tributary of the Fraser, named by American Rivers as the 3rd most endangered river in the US.
- St. Louis Creek is already showing temperatures exceeding that which is acceptable for the health of the stream and the ecosystem.

Staff has contacted the State Historic Preservation Office and the local preservationist agencies. The historic nature of the site will be considered in the development application as per the Master Plan:

The 1.4.1 Historic and Cultural Resources Policies of the Master Plan says, Support and/or promote efforts from other agencies, jurisdictions and community partners to preserve, promote or otherwise celebrate historically or archeologically significant sites and landscapes including efforts to educate the public about these resources.

As such, staff will be examining studies relative to St. Louis Creek and its historic resource.

Wildlife

Regarding Evan and Shelley Banker's survey of 42 homeowners in the area, of the 50 respondents to concerns for wildlife, more than three quarters demonstrated strong concerns with the detrimental effect on wildlife and 83% of respondents strongly disagreed or disagreed that the expansion should not include areas critical to migration patterns of wildlife or take away from critical winter range for wildlife. In the Master Plan, among the most critical environmental elements was countywide critical habitats, i.e., riparian zones, winter range, reproduction areas, wetlands/shallow water table, perennial creeks and open space. These concerns remain high in the subject area.

Future Growth

Residents raised concerns relating to the need to accommodate growth while planning for an expansion of a growth area to accommodate 'giant houses'? She added that we should be developing more housing for the people who live and work here. Another resident stated 'the property has been deemed inappropriate for a growth area since Day One and it is still not appropriate for a growth area. Another said, 'leaving it out of the growth area will be less taxing to town and county services'.

Future growth will occur and what occurs in the subject area should be of one that provides the developer with his/her right to build as per Grand County Regulations and State Statute. As stated by a Commissioner, 'the owner would have the right to divide into 35 acre tracks without review and it would be 3.94, 35 acre tracks per the 138 acres. Then each of those 35 acre plots could apply for a Subdivision Exemption and get up to three more lots. Four times three equals 12 which is more than the 10 sites being proposed. The 12 sites could build their houses just about anywhere they want on the lot. So it would not be as well of a planned development as what is being offered'.

Staff will look at:

- Growth projections developed recently by CDOT and other state agencies. Although we agree the 47% expected growth rate over the next 25 years is only a projection, we will further examine other proposed development including Rendezvous, Arrowhead, Roam, Grand Park and numerous other large scale

development that could produce thousands of future development units.

- A side by side comparison of what can happen outside Rural Growth Area #3 and what could happen inside the rural growth area. Staff will look at dwelling units allowed, water and sewer implications.

Water

A resident asked if the County was doing scientific research to determine what the carrying capacity the aquifer and water table is to insure there will be sufficient water to support the proposed density.

Staff will inquire into the process of protecting water reserves given a high growth scenario.

Traffic

The roads have to be able to handle this increase of traffic.

Firing Range

At the onset of the public meetings, there were a number of questions centering on a proposed firing range. The developer promised there would not be a commercial shooting range in the five acre sub-area otherwise known as the proposed Ranch Headquarters site.

RECOMMENDATION

Staff will continue to research the areas mentioned in this report and requests a continuance to the November 18, 2020 Planning Commission meeting where Staff may either:

1. Recommend approval of expanding the Rural Growth Area #3 along with a recommendation for approval of the Ranch Headquarters Sketch Plan,
2. Recommend disapproval of expanding the Rural Growth Area #3 with a recommendation for approval of a modified Ranch Headquarters Sketch Plan,
3. Recommend disapproval of expanding the Rural Growth Area #3 with a recommendation for disapproval of a modified Ranch Headquarters Sketch Plan.

AGENDA ITEM PULLED BY APPLICANT

Minor Subdivision Regulations – Introductions

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Grand County Planning Commission October 14, 2020; Board of County Commissioners T.B.D.

PROJECT NAME : Outright Exemption, Procedure Regulation Amendments: Administrative Review

APPLICANT : Grand County Community Development Department
LOCATION : Unincorporated Grand County
APPLICABLE
REGULATIONS : Grand County Master Plan, and Outright Exemption Regulations
EXHIBITS : Procedure Flow Charts
STAFF PLANNER : Alexander Taft, LEED Green Associate
REQUEST : Community Development is requesting approval to add a section about procedure.

XII. DISCUSSION

Last year between the between the months of July and November Planning Commission meetings, and a February Board of County Commissioners workshop, Staff was working to revise the Subdivision Exemption and Outright Exemption. In February during a Board of County Commissioners workshop the Board gave staff some different direction to focus on single family densities. Between now and then several property owners have reached out asking about timeline for approval of these simplified regulations. This proposal lays out a process for administrative Sketch plan review and Preliminary and Final Plat approval by a new process through Planning Commission and the Board of County Commissioners. Staff feels that this section below best summarized these regulations:

Grand County Minor Subdivision Regulations provide for divisions of land on a small scale under circumstances in which the need to comply with Grand County Subdivision Regulations would cause undue hardships, administrative complexity and the impact of the proposed division does not bring the division within the purpose and intent of the Grand County Subdivision Regulations. The creation of new parcels through this process is intended to infill within existing neighborhoods with public water and sewer service.

This initial introduction is to allow the Planning Commission the time to read and review the proposed document and be able to provide some feedback to Staff before a full discussion in November to hopefully expedite the finalization of these regulations.

AGENDA ITEM PULLED BY STAFF

Indoor/Outdoor Storage Zoning Regulations

Presented by: Robert Davis, Director, Community Development

AGENDA ITEM PULLED BY STAFF

Robert Davis, Community Development Director asked Commissioners to hold on this call for a conversation on how we redevelop the county given the wildfire disaster. We have teams going out assessing properties and it is not as bad as we initially thought. There are some subdivisions that have been lost, most are individual properties. Some questions that we would like to discuss are: amending our zoning regulations, in particular the non-conforming building section that puts a 6 month time period for restoration possible extend that time period. We may want to look at our camping regulations to allow people to camp for X number of months or years on their property while they rebuild. Possible looking at revising our sub-regulations for revisions, the properties that have been destroyed is a clear slate for redevelopment.

The Commissioners stated that they would like to do whatever is possible to help the land owners who have been affected by this wildfire to rebuild.

The Commissioners asked that staff present to them some options that the Commissioners can in act to help property owners out. Please bring these back at the next Planning Commission Meeting. Some ideas to keep in mind while researching are: Toxic materials contaminating the water, having septic's inspected, changing camping regulations to allow folks to camp while rebuilding, storage regulations, land fill options that are affordable, possible private lands, fast tracking Special Use Permits, check into waste transfer station and Construction and Demolition Debris pits.

Motion to adjourn. Approved Ingrid Karlstrom. Seconded Tara Fournet. All in favor "aye" None opposed. Meeting adjourned.

Meeting adjourned at 6:55 pm.
