

**GRAND COUNTY PLANNING COMMISSION  
MEETING MINUTES**

**January 13, 2016**

**MEMBERS PRESENT:**      Ingrid Karlstrom                      Melanie Zwick  
                                 Sally Blea  
                                 Don Woster                              John Rankin  
                                 Lisa Palmer

**MEMBERS ABSENT**              Mike Ritschard

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

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The January 13, 2016 Grand County Planning Commission meeting was called to order by Chairman Don Woster at 6:30 p.m.

The Planning Commission Meeting minutes from the December 9, 2015 meeting were presented. Ingrid Karlstrom motioned to approve the minutes as read, John Rankin seconded the motion. All members voted “aye”. Motion was carried.

**ELECTION OF PLANNING COMMISSION CHAIR AND VICE CHAIR**

Per State Statute, the Planning Commission is required to elect a chairman on a yearly basis. Nominations for Chairman and Vice Chairman for the year 2015 were taken. Ingrid Karlstrom made a motion nominating Don Woster as Chairman, seconded by Sally Blea and Don Woster made a motion nominating Ingrid Karlstrom as Vice Chairman, seconded by Lisa Palmer. All members voted “aye”. Motions carried. (Resolution No. 2016-1-1)

**Amended Final Plat for Elk Park, Winter Park Highlands Unit 2**

The Winter Park Highlands Association (the applicant) is proposing an Amended Final Plat that would dedicate Elk Park as a General Common Element. This General Common Element would allow Elk Park to be used by HOA members as a common trash collection site. Currently, trash collection is not a permitted use in the Residential Zone District. Staff received multiple complaints regarding the operation of this trash collection site. In June of 2015, in response to the complaints, staff contacted the Winter Park Highlands Homeowners’ Association to notify them of the complaints and to notify them that the uses on the site were a violation of the Zoning Regulations. Since then, staff has met with the Winter Park Highlands HOA multiple times to discuss the necessity of an Amended Final Plat to bring the common trash collection site into compliance with the Zoning Regulations.

Elk Park was originally platted in 1970 as a Park—which is a permitted use in the Residential Zone District. Although, the Grand County Zoning Regulations do not provide a definition for parks, parks are commonly known as places that serve a community’s recreation needs and they generally do not include trash and recycling collection sites. Although trash collection and recycling is not a permitted use in the zone district, a common trash collection site can be viewed as a community facility that would serve the residential development of the Winter Park Highlands. The Residential Zone District’s Declaration of Intent states that a purpose of the Residential Zone District is to ensure community facilities are available to properly serve residential developments. Based on this Declaration of Intent, common trash collection sites have been established in residential subdivisions in Grand County; although in every case that staff is aware of, they have been put in place during the original platting of the subdivision or prior to the adoption of subdivision and zoning regulations. This distinction is important as all potential homeowners have been aware of the common trash collection sites before they purchased their land and built their homes. The establishment of a common trash collection facility is supported by the Declaration of Intent of the Zoning Regulations and therefore it can be permitted on this site. However, the parcel on which it is located needs to be converted from a park to a General Common Element and this General Common Element needs to be dedicated to the owners of real property within the Winter Park Highlands and Greenridge.

There are numerous benefits and drawbacks to locating a common trash collection operation at this site. The Planning Commission is tasked with determining if this common trash collection operation is in the best interest of the residents of the Winter Park Highlands Subdivision.

It is staff's opinion that this common trash collection site is of value to the Winter Park Highlands Subdivision overall. Although the operation does not provide an essential service and it disproportionately impacts the residents immediately surrounding the Elk Park parcel, the proposal does comply with the County's land use regulations and it has been conditioned to minimize impacts to an acceptable level. With the conditions of approval in place, the site can become aesthetically pleasing and it can benefit all involved parties. Although staff is supporting this proposal, staff recommends the Planning Commission thoroughly discusses the advantages and disadvantages of recommending approval of this Amended Final Plat.

Based on complaints received from nearby residents, staff has concerns with the monitoring and maintenance of this site. There are no easy ways to monitor the site and there are few ways in which unauthorized trash drop-offs can be discouraged or prevented. Staff is concerned that this site may be prone to blight violations. Appropriate signage—perhaps including “No Trespassing” signs—may be one way to address this.

Staff has created a condition of approval that will limit the use of the General Common Element to residents of the Winter Park Highlands Subdivision and Greenridge. In the past, it was possible for residents who lived outside of the Winter Park Highlands to become Honorary Associate Members of the HOA and pay to use the common trash collection site. It is staff's determination that allowing anyone who is willing to pay to use this service creates a situation where this operation is more like a business than a facility meant to serve the residents of Winter Park Highlands. The words “without limitation” appear in plat note #5 and #6. The term “without limitation” will not apply to County regulations. It will simply allow the HOA to change the use of the land in the future in a way that complies with the Grand County Zoning Regulations.

Staff has included a plat note that will limit the site to four dumpsters. In meetings with the HOA they explained they would be fine with this limit. If demand increases, they can simply increase the number of pickups at the site.

It is staff's opinion that in order to mitigate the visual impacts on the site to an acceptable level, a structure has provided some examples of dumpster enclosure structures that should be considered.

Upon the inspection of the site, staff noticed a sign at the corner of County Road 85 and County Road 8564 that directs residents to Elk Park. This sign is located in the county road right-of-way. It will need to be removed. It can be relocated to the Elk Park site and permitted as an on-site Community Facility sign. Since this sign is associated with the parcel in question, staff has included this as a condition of approval. The sign that is located behind the dumpsters on the Elk Park site can potentially be approved as part of a No Trespassing sign, but the words “No Trespassing” should be added to the sign or the sign post. If this is done, the sign will not need a permit. Depending on the signs on site, the applicant will be subject to all sign permit fees. This has been included as a condition of approval.

### **Staff Recommendation**

Staff recommends approval of the Amended Final Plat Elk Park Winter Park Highlands Unit 2 with the following conditions to be met prior to the any hearing by the Grand County Board of County Commissioners

1. A plat note shall restrict the use of the General Common Element to residents of the Winter Park Highlands Subdivision Unit 1, 2, 3, 4, 5 and Greenridge.
2. A plat note shall restrict the site to only four dumpsters
3. Intentions / plans for on-site signage shall be provided (including the plans for the Elk Park entrance sign and the information sign that currently exists behind the dumpsters. If the sign that is currently onsite is to be used, the words “No Trespassing” will need to be added to the sign or sign post. Otherwise a sign permit will be needed. A sign permit will also be needed for the Elk Park entrance sign.



Don Woster asked about the percentage of homeowners that are in the Association. Mr. Tetlow stated that there are 421 lots, approximately 300 that have homes, and right now there are 200 HOA members. 72 of these HOA members pay to use the trash site right now.

### **Public Comment**

Pat Rupert thinks this parcel was originally platted as a park, but as it grew over the years, they put a dumpster on the site for park visitors to use. Now it has grown to 4 dumpsters in a residential area, with non-HOA people using this trash site. He would like to see a community trash site in Tabernash which is zoned for it. This was platted as a park in a residential area. Mr. Tetlow explained that homeowners who were using the trash dumpsters but not living in the Winter Park Highlands Subdivision, would no longer be allowed to have access. Mr. Rupert suggested alternate sites for the trash collection site, which are zoned for this type of use, requesting that this area be returned to residential use.

Aaron Zieshang reminded those present that trash is everyone's responsibility to the HOA. Stated that having this site eliminates a trash truck from going to 300 homes to pick up trash. Recommended that a trash shelter or structure should be in place after the planned fire mitigation efforts, and 4 cisterns are in place.

Bennett Bertoli said the staff report stated that there are many benefits to having centralized dumpsters. He disagrees since they still have to drive to the site and throw the big heavy trash bags into the dumpsters, sometimes not making it or leaving them on the ground. He still sees trash trucks in the neighborhood, so the hazards are still there. Mr. Bertoli said that staff stated no trash collection contracts, when the HOA charges the members for this service. Another issue with the staff report stated that there are other dump stations already established in other subdivisions. Mr. Bertoli stated that these sites were on the original plat and anyone who looked at the property around it knew about it before they purchased the site. This subdivision was created in 1970 and the dumpsters were located at this site within the past few years. He thinks this is an inappropriate parcel for a trash site and is a non-essential service which is in violation of the by-laws.

Cathy Henderson lives right by the dumps site and is constantly picking up dumped trash. She agrees with Mr. Bertoli and states that the homeowners were never made aware that this site would contain 4 dumpsters. Under staff recommendations, #7, architectural drawings for structures, she wonders WHO is going to approve these. Also, the words "without limitation" which allows the HOA to change the use of the land..... Ms. Henderson is against this wording. She thinks a structure around the dumpsters may help deter the "trash and dash" violators. Ms. Henderson also pointed out that the aspen trees they planted have all died so the landscaping is not working.

Tyson Dearduff handed out photos of the conditions occurring regularly at these dumpsters. Bears do get into these dumpsters and if people cannot get into these dumpsters, they have put their trash on the ground outside the dumpsters, as well as in his personal trash receptacle. He stated that he has seen pick-up trucks with trailers of trash back into the site to dump trash. He wanted to point out that the Association did not build the pond on the property. He purchased his home in 1983 and it was there at that time. Mr. Dearduff stated that there is an adverse effect on property values and that the landscaping they have done is very ineffective. He offered his services pro-bono to design and construct a structure. He is also worried about the wording of "limit use to HOA members".

Heidi McNinch has owned property in the Winter Park Highlands Subdivision since 2004 and is in support of the trash site. In the past, she has had trouble with bears, and since the dumping site became available, there have been no issues with wildlife. She thinks this is the best solution.

Sandra Lenga thinks that just because the subdivision was created 40 years ago, it should not prevent them from having this service now. Finds the collection site to be a real benefit to everyone.

Scott Ledin, HOA Vice President, stated that they are just trying to do what the HOA members want. There are a lot of older residents who cannot drag a trash can down their driveway on collection days and part time home owners that are not here on pickup days. He is in agreement that they need to do a better job of monitoring the trash site. Mr. Ledin also talked about the subdivision being created in 1970, when the subdivision regulations did not come into existence until 1971. Perhaps if it had been created 1 year later, this would not be a topic today.

Greg Counts thinks that if this common trash facility is approved, the HOA can ask its members for donations so they can construct the trash dumpsters. He would also like to see a plan in case they need more than 4 dumpsters in the future. He is in support of this site and would make a donation towards a structure because he wants to see this worked out.

Tara is the representative from the Trash Company. She agrees with Mr. Bertoli that people dumping trash happens everywhere, and this is a fineable offense. If one could find anything from this dumped trash with names and/or addresses, they can call the Sheriff. She also said that certain times of the year, holidays in particular, they pick up trash more often, therefore the need for more dumpsters is really not needed. As for structures, these will not deter the trash and dash people. The Trash Company likes to see community dump sites because of concerns over employee safety and wear & tear on road systems.

Aaron Zieschang stated that he went to the last HOA meeting and gave a "shame on you" speech about the trash around the dump site. He thinks that there are now more people monitoring the site and picking up trash if they see it.

### **Discussion**

John Rankin said he disagrees with a fee waiver for the Amended Final Plat fees. He stated that he would only support this if they agreed to pay fees and build a structure around the dumpsters. Mr. Rankin also wondered if the HOA could charge a special assessment fee. Ms. Noriyuki stated that they have already paid the AFP fee and they cannot charge the assessment fee due to it being a voluntary association.

Melanie Zwick asked how many subscribe to this service. Mr. Tetlow stated that there are 89 in the summer, but only 72 at the moment. Ms. Zwick wondered if 4 dumpsters is adequate. Tara from the Trash Company stated that 2 dumpsters are for trash and 2 are for recycling. If need be, they will increase the number of pickups.

There was a general discussion about how the dedication of the property to "all real property owners in the Winter Park Highlands and Greenridge" and the designation of the property as a "General Common Element" would affect the use of the property. The Planning Commission members did not feel comfortable voting on this proposal until they received clarification on how the Dedication Statement and the General Common Element would affect the property. Should the property be dedicated to all real property owners in the Winter Park Highlands, or should it be dedicated to the Winter Park Highlands HOA? Does the HOA then own the property with only its members allowed to use the park, or is it available to use for everyone in the Subdivision? Also, what does General Common Element mean; and is this the appropriate designation for this parcel. Staff explained that these are largely legal matters and the County Attorney should consult with the applicant's attorney to decide the best course of action.

The applicant asked to table this agenda item until further research could be done.

### **Amended Final Plat Lot 12 and Lot 13 South Shore Place Subdivision and Campbell Outright Exemption**

The applicant, Cathern Campbell, is proposing an Amended Final Plat that would combine Lot 12 and Lot 13 of the South Shore Place Subdivision. The existing Lot 12 is 0.11 acres in size. The existing Lot 13 is .03 acres in size. When combined, Lot 12 and Lot 13 will be approximately .14 acres (6,026 square feet) in size and it will be known as Lot 12A.

Additionally, the applicant is proposing an Outright Exemption that would divide a .86-acre parcel into two .43-acre parcels (both 18,909 square feet), which will be known as Campbell Outright Exemption Lot 1 and Campbell Outright Exemption Lot 2.

Together, these two proposals will apportion the land to satisfy what is required by a divorce settlement. Although, the Amended Final Plat and the Outright Exemption will need to be recorded via two different plats, they are being reviewed together in this staff report.

Campbell Outright Exemption Lot 1 and Lot 2 both have land that is located south of Jericho Road. This land is very steep and therefore it would present hazardous building conditions and it could create access problems in the future if it were to be developed. Although this land is not being reviewed through the subdivision process, the Grand County Subdivision Regulations prohibit development on land that has a slope greater than 30%. This land has a slope of over

30%. Due to these hazardous building conditions, staff has added a condition that the land south of Jericho Road on both Campbell Outright Exemption Lot 1 and Lot 2 be identified as unbuildable land on the Outright Exemption Final Plat. The applicant was fine with this condition.

### **STAFF RECOMMENDATION**

Staff recommends the approval of the Amended Final Plat Lot 12 and Lot 13 South Shore Place Subdivision with the following 10 conditions to be met prior to the recording of the plat. Staff recommends the approval of the Campbell Outright Exemption and two variances to the Outright Exemption Minimum Lot Area Requirement with the following 16 conditions to be met prior to recording.

### **Amended Final Plat Lot 12 and Lot 13 South Shore Place Subdivision Conditions of Approval**

1. The title of the plat shall be amended to read as follows:

AMENDED FINAL PLAT  
LOT 12 AND LOT 13 SOUTH SHORE PLACE SUBDIVISION  
LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 75 WEST OF THE 6<sup>TH</sup> P.M.  
COUNTY OF GRAND, STATE OF COLORADO  
CONVEYANCE TO OWNERS RECORDED AT RECEPTION # 2011-000835 AND 2011-000837

2. Add a label for County Road 697
3. Label the new parcel "Lot 12A"
4. A part of the dedication statement shall be amended to read:

...THAT THEY HAVE CAUSED SAID REAL PROPERTY TO BE LAID OUT AND  
SURVEYED AS AMENDED FINAL PLAT LOT 12 AND LOT 13 SOUTH SHORE  
PLACE...

5. A part of the surveyor's certificate shall be amended to read:

...DO HEREBY CERTIFY THAT THIS AMENDED FINAL PLAT LOT 12 AND LOT 13  
SOUTH SHORE PLACE TRULY AND CORRECTLY...

6. A part of the commissioner's certificate shall be amended to read:

....adopted by Resolution No. 2014-4-29.

7. An address plat for the three new parcels shall be submitted.
8. A statement of taxes due that shows that all taxes have been paid shall be provided.
9. An electronic version of the plat shall be submitted.
10. All recording fees shall be paid by the applicant.

### **Campbell Outright Exemption Conditions of Approval**

1. The land south of Jericho Road on Campbell Outright Exemption Lot 1 and Lot 2 shall be identified on the plat as "Unbuildable Area".
2. The title of the plat shall be amended to read as follows:

CAMPBELL OUTRIGHT EXEMPTION  
A DIVISION OF A METES AND BOUNDS PARCEL SITUATED IN  
SECTION 8, TOWNSHIP 3 NORTH, RANGE 75 WEST OF THE 6<sup>TH</sup> P.M.  
COUNTY OF GRAND, STATE OF COLORADO  
CONVEYANCE TO OWNERS RECORDED AT RECEPTION # 2007-009601

3. The eastern property line of the parcel shall be shown in its entirety on the plat (where it passes through the Jericho Road ROW).
4. The utility easements shall be accurately shown—including 20' rear utility easements

along Grand Lake.

5. Label County Road 697 .
6. Label the parcels "Campbell Outright Exemption Lot 1" and "Campbell Outright Exemption Lot 2".
7. Include a plat note that the parcels are to only be used for single family residences and associated structures.
8. A lienholder signature line shall be added.
9. A part of the surveyor's certificate shall be amended to refer to the plat as "Campbell Outright Exemption"
10. A part of the commissioner's certificate shall be amended to read as follows:  
...adopted by Resolution No. 2008-11-12.
11. The decimal point in the square footage label for the current "East Campbell Tract" shall be moved so the square footage reads, "12,671.213"
12. Staff will consult with the County Attorney to determine the appropriate dedication language to include on the plat.
13. A statement of taxes due showing taxes have been paid shall be submitted.
14. An electronic copy of the plat shall be submitted.
15. An address plat for the three new parcels shall be submitted (one address plat can be submitted for the Amended Final Plat and the Outright Exemption).
16. All recording fees shall be paid by the applicant.

### **Discussion**

Cathern Campbell and Chris Tarr introduced themselves as the Applicant.

There was discussion with Ingrid Karlstrom about what lots are buildable. Sally Blea asked if there was access to the vacant properties and if they were served by sewer and water. Ms. Campbell assured her they could reach them by Jericho Road and they do have access to sewer and also have well permits. There was discussion with Melanie Zwick about the well permits and the location on the plat of the lift station.

Sally Blea recommended approval of Amended Final Plat Lot 12 and Lot 13 South Shore Place Subdivision and Campbell Outright Exemption, with the two variances to the Outright Exemption Minimum Lot Area requirement, with Staff conditions. John Rankin seconded the motion. All members present voted "Aye". Motion carried. (Resolution No. 2016-1-2)

Meeting was adjourned at 8:40 p.m..