

**GRAND COUNTY PLANNING COMMISSION
MEETING MINUTES**

February 10, 2016

MEMBERS PRESENT: Ingrid Karlstrom Melanie Zwick
 Sally Blea Marcus Davis
 Don Woster John Rankin
 Marcy Monnahan Steve Sery
 Todd Clausen

MEMBERS ABSENT

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

The February 10, 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 January 13, 2016 meeting were presented. Ingrid Karlstrom motioned to approve the minutes as read, John Rankin seconded the motion. All members voted "aye". Motion was carried.

The 4 new Planning Commission members, Marcy Monnahan, Marcus Davis, Todd Clausen and Steve Sery were introduced.

Columbine Lake, Lots 60 & 61, Block 10, Amended Final Plat

The Applicant, Richard D. Sampson, is proposing an Amended Final Plat that would vacate the lot line that currently bisects Lot 60 and 61, Block 10, of the Columbine Lake Subdivision. The Applicant is also attempting to vacate the 5-foot utility easement that runs along each side of this property line. The utility easement to be vacated is not shown on the original recorded Columbine Lake Subdivision plat. It was established by the recorded Columbine Lake Declaration of Protective Covenants, Restrictions, Easements and Reservations (Rec.# 111196). This non-exclusive easement was then conveyed to the Three Lakes Water and Sanitation District via an Easement Deed (Rec. # 176297) in 1980. Grand County cannot process the vacation of an easement that is not dedicated to the public. It is staff's determination that both the Columbine Lake Homeowners' Association (AKA Columbine Lake Country Club) and the Three Lakes Water and Sanitation District have a legal interest in the utility easement and therefore both of these entities will need to take all necessary formal actions to vacate this easement. If this is done prior to the recording of this plat, the utility easement can be removed from the plat. If it is not, then the utility easement will need to be shown on the Amended Final Plat.

When the lot line is vacated, Lots 60 and 61 will be effectively combined. The new lot will be known as Lot 61A. Combining the two lots into one lot will facilitate the construction of a new single family home. Currently, there is a house that exists on the lot line. It is staff's understanding that a surveying error led to the construction of this house over the lot line and into the utility easement. This house will be demolished to make way for the construction of a new single family residence. When combined, Lot 61A will be .42 acres in size or 18,295 square feet.

STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Lot 60 and Lot 61, Block 10, Columbine Lake Subdivision with the following conditions to be met prior to the recording of the final plat.

1. The title of the Amended Final Plat shall be amended to read as follows:

AMENDED FINAL PLAT
LOT 60 AND LOT 61, BLOCK 10, COLUMBINE LAKE SUBDIVISION

LOCATED IN PART OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 76 WEST OF THE 6TH P.M.
COUNTY OF GRAND, STATE OF COLORADO
CONVEYANCE TO OWNERS RECORDED AT RECEPTION # 2009-003439

2. The legal description shall be amended to read as follows:

Lot 60 and Lot 61, Block 10, Columbine Lake Subdivision

3. Add a label for County Road 494, and label the width of the right-of-way.

4. Label where all easements are recorded.

5. Label the new parcel Lot 61A.

6. Amend the Dedication Statement to read as follows:

7. ...that Richard D. Sampson, as Trustee of the Richard D. Sampson Trust dated November 12, 2008, is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Lot 60 and Lot 61, Block 10, Columbine Lake Subdivision. That he has caused said real property to be laid out and surveyed as Amended Final Plat, Lot 60 and Lot 61, Block 10, Columbine Lake Subdivision, 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.

The applicant shall be referred to as Richard D. Sampson, as Trustee of the Richard D. Sampson Trust dated November 12, 2008, throughout the Dedication Statement and the associated signature lines.

8. Amend the Surveyor's Certificate to read as follows:

...do hereby certify that this Amended Final Plat, Lot 60 and Lot 61, Block 10, Columbine Lake Subdivision truly and correctly....

9. Amend the Commissioners' Certificate to read as follows:

Approved this ____ day of _____ 20____ by the Board of County Commissioners of Grand County, Colorado pursuant to Grand County Subdivision Regulations adopted by Resolution No. 2014-4-29.

10. The Applicant's surveyor shall meet with County staff to discuss the "Notes of Relevance" on the plat.

11. All reference of the vacation of the utility easement shall be removed (unless conditions 11, 12 and 13 are met prior to recording).

12. A letter from the Columbine Lake HOA stating that they have taken the required actions to vacate the easement shall be provided.

13. A letter from Three Lakes Water & Sanitation District stating that they have taken the required actions to vacate the easement shall be provided.

14. A letter from the Columbine Lake Water District stating that they do not object to the vacation of the utility easement shall be provided.

15. The house and the associated structures shall be removed from the plat.

16. The topographic lines shall be removed from the plat.

17. Grey out the lot line to be vacated.

18. Separate the statements "Lot Line Hereby Vacated" and "Utility Easement Hereby

Vacated”

19. An 11”x 17” address plat shall be provided.
20. A statement of taxes that shows all taxes have been paid shall be submitted.
21. An electronic copy of the final plat shall be submitted.
22. All recording fees are to be paid by the Applicant.

Discussion

Scott Munn, Munn Architects, introduced himself as representing the applicant. They have no questions or concerns about the staff recommendation.

Melanie Zwick asked for clarifications on the plat and letters from the utility companies.

Sally Blea stated that Three Lakes Water and Sanitation District is actually in negotiations for a new easement.

Marcus Davis asked about the Quit Claim Deed and wondered if there was room to build with the plat showing water and manhole. There was discussion about Lot 62 and what will be discussed with the surveyor concerning his plat.

John Rankin recommended approval of Amended Final Plat, Lots 60 & 61, Block 10, Columbine Lake Subdivision, with Staff conditions. Ingrid Karlstrom seconded the motion. All members present voted “Aye”. Motion carried. (Resolution No. 2016-2-1)

Amended Final Plat Peper-Stagecoach Estates, Lot 2

The Applicants, Steven J. Adams and Jennifer W. Armstrong, are proposing an Amended Final Plat that would relocate the existing building envelope on Lot 2 of the Peper-Stagecoach Estates Subdivision. By relocating the building envelope, the Applicants will be able to orient their home in a way that minimizes their building footprint, maximizes views of the lake and provides for convenient access from their driveway. If the building envelope is not amended, the corners of the house are just slightly over the north and south building envelope line. The overall size of the building envelope is not increased by this Amended Final Plat.

STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Lot 2, Peper-Stagecoach Estates with the following conditions to be met prior to the recording of the final plat.

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

AMENDED FINAL PLAT
LOT 2 PEPER-STAGECOACH ESTATES
LOCATED IN PART OF THE NE1/4 OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH P.M.
COUNTY OF GRAND, STATE OF COLORADO
CONVEYANCE TO OWNERS RECORDED AT RECEPTION # 2014-007245

2. Label the parcel’s acreage to the 1/100th place.
3. Label on the plat where all easements are recorded (Platted access easement is recorded at reception # 2010002633 and all other easements are recorded at reception # 2004-004477).
4. The Dedication Statement shall be amended to read as follows:

...MORE FULLY DESCRIBED AS FOLLOWS: LOT 2, PEPER-STAGECOACH ESTATES. THAT THEY HAVE CAUSED SAID REAL PROPERTY TO BE LAID OUT AND SURVEYED AS AMENDED FINAL PLAT, LOT 2, PEPER-STAGECOACH ESTATES, AND DO HEREBY...

5. The Commissioner’s Certificate shall be amended to read as follows:

COMMISSIONER’S CERTIFICATE

Approved this ____ day of _____ 20____ by the Board of County Commissioners of Grand County, Colorado pursuant to Grand County Subdivision Regulations adopted by Resolution No. 2014-4-29.

6. A statement of taxes showing current taxes paid shall be submitted.
7. An electronic copy of the plat shall be submitted.
8. The Applicants will be responsible for all recording fees.

Discussion

Chris and Jennifer Armstrong introduced themselves as the applicant.

Marcus Davis asked for a letter of approval from the HOA. He also wondered if moving the building envelope would be in neighbors view corridor. Bill Gray stated that it is common practice to get a letter from the HOA and neighbors before approval.

Melanie Zwick and the applicant discussed the easement/private road access. Brett Hanlon said he would look into where that easement was recorded and make sure there were no issues with moving the building envelope close to it.

John Rankin agreed with Mr. Davis, there should be a condition to get a letter of approval from the HOA.

John Rankin recommended approval of Amended Final Plat, Lot 2, Peper-Stagecoach Estates Subdivision, with Staff conditions, including a condition for Letter of Approval from the HOA. Ingrid Karlstrom seconded the motion. All members present voted "Aye". Motion carried. (Resolution No. 2016-2-2)

Amended Final Plat for Elk Park, Winter Park Highlands Unit 2 – Continued from January

The Winter Park Highlands Association (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 in whole or in part as a park and other accessory uses, such as a common trash collection site. Included in this proposal is also a determination for compliance with the zoning standards and subdivision regulations.

Trash collection is not a permitted use in the Residential Zone District. As such, 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 process that could allow for the HOA's trash/recycling use.

The county and Applicant agreed that an amended final plat to formally dedicate Elk Park as a common element to the Winter Park Highlands Association was needed; to define that a portion of the park could be used for a neighborhood trash and recycling collection site; that said use is a community facility that is necessary to serve the needs of the development; and ensure that this incidental use within the subdivision protects and maintains the character of the area.

Elk Park was originally platted in 1970 with Winter Park Highland Unit No. 2 as a 3.15 acre parcel. Its parcel designation was Elk Park. Elk Park was not dedicated at the time the subdivision was recorded. In fact, it remained in private ownership. Covenants were established with the subdivision but provided no definition or other meaning or uses for a parcel designated as a lot or a park. The notion or fact that Elk Park is like dedicated open space is just not the case in this matter. It is a lot held in private ownership by the Winter Park Highlands Association.

The challenge in dealing with this application lies with the word park and the image that it connotes as a natural area with grass, water, trees, trails, playfields, picnic areas and other similar recreational elements. Grand County zoning or subdivision regulations do not define park. It is fair to say that a park would not commonly or in general have a neighborhood trash/recycling collection site. All parks are not the same, and needs of a community and neighborhoods differ so it is not entirely inconceivable that one might find such a use within a community park.

A common trash collection site can be viewed as a community facility that would serve the residential development of 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. In addition, a Park is a permitted use by zoning. Zoning provides for accessory uses to the primary land uses provided they are if they are incidental to the use, customarily associated with use or ordinarily located on the same lot as the use. The owner of the property is the Winter Park Highland Association, which was formed in 1995 as a voluntary HOA to serve the best interests of the property owners/residents of Winter Park Highlands (Units 1-5 and Greenridge). By example, the Association has made Winter Park Highlands a Fire wise Community. From a legal and functional stand point they are serving a community purpose. The plans for the trash/recycling is a demonstrated need for the subdivision. They have clearly indicated through this process that they desire to have this parcel look and function like a neighborhood park. As a park, accessory use provisions of county zoning regulations are clearly more applicable. To further support this, the Park would need to be dedicated as a common element for the use, enjoyment and benefit of the association and its members. Park uses must clearly indicate that centralized trash and recycling is one of the uses that may be permitted within the park boundary.

Winter Park Highlands as mentioned above was created in the 1970's and at the time there was no requirement to establish a mandatory association. Winter Park Highland Association was formed in 1995 for the purpose of making the neighborhood better for all. It is, however, a voluntary organization and has no authority to force membership. It must gain membership through building meaningful, constituent relationships. At this time there are approximately 175 members of the association which is equal to about 40% of all lot owners. The Association does have as one of its goals, the desire to continue to build the membership. All this aside, the Park is owned by the Association and should only be dedicated to the Association and its membership. The same that we would require for any common area, like open space, under current standards. The difference being that in a new subdivision the association is mandatory and not voluntary like it is for Winter Park Highlands.

There are numerous benefits and drawbacks to the use that is being proposed. The Planning Commission is tasked with determining if this common trash and recycling use is in the best interest of the residents of the Winter Park Highlands Subdivision and is this a necessary community facility to serve the needs of this residential development.

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 and also allow the Applicant to further develop and improve the parcel as a Park.

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 shall be constructed that will enclose the four dumpsters. Staff feels that this structure should have a roof and be aesthetically pleasing.

The Applicant has provided a plan for constructing an enclosure. The character of the structure is suited for the environment where proposed. The structure is a shed style made of cedar and a metal roof. In order to fully address visual impact the design should be required to include access doors. Also, the Applicant has indicated that they have a more detailed design and rendering of the structure. This should be provided before or at the Planning Commission meeting.

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. The Applicant’s attorney has informed the county that the sign has been removed, but this has not been verified. 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.

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 specify that the use of Elk Park – General Common Element is for the Winter Park Highlands Association and its members within Winter Park Highlands, Unit 1, 2, 3, 4, 5 and Greenridge.
2. A plat note shall restrict the site to only four dumpsters.
3. 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 on-site 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.
4. The area of the parcel that will house the four dumpsters shall be delineated on the plat. This location will need to comply with all Residential Zoning District setbacks.
5. The title of the Amended Final Plat shall be amended to read as follows:

AMENDED FINAL PLAT
ELK PARK, WINTER PARK HIGHLANDS UNIT 2
PART OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 76 WEST OF THE 6TH P.M.
COUNTY OF GRAND, STATE OF COLORADO
CONVEYANCE TO OWNERS RECORDED AT RECEPTION #: 2002-004150

6. A label for County Road 8564 shall be added along with the label for Elk Park Trail.
7. It shall be specified that the platted utility easement is recorded at Reception # 115416.
8. The new parcel shall be labeled Winter Park Highlands Unit 2 – ELK PARK (General

Common Element) or other lot or parcel designation (name, # or letter).

9. The dedication statement shall be amended to read as follows:

...to be laid out and surveyed as Amended Final Plat, Elk Park, Winter Park Highlands Unit 2, and does hereby dedicate....

The dedication statement shall also make it clear that Elk Park (General Common Element) is being dedicated to the Winter Park Highlands Association.

10. The surveyor's certificate shall be amended to read as follows:

....do hereby certify that this plat of Amended Final Plat Elk Park Winter Park Highlands Unit 2 truly and correctly....

11. The commissioner's certificate shall be amended to meet adopted subdivision regulations.

12. The trash/recycling enclosure shall be revised to include access doors.

The following conditions shall be provided prior to the recording of the Amended Final Plat.

1. An 11"x17" address plat shall be provided.
2. An electronic copy of the plat shall be submitted.
3. All recording fees shall be paid by the applicant.

Within one year of the recording of the Amended Final Plat

1. The enclosure structure for which architectural designs were approved shall be constructed.

DISCUSSION

Georgia Noriyuki introduced herself as counsel for the applicant and Scott Ledin as Vice President of the HOA.

Bob Franek stated that the Dedication is to paid members of the Home Owners Association. Ms. Noriyuki agreed.

Ms. Noriyuki stated that the HOA does not object to building a structure for the dumpsters, but they do not think access doors need to be included. They add a huge expense and the HOA has most of their income designated to wildfire mitigation efforts. Therefore, they are asking for an additional year to get these buildings completed. With a one year completion date, as staff has proposed, they are concerned about financing the project. Ms. Noriyuki also mentioned they are trying to come up with a name for the common area.

Scott Ledin said they are thinking of naming the property "WPHA Commons". The parcel will be used for recreational purposes and fire mitigation. Only the paid HOA members will have use of the trash dumpsters.

John Rankin said he will only support if the structure has a roof and door enclosures. He would like to see it bear proof.

Melanie Zwick would like to see this matter deferred to a later date, after the Town of Fraser's task force has a chance to do the county-wide recycling collection assessment it got a grant for. Ms. Noriyuki agreed that the county as a whole has issues with trash and will be studying different types of trash collection. This whole issue with the WPHA trash dumpsters may not be needed in the future.

Ingrid Karlstrom agrees with allowing the applicant an additional year due to financial constraints. She would also like to see members patrolling the area for dumped trash and wants the current dumpsters painted a dark green color to blend in better with the environment.

Sally Blea thinks the real issue is being lost here if we revisit this in a year, as Ms. Zwick recommended. The original problem was about trash, now they want extra time. She wondered

if we should even allow it in the Residential district. Mr. Ledin stated that there are trash issues all over the county. They could put up motion sensors and/or doors on the dumpsters, but it still will not deter illegal dumping.

Don Woster stated that there are two issues to deal with here, 1) is the General Common Element, and 2) the existing trash dumpster issues. There was discussion on what is appropriate for both elements.

Ingrid Karlstrom recommended approval of Amended Final Plat, Elk Park, Unit 2, Winter Park Highlands, with Staff conditions, excluding Condition #13 (access doors), the buildings must be complete within 2 years and the dumpsters shall be painted dark green. Melanie Zwick seconded the motion. Motion carried by a 3 to 2 vote.
(Resolution No. 2016-2-3)

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|-------------|-----|------------------|-----|
| John Rankin | Nay | Don Woster | Aye |
| Sally Blea | Nay | Ingrid Karlstrom | Aye |
| | | Melanie Zwick | Aye |

Meeting was adjourned at 8:00 PM.