

**GRAND COUNTY PLANNING COMMISSION
MEETING MINUTES**

March 9, 2016

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

MEMBERS ABSENT John Rankin

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

The March 9, 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 February 10, 2016 meeting were presented. Ingrid Karlstrom motioned to approve the minutes as read, Todd Clausen seconded the motion. All members voted "aye". Motion was carried.

Amended Final Plat Lot 51 and Lot 52, Amended Final Plat Grand View Park Subdivision

The applicant, Todd A. Litke, is requesting an amended final plat that will combine Lot 51 and Lot 52 of the Amended Final Plat Grand View Park Subdivision. The applicant currently owns both lots. Lot 51 is currently .14 acres and Lot 52 is currently .21 acres. When combined, the new lot, which will be known as lot 52A, will be .35 acres (15,419 square feet). This lot combination will facilitate the construction of a new single family home.

Additionally, the applicant is requesting the vacation of the 10-foot utility easement that runs along the common lot line of Lot 51 and Lot 52. According to the Amended Final Plat Grand View Park (Rec. # 97005037), this utility easement is dedicated to the Grand View Park Homeowners Association. Therefore, a quitclaim deed will need to be provided which conveys all of the HOA's interest in the utility easement to the applicant. A plat note on the Amended Final Plat Grand View Park (Rec. # 97005037) also dedicates the utility easement to the public. Therefore, Grand County will provide a quitclaim deed conveying the County's interest in the utility easement to the applicant.

STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Lot 51 and Lot 52, Amended Final Plat, Grand View Park with the following conditions to be met prior to the recording of this amended final plat.

1. A quitclaim deed shall be provided that conveys all interest in the 10-foot utility easement from the Grand View Park HOA to the applicants.
2. A quitclaim deed shall be provided by Grand County that will convey all of the County's interest in the utility easement to the applicants.
3. Add a plat note that states: The purpose of this amended final plat is to combine Lot 51 and Lot 52, Amended Final Plat, Grand View Park to create Lot 52A by vacating the lot line and utility easement that bisect these lots.
4. A letter from the Grand View Park HOA stating that they approve of the lot combination and vacation of the utility easement shall be provided.
5. Replace all ampersands with the word "and".
6. The title of the plat shall be amended to read as follows:

AMENDED FINAL PLAT
LOT 51 AND LOT 52, AMENDED FINAL PLAT, GRAND VIEW PARK SUBDIVISION
LOCATED IN A PORTION OF THE SW1/4, NW1/4 OF SECTION 24, TOWNSHIP 3
NORTH, RANGE 76 WEST, OF THE 6TH P.M.
CONVEYANCE TO OWNER RECORDED AT RECEPTION #2015-005209

7. Label the new lot "Lot 52A". This change shall be reflected throughout the plat. Add a physical address to the plat. The address for "Lot 52A" will be 23 County Rd. 4573.
8. A part of the Dedication Statement shall be amended to read as follows:

...THAT HE HAS CAUSED SAID REAL PROPERTY TO BE LAID OUT AND SURVYED
AS AMENDED FINAL PLAT, LOT 51 AND LOT 52, AMENDED FINAL PLAT GRAND
VIEW PARK....

...THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS
____ DAY OF _____, 20_____, TODD A. LITKE.

9. Part of the surveyor's certificate shall be amended to read as follows:

...DO HEREBY CERTIFY THAT THIS AMENDED FINAL PLAT, LOT 51 AND LOT 52,
AMENDED FINAL PLAT GRAND VIEW PARK, TRULY AND CORRECTLY...

...THE MONUMENTS REQUIRED BY SAID STATUTE AND THE GRAND COUNTY
SUBDIVISION REGULATIONS HAVE BEEN....

10. Use the commissioner's certificate that is required by the Grand County Subdivision Regulations.
11. The homeowners association certificate shall be removed from the plat.
12. The ensuring statement shall reference the Grand County Subdivision Regulations
13. A statement showing that all current taxes have been paid shall be provided prior to recording.
14. An electronic version of the completed amended final plat will need to be provided prior to recording.
15. All recording fees shall be paid by the applicant.

Discussion

Melanie Zwick noted an error on Plat Note #1.

Ingrid Karlstrom asked why staff wants to remove the homeowners association certificate from the plat. Brett Hanlon stated that it is another signature to get and it does not need to be on the plat since we will have a letter from them in the file.

Marcus Davis asked why the setbacks are labeled on the plat. Mr. Hanlon stated that they will have them removed and put a note on the plat that all original plat notes will apply.

Sally Blea recommended approval of Amended Final Plat Lot 51 and Lot 52, Amended Final Plat Grand View Park Subdivision and Utility Easement Vacation, with Staff conditions, including adding Conditions to correct Plat Note #1 to read ABC and add Plat Note that reads "the original plat notes will apply". Marcus Davis seconded the motion. All members present voted "Aye". Motion carried. (Resolution No. 2016-3-1)

Amended Final Plat, Second Amended Lot 16, Block 4, Val Moritz Village First Filing

The applicants, Richard Messer and Ann Douden, are proposing an amended final plat that would vacate a lot line, thus combining Amended Lot 16 and Lot 13, Block 4 of the Val Moritz Village Subdivision. The applicants are the current owners of both of these lots. In 2014, the applicants had an amended final plat approved that combined Lot 14, 15 and 16, Block 4 Val

Moritz Village Subdivision—creating what is now known as Amended Lot 16. There is a house that exists on Amended Lot 16. This lot is 2.84 acres in size. Lot 13 is 0.88 acres in size. When combined, the new lot—which will be known as Lot 16A—will be 3.72 acres. The 10-foot utility easement that currently bisects Lot 13 and Lot 16 will remain in order to service potential future utilities.

STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Second Amended Lot 16, Block 4, Val Moritz Village First Filing, with the following conditions to be met prior to the recording of the amended final plat.

1. A quitclaim deed shall be submitted to convey all interest in Lot 13 from Richard E. Messer and Ann W. Douden to Richard Messer and Ann Douden (In Joint Tenancy) so that there is common ownership of the parcels.
2. A plat note shall be added that states: The purpose of this amended final plat is to combine Amended Lot 16 with Lot 13, Block 4, Val Moritz Village First Filing.
3. A letter from the Village Lots Homeowners Association approving the combination of lots shall be submitted.
4. Add a label for County Road 88.
5. Label the new parcel "Lot 16A".
6. Label the physical address on the plat. The address for "Lot 16A" will be 2179 County Road 88.
7. The surveyor's certificate shall reference the Grand County Subdivision Regulations.
8. The commissioner's certificate that is required for the subdivision regulations shall be shown on the plat.
9. Reference the Grand County Subdivision Regulations in the ensuring statement.
10. The homeowners association certificate shall be removed from the plat.
11. A statement of taxes due that shows that all taxes have been paid shall be provided.
12. An electronic version of the plat shall be submitted.
13. All recording fees shall be paid by the applicant.

Discussion

There was discussion about how the applicant is leaving the utility easement on the plat.

Todd Clausen recommended approval of Amended Final Plat, Second Amended Lot 16, Block 4, Val Moritz Village First Filing, with Staff conditions. Ingrid Karlstrom seconded the motion. All members present voted "Aye". Motion carried. (Resolution No. 2016-3-2)

Amended Final Plat, Lot 4 and Lot 5, Block 21, Innsbruck-Val-Moritz

The applicants, Pat Tabet and Lynn Tabet, are requesting an amended final plat that will combine Lots 4 and Lot 5, Block 21, Innsbruck-Val Moritz and vacate the utility easement that currently bisects these two lots. The applicants currently own both lots. Both Lot 4 and Lot 5 are approximately .34 acres in size. When combined, the property will be .68 acres in size, or approximately 30,492 square feet. The applicants are proposing this amended final plat to create a parcel that is more viable for the construction of a new home. The amended final plat will also make the applicants' future home more accessible from County Road 8952. The 20-foot wide utility and drainage easement that bisects the two lots is dedicated to the Val Moritz Homeowners Association, which is now known as the Silver Creek Master Association. Grand County does not have the authority to vacate a utility and drainage easement that is not dedicated to the public. Therefore, a quitclaim deed conveying the Silver Creek Master Association's interest in the 20-foot wide utility and drainage easement to the applicants will need to be provided. If this is provided before the recording of the final plat, the easement

vacation can be shown on the plat. If it is not submitted, the amended final plat can still be recorded with the easement shown on the plat.

STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat Lot 4 and Lot 5, Block 21, Innsbruck-Val Moritz with the following conditions to be met prior to the recording of the final plat.

1. A letter from the Silver Creek Master Association stating they have approved the lot line and utility easement vacation will need to be provided.
2. A quitclaim deed shall be provided that conveys all of Silver Creek Master Association's interest in the 20-foot utility and drainage easement to the applicants.
3. The title of the plat shall be amended to read as follows:

AMENDED FINAL PLAT
LOT 4 AND LOT 5, BLOCK 21, INNSBRUCK-VAL MORITZ
LOCATED IN THE NW1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 76 WEST
OF THE 6TH P.M.
COUNTY OF GRAND, STATE OF COLORADO
OWNERSHIP IS RECORDED AT RECEPTION # 2015-007084 AND 2009-008843

4. The legal description shall be written as follows:
Lot 4 and Lot 5, Block 21, Innsbruck-Val Moritz.
5. Label County Road 8952 and the width of the right-of-way
6. Label the reception # where all of the easements are recorded (Rec.# 127907 and Book 341, Page, 329) and show the 30-foot wide utility and access easement.
7. Label the new lot "Lot 5A".
8. A part of the Dedication Statement shall be amended as indicated below:

KNOW ALL PEOPLE BY THESE PRESENTS: THAT PAT TABEL AND LYNN TABEL ARE THE OWNERS OF THAT REAL PROPERTY SITUATED IN GRAND COUNTY COLORADO, MORE FULLY DESCRIBED AS FOLLOWS: LOTS 4 AND LOT 5, BLOCK 21, INNSBRUCK-VAL MORITZ, THAT THEY HAVE CAUSED SAID REAL PROPERTY TO BE LAID OUT AND SURVEYED AS AMENDED FINAL PLAT, LOT 4 AND LOT 5, BLOCK 21, INNSBRUCK-VAL MORITZ, AND DO HEREBY...
9. Use the surveyor's certificate required by the subdivision regulations.
10. Spell out the names Pat Tabet and Lynn Tabet instead of writing Pat & Lynn Tabet throughout the plat.
11. Spell the names Pat Tabet and Lynn Tabet correctly
12. Use the commissioner's certificate required by the subdivision regulations.
13. Add a planner's certificate as required by the subdivision regulations.
14. Label the physical address on the plat (486 County Rd. 8952).
15. Grey out the lot line to be vacated.
16. Take the zoning label off of the plat.
17. Add a plat note that states: The purpose of this amended final plat is to combine Lot 4 and Lot 5, Block 21, Innsbruck-Val Moritz by vacating the lot line and utility easement that currently bisect these lots.
18. Replace all of the ampersands on the plat with the word "and".
19. Add lot and block information for the surrounding properties.

20. Show a portion of the lot lines of the surrounding properties.
21. Provide proof of current taxes paid prior to recording.
22. Provide an electronic copy of the approved final plat prior to recording.
23. All recording fees are to be paid by the applicant.

DISCUSSION

Todd Clausen brought up drainage issues that may be created with this lot. Bill Gray, Robert Franek and Brett Hanlon discussed this at length with Mr. Clausen.

Marcus Davis asked to have the surveyor cleanup the plat by removing his hand/finger marker pointing to the lot on the portion of the vicinity map.

Ingrid Karlstrom recommended approval of Amended Final Plat, Innsbruck-Val Moritz Village, Lots 4 & 5, Blk 21, and Utility Easement Vacation with Staff conditions. Melanie Zwick seconded the motion. All members present voted "Aye". Motion carried. (Resolution No. 2016-3-3)

Amended Final Plat, Amended Lot 32, Amended Lot 33, Lot 34, Lot 39, Lot 41, Winter Park Highlands Unit 1

The applicant, Cress E. Carter, is proposing an amended final plat to combine five lots into two lots. To accomplish this, the applicant is proposing to vacate the lot line that exists between Lots 34 and 39 in order to create a 3.40 acre parcel to be named "Lot 39A". The existing Lot 39 has a home on it and it is accessed off of County Road 852. The current Lot 34 features a slope in excess of 40 degrees that makes the site difficult to develop. The applicant has no plans to build on the existing Lot 34. It will simply be added to Lot 39 to create a larger lot. Further, the applicant is proposing to vacate the lot lines that exist between Lots 32 and 33 and Lots 32 and 41. When these lot lines are vacated, a new 8.49 acre parcel, to be known as "Lot 41A", will be created. All three of these existing lots are vacant. Lots 32 and 33 are very steep and will be difficult to build on. If the proposal is approved, the applicant plans to build a new home just north of the current boundary of Lots 32 and 41.

The applicant is also proposing to vacate the 10-foot utility easements that exist along the rear lot lines of each parcel. These easements are not dedicated to the public and therefore the County does not have the authority to vacate them. In the Winter Park Highlands Protective Covenants recorded in 1969 at Book 164, Page 376, the developer, Winter Park Highlands, Inc. reserved these easements for utility service lines. Considering the fact that Winter Park Highlands, Inc. is no longer an active corporation, it is the County Attorney's determination that the easement can be vacated only by receiving quitclaim deeds from each of the major utility companies that service this subdivision. This has been made a condition of approval. If these quitclaim deeds are not received prior to recording, the easement vacations cannot be processed in conjunction with this amended final plat.

Staff Recommendation

Staff recommends the approval of the Amended Final Plat, Amended Lot 32, Amended Lot 33, Lot 34, Lot 39, Lot 41, Winter Park Highlands Unit 1, with the following conditions to be met prior to the recording of this amended final plat.

1. Quitclaim deeds from Mountain Parks Electric, Xcel Energy, CenturyLink and Comcast conveying all of their interest in the 10-foot utility easements located along the rear property lines of Lots, 32,33,34,39 and 41 Winter Park Highlands Unit 1 to the applicant shall be submitted.
2. Add a plat note that states: The purpose of this amended final plat is to combine five lots into two lots and vacate the utility easements that exist along the rear property lines of these lots.
3. The title of the plat shall be amended to read as follows:

AMENDED FINAL PLAT
AMENDED LOT 32, AMENDED LOT 33, LOT 34, LOT 39, LOT 41, WINTER PARK
HIGHLANDS UNIT 1

BEING A REPLAT OF AMENDED LOT 32 AND AMENDED LOT 33, AMENDED FINAL
PLAT WINTER PARK HIGHLANDS UNIT 1, RECEPTION NO.96005481
AND LOT 34, LOT 39, LOT 41, WINTER PARK HIGHLANDS UNIT 1, RECEPTION NO.
109677

LOCATED IN A PORTION OF THE E1/2 OF SECTION 27
TOWNSHIP 1 NORTH, RANGE 76 WEST, 6TH PM
COUNTY OF GRAND, STATE OF COLORADO

CONVEYANCE TO OWNER RECORDED AT RECEPTION #2011-006104, 2013-
006696, 2011-005580 AND 2011-002472

4. A correct legal description will need to be determined. This legal description will need to be included in the dedication statement. A suggested legal description is:

Lot 34, Lot 39 and Lot 41, Winter Park Highlands Unit 1, according to the plat recorded at Reception No. 109677. And Amended Lot 32 and Amended Lot 33, Amended Final Plat Winter Park Highlands Unit 1, according to the plat recorded at Reception No. 96005481, except any portion of subject property shown on the survey by Azimuth Survey Company dated October 11, 2004, Job No. 04054, and recorded February 23, 2005 at Reception No. 2005-001783.

5. Label where the 10-foot utility easements along the road right-of-way are recorded (Rec. # 109677) Also, label where all of the other easements on the properties are located (Rec. # 2006-003447, 2006-003448, 2006-003449, 2006-003450, 2006-003451, 2008-00748).
6. Label the new lots "Lot 39A" and "Lot 41A".
7. Label the physical addresses on the two new plats. "Lot 39A" will have the address of 857 County Road 852. "Lot 41A" will have the address of 893 County Road 852.
8. Add county road numbers for Elk Run (County Road 8424) and Bear Paw Drive (County Road 852) and label the width of each of these rights-of-way.
9. A part of the Dedication Statement shall be amended to read as follows:

...THAT HE HAS CAUSED SAID REAL PROPERTY TO BE LAID OUT AND SURVYED AS AMENDED FINAL PLAT, AMENDED LOT 32, AMENDED LOT 33, LOT 34, LOT 39, LOT 41, WINTER PARK HIGHLANDS UNIT 1, AND DOES HEREBY...

An accurate legal description will also need to be determined and incorporated into this dedication statement.

10. Part of the surveyor's certificate shall be amended to read as follows:

...DO HEREBY CERTIFY THAT THIS PLAT OF AMENDED FINAL PLAT, AMENDED LOT 32, AMENDED LOT 33, LOT 34, LOT 39, LOT 41, WINTER PARK HIGHLANDS UNIT 1, AND DOES HEREBY....

The surveyor's certificate required by the subdivision regulations shall be used. Currently the subdivision exemption surveyor's certificate is on the plat.

11. The commissioner's certificate required by the subdivision regulations shall be used.
12. Add a planner's certificate that is consistent with the subdivision regulations.
13. A letter from the Winter Park Highlands HOA stating that they approve of the combining of five lots into two lots and the associated vacation of utility easements shall be provided.
14. Note of Relevance #1 shall be updated to reference the updated title policies for each lot.
15. A notary signature line shall be added under the lienholder's signature line.
16. Add lot and block information for the surrounding properties.

17. Show a portion of the lot lines of the surrounding properties.
18. A statement of taxes showing that all current taxes have been paid shall be submitted prior to recording.
19. An electronic copy of the amended final plat shall be submitted prior to recording.
20. All recording fees are to be paid by the applicant.

Discussion

Cress Carter introduced himself as the Applicant. He has no concerns with the staff report.

There was a lengthy discussion of “reserved utility easements” and how to legally get them off the plat. Melanie Zwick wondered about any rules on social trails that go through this property. Mr. Carter stated that it is now private property with signs on his lots but he will allow foot traffic in certain areas.

Marcus Davis started a discussion on Winter Park Highlands, Inc, HOA Covenants from 1969 and their existence. Mr. Franek clarified this and discussed the Amended Covenants and how it all relates to today.

Melanie Zwick recommended approval of Amended Final Plat, Amended Lot 32, Amended Lot 33, Lot 34, Lot 39, Lot 41, Winter Park Highlands Unit 1, with Staff conditions. Sally Blea seconded the motion. All members present voted “Aye”. Motion carried.
(Resolution No. 2016-3-4)

Meeting was adjourned at 7:28 PM.