

**GRAND COUNTY PLANNING COMMISSION
MEETING MINUTES**

Wednesday, February 14th, 2018

MEMBERS PRESENT: Ingrid Karlstrom Todd Clausen
 Steve Sery Marcus Davis
 Sally Blea Jennifer Scott
 Marcy Monnahan Bob Gnuse

MEMBERS ABSENT: Joe Gould

STAFF PRESENT: Thomas Leatherwood Alex Taft
 Carolyn Derby Bob Franek

The February 14th, 2018 Grand County Planning Commission meeting was called to order by Chairman Marcus Davis at 6:31 P.M.

Roll call of all Planning Commissioners and Grand County staff

Welcome, Introduction and background of new Planning Commissioner Bob Gnuse

Reelection of Chairman Marcus Davis

 Motion was made by Ingrid Karlstrom to reelect Marcus Davis as Chairman of Planning Commission for the 2018 year. Second motion was made by Steve Sery. All in favor "Aye". Motion carried.

Reelection of Vice Chair Ingrid Karlstrom

 Motion was made by Marcy Monnahan to reelect Ingrid Karlstrom as Vice Chair of Planning Commission for the 2018 year. Second motion was made by Jennifer Scott. All in favor "Aye". Motion carried.

Marcus Davis announced that he has been working with planning staff to get meetings back on track and on a consistent basis. Planning Commission meetings will remain the second Wednesday of the month at 6:30PM following Board of Adjustments at 5:30PM.

Jennifer Scott commented that she is getting emails from staff requesting an attendance reply but is not always getting the email sent out by staff with the meeting presentations/staff reports. Staff will make sure email is correct in Planning Commission group email.

The Ranches at Devils Thumb Ranch- Preliminary Plan

Presented by Thomas Leatherwood, Community Development Director.

Jeff Vogel of Vogel and Associates presenting on behalf of The Ranches at Devils Thumb, Inc.

DISCUSSION

The Ranches at Devil's Thumb, Inc is the owner of 560-acres that is located west of the Town of Fraser and situated between GCR 8 on the south and GCR 83 and Devils Thumb Ranch Resort on the north.

The property was originally owned by Quad Ranch, LLC and subsequently transferred to The Ranches at Devil's Thumb Inc.; this change has been properly recorded with the Grand County Assessor.

The property is not contained within an Urban or Rural Growth Boundary as defined by the 2011 Master Plan.

Overall, the property is undeveloped and has been utilized for agriculture and recreation. Both winter and summer Devils Thumb Ranch trails are located on a portion of the property. In the last decade there has also been a considerable amount of forest management on the property.

Adjacent land uses include low-density residential and Devils Thumb Resort.

Access to property is from GCR 8 and GCR 83.

The property generally slopes downward from the south to the northeast. Slopes across the site range from 5% to 35%. There are a few minor drainages through the property.

There are two main soil types on the property and they are Cowdrey loam and Gateway loam. These soil types do have a high shrink swell potential which is their most limiting characteristic with respect to community development. Adequate control of surface runoff and minimizing steep cut slopes will be necessary with road design to avoid excessive erosion of roads and driveways. In addition, site specific soils investigation will be necessary to ensure foundations and OWTS's are properly designed and constructed.

Radon gas is a potential hazard in most areas of Grand County. The only way to determine radon levels is to test for it after construction and most homes with at grade or below grade levels will have radon levels that exceed EPA acceptable indoor radon levels.

Project Description:

The Applicant is proposing to subdivide the 504 acres using the County's Rural Land Use Process (aka Cluster Development). This Rural Land Use Process is in place as an alternative to the traditional 35-acre subdivision, to encourage clustering of residential dwellings, preserve open space and reduce extension of roads and utilities to serve the development. In addition, the process authorizes a density bonus not to exceed two (2) units for each 35-acre increment (e.g., $1,000 \text{ acres} / 35 \text{ acres} = 28 \text{ units} * 2 = 56 \text{ total lots}$) and requires at least 67% dedicated open space.

The proposed application calls for a total of 17-lots that range in size from 13-acres to 33-acres. Under the cluster development regulations the Applicant could propose up to 18 lots.

Each lot would have a prescribed building envelope. The building envelopes range in area from just under 1-acre to 2.4 acres. The development, not counting roads and driveways, will only impact 25.9 acres of the total development area. The total amount of land dedicated for common open space totals 225.6 acres or 67% of the total development area. If you factor in the undeveloped areas for each lot that is "reserved" as open space, the total open space area is approximately 75%. The proposed configuration clusters the residential sites around the perimeter of the development, takes advantage of the topography that is best suited for development, and provides each site with views into the open space areas and outward to the Continental Divide and Byers Peak.

Access to the development is proposed by a private road system that will connect to GCR 8 and GCR 83. The road is proposed as a low volume road that would be gated at each end so that vehicular access is limited to the lot owners within the subdivision, and the roadway would not be used from the south as a publically accessible connector route to Devils Thumb Ranch Resort. However, the developer proposes that emergency vehicles would be able to access from both county roads. The majority of the lots will be accessed from the main road system. Lots 1 and 2, and Lots 14 and 15 have access by way of a shared driveway.

Each lot will be served by an on-site well and on-site wastewater treatment system (OWTS). Based on utilities in the area, the development is in a location where there is adequate access to electric, gas, phone and cable. The Applicant shall consult with all utility providers prior to submitting the preliminary plan.

Community Development Director Thomas Leatherwood gave a brief update on The Ranches project. Since the sketch plan presentation to the Planning Commission the applicant made a request to the Grand County Board of County Commissioners (BOCC) for site disturbance. Rough infrastructure was approved by the Board of County Commissioners and improvements have already been started. A \$945,000.00 Subdivision Improvement Agreement was put in place in November. Meetings were held with the applicant, Grand County Road and Bridge Director and County Engineer regarding the road to South to the North connecting to county road 83. Currently there is

not a provision in our regulations that state two roads cannot run parallel to one another. The road's location was strategically placed there to preserve open space known as Molly's Meadow as well as to maintain slope in order to maintain the open space and wetlands in that area. The applicant agrees to the condition to mitigate noxious weeds and will also preserve the natural conditions and vegetation of the land. The use of permeable surfaces have not been adopted. This type of surface is usually used in driveways, private roads, and small parking lots not in high density areas. There has been a condition added regarding the onsite waste water treatment system (septic system): around 1/3 or 6 of the 18 lots will have percolation and soils test done. One last major issue that has come up in the past is proof of mineral rights. One way to verify mineral rights is to notify relevant parties with their intent or to have the applicant/owner in this case Bob Fanch compose a letter stating he is the owner of the property and the owner of all mineral rights on subject property. In this case, the applicant Bob Fanch has provided this letter. County Attorney Bob Franek deemed this suitable to meet the mineral rights requirement.

Follow up provided by Jeff Vogel of Vogel & Associates

Jeff reassured the Planning Commission that the land plan is consistent with the sketch plan presentation in that everything remains the same. They have the same goal in mind of preserving 67% of common open space. The common easement will be maintained by the homeowners/homeowners association. Jeff has been in contact with the Headwater Trails Alliance group stating they have reviewed and approved the project. The public access to the trails will remain the same. Nonresidents will need to purchase a day pass at Devils Thumb Ranch for access. Colorado Geological Survey conditions are currently in process. Like Tom Leatherwood stated, they will be doing percolation and soils test on 6 of the 18 lots. Also reiterating what Tom said about the road being approved where it is, is to preserve Molly's Meadows, to protect the wetlands and due to the topographical area this site makes the most sense. Mountain Parks Electric and Xcel Energy have been contacted and they are coordinating the layout of the utilities.

PUBLIC COMMENTS

Tim Hartman has no questions at this time.

PLANNING COMMISSION DISCUSSION

Steve Sery – There is water available to the residence but where will the water come from for the fire department?

Jeff Vogel – East Grand Fire District will have full access to the fire hydrants and an underground water tank on Devil's Thumb Ranch. They did receive a letter from East Grand Fire that is in full support of the rural cluster development however another letter was received that seemed there has been some miscommunication as Devils Thumb

Ranch is on well and septic and not water and sewer. Fire wise conditions will be met as they have been clearing dead pine beetle trees for years on the ranch.

Ingrid Karlstrom- There needs to be clarification of the total acreage in the certificate. At one point in the staff report it references 560 total acres but then on page two it says 504 acres is being subdivided. There needs to be consistency in the report. This issue was brought up at Sketch Plan. Also, the write up says the lots range in size from 13 acres to 33 acres but in one of Jeff's letters it states the lots range in size from 16.4 to 28.2 acres. It also says that only 25.9 total acres are being impacted by the development, is this the total of the building envelopes. On page 8, #11 it states that the preliminary tests have been conducted on individual (blank) will be required. Should it say preliminary test have been conducted on individual lot will be required? Page 14 says drive ways and access to 3 homes or more will need a road, is this correct? On the plat Homer's Heifers is spelled wrong and needs to be corrected. Is everyone getting a domestic well? Will the gates to the North and South be remote controlled, if so will they still work with high amounts of snow? Address the two roads- is there any trees there to help provide some kind of a buffer between them? Is there any way to plant some trees to help add a buffer?

Jeff Vogel – There is 341.1 acres in the rural cluster boundaries site plan. Of that 341.1 acres 223.7 acres are the home sites and 3.8 acres is a tract which is Thunder Road located to the South. The plat is correct showing the lots range in size from 16.4 acres to 28.2 acres. 25.9 acres is the total of the building envelopes. Test on the lots have not been done so this needs to be removed. All lots will have a domestic well due to rural cluster development plan. The Colorado state legislation says due to the requirements met on a rural development they can have a domestic well and they do not have to do an augmentation plan. The gates will be remote controlled. If for some reason they do fail there will be turn around place for the residences, however the road will be maintained by the homeowners association. Due to the pine beetle there are not a lot of trees between the two lots there are some aspen and some saplings. Planting trees could be considered, however, there isn't any irrigation.

Bob Gnuse – What is the closest distance the two road become parallel to each other? The alignment of the road on the Southern portion - what is the max height section and cut?

Jeff Vogel – The closet distance the two roads run parallel is 60'. We used 3/1 maximum cut 2' on the side slope. It was laid out on center line on grade which is a common practice in mountain terrain.

Marcy Monnahan – What is a crash gate? Is that referring to the remote controlled gate and will the fire department have access to this.

Jeff Vogel – It is a term used to refer to the remote controlled gate. It is a type of gate that is used throughout the county and one that East Grand Fire has asked us to use.

Jennifer Scott – What are the upgrades to County Road 83 and why not to County Road 8? Going forward I would like to see Thunder Road being referred to as County Road 83 to stay consistent.

Jeff Vogel – County Road 83 was paved 2-3 years ago, in which Bob Fanch paid half of the cost and the county paid the other half. We agreed that when it needs to be resurfaced the homeowners association would pay to cover their portion. Changes will be made to address County Road 83 by County Road 83 and not Thunder Road.

Marcus Davis –By reading the Rural Land Use (RLU) regulations on page 26, it does not state that percolation test or soils test be done prior to preliminary plat. This is poorly written and is highly recommended this be researched. Make sure you are in compliance with the state septic requirements. Normally at this point we would be reviewing the CC & R's which were not included in the packet. Updated SIA, CC&R's, Quit Claims Deeds (CCD), and the Title Commitment were not included in the packet therefore without all the proper required documentation how can Planning Commission take a vote. Section E page 26 states that Planning Commission does not see the final prior to approval by BOCC. These are minor details and will be reviewed by legal and BOCC prior to approval. Are the members of the Planning Commission ok with moving forward and making these conditions? The reason why we would want to see the CC&R's is to make sure the design review requirements meet our Master Plan guidelines.

Tom Leatherwood – It will be required that all lots have a soil report and perc test done prior to the building permits being issued. CC&R's have been provided but were not included in the staff report due to the size of the document.

Bob Franek – It is up to the Planning Commission if they would like to make the missing documentation conditions that have to be provided at final and approved by the Board of County Commissioners.

Jeff Vogel – We have worked hard to provide these documents and would kindly ask that these be made a condition at final. Design Review Requirements are not on the plat but are in the CC&R's. The landscaping has to be native, no lawns or irrigation, downward facing lights, non-reflective glass, no fencing, outdoor pools, and courts. This is set to Devils Thumb Ranch's scheme. Devils Thumb Ranch is very restrictive. There is not minimum square footage. The Design Review Requirements are very comprehensive and articulate.

Steve Sery – Requested that these documents be made a condition and have legal review so it doesn't hold up the project. The applicant has supplied the information

and I don't think it would be proper for us to hold up approval or denial or voting on this because of a situation that can be corrected between staff and Board of County Commissioners.

Ingrid Karlstrom – Agreed with Steve Sery and feels confident that it will be handled correctly and these documents can still be emailed to us.

Marcy Monnahan – In the building envelopment can they only build a home and an attached garage? Can they build a shed?

Jeff Vogel – No other structures like a shed or a stable will be allowed to be built on the property.

Marcus Davis- The conditions I am seeing are the following:

- Confirmation from the state with regards to the water
- Confirmation from county engineer and director of community development regarding appropriate activity to move forward on septic
- Confirmation of acreage on lots and open space
- Review of Quit Claim Deeds
- Correction to the spelling of "Homer's Heifers."

Motion was made by Ingrid Karlstrom to approve The Ranches at Devils Thumb Ranch – Preliminary Plan with all new and prior conditions as discussed, 2nd Motion Marcy Monnahan. All in favor "aye".

PROPOSED BUIDLING AND FIRE CODE UPDATES

Thomas Leatherwood – The information provided regarding the Building and Fire Code changes is for review by the board as it will be presented next month.

OTHER MATTERS DISCUSSED

Tom Leatherwood announced that Alex Taft has accepted the position as Grand County Planner 1 and they will be hiring someone to take Alex's place as Planning and Zoning Technician. Marcie Rodriguez who was not present has been hired on a temporary basis as Administrative Assistant to help with short term rentals.

Motion to adjourn was made by Steve Sery and 2nd motion was made by Ingrid Karlstrom. All "Aye".

Meeting Adjourned by Chairman Marcus Davis at 8:15 P.M.