

**GRAND COUNTY PLANNING COMMISSION  
MEETING MINUTES**

**Wednesday, May 9<sup>th</sup>, 2018**

**MEMBERS PRESENT:**    Ingrid Karlstrom                      Todd Clausen  
                                 Bob Gnuse                                      Joe Gould  
                                 Sally Blea                                      Jennifer Scott  
                                 Marcy Monnahan                          Steve Sery

**MEMBERS ABSENT:**    Marcus Davis

**STAFF PRESENT:**        Thomas Leatherwood                      Alex Taft  
                                 Carolyn Derby                                  Robert Davis  
                                 Richard Hubler

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The May 9th, 2018 Grand County Planning Commission meeting was called to order by Vice Chair Ingrid Karlstrom at 6:30 P.M.

Roll call of Grand County staff and Planning Commission members

Approval of February 2018 Planning Commission Meeting Minutes.

Motion was made by Steve Sery to approve with discussed typo corrections. Second by Todd Clausen. All in favor "Aye". Motion carried.

Introduction of the new Community Development Director Robert Davis by Thomas Leatherwood. Comments by new Director, Robert Davis.  
Re-introduction of Richard Hubler, who was present at April meeting.

**OWTS REGULATIONS, CDPHE RULE #43**

Presented by Richard Hubler, Planning & Building Technician

**DISCUSSION**

Background

- Updated regulations approved by CDPHE became effective June 30, 2017
  - Grand County must adopt regulations at least as stringent by June 30, 2018
- 2017 Update provides clarification to existing Regulation 43 (2013 version)
  - Changes summarized beginning on page 107 of PDF file
  - Replaced "shall" with "must" or "will" when a condition is "required"
  - Definitions added or reworded to align with other Colorado Regulations
  - Limitations on some items- cesspools, failures, compliance time
  - Clarification about test pits, site evaluations, percolation tests
  - Reclassifications of soil types, alternative systems, flow sources
  - Requirements for cleanouts, grease interceptor
- Changes are required for adoption and generally follow existing formatting

Staff Review Comments

- 43.4 K Licensing of Contractors and Servicers (Not currently adopted, suggest that we leave it out)
- 43.4 L Transfer of Title Inspections (Not currently adopted, suggest that we leave it out)
- 43.4 M Permit for Continued Use (Not currently adopted, suggest that we leave it out)
- 43.6 A (f) Increase number of persons per bedroom to two for all bedrooms-recommended
- 43.8 B (1) All OWTS shall be designed & stamped by RPE-required presently, recommended

The document as presented results form a line by line review of the existing OWTS regulations in Grand County compared to the version created by CDPHE.

**PLANNING COMMISSION DISCUSSION**

Ingrid Karlstrom- Authority to know if we need these provisions? Who's the expert?

Richard-BOCC as Board of Health will adopt, following recommendations from Planning Commission. We cannot suggest regulations less stringent than state, so the items specified were

already allowed in our discretion by the CDPHE. This evening's comments will inform document that CDPHE reviews and BOCC approves.

Ingrid Karlstrom- Does staff recommend adopting provisions for Licensing, title transfer, and continued use permit?

Richard-No. We don't have capacity to operate licensing program. Building Services is happy with existing system, primarily because engineering is involved in plan. Transfer of Title inspection may verify functionality of existing systems that may have failed due to non-traditional use from Short Term Rentals or second homes, but not interested in adopting this provision at this time, due to burden on county to manage such a program. We may add this provision to the regulations at a later date. Permit for continued use would be overly burdensome on county to manage.

Sally Blea-Doesn't program already exist that requires homeowner to periodically inspect and submit reports to the county? Shouldn't the county require this of everyone, as older systems are the problem? Three lakes water and sanitation during septic variances assumed county was following up if inspection required, but truth was it wasn't happening. County should consider making everyone send in reports.

Richard-Not uniformly, depending on development or subdivision. May consider permit for continued use on decade basis, but CDPHE language requires follow-up beyond what is currently happening.

Ingrid-older systems lack inspection ports and may be grandfathered.

Richard-Existing systems are exempt from newer regulations, but the Continued Use Permit is used to bring existing systems under current regulations, Building Services doesn't feel the need for this, as systems are engineered.

Bob Gnuse-Regarding Section 43.6A, the increase in short term rental suggests we require calculations based on 2 per room for every room.

Richard-State give us the option, staff recommends 2 per room for all rooms.

Ingrid- What is a mound system, NDDS, incinerating toilet?

Richard-These types of OWTS are included in existing Grand County regulations but are rare or non-existing in Grand County.

### **Public Comments**

Dave Eddy-Do living rooms or game rooms with pull out couches count as bedrooms?

Richard-No. Regulation defines bedroom.

Motion made by Joe Gould to approve without licensing program, title transfer inspections, or permit for continued use and to increase to 2 persons for all bedrooms. Motion second by Bob Gnuse. All in favor "Aye". Motion carries unanimously.

## **BELLE FOURCHE SUBDIVISION – SKETCH PLAN**

Presented By Alex Taft, Planner

### **DISCUSSION**

The applicant is proposing a 22 lot subdivision for construction of single family and duplex units. The plan substantially meets the development criteria as required in the urban growth area plan, which includes Winter Park Ranch and The Summit at Winter Park Ranch subdivisions.

The units will be served by water and sewer via Winter Park Ranch Water and Sanitation. Electric service will be supplied by Mountain Parks Electric.

Both of these utilities will be plat review agencies during preliminary plat.

Each lot proposed will require a driveway to access either Cougar Ave or Caribou Ave.

The current owners purchased the parcel in December 2016, as shown in the assessor's records. The Applicant's intent is to create lots for single family homes or duplex units.

### **History –**

The initial plat for all of Winter Park Ranch was completed in six separate filings platted between 1965 and 1980.

The Summit at Winter Park Ranch, a re-plat of a portion of the second filing and a portion of the third filing was

platted in 1982 and recorded at Reception No.197823. The historical intent of Summit at Winter Park Ranch was to create a "time-share" resort development.

Winter Park Ranch has been identified in the master plan as an urban growth area originally formed in 1998. The density is supported by services such as public water and sewer facilities.

### **STAFF RECOMMENDATION**

Staff recommends the approval of the Belle Fourche Subdivision - Sketch Plan with the following conditions to be met *prior to submitting an application for preliminary plat approval*:

1. The applicant shall submit updated and additional reports including:
  - a) Traffic impact analysis;
  - b) Geotechnical analysis; and
  - c) Phase I drainage report.
2. The applicant shall supply reports containing information on areas with potential radiation hazards, to be included with submittal of Preliminary Plat.
3. Erosion and drainage control Best Management practices (BMPs).
4. The applicant shall detail the available open space on site.
5. Plat review agencies during preliminary plat shall include: MPEI, Xcel Energy, Comcast, Century Link, Winter Park Ranch WSD, Headwaters Trail Alliance, Colorado Forest Service, East Grand Fire Protection District, Town of Fraser and Town of Winter Park.
6. The applicant shall meet all other preliminary plat requirements not specified in this report.

### **PLANNING COMMISSION DISCUSSION**

Jennifer Scott-I like single family smaller homes versus timeshares. Can you drop Cougar and Caribou street names, or use county road numbers as main designation? Trail on lot line from Winter Park Ranch HOA or Subdivision.

Alex-Several trails run through Winter Park ranch, we suggest applicant consult HTA regarding access.

Marcy Monnahan- Was sign posted as required?

Alex-Yes, 1 sign was verified.

Todd Clausen- Access off Caribou and Cougar, what is access for lot 2?

Alex- Lot 2 access off Bryant.

Bob Gnuse-Does this require 2 step process to combine then divide? Has that already happened?

Alex-applicant owns both lots, so all done together, now.

Jennifer Scott-Who is responsible for Bryant, as it's not a completed road yet?

Alex-That portion of Bryant is developed, will verify acceptance prior to BOCC, otherwise this property owner.

### **Public Comments**

Gene Palumbo- Winter Park Ranch resident/homeowner. Slide shows density different on different slides.

Alex-Density is about 3 dwelling units per acre, typical for area.

Chuck Miller- live on Caribou. They tried to eliminate our named roads, but county road numbers are so similar, so signs have names and numbers now. Are you trying to get variance of these lots in this layout? What is developer's plan-building, selling?

Alex- No Variance, this is sketch plan phase for this development. Variance for nearby lot in different project at different meeting next week.

Mike Swisher-Represent the developer. Right now, no plan to sell lots, feel they can do more with them as separate lots than in 2 larger parcels.

Nile Renquist-live on Cougar, just down the road. Do you have larger scale map to show adjacent lots? Lots sizes being proposed are about half of existing lots, density is about twice what it is now. My concern is that it would change the character of the neighborhood.

Karla Miller- Why don't you have slides of the way neighborhood is now so you can get true representation of family homes, and show where we live and how this would impact us?

Alex-Staff feels that since the western portion is all condos, this is a reasonable development to transition between single family homes with larger lots and existing condos.

Gene Palumbo- This is not smooth transition, have you been up there? Can't say this is a smooth transition. The density is not twice as indicated, but increases between 2.5 to 3 times the density on cougar. All lots on Cougar are  $\frac{3}{4}$  acre and all 340 lots in Winter Park Ranch average  $\frac{3}{4}$  acre. WP Ranch platted 1964, so character, lifestyle, my financial investment is predicated on size of lots and homes we built. Six houses currently on Cougar Ave, 5 on the West 1 on the East. You're bringing 11 houses on each side of the road butting up to million dollar homes. You had earlier wording about bringing affordable housing on a million dollar street. I'm concerned this will dilute my investment and my neighbors, including those who didn't come tonight. This applies to Caribou and Cougar, and next item on the docket. We do not support this, how dare you delete my investment with affordable housing in a million dollar neighborhood.

Chuck Miller- All of us in Winter Park Ranch agree with Gene. Already too many rental properties in a family oriented neighborhood. Five bedroom house down the street has 30 people. Can see even more rentals. Concerned about drainage, infrastructure from Sanitation district or Mountain Parks electric. Appreciate concern about local trail system, traffic impacts from users, bikers, dog walking. Bryant is developed and is the main artery into our neighborhood, traffic will come by all our houses with dust and speeding. Consider our way of life.

Mike Swisher-Going through the Sketch Plan process to get feedback. Will put this feedback into our plan, we're not trying to ruffle feathers, just want to do something with the land.

Gene Palumbo-- Something will occur here, but keeping with  $\frac{3}{4}$  acre density on Cougar would allow you to build 9 homes total. I'd like to see 9 homes as 22 homes is ludicrous.

Mike Swisher- Our intention wasn't to build affordable housing or rental properties.

Ingrid-County does have goal to increase attainable housing.

Unidentified audience member- not in million dollar neighborhood. Why won't you listen to us?

Ingrid-This is allowed by county regulations and developer is willing to work out details, but demand for  $\frac{3}{4}$  acre lots isn't necessarily right either, maybe  $\frac{1}{2}$  or  $\frac{2}{3}$  compromise.

Gene Palumbo-What is next? Follow-up meeting?

Joe Gould-We are not deciding body. We make recommendation to BOCC. Would  $\frac{1}{2}$  acre be transition? There is transition between where you are and condos if that was proposed?

Chuck Miller - I understand building, I'm building in town of Winter Park, with lots of approvals. We don't have that luxury in the county, so we're here fighting for our neighborhood. We want it analyzed, done proper, fit in the neighborhood and pricing structure. If these houses on these lots are in line with our pricing, our architecture, and our way of life, then yes. Timeshares didn't go anywhere, single family homes are better but problem with size. We want all things considered

Carol Kissinger- live on mulligan. I Can count ten homes built or under construction in last year. We've already noticed an increase in traffic, so feel 22 homes is extreme on such beautiful property, with gorgeous trail and ton of trees. I understand Winter Park Ranch property values have skyrocketed, and in favor of attainable housing, maybe compromise with smaller houses on bigger lots. Trails are highly used, and have re woodland orchid called fairy slipper.

Chuck Miller- Phenomenal wildlife-elk bear, moose, fox, coyote, pine marten. More density means more difficult to view wildlife.

Motion made by Jennifer Scott to approve with recommendations and input from audience. Motion second by Sally Blea, All in favor "aye". Motion carries.

## **COUGAR AT THE SUMMIT SUBDIVISION –SKETCH PLAN**

Presented by Alex Taft, Planner

### **DISCUSSION**

The applicant is proposing an 11 lot subdivision for the construction of single family and duplex units. The plan substantially meets the development criteria as required in the urban growth area plan, which includes Winter Park Ranch and The Summit at Winter Park Ranch Subdivision plat.

The units will be served by water and sewer via Winter Park Ranch Water and Sanitation District. Electric service will be supplied by Mountain Parks Electric.

These utilities will be plat review agencies during preliminary plat.

The lots proposed will each require a driveway to access Cougar Ave.

The current owners purchased the parcel in December 2016, as shown in the Assessor's records. The Applicant's intent is to create lots for the construction of single family or multifamily dwellings.

### **History –**

The initial plat for all of Winter Park Ranch was completed in six separate filings platted between 1965 and 1980.

The Summit at Winter Park Ranch, a re-plat of a portion of the second filing and a portion of the third filing was platted in 1982 and recorded at Reception No.197823. The historical intent of Summit at Winter Park Ranch was to create a "time-share" resort development.

The Winter Park Ranch has been identified in the master plan as an urban growth area originally formed in 1998. The density is supported by services such as public water and sewer facilities.

### **STAFF RECOMMENDATION**

Staff recommends approval of the Cougar at the Summit - Sketch Plan with the following conditions to be met *prior to submitting an application for preliminary plat approval*:

7. The applicant shall submit updated and additional reports including:
  - a) Traffic impact analysis;
  - b) Geotechnical analysis; and
  - c) Phase I drainage prior to preliminary plat submittal.
8. The applicant shall supply reports containing information on areas with potential radiation hazards, to be included with submittal of Preliminary Plat.
9. Erosion and drainage control Best Management practices (BMPs).
10. The applicant shall detail the available open space on site.
11. Plat review agencies during preliminary plat shall include: MPEI, Xcel Energy, Comcast, Century Link, Winter Park Ranch WSD, Headwaters Trail Alliance, Colorado Forest Service, East Grand Fire Protection District, Town of Fraser and Town of Winter Park.
12. The applicant shall meet all other preliminary plat requirements not specified in this report.

### **Comments by the Applicant**

Michael Kent—I represent the applicant. I thought we'd identified open space on the backs of lots.

Alex-submittal doesn't identify open space, just setbacks.

Ingrid Karlstrom -Can you indicate where you planned to put open space?

Michael-the lots are extremely deep and generally uphill. WE had reserved as much as 1/3 on some lots for permanent open space. Apologize for not being on the plan. Generally we're not planning on developing the rear of most of the lost, approximately 1/3. Rear being the side not on the road. Assume trail continuance reserved as permanent open space, happy to put deed restriction so that can't be built on.

### **PLANNING COMMISSION DISCUSSION**

Steve Serry-Will open space be maintained by individual lot owner? What was this property originally platted for?

Michael Kent-We'd like to avoid Homeowner's Association, can restrict by covenant. I understand it was originally intended to be like the condos adjoining, but don't know the history.

Sally Blea-When open space is platted, don't lots become smaller and descriptions change? Owners would have the entire lot including the open space, but it would be reserved as open space?

Michael Kent-Past projects have covenanted open space, and owners would pay taxes and maintain but can never build on open space. Acreage of lots remain the same.

### **Public Comments**

Gene Palumbo-These lots are across Cougar from the previous presentation, with same width of lots on the street.

Alex- These lots range between 65 and 70 feet of frontage.

Michael Kent – They do comply with the zoning requirement.

Gene Palumbo-Same Concerns of density and change of character as expressed in previous proposal.

Chuck Miller-Each of those lots have individual driveways, so now 22 new driveways coming onto the street. At some point will we see proposed buildings, driveways, landscape and drainage plans?

Michael Kent- That would be up to the builders who buy the lots. At the present we have no plans to build, owners are an investor group.

Unidentified audience member- Regarding marketability and salesmanship of lots- will you have criteria for builders, such as minimum square footage?

Michael Kent- Not at this time. Will point out that my real estate experience shows incredible changes in construction costs and home values. This year's million dollar houses were \$750 thousand five years ago. Numbers go up and down, and booms and crashes happen. Economics of building homes in 2000 square foot range is \$300 per square foot. Hard cost of construction of such home means \$600,000 without cost of lot or landscaping. It's not possible to build home for \$300-400,000 home. Rentals would require enormous numbers of people in any house to justify building a "flop house". County has horrible housing crisis, but doesn't make sense to mix that in this area. I'm not going to control what people do with their homes, but this won't be a low cost housing area.

Gene Palumbo-Heard Joe earlier talking about compromise, and I understand that. We as a community are most concerned with the density. Need consistency with rest of WP Ranch, ideally  $\frac{3}{4}$  acre, but I understand compromise. It's absolutely not multi-family homes or duplexes as Winter Park Ranch is a single family home community. Cougar Ave and Caribou are single family and there is a violent demarcation- no transition from the Timbers into these streets.

Nile Renquist- Understand comments about home sizes, but those size homes on those lots will be very close together.

Michael Kent- County has zoning regulations for front and side yard setbacks. We're simply saying we'll reserve open space and maintain trails. It's up to the buyer of the lot to develop.

Motion made by Joe Gould to approve with staff conditions and consideration for input received tonight. Motion second by Bob Gnuse. All in favor "aye". Motion carries.

Vice Chairman Ingrid Carlson called a 5 minute break at 7:44pm

The meeting was called back to order by Vice Chair Ingrid Karlstrom at 7:49pm

## **TVETER SPECIAL USE PERMIT- HEAVY EQUIPMENT STORAGE, EARTH-MOVING BUSINESS**

Presented by Richard Hubler, Planning & Building Technician

### **DISCUSSION**

This site has been owned by Mr. Tvester since 2004 and has a history of use for heavy equipment storage since that time. This request for a Special Use Permit is in response to a Notice of Violation dated January 19, 2018. Mr. Tvester would like to continue to operate his excavating business from this location and store heavy equipment behind the existing fenced area.

### **BACKGROUND**

William J. Tvester ("Applicant") is the owner of #132 Grand County Road 193, Grand County, Colorado lying north of the intersection of GCR 193 (Hemlock Dr.) and State Highway 134.

The Applicant owns and operates Expert Excavation, an excavating business that provides construction services in the following areas: 1) general excavation; 2) OWTS (septic) installation.

In October of 2017, following a site visit, Staff informed Mr. Tvester that he was in violation of Grand County Zoning Regulations (GZCR) for operating without a special use permit. After another site visit in January 2018, Staff notified Mr. Tvester that he was in violation of Resolution 2000-5-1 and Ordinance 6, commonly known as a blight violation, for inoperable vehicles and cast-off building materials. Staff subsequently followed-up with Mr. Tvester about the nature of activities occurring on his property related to his excavating business and the accumulated rubbish. A mutual agreement was reached that Mr. Tvester would apply for a Special Use Permit to operate his excavating business and store his equipment, and that he would address the accumulated rubbish.

In the last two weeks, Mr. Tvester has expressed to staff that he is currently removing inoperable vehicles, moving some items behind the wood fence and relocating the piles of rock located along GCR 193. He stated he is working to clean up

the property to appease his neighbors. Trees that he planted along the south of his property have mostly died, but he expressed a willingness to replant that boundary to provide some visual screening from CO 134, provided that it didn't interfere with snowplowing. This is indicated on the site & screening plan submitted with the application.

Complaints about equipment storage for this site date from 2009, when construction under a building permit was occurring. At that time, staff determined that Applicant's building permit allowed the storage and use of equipment necessary for the construction of his home (B08-0246) and shop (B08-0247). Operation of the business, Expert Excavation, from this property following this date without a Special Use Permit was in violation of GZCR and led to the most recent complaints.

### **STAFF RECOMMENDATION:**

Prior to hearing by BOCC the Applicant shall:

- Provide a list of all equipment by type that will be stored at the site.
- Provide a list of types of materials that will be stored on site.
- Remove any inoperable vehicles or other previously identified blighting factors.
- Submit updated screening plan to Community Development Department for review and approval. This plan shall be drawn to scale, identify viewsheds, and provide adequate screening including those views from CO 134 & GCR 193.
- Supply proof of (or obtain) building permit for fences over 6 feet in height, including existing fence and any additions or changes, as applicable.
- Complete final inspections for open Building Permit B08-0247: shop with living space.
- Register as a contractor with Grand County Building & Sanitation Department.
- Update DOT registration for Expert Excavation business

### **PERMIT CONDITIONS:**

Staff Recommends approval of the requested Special Use Permit with the following conditions:

- Permit shall initially be for a term of 3 years, with the possibility of lifetime renewal, and subject to revocation at any time if the Department determines that the permittee has violated the terms of the permit
- Transport of excavating equipment, especially tracked vehicles, shall be on trailers.
- No on-road use of excavating equipment beyond immediately adjacent parcels.
- Dust control is required at Applicant's property and customer jobsites.
- Noxious weed control is required at Applicant's property.
- Adequately screen Applicant's property as described in screening plan.

The following standard special use permit conditions shall be included with the special use permit:

- Site restoration
- Compliance with all applicable local, state and federal regulations
- Permit Amendment
- Termination
- Right to Enter Site
- Limitation of Liability
- Storage of Junk and Abandoned Equipment
- Emergency Situations and Special Projects

### **Comments by the Applicant**

Jason Tveter- I have the permit for the fence with me. I've done research on trees (shared handout with commissioners), have been unsuccessful transplanting trees in the past. I'm trying to comply with what you want.

### **PLANNING COMMISSION DISCUSSION**

Sally Blea- How long have you been in business in the county? Are you registered as a contractor with the local building association?

Richard Hubler- Contractor licensing is through Building Services.

Jason- We are licensed. Grand County doesn't require excavators to be licensed but my dad were the first ones that were.

Sally - Are you operating now?

Jason- Yes, seasonally.

Sally - From the county, is it proper to cease operation until in compliance? As long as he's moving forward with requirements, and you believe he is?

Alex- In the past we have done that, but didn't do so in this occasion.

Jason- Some of the complaints came from vehicles outside my privacy fence. I'm working on a couple things to try and get things cleaned up, and it takes time.

Sally- I'm concerned about timing. When going to BOCC, he should be in compliance, and that's perhaps next month? Are you feeling like you can have all this taken care of by then? How do we keep this moving forward, so that it's not 6 months down the road for BOCC.

Jason-I need to know what needs to be taken care of.

Richard-BOCC hearing date hasn't been scheduled yet, as applicant has to decide following this meeting if he wants to proceed, which we understand he will, but it may be longer than a month. Additionally, a lot of items in the historical concerns have been addressed already, this evening relates just to Special Use Permit to operate his business.

Thomas Leatherwood- We understand and are working to schedule BOCC at the earliest possible date in a busy schedule.

Jason- Scheduling has to be reasonable to give me time. I can't drop everything and focus on 1 thing. My issues relate to past needs for storage from a move and my plan is to get rid of unused items.

Ingrid Karlstrom-We understand, but Mr. Tveter, you have a responsibility to come into compliance.

Bob Gnuse-Please display the site sketch: comparing to the staff report, what is the southern border? Where does the fence stop now? Some pictures show good visibility into the sight despite the fence. Your report says proposal may not be enough screening along 193, and mention earth berms, but I haven't heard discussion of that tonight. Rip-rap rock already on site may go well with earth berms. Is final screening plan still a work in progress, with goal to be compliance and have the property look reasonably kept?

Richard- Southern border is along 193, at the bottom. The fence is roughly 75 feet, and only goes part way. Alex and I discussed earth berms in combination with vegetation for the East side. Adequate screening will probably need to employ several different techniques including earth berms, fence extension, and vegetation. The site plan submitted was not adequate for approval, but we'll work with applicant to develop something adequate. Staff's goal is compliance which does mean adequate screening to minimize negative impacts to residential nature of the neighborhood. There is a condition prior to BOCC to develop an acceptable to address concerns of staff, regulations, and the community.

Jason- My lot slopes downhill, and my snow goes there, so berm isn't workable, I can't block that side of my driveway.

Thomas-I'd like to address Jason's comment regarding having time, but I'd like to remind the applicant and commissioners that this a Special Use Permit, which is a privilege granted by the county and you may have to take time off or hire someone to help so that we don't get to autumn or winter. We'll have to not only develop a plan but have a strict timeline to get it accomplished in a timely manner.

Jennifer Scott- Talk to the Natural Resource Conservation Service in Kremmling or a Master Gardener before you any waste money buying trees, since you're purchasing so many.

Jason- Mark Volt lives right down the road and I know him. I'm sure he knows exactly what I need to do.

Todd Clausen- Did I understand that he cannot operate until he is in compliance?

Richard-That is not a condition, based on historical operation and our desire to achieve voluntary compliance. We do want to do this in a speedy matter, so as Director Leatherwood mentioned, it may need to take priority on Mr. Tveter's schedule, but we are not recommending he cease operation. Existing cleanup taking place on property have given reprieve from enforcement of past blight conditions as we undergo the whole site improvement process, but if this process stalls, we will have to revisit that issue.

Jason-what is my blight? To know how to screen it, I have to know what's bothering everyone. Is it too much equipment?

Alex-It was a combination of things- vehicles, yard waste, rubbish as described by country blight ordinance.

Richard-Blight letters were included in the packet for this meeting, so copies of the letter are in the information sent to the applicant.

Jason-Everything on that list is taken care of except rocks, which I plan on using for landscaping.

Ingrid- A letter by Joan Preston mentioned storage of vehicle or heavy equipment owned by James Well Drilling. Is this being considered or watched? Will Special Use prohibit this?

Richard- That is not part of this permit. The permit would not allow for that.

Jason- James Well Drilling is working in the area, and sometimes they store items in my equipment yard. It's only temporary and is kinda hidden by the fence.

Thomas- I'm unsure about this concern, we'll look into this use as storage facility even if rent is free.

## **Public Comments**

Rudy Garcia-I live in Old Park and am one of the main complaintants about his business, and I don't want to take away his business but the blight is horrible, starting June of last year. Throughout the past year with blight warnings, letters, and additional pictures. This business could have started being in compliance then, and he had time and equipment to clean his area. Instead more vehicles were abandoned, a scraper was put in the easement in front, outside of fencing, a blatant "kiss my ass" to this county and the legal ramifications. His claim of moving up from below US 134 and using the trailer refers to event 7 or 8 years ago, maybe 5 years, plenty of time to move that trailer. The problem is the trailer is fire danger due to location, and wildland fire is real concern. Third thing is he contends he has cleaned up his yard, but is moving it to a different lot and leaving it in public view is not cleaning up the blight. It is a consistent attempt to get around regulations, examples of fence not being completed and open building permit for living quarters. If permit is issued, it's another example of getting away with whatever I want because this department is overworked and unable to address the issues. Million dollar properties are being sold for half a million dollars because no one is enforcing the zoning laws. He should be familiar with what the zoning laws are as they have all been in effect for the 21 years he has been here. Don't make laws that aren't enforced. This county is concerned with how East Grand County looks, but West Grand County pays as much or more with hospital. I've told this department I will seek legal help if I had to. I want to be a great neighbor, and help him, but I don't think it'll be any good. There is no compliance and this is not a brand new situation. It's sale season now, and you have to go right past his mess.

Ingrid- He's on our radar now, so let's hope difference is made.

Jason- I can afford to do work if people like Rudy paid their bills.

Robert Franek- Interrupted developing squabble between Rudy and Jason.

Jason- I'm here because I'm trying to comply and I'm trying to clean it up, I just need to know what to do.

Mark Stekman- We live right across the street. The area is getting cleaned up, equipment has been moved inside the fence. Are you expanding the yard toward the North? We don't see anything from our house. A neighbor's house just sold for \$430,000, and I think market value was probably \$380,000, so property values not being decreased. We support this Special Use Permit. There is a benefit to having excavation contractor in Old Park, as equipment is nearby. I see them trailer their equipment, and have seen them run skid steers on the county road, but not frequently. We are the nearest neighbor and are in full support.

Jason- No expansion, doing the same thing I've always done. Fence was permitted.

Kurt Peters- I own 48 acres across the highway, and home on 5 acres a bit to the West. My primary concern is safety related to Western Area Power Administration (WAPA) power lines across this compound. If fire occurred and lines were compromised. How will first responders handle that? Is there insurance coverage? What are the ramification of long term storage of heavy equipment? My 48 acres has stream, wetland, and pond directly below this property, with culverts under the highway, and runoff affects me, and the state's water. Has there been any environmental assessment done? Are you going to store fuel there? All the equipment has fuel tanks. What happens with fire? A lot of home owners look directly down into the site. Last fall two prospective buyers of my 48 acres asked about the site and a realtor made a negative comment, it does affect sales. I don't want to subsidize his making a living with the decrease in my property values.

Jason- My runoff goes to the state highway drainage. I'm in a complete different subdivision than you, and I don't control the weather. I'm not impounding or diverting water other than running down the hill. I just plow the driveway, same as you. Where does your water go? Mine goes into the toe ditches by the highway. What if your house catches fire? My stuff has been there since 2004 and EPA hasn't told me there's baby seals with oil on them. The fence permit includes gate with center area that provides access to WAPA to get to their line.

Order restored by vice chair Ingrid Karlstrom.

Ingrid- Other special use permits have had consideration for oil leaking from equipment. Does that apply to this one, something like a catch basin with plastic?

Richard- It's not specified but could be added.

Alex- Should be covered in standard SUP conditions.

Bob Gnuse- Is there a building on site where equipment maintenance is done? Do you store oil and solvents I your shop area? What direction is the wetlands from your property? Could a spill in your yard contaminate his property through groundwater? How far away is the wetland, and how does the property slope? Surface water runoff is controlled by ditches.

Jason- I do equipment maintenance in the garage, except for big excavator which is too big and has to be done outside. Or I service on the jobsite with special drain pans. I don't store oil, but

give to a friend with a waste oil burner, Dennis Kratz. Kurt's property is across the state highway. I'll be careful as I don't want to contaminate my own well.

Richard- The slope is toward the highway.

Rudy Garcia- I don't was his company to not make a living, but for years we've lived with good old boy mentality- lack of enforcement and lack of diligence by everybody making sure it is livable cohesive area for everyone. I believe everyone would help him if asked, I know I would. Series of pictures.

Jason-I'm here trying to learn what the issues are.

Ingrid- We're getting into repetition now.

Rudy-The repetition is because it's never been addressed by this board or the commissioners. We'll say it again and again until it gets worked on.

Robert Franek- Clarified that this is not related to blight, this board has no jurisdiction on blight.

Jason- I bought property because I didn't have room to put things in town. I've spent money on building the fence and trying to take care of things.

Mark Blair-I recently bought property right across the road, and would not have done so if I was concerned about this being an issue. His machines come across to do work for me. James Well Drilling is on my property, drilling a well tomorrow. He works hard, 12 hours a day, and still spends time picking up even in the dark.

Jennifer Scott- What happens if Special Use Permit is granted and follow-through doesn't happen? Can it be revoked on a yearly basis?

Alex- It can be revoked any time.

Richard- This permit is initially for a three year term.

Motion made by Todd Clausen to approve with staff conditions and an additional condition to explore the oil/environmental concerns. Second motion by Jennifer Scott. All in favor "aye". Motion carries.

## **SPOTTED COW COMMERCIAL CAMPING AREA**

Presented by Alex Taft, Planner

### **DISCUSSION**

David Eddy, the applicant, is requesting a special use permit for a "camping area" to establish and operate a commercial recreational vehicle (RV) and tent camping area open to the public. David Eddy is currently the owner of the property, where he operates The Spotted Cow restaurant and gift shop seasonally. The applicant proposes site improvements to allow a maximum 11 RV parking sites and 15 tent camping sites.

Commercial camping use on the property is suitable in the Tourist District. Nearby are several state and national forest campgrounds: Stillwater, Cutthroat Bay, Green Ridge, and Arapahoe Bay. An influx of visitors to Rocky Mountain National Park and Arapahoe National Forest keeps the existing public Three Lakes campgrounds full during the summer months. These campgrounds benefit the tourist economy that supports Grand Lake and Granby.

### **STAFF RECOMMENDATION**

Staff recommends the approval of the Spotted Cow Special Use Permit with the following conditions to be included in the Grand County Special Use Permit:

- 1) On site signage that details the uses allowed on site and the maximum capacity.
- 2) Stays would be limited to no longer than two (2) weeks in duration, defined as fourteen (14) days, which would be governed by on-site management.
- 3) The applicant must address how the camping sites will be clearly numbered and outlined prior to any review before the Board of County Commissioners.
- 4) No use of the R.V. park can occur until central water and sanitation services are provided to the development.
- 5) The width of the RV campsites shall be clearly delineated on a site plan, shown to be at least 30' x 50' in dimension. Individual tent sites shall be clearly delineated on a site plan, and the total tent camping area (to include sites, open space and parking) will be shown to equal at least 24,000 square feet.
- 6) Referral to Colorado Division of Water Resources to confirm existing water rights.
- 7) Referral to Colorado Department of Public Health & Environment to confirm exemption from Public Drinking Water System Regulation 11.
- 8) Proof of sufficient taps per Three Lakes Water & Sanitation District.

### **Comments by the Applicant**

David Eddy- We have been approached to do this to provide relief in the County. Last year over 1000 people couldn't find a camping spot. I'm trying to provide relief and the location has wetlands behind and across the street, and Denver Water Board owns to the North. It's a nice area for relaxation, only

missing the lake view.

## **PLANNING COMMISSION DISCUSSION**

Jennifer Scott- It can currently support 8 sites, what are they proposing? How many port-o-potties?

Alex- They are proposing a total of 26 sites, and 2 port-o-potties, including one ADA accessible one, and both will be screened.

David Eddy- The RVs are self contained, so we need 1 port-o-potty for every 10 campers. We're not going to get it off the ground this year, so we'd like to develop 6 or 7 campsites, and can service port-o-potties more frequently as needed. We're going to integrate over a 2 year period, as we need to build walkways and infrastructure.

Ingrid- Staff, please clarify proposal- how many sites and what is the timeline? Are you wanting central water and sewer before the 8 sites go in? What's the final recommendation?

Alex- We're proposing 8 sites until we have proof of sufficient water to support more sites. Central water and sewer will be tied to those 8 sites for the first season.

David- What is sewer requirement? We're serving overnights, not RV park with installed sewer to the RVs. We're just going to provide the port-o-potties.

Alex- Central water and sewer is a requirement under SUP regulations. Staff supports waiver of this requirement for a season. The issue is the location within Three Lakes Water & Sanitation District with appropriate water, so we want central water and sewer to go in first, but poorly communicated this to the applicant.

David- I have an option to hook up bathrooms and showers into existing building but wasn't planning on doing that this year, not providing power or water to RVs. We're wanting to provide basic services like neighboring Stillwater, but plan on developing more in the future.

Jennifer-Add noxious weed control as a condition.

Bob Gnuse- Confused by applicant request for special use permit without central water and sewer based on self-contained RVs and the port-o-potty. Do we require central water and sewer before campers can camp.

Alex-Looking to Commission for recommendation regarding waiver though we are in favor of installation now.

Sally Blea- I don't know that Three Lakes Water & Sanitation will allow the port-o-potties.

Thomas Leatherwood- It appears to be required in the code, so I'm not sure you can even recommend waiving central water and sewer.

Marcy Monnahan- Section 11.8.1 part b- says each camping area shall provide a central water supply and have 1 sewage system, so I agree with staff recommendation.

Sally- I agree, the staff recommendations are pretty thorough.

Ingrid- Are we stuck with 14 day camping limit? There is a difference between private and commercial.

Richard-the 14 day consideration is based on consistency with other camping limitations in zoning regulations, including camping on private property. Nothing restricts us to this limit for a special use permit. Would you prefer shorter or longer limit?

Running discussion regarding time limit with multiple speakers, concerning the forest service and other campgrounds. Expressed concerns of requiring moving every 14 days or month versus need to empty storage tanks.

David Eddy- the campground across the street requires yearly rental but only allows summer seasonal usage. The guests come for the whole season. We're asking only for summer seasonal use, not year round. I'm okay with 14 day limit on campers, but feel RV's should be able to stay the season.

Alex- We can research the permit for camping use across the street, but it seems to include mobile homes as well.

David-Campground owner expressed support for previous owner of our property, as Betty's Café, to provide spaces for campers as he is full, and put up permanent sign.. Our 26 spots don't solve the area's problem but it helps.

Ingrid- Staff is okay with proposal for eventual 26 and 15?

Alex- Yes, but we have some due diligence to permit all those.

### **Public Comments**

None.

Motion made by Joe Gould to approve with removal of the condition limiting the time duration. Second by Sally Blea, All approve say "aye". Motion carries.

### **ANTLER BASIN RANCH CAMPING AREA**

Presented by Alex Taft, Planner

#### **DISCUSSION**

Donald Hackstaff and his team are requesting a special use permit to operate a camping site. Donald Hackstaff, manager of Antler Basin Ranch, currently owns the property where he intends to locate this "Glamping" site. Glamping is a portmanteau of glamour and camping and describes a style of camping with amenities and, in some cases, resort-style services not usually associated with "traditional" camping. The property is a 280 acre parcel located southwest of Granby with access from County Road 57.

If approved this permit will allow 1 camping site for a tent on a deck. The structure, called a "Cocoon", is manufactured by Autonomous Tent Company in Denver, CO. The fabric of the tent is stretched over a steel frame and anchored to the deck frame. The design of the tent requires a front and rear wall to be constructed out of timber.

Applicants indicated that they intend to further develop the area with additional similar tent sites in the future if this is successful.

The location of the tent is on the southern half of the property allowing visitors the best views and experience. Access will be from a trail, where the users can hike, bike, snowshoe, or cross country ski to the structure. Water delivery to the site will happen via truck or ATV kept onsite.

#### **STAFF RECOMMENDATION**

Staff recommends the conditional approval of the Antler Basin Ranch Camping Special Use Permit with the following conditions to be addressed prior to a hearing by the Board of County Commissioners:

- 9) Overall development plan for Antler Basin Ranch as a whole to provide understanding for all proposed uses onsite.
- 10) State confirmation of water use and rights or an approved augmentation plan that allows the proposed uses is supplied with adequate water.
  - a. Option: Alternate water to be supplied with a contract for water delivery and letter from the appropriate state agencies or stamped by engineer or water system professional verifying safe, potable water and guaranteed use.
- 11) A plan stamped by an environmental engineer for the water supply system, including a maintenance plan, shall be supplied to staff prior to hearing by the Board of County Commissioners (BOCC).
- 12) A wayfinding signage and access plan that details the route and alternates, from where visitors will park and travel to the site.

Conditions to be included in the Grand County Special Use Permit:

- 1) Measures will be taken to ensure the proposed use will not create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influence or more traffic hazards than the minimum normally resulting from the other uses listed.
- 2) Staff recommends stays no longer than two (2) weeks in duration, defined as fourteen (14) days, which would be governed by on-site management.
- 3) All camping sites must be clearly outlined, and shall be made a condition of any special use permit.
- 4) The width of the campsites shall be clearly delineated on a site plan to be 30'.
- 5) The Applicant shall supply sanitary sewer for the tent via an Onsite Wastewater Treatment System (OWTS).
- 6) The Applicant must provide source of water that Community Development staff approves is adequate for the use.
- 7) The access route shall provide wayfinding to ensure safe and maintained access to the site, this shall be made a condition of any special use permit.
- 8) Use shall be limited to March 1- November 30
- 9) Small wind generation under thirty five feet (35') shall meet requirements as set forth within section 11.8(11) under GCZR
- 10) Building Permits will be required for the deck structure, solar system, and wind generation.
- 11) Any additional conditions to be added by Planning Commission or Board of County Commissioners.

#### **Comments by the Applicant**

Donald Hackstaff- I'm with Antler Basin Ranch. We chose this location at the end of a mile long road in mountainous terrain at about 8400 ft elevation, 400 feet higher than county road 57.

Phil Parr- I own Autonomous Tent Company from Denver. Created the Cocoon, sitting on a raised platform that is a semi-permanent structure. Open floor design to create intimate getaway for a couple, everything runs on propane for safety and convenience. 650 square feet of interior space, includes small bathroom and showcases the view. It is engineered as a permanent structure to be left up year round. It meets fire codes, withstands 115 mpg winds, 90 psf snow load. The fabric allows natural light and lasts 10-15 years, even in this environment. The platform is placed to be above snow collection and exclude pests and varmints. Trial run at Treebones Resort in Big Sur was successful with off-grid experience including solar electric and composting toilet. Here we propose septic system.

Donald- Concerning staff conditions about seasonal operation, we feel we can operate year round, and will work with them to address safety and emergency access. Recommendation for overall development plan, I'm confused as we don't have a master plan for the project.

## **PLANNING COMMISSION DISCUSSION**

Sally- It's so different, I don't know what to ask. The concept is interesting.

Bob Gnuse- Is this cocoon coming from another site?

Phil- It will be custom built for this site. The frame is built.

Bob - Somewhere I saw a snow load value about half of what you quoted. Will the foundations be designed by registered professional engineer to address moment from wind and uplift?

Alex- One set of plans submitted indicated 45 psf snow load, possibly for the deck, which will need to be revised to minimum 65 pounds per Grand County. Staff understands structure can meet snow load, but the deck may need to be revised.

Phil- our team has an engineer who can provide stamped drawings. We have been working to address uplift as the shape is like a big wing.

Joe Gould- You will be required to have a building permit, and the heating source means you'll have to meet 2015 Energy Code and International Residential Code. It's going to have to be insulated by code if it's heated.

Alex - Previous similar structures have been reviewed under the "camper cabin" regulations, so that the sealed combustion heating is included in those regulations, which loses some of those insulation conditions. This is part of the reason staff recommended a shorter duration use.

Richard – The most applicable section in the codes the county is currently adopting is the chapter in the Fire Code on permanent tents, which is referenced.

Jennifer Scott- Is there a kitchen? The site is remote, what about fire ban?

Phil-We prefer not to have a kitchen, just a small refrigerator and coffee maker. We're working with the owners to meet their need. An outdoor grill with a small propane burner provides camping experience.

Bob- Is this designed to be a single structure or will you add more later at this site? What is the maximum advertised occupancy?

Phil- We're only planning one, and may come back later to add another one.

Donald- It's a single king size bed. These are fancy and we want to be careful who we're renting to.

Steve Serry- I'm confused as this application is for a single cocoon tent site, but the letter we received refer to wedding venue problems. What's the issue?

Richard- Tonight we are reviewing the camp site request, the wedding venue and short-term rental also on the property are the background to this proposal. Community feedback is related to these existing uses.

Ingrid- Do you have a permit for the wedding venue?

Thomas- We do not have provision in the code for wedding venue. A previous interpretation of the code for Outdoor Recreation Venues was being used to address this use. This is not the way we're going to go, but we are going to have a workshop how to proceed.

Ingrid- We didn't allow wedding venue on Hithers Ranch for the same reasons expressed in these letters.

Thomas-We need to get ahold of this issue pretty quickly. There is no reason this structure couldn't also be used as an STR.

Ingrid- Do you have a permit for the STR?

Richard-Yes, they are registered.

Donald- We're not trying to do anything different than county rules. Staff has made clear that is coming.

## Public Comments

Bob Southard-To describe the area, this is between windy gap and the mountain, south of Highway 40, with meadows and county road 57. The "Granby Five" established a conservation easement across 5 properties, signed in 2007. We have gotten positive feedback from that. It was done for the wildlife, the wetlands, the natural beauty and to prevent it being compromised like other areas in Grand County. I speak for the neighbors who couldn't be here. I've known Don and Jim Hackstaff for years, and thought they would enjoy the lodge when it was purchased about a year ago. They shuttle between Antler Basin and Fraser River Ranch, which is about ½ mile. We assumed acclimation to new property would involve road traffic, and it did all year long. Every weekend had constant ATV traffic, no compliance with county regs prohibiting ATV traffic on county roads. WE wanted to extend them courtesy to get things organized. This year we were surprised to find out that property isn't Don and Jim, but an LLC of absentee investors from Denver. We were concerned this may turn into something incompatible with the neighborhood. Non-compliance with ATV traffic prompted visit to website. The special use permit is very narrow, but the website advertised weddings up to 400 people. Dealing with parking for 400 people is similar to 200 parking spaces at City Market. The neighbors started getting concerned, we wanted to get this on the table with you. This permit isn't about one unit, it's about the long term plan for that property. That long term plan is a compromise of the conservation easements. The conservation easement was to prevent dust, to promote wild fowl and animal activity, which we all want. It may not happen this year or next year, but there is a water issue. Two domestic wells previously installed failed, and a third may have extended into BLM property. A 2000 gallon cistern and septic works for one camping unit, but how do you deal with up to 400 people at a single event without commercial well? Water is a great limitation. Parking is going to be huge inconvenience because of the nature of the road.

Ingrid-Is it appropriate to be talking about the wedding venue situation if we are only dealing with this one cocoon?

Bob-I agree except that the website last Thursday advertised weddings for 400, but Friday the number was removed. This is why I made the irrevocable link between the single use permit and the website, because misrepresentation on the website shows lack of credibility. They are selling something they don't have and the real intent is the fast development of that property.

Ingrid- Tonight, we are only dealing with this Cocoon. We have the condition that an overall development plan shall be submitted, so we aren't dealing with that. We can't foresee the future and don't have control over misrepresenting your activities on a website.

Robert Franek - The only thing you are dealing with is the Special Use Permit.

Bob- You can go to a website, and be prepared for a meeting like this. We only got notice of this 24 hours before it happened. We had to make rush judgements to get here and articulate our concerns. None of you can go out there and not see the same beauty we see. What they are going to do is going to compromise that area.

Ingrid- These concerns are expressed in letters that we received and read. We are only dealing with the Cocoon now and will entertain any further plans as specially permitted.

Les Watkins- I'm a property owner on County Road 57, and I wasn't aware the area up there was commercial. Is that a single family dwelling? The neighborhood got stirred up because we want to keep it residential and agricultural, with horses.

Ingrid- Its Forestry and Open which allows camping and possibly wedding venues. As our commissioner said previously, if you build your home in Forestry and Open you take a risk as other things can go in next door.

Steve Murphy- I'm one of the neighbors. Looking at the pictures, I own everything around here. I'm the only one that can see the tent from my house. I don't have a problem with it. I'd rather see that tent than 5 or 10 homes.

Maurice Sharp- I'm a neighbor and I don't have any problem with the Cocoon Tent. I don't have a problem with the nightly rental. I understand completely the concerns with issue we are not covering here with the large events. I support property rights but at the same time I don't think anyone on the road wants 400 people there for events.

Motion made by Sally Blea to approve as presented. Motion second by Todd Clausen.

Ingrid- You are limited to 14 days also. Is that satisfactory or would you like longer?

Donald- I'm fine with 14 days or less.

All in favor "aye", motion carries.

Meeting Adjourned by Vice Chair Ingrid Karlstrom at 9:47PM.