

**GRAND COUNTY PLANNING COMMISSION
MEETING MINUTES**

Wednesday, June 13th, 2018

MEMBERS PRESENT:	Steve Sery Marcy Monnahan Ingrid Karlstrom Bob Gnuse	Jennifer Scott Sally Blea Marcus Davis
MEMBERS ABSENT:	Todd Clausen	Joe Gould
STAFF PRESENT:	Alex Taft Robert Davis Maxine LaBarre-Krostue	Richard Hubler Robert Franek Carolyn Derby (arrived 6.40)

The meeting was called to order by Chairman Marcus Davis at 6:30P.M., Roll call was taken.

Minutes from March -Typographical corrections and correction to those members present/absent.

Motion to approve was made by Ingrid Karlstrom, seconded by Sally Blea, all voted “aye” to approve, motion carried.

Minutes from April - Typographical corrections.

Motion to approve was made by Sally Blea, seconded by Steve Sery, all voted “aye” to approve, motion carried

Minutes from May – Typographical corrections and corrections to those members present/absent.

Motion to approve was made by Jennifer Scott, seconded by Ingrid Karlstrom, all voted “aye” to approve, motion carried.

Bussey Hills – Amended Lot 10

Presented by Alex Taft, represented by Wendy Driver

DISCUSSION

The Applicants are proposing an Amended Final Plat in the Bussey Hills Subdivision to combine 5 lots into 1 lot. If approved, the amended lot will be larger and more suitable for construction. As lot lines are vacated, the easements associated with these lot lines will also be vacated. There is not a clear dedication of these easements. If letters of approval are received by all utility companies that serve the Bussey Hills Subdivision, then the County will vacate all of its interest in these easements, if any, and the

easements will be vacated and removed from the plat.

This lot combination also includes the vacation of the 10 foot rear utility easement (5 foot easements on each side of the property line). That are common to Lot 8 and Lot 17, Block 13.

STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat and utility easement vacation, Bussey Hills, with the following conditions to be met prior to the recording of the final plat.

1. The setbacks required by the Grand County Zoning Regulations need to be shown and labeled on the plat.
2. The legal description shall be amended (see (b) above).
3. The Planning Commission and Board of County Commissioners certificates shall be amended (see (m) above).
4. Quit Claim Deeds shall be created to combine the legal description of the lots.
5. A statement of taxes showing that all current taxes have been paid shall be submitted prior to the recording of this amended final plat.

Planning Commission Discussion

Steve Sery – No Comments

Jennifer Scott – No Comments

Marcy Monnahan – How does this compare to agenda item 3 regarding recommendations from PC?

Alex- We'll cover this more later as Staff discussion drew a distinction between the projects. This one is combining all 5 lots into 1 lot, and is not-increasing non-conformity. The Applicant is unable to meet minimum lot area currently, but will not need a variance.

Marcus Davis- Isn't the rule that if we make a change to lot area, it must come into compliance and need a variance??

Alex-Not in this case, as the change is decreasing non-conformity.

Sally Blea- Make sure to protect any future easements to get the utilities to the property, especially water and sanitation.

Alex- We can send for review to additional utilities.

Bob Gnuse-Roadways exist along 3 sides of the property.

Ingrid Karlstrom – Wondering if the plat being shown was included in the staff report.

Marcus Davis- There doesn't appear to be any issues with easements, but I agree with Sally that we don't want to lose the ability to provide services. Adjacent property owners need to be added to the plat, none of them are listed.

Bob Gnuse – No Comments

Motion

Motion to approve Bussey Hills Amended Lot 10 as presented with the added condition that adjacent property owners will be added to the plat was made by Sally Blea, seconded by Ingrid Karlstrom, all voted "aye" to approve, motion carried.

Columbine Lake Lots 47 & 48 Amended Final Plat

Presented by Alex Taft, represented by Theresa Wheeler

DISCUSSION

Teresa Wheeler, the "Applicant" is the current owner of Lot 47 and Lot 48 by warranty deed recorded at Reception No. 2016003176. The Applicant is proposing an Amended Final Plat to vacate the common lot line between Lots 47 and 48, Block 8, of the Columbine Lake Subdivision.

The Applicant is also requesting a vacation of the 5-foot utility easement that runs along each side of this property line. The utility easement to be vacated is not shown on the original recorded Columbine Lake Subdivision plat. It was established by the recorded Columbine Lake Declaration of Protective Covenants, Restrictions, Easements and Reservations (Rec. No. 111196). It is staff's determination the Columbine Lake Homeowners' Association (AKA Columbine Lake Country Club) no longer has any interest in these easements since they have deeded all of their interest to Columbine Lake Water and Sanitation District and Three Lakes Water and Sanitation District.

This non-exclusive easement was then conveyed to the Columbine Lake Water District (Rec. No. 176297) and Three Lakes Water and Sanitation District (Rec. No. 176299) in 1980. Grand County does not have the authority to vacate this easement.

Staff has received letters from MPEI, Three Lakes Water and Sanitation, and Columbine Lake Water District sharing no concern of combining the lots. Quit Claim Deeds shall be recorded vacating interest in the easement along the common property boundary.

When the lot line is vacated, Lots 47 and 48 will be effectively combined as Amended Lot 47A. Currently, there is a house that exists on Lot 48. When combined, Amended Lot 47A will be .40 acres in size or 17,424 square feet.

STAFF RECOMMENDATION

Staff recommends the approval of the Amended lot 47A, Block 8, Columbine Lake Subdivision, A replat of Lots 47 and 48, Block 8, Columbine Lake Subdivision with the following conditions to be met prior to the recording of the final plat.

1. The title of the Amended Final Plat shall be amended (see (a) above).
2. The legal description shall be amended (see (b) above).
3. Label where all easements are recorded (see (f) above).
4. Add a physical address to the Plat in the form of “113 GCR 4947 (aka Laurel Drive)”
5. Amend the dedication statement (see (k) above).
6. Amend the Surveyor’s Certificate (see (l) above).
7. A statement of taxes that shows all taxes have been paid shall be submitted (see (x) above).
8. An electronic copy of the final plat shall be submitted (see (y) above).
9. Quit claim deeds shall be recorded to amend the legal description of the lot.
10. All recording fees are to be paid by the Applicant.

Planning Commission Discussion

Bob Gnuse – Clarify the issues regarding vacation of easements, and our authority.

Alex- Quit claim deeds will need to be submitted by the utility companies to vacate their interests.

Marcus Davis – No Comment

Ingrid Karlstrom – Vicinity maps are present, but certificate says they are not applicable?

Alex – It has been provided, but is a plat requirement.

Sally Blea – This case is a little different than the last because it has water and sewer service throughout the subdivision, so there is less concern about easements.

Marcy Monnahan – The certificate state this action doesn’t comply with Master Plan regarding urban growth areas, but there is no justification for approval. Don’t we want to promote density within urban growth areas, and isn’t this action working against that?

Alex- This is within an Urban Growth Area, but as it isn’t increasing density, that consideration is of no concern. The lots as platted meet size requirements for being in the urban growth area and residential zone district.

Jennifer Scott – No Comment

Steve Sery – They want to increase the building area with addition of the lot, but other homes exist on single lots. What is the reasoning for this request?

Alex- They want to add onto the existing structure, to build across or close to the

existing dividing lot line.

Marcus Davis – Add that justification prior to BOCC, and the packet is missing the Vicinity Map. Certificate and Agenda don't match.

Motion

Motion to approve Columbine Lake Lots 47 & 48 Amended Final Plat with staff conditions and the addition of the Vicinity Map was made by Ingrid Karlstrom, seconded by Bob Gnuse, all voted "aye" to approve, motion carried.

Villa Harbor Subdivision 3rd Amended Final Plat, Lots 20-23, Block 1

Presented by Alex Taft, no representative present

DISCUSSION

Larry Page, the "Applicant" is currently under contract to purchase Lots 20, 21, 22, and 23 of Villa Harbor Subdivision from Bell Crest Enterprises LLLP, Debra Carringer as general manager. The Applicant is proposing an Amended Final Plat that would vacate one lot and redistribute the land area amongst the remaining three. The three amended lots range in size from .337 ac (14,659.92 ft²) to .478 ac (20,815.43 ft²) (refer to table below).

Lots 18, 20-25 have under gone two previous amendments. Most recently the second Amended Final Plat was approved in 2008-9 as owned by Bell Crest Enterprises LLLP.

The Applicant intends to make these lots more suitable to single family home construction. There are few structures on the lots in question, but existing residences on adjacent lots 18 and 24.

STAFF RECOMMENDATION

Staff recommends the approval of the Third Amended Final Plat Lot 20A, 21A, and 23A, Block 1, Villa Harbor Subdivision, A replat of Lots 20,21,22, and 23, block 1, Columbine Lake Subdivision with the following conditions to be met prior to the recording of the Final Plat.

1. This approval shall be contingent on the fact the Applicant presents Staff a deed showing transfer of ownership.
2. A note shall be added to the Final Plat regarding Three Lakes Design Review Area (see above).
3. The title of the Amended Final Plat shall be amended to read (see (a) above).
4. The legal description shall be amended (see (b) above).
5. Label where all easements are recorded (see (f) above).
6. The Final Plat shall locate and describe all monuments (see (i) above).

7. Amend the dedication statement (see (k) above).
8. Amend the surveyor's certificate (see (l) above).
9. The Planning Commission certificate shall be added to the plat (see (m) above).
10. Add a physical address to the plat (see (w) above).
11. A statement of taxes that shows all taxes have been paid shall be submitted (see (x) above).
12. An electronic copy of the Final Plat shall be submitted (see (y) above).
13. Quit Claim Deeds to describe the amended the legal description of the lots.
14. All recording fees are to be paid by the Applicant.

Alex- I suggest adding a condition that approval be contingent upon required variance for lot size, based upon consultation with County Attorney.

Planning Commission Discussion

Marcus- So the argument is that the Bussey Hills case could not combine to make any larger of a lot, but in this case, the Applicant can meet the minimum lot size, but chooses not to do so. It seems the safe route is to get the variance to minimum lot size no matter what.

Robert Franek- Past actions have approved lot combinations that decrease density without a variance, like Bussey Hills. We have to treat everyone equally, but the decision is up to the Planning Commission. My opinion is that a variance is necessary for this case.

Bob Gnuse – Are you saying lots 18, and 24 & 25 could be included in this plat to have more area to work with?

Alex- The Applicant only owns Lots 20-23, but has enough total area to make 1 conforming lot.

Jennifer Scott- Are there two houses on the lots already?

Alex- The staff certificate isn't correct- there are existing structures not only on 18 & 24, but also on 20 and 22.

Bob Franek- If you feel a variance isn't necessary, you can make a motion to approve without that requirement.

Ingrid- Is there a cost for a variance?

Marcus- The Subdivision Regulation offers the allowance to make a variance through the Planning Commission. We have had this discussion before regarding variances as part of the subdivision process.(quoted from article 8.1 of the Subdivision Regulations) We have done this many times before in this body with this process.

Bob Franek- The variance would need to be through the BOA. It is cleaner that way. A variance to the Subdivision Regulations may not apply to the Zoning Regulations. My recommendation would be to have the Board of Adjustment hearing for the variance.

Richard Hubler- Staff found a previous case where a subdivision was approved by PC and BOCC and then came through 6 months later for a variance from BOA for what had already been approved. This suggested that a variance by BOA was necessary.

Steve Sery – The map seemed to show a different location than we are talking about.

Jennifer Scott – Staff Certificate references Columbine Lake.

Marcy Monnahan – No comments

Sally Blea – No comments.

Ingrid Karlstrom – Regarding the variance, please explain why this is different than Bussey Hills? This AFP doesn't include lots 18 or 24 & 25.

Bob Franek- The information was that more properties were involved. Again, you can move forward without a variance.

Marcus Davis – It is helpful to include the previous plat, to see what changed. This is particularly true on this one. I have a history with this subdivision, past discussions have addressed the non-exclusive private access and public utility easement between lot 18 & 21 that cannot be vacated. It doesn't appear this action tries to vacate that, which is good. While I understand the desire to increase lot size, there is no information in the certificate or application to indicate where there are viable home sites. Moving from 4 to 3 lots just to increase land mass and decrease future development is unfair. The lack of information regarding actual real property and the location of residences within these lots is confusing, please clarify. Is the intention to legalize what would be on lot 21, the second one from the bottom? How do we know that moving lot lines isn't creating or allowing a non-conforming encroachment in a setback? If I had a vote, I would vote NO because we lack appropriate information. What is the purpose? I'm unable to understand the congruency of the neighborhood or intent of the Applicant.

Alex- Two structures exist on lots 22 and 21 as well as on adjacent property, lots 18 & 24. I understand the intention is not to legalize encroachment. Discussions with the Applicant indicate they are planning to remove one building, but I'm unclear as well. Can we continue until next month?

Richard- The new plat does identify building envelopes.

Bob Gnuse – The building envelope appears to slice across all the properties. I agree that we don't have enough information to understand about granting a variance.

Marcus – This body has expressed a dislike of building envelopes, and these seems solely to indicate where buildable area is located.

Sally- Marcus, Are you saying that you don't have enough information presented under the Discussion section of the staff certificate to understand their intent?

Ingrid- Do we require that we fully know their plans, if what they propose is allowed? Are there structures on the lots.

Marcus-No, however the information presented is not accurate, as we can see existing structures.

Alex- There are structures on the lots. The information on the plat the Applicant supplied indicated it was vacant land, so that is what the staff certificate stated.

Ingrid- Is the integrity of the land around the existing homes adequate?

Alex- I don't have an answer about that.

Jennifer- It sounds like it needs to be continued to get more information.

Bob – I understand from the certificate that there are structures on lots 18 & 24, even as the ownership of those was unclear. Are you now saying structures are on lots 20 or 21? You are moving property lines, but we don't know where the existing buildings are, unless you tell us they will be removed to create empty land.

Alex- There are structures, but I don't have specifics on location, size, or construction details. Staff needs to clarify with the Applicant what buildings may be removed.

Ingrid- Then we definitely need that information.

Steve- You indicated they were not habitable, so maybe they will go away. I agree that we need to understand what is happening with the existing buildings.

Bob Franek- I suggest that Staff request a continuation to get this information, and bring back a new plat map so the PC can understand the proposal.

Steve- I don't want to limit the Applicant, if what they want to do is allowed, and how they want to develop is up to them. However, the fact of the existing structures muddies the water.

Motion

Motion was made to continue Villa Harbor Subdivision 3rd Amended Final Plat Lots 20-23 by Ingrid Karlstrom, seconded by Jennifer Scott, all voted "aye" to approve, motion carried.

Motion to adjourn was made by Marcy Monnahan, seconded by Jennifer Scott, all voted "aye". Meeting was adjourned by Chairman Marcus Davis at 7:27 P.M.