

GRAND COUNTY PLANNING COMMISSION
MEETING MINUTES

Wednesday, September 12, 2018

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

MEMBERS ABSENT: None

STAFF PRESENT: Robert Davis Alex Taft
Richard Hubler Beverly Andrus
Will Russell, intern Maxine LaBarre-Krostue

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

Minutes from August 8, 2018 were presented. Motion to approve was made by Ingrid Karlstrom, seconded by Jennifer Scott. All in favor "aye", none opposed, motion carried.

Chairman Marcus Davis updated the agenda to reflect the removal of item #3 Stamm Outright Exemption and gave a reminder to Public Attendees to come to the mic and identify themselves when making public comments. There were 15 members of the Public in attendance.

Trinder Tracts 6, 7, & 9 – Amended Final Plat

Presented by Alex Taft. Applicant represented by Adam Westerman.

I. **BACKGROUND**

a. **History**

Trinder was created in 1946 recorded at Reception No. 63921. The subdivision contained 59 Lots in 36 acres. The subject parcels are located outside the Grand Lake Urban Growth Area as defined by the Grand County Master Plan.

Kimberly Parsons has been owner of Lot 9 since 2015, the Warranty Deed is recorded under Reception No. 2015005444.

Eric and Lynn Westerman have been owners of Tract 7 since 2004, under Warranty Deed recorded under Reception 2004005382 and Tract 6 since September 2017 Warranty Deed recorded under Reception 2017007085.

Lots 7 and 9 are served by well and On-Site Wastewater Treatment System (OWTS). Lot 7 owned by Eric and Lynn Westerman is currently under Permit No. 240998. Lot 9 is currently under Permit No. 136136. Both owners shall re-permit the wells with Division of Water Resources under the new legal descriptions after the Final Plat is recorded.

Vacation of Katherine Drive took place in 1950 through tracts 5-8. In 1984, William Knox, the owner of Tract 9 requested a vacation of the remaining portion and clarify the title for Tract 9.



b. Proposal

The applicants are proposing an Amended Final Plat to redistribute lot 6 amongst the two owners. Lot 6 contains a garage used by the Westerman's, their Single Family residence is on Lot 7. Lot 9 contains a single family residence.

II. STAFF ANALYSIS

This proposed Amended Final Plat creates two lots of 1.45 acres and 1.85 acres. Access for Amended Lot 9A is existing from County Road 452 also known as Lake Ridge Drive. Access for Amended Lot 7A is through an access easement to County Road 4812 also known as Agnes Drive.

III. COMPLIANCE WITH GRAND COUNTY REGULATIONS

a. ZONING – Section 4.1 Residential District

This parcel is in the Residential District. This application complies with the regulations in the following ways:

Single family dwellings have been constructed on the parcels, this use is in compliance with the regulations.

These parcels are outside the Urban Growth Area as defined by the Grand County Master Plan, and are allowed to have a minimum area of a lot of 30,000ft² per Residential District.

These parcels shall comply with the standard setbacks of the Residential District for any additional structures onsite.

a. Grand County Master Plan

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which two (2) is relevant to this proposal.

Plan Element 2 – Land Use – Growth and Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the urban growth areas where existing infrastructure and public services exist. This subdivision is within an Urban Growth Area and is bordered by other larger lot developments to the west. As stated in this section of the Master Plan, "Require a feathering of densities between low densities and high densities..." Therefore, this proposed Subdivision Exemption is characteristic of the Pattern of Development.

b. SUBDIVISION Regulations – Article 4.4 & 4.3 – Amended Final Plat and Final Plat

4.4 AMENDED FINAL PLAT

No exterior boundary changes are allowed. Amended Final Plats shall be reviewed under the Final Plat provisions within these regulations unless the Board of County Commissioners determines that additional review is necessary. The Board of County Commissioners may require compliance with any additional items listed under the Preliminary Plat and/or Final Plat process.

4.3 FINAL PLAT

The application shall be compliant with the Grand County Subdivision Regulations, the following is how each item was addressed under the submittal of this Amended Final Plat:

[Final Plat (4.3) (1) (a-b)] This Amended Final Plat complies with the approved Final Plat. This Amended Final Plat is drawn at a scale of 1"=50' and shall be submitted on a 24"x36" Mylar for recording.

[Final Plat (4.3) (a)]

The Title shall be corrected as follows:

Amended Final Plat
Trinder Subdivision Tracts 7A & 9A
A replat of Tracts 6, 7, & 9 together with the Vacated portion of Katherine Drive Grand County
S ½ N ½ of the SE ¼ of Section 1 T3N, R 76 W. 6th P.M.
Conveyance to the owners recorded at 2015005445, 2017007085, and 2017007292

[Final Plat (4.3) (b)] Legal description of property, together with a complete reference to the records of the County Clerk and Recorder. The new legal descriptions shall read as follows:

Trinder Subdivision Tracts 7A, a replat of Tracts 6, 7, & 9 together with the vacated portion Katherine Drive Grand County

Trinder Subdivision Tracts 9A, a replat of Tracts 6, 7, & 9 together with the vacated portion Katherine Drive Grand County

[Final Plat (4.3) (c-d)] This Amended Final Plat complies. Tract boundary lines, easements, residential lot and accurate dimensions are shown on the plat.

[Final Plat (4.3) (e)] This Amended Final Plat complies. Names and width of Rights-of-Way are shown on the Plat.

[Final Plat (4.3) (f-h)] This Amended Final Plat complies, location and dimensions of existing easements and reference to their recording information is shown on the plat. Acreage of the each lot to the nearest 1/100th, is shown on the Amended Final Plat. This provision is not applicable, all lots shall remain residential with this proposed amendment.

[Final Plat (4.3) (i-j)] Location and description of monuments are noted and shown on the Plat. Title commitments have been supplied for Tracts 6, 7, & 9 which are subject in this Amended Final Plat. This Amended Final Plat complies.

[Final Plat (4.3) (k)] Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS: That **Eric M. and Lynn Westerman Owners of Lots 6&7 and Kimberly S. Parsons Owner of Lot 9** are the owner of that real property situated in Grand County, Colorado, more fully described as follows: **Tracts 6, 7, & 9 together with the vacated portion Katherine Drive Grand County.** That he has caused said real property to be laid out and surveyed as **Amended Tract 7A and 9A, a replat of Tracts 6, 7, & 9 together with the vacated portion Katherine Drive Grand County,** and does hereby dedicate and set apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

Signature blocks for both Eric M. and Lynn Westerman Owners of Lots 6&7 and Kimberly S. Parsons Owner of Lot 9 shall be included on the Final Plat Mylar.

[Final Plat (4.3) (l)] Certification by a Surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the final subdivision plat, to be in substantially the following form:

SURVEYOR'S CERTIFICATE

I, Warren Ward, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of Amended Tract 7A and 9A, a replat of Tracts 6, 7, & 9 together with the vacated portion Katherine Drive Grand County truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.

(Surveyor's Signature)

(Surveyor's stamp and registration number shall appear with this certificate)

[Final Plat (4.3) (m)] Certificates for approval by the Planning Commission and the Board of County Commissioners.

PLANNING COMMISSION CERTIFICATE

Approved this ___ day of _____, 20__ by the Grand County Planning Commission, Grand County, Colorado.

Chairman

COMMISSIONER'S CERTIFICATE

Approved and all public dedications accepted this ___ day of _____, 20__ by the Board of County Commissioners of Grand County, Colorado. Acceptance of this platted subdivision by the County of Grand does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said County. Until such roads and rights-of-way meet County specifications and are specifically accepted for maintenance by Resolution of the Board of County Commissioners of Grand County, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within the subdivision. This approval does not guarantee that the size or soil conditions of any lot shown herein are such that a Building Permit may be issued.

Chairman
Board of County Commissioners
Grand County, Colorado

[Final Plat (4.3) (n)] This condition is not applicable, certification by a qualified professional or similar for compliance is not required for an Amended Final Plat.

[Final Plat (4.3) (o)] This Amended Final Plat complies, a box is provided for the use by the County Clerk and Recorder.

[Final Plat (4.3) (p)] This is not applicable, there are no existing covenants.

[Final Plat (4.3) (q)] A vicinity map has been provided and shall remain on the Final Plat.

[Final Plat (4.3) (r)] This provision is not applicable. All existing dwellings are supplied by well and septic. The existing homes were constructed with adequate storm drainage. The wells shall be re-permitted with the State once the Final Plat is recorded.

[Final Plat (4.3) (s)] Not applicable, lots shall continue use for residential purposes.

[Final Plat (4.3) (t)] Not applicable, no further construction is taking place because of this Amended Final Plat.

[Final Plat (4.3) (u-v)] Not applicable, not a subdivision. Colorado Land Use Commission does not receive applications for Amended Final Plat.

[Final Plat (4.3) (w)] Addresses shall be placed on the Final Plat Mylar. Addresses for the lots shall be as follows:

Lot 7A: 292 GCR 4812

Lot 9A: 517 GCR 47

[Final Plat (4.3) (x)] Statement of taxes due showing current taxes paid.

[Final Plat (4.3) (y)] An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat.

IV. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for September 12, 2018.

V. STAFF RECOMMENDATION

Staff recommends the approval of the Trinder Tracts 7A and 9A Amended Final Plat with the following conditions to be met prior to submitting an application for final plat approval:

1. The new legal descriptions shall read as follows:

Trinder Subdivision Tracts 7A, a replat of Tracts 6, 7, & 9 together with ½ Katherine Drive Grand County

Trinder Subdivision Tracts 9A, a replat of Tracts 6, 7, & 9 together with ½ Katherine Drive Grand County

2. Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses. **[(4.3) (j)]**
3. Certification by a Surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51, and the requirements of these Regulations in the preparation of the Final Subdivision Plat **[(4.3) (m)]**
4. Certificates for approval by the Planning Commission and the Board of County Commissioners **[(4.3) (l)]**

5. The wells shall be re-permitted with the State once the Final Plat is recorded. [(4.3) (r)]
6. Addresses shall be placed on the Final Plat Mylar. [(4.3) (w)]
7. An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat [(4.3) (y)].
8. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.
9. Draft Quit Claim Deeds reviewed by the County Attorney shall be recorded with the Final plat.
10. The applicant shall meet all final plat requirements.

All legal documents required in conjunction with the final approval of this request are subject to the review and acceptance of the County Attorney.

Staff Comments

Alex added a new condition to show existing homes on the final plat.

Kim Shepton questioned the access from Katherine Drive.

Alex replied that access to tract 6 is by county right-of-way with recorded easement as well as recorded easement adjacent to GCR 47 that allows access to 8,9,6,& 7.

The applicant had no questions or concerns.

Commissioner Comments

Marcus Davis- The east lot line on tract 9 should properly indicate it is being vacated per this plat, and the same with the combination of the other two. Only one owner is indicated.

Alex Taft-There are two owners, Eric and Lynn Westerman own tracts 6& 7, Kimberly Parsons owns tract 9.

Ingrid Karlstrom – This is what needs to be corrected.

Marcus- Everyone has the same access, are there easements that need to be modified.

Alex- No.

Ingrid – Nothing further.

Sally Blea – Did you address being able to provide sewer service for each of these lots?

Alex – There is existing service, and I will verify easements in place for Three Lakes and other utility companies.

Jennifer Scott – no questions.

Bob Gnuse – no questions.

Marcy Monnahan – no questions

Steve Sery – no questions.

Public Comments - None.

Motion to approve by Sally Blea, with conditions as recommended by staff with one additional condition suggested by Alex, seconded by Ingrid Karlstrom. Discussion clarified two additional conditions, 1- lot lines and 2- addressing easements allowable for sewer. All in favor "aye", none opposed, motion carried.

Stagecoach Meadows Lot 13 – Amended Final Plat, Amended Building Envelope

Presented by Will Russell, Applicant not present.

VI. **DISCUSSION**

a. **Background:**

Micheal and Amanda Solomon, the "Applicants" are currently the owners of Lot 13, Stagecoach Meadows Subdivision. The Applicants are proposing an Amended Final Plat to expand the north side of the building envelope on Lot 13 to construct a garage. The Applicants purchased the lot under warranty deed in October 2012 recorded at Reception No. 2012007718.

The proposed building envelope will expand approximately forty-eight feet (48') to the northeast, (top right corner of the building envelope) and span sixty-one feet (61') across, creating a rectangular addition to Lot 13 building envelope. The total area added to the building envelope is 2,790 sq. ft. (0.064 AC). The new total building envelope is 36,964.62 sq. ft. (0.849 AC). Lot 13 is 2.908 acres, created within Stagecoach Meadows Subdivision.

The final recorded plat for Stagecoach Meadows requires owners to build within specific building envelopes for each lot. In particular Lot 13, has a .784 acre building envelope, this envelope is adjacent to a drainage ditch that runs through Stagecoach Meadows subdivision. The building envelope was purposely located the farthest away from the ditch to prevent water quality issues. The applicants are expanding the envelope in the direction of the ditch, which will put the new envelope approximately 110ft away from the drainage ditch. The applicants will use the existing driveway to access the new garage

The provisions are stated in the current Stagecoach Meadows Homeowners Association Amended and Restated Declaration of Covenants, Conditions, and Restrictions. While Grand County Community Development does not enforce these covenants, this application should conform to the declarations and covenants.

2.28. Plat. "Plat" or "Final Plat" shall mean the Final Plat for Stagecoach Meadows approved by the Board of County Commissioners for Grand County, Colorado, and recorded in the records of the Clerk and Recorder for Grand County, Colorado, on September 12, 2000, Reception No. 2000-008387, as it may be amended from time to time.

3.19. Setbacks; Placement of Structure on Lots. All structures, including decks and patios, must be located within the building envelope shown on the Plat. Irrespective of any building envelope shown no structure may be located within thirty feet of an irrigation ditch or other waterway or within fifty feet of a wetland and no septic system or leach field may be located within fifty feet thereof. The provisions of this section shall not preclude the placement or installation of a driveway as approved by the DRC.

b. History:

Stagecoach Meadows Subdivision was platted in September 2000 at Reception No. 2000-008387. It consists of 60 lots totaling 256.74 acres. This subdivision was platted with the intention of creating single family home sites. Stagecoach Meadows Subdivision lies approximately 2 Miles southwest of the Town of Tabernash and approximately 3.2 miles from the Town of Fraser.

COMPLIANCE WITH GRAND COUNTY REGULATIONS

B. MASTER PLAN

It is a goal of the Master Plan to ensure that new development is not out of character with the surrounding area with respect to uses and lot size. Lot 13 falls within GC_RGA2 (Grand County Rural Growth Area 2). The surrounding properties consist of single family dwellings adjacent to the east, northwest, and east of Lot 13. It is Staff's opinion this request is not out of character with the surrounding lots. With this proposal no density is changing. This is consistent with the goals and objectives of the Master Plan within the region.

C. ZONING REGULATIONS

The parcel involved in this proposal lies within the Forest and Open District, existing outside an Urban Growth Area.

- (a) The owners propose a new construction of a garage on the parcel consistent with uses by right in this District.
- (b) This District requires 30' minimum front yard setbacks, 10' minimum side yard setbacks and 20' minimum rear yard setbacks. Both the established and proposed, 0.849 acre building envelope respects these setbacks.
- (c) Minimum area of lot is two (2) acres. Lot is as established in the Stagecoach Meadows Subdivision is 2.90 acres and complies with the regulations. There is no change in the total land area.
- (d) Pursuant to Section XIII Accessory Buildings and Uses; A garage, outbuilding or shed to store building material or recreational type of equipment for non-commercial purposes.

D. SUBDIVISION REGULATIONS – 4.4 Amended Final Plat

The Amended Final Plat shall contain or be accompanied by the following information per 4.3. Sub-Section 1: The final plat shall be prepared as follows:

- (a) This requirement has been met. The Amended Final Plat conforms to the portion of the Preliminary Plat.
- (b) This requirement has been met. The proposed drawing is scaled at 1"=60' as submitted on a 24"x36" sheet.

4.3. Sub-Section 2: The final plat shall contain or be accompanied by the following information, and shall be submitted to the County Planner in the Department of Planning and Zoning at least four (4) weeks prior to the Planning Commission meeting at which the subdivider wishes his subdivision considered:

- (a) The title of the Amended Final Plat shall be amended to read:

AMENDED FINAL PLAT
AMENDED LOT 13A, STAGECOACH MEADOWS SUBDIVISION
PORTION OF THE NE ¼ OF SECTION 35, T 2 N, R 76 WEST OF THE 6TH P.M.
COUNTY OF GRAND, STATE OF COLORADO
CONVEYANCE TO OWNERS RECORDED AT RECEPTION # 2016006778

- (b) The legal description shall be written as follows:

AMENDED FINAL PLAT
LOT 13A, STAGECOACH MEADOWS, A REPLAT OF LOT 13
RECEPTION NO. 2000-008387
PORTION OF SECTIONS 10&11, T1S, R 76 W OF THE 6TH P.M.,
GRAND COUNTY, COLORADO

- (c) This requirement has been met. Primary control points, or descriptions, and ties to such control points, to which dimensions, angles, bearings, and similar data on the plat shall be referred.
- (d) This requirement has been met. Tract boundary lines, ROW, easements, property boundaries have been shown on the plat.
- (e) This requirement has been met. Names and right-of-way width of each street or other right-of-way shall be shown on the Final Plat.
- (f) This requirement has been met. Location, dimensions and purpose of any easement, has been included.
- (g) This requirement has been met. Each amended lot displays acreage and square footage.
- (h) This requirement has been met. Lot in question is to be maintained as residential use.
- (i) This requirement has been met. The Final Plat shall locate and describe all monuments.
- (j) A portion of the Dedication Statement shall be amended to read as follows (revisions in bold):

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS: That Michael T. & Amanda Solomon the owners of that real property situated in Grand County, Colorado, more fully described as follows:

Lot 13, Stagecoach Meadows Subdivision.

That he has caused said real property to be laid out and surveyed as Amended Final Plat, Amended Lot 13, Stagecoach Meadows Subdivision, Stagecoach Meadows Subdivision, and does hereby dedicate and set apart all the streets, alleys and other public ways and places shown on the accompanying plat for the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF (Owner's Name) has caused his name to be hereunto subscribed this _____ day of _____, 20___. (Owner's Name)

....

- (k) Certification by a surveyor insuring the accuracy of the survey and plat, the surveyor's certificate shall be amended to read as follows (revisions in bold):

SURVEYOR'S CERTIFICATE

I, Timothy R. Shenk , a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Amended Final Plat, Amended Lot 13A, Stagecoach Meadows Subdivision**, truly and correctly represents the results of a survey made by me or under my direction, and that said plat complies with the requirements of Title 38, Article 51, Colorado Revised Statutes, 1973, and that the monuments required by said Statute and by the Grand County Subdivision Regulations have been placed on the ground.

(Surveyor's Signature)

(Surveyor's stamp and registration number shall appear with this certificate)

- (l) This requirement has been met. Certificates for approval by the Planning Commission and the Board of County Commissioners.
- (m) This requirement is not applicable to an Amended Final Plat. Certification insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations.
- (n) This requirement has been met. A box has been provided for use by the County Clerk and Recorder.
- (o) This requirement has been met. A vicinity map has been supplied and shall remain on the Final Plat.
- (p) This requirement has been met. Documented proof of legal access is existing from County Road 5171 Stagecoach Drive.
- (q) This requirement has been met. The Applicants shall apply for a State well permit and apply for an onsite wastewater treatment system (OWTS) through the County.
- (r) This application shall comply. Such additional information as may be required by the Grand County Board of County Commissioners.
- (s) The physical address shall be put on the Final Plat. Addresses for the amended lot shall remain 1376 GCR 5171
- (t) An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat.
- (u) A statement of taxes showing that all current taxes have been paid shall be submitted prior to the recording of this Amended Final Plat.

- (v) This requirement has been met. A current title commitment has been provided.

E. STAFF COMMENTS AND ANALYSIS

Staff has processed this request to amend the building envelope, expanding its location approximately forty eight (48') to the northeast and across sixty-one feet (61') west. With a total added area of 2,790 sq. ft.

Staff finds this proposal consistent with the applicable Grand County Regulations. Staff believes that the proposal to move the building envelope is consistent with the original intentions of the Subdivision. The Applicant is sensitive to the land within the existing building envelope and wants to limit the impacts to existing vegetation. The location of the new envelope will help minimize impacts to vegetation and will not have a greater impact on the neighbors.

F. STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Amended Lot 13, Stagecoach Meadows Subdivision, A replat of Lot 13, Stagecoach Meadows 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 as recommended (see (a) above).
2. The legal description shall be amended as recommended (see (b) above).
3. A portion of the Dedication Statement shall be amended to read as follows (see (j) above)
4. The surveyor's certificate shall be amended to read as follows (see (k) above)
5. A statement of taxes that shows all taxes have been paid shall be submitted (see (u) above).
6. An electronic copy of the Final Plat shall be submitted (see (t) above).
7. Such additional information as may be required by the Grand County Board of County Commissioners (see (r) above).
8. All recording fees are to be paid by the Applicant
9. All applicable building and sanitation permits shall be obtained through the County prior to construction.
10. Quit Claim Deeds to describe the amended legal description of the lots.

Commissioner Comments:

Steve Sery – None

Marcy Monnahan – None

Bob Gnuse – None

Sally Blea – None

Ingrid Karlstrom – None

Marcus Davis – Is there approval from the very active HOA?

Alex Taft – Yes. The letter should be in the packet.

Kim Shepton – It is a very nice looking garage.

Ingrid – What do the triangles on the images in the presentation represent?

Will Russell – They explain where the photo was taken.

Public Comments - None

Motion to approve by Ingrid Karlstrom with staff conditions, seconded by Marcy Monnahan. Discussion included comment from Marcus Davis that while he is generally against building envelopes, they do make sense in Stagecoach Meadows. All in favor "aye", none opposed, motion carried.

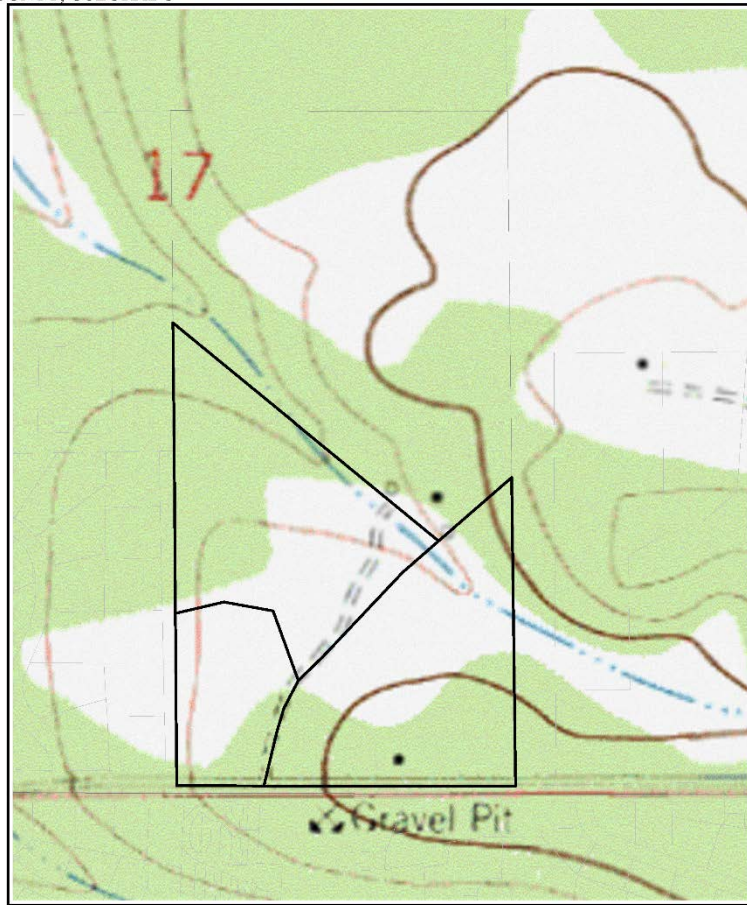
Morningstar Meadows Subdivision Exemption Sketch Plan

Presented by Alex Taft. Applicant Chris Bock and representative Mike Repucci present.

I. **BACKGROUND**

c. **PROPOSAL**

The applicant is proposing a subdivision of a 39.164 acre parcel by process of Subdivision Exemption to create three separate lots. The applicant intends to deed the new parcels to family. The 39.164 acre parcel is located within the Fraser Urban Growth Area as defined by the Grand County Master Plan. Proposed water and sanitation will be either well or public water or On-Site Wastewater Treatment System (OWTS). There is a constructed Domestic well under Permit No. 80376--A.



d. **HISTORY**

David Zink and Karen Waeschle have owned the approximately 80 acre parcel since 1993. There is one single family dwelling on the 80 acre parcel constructed in 1976. Previous owners, John and Eleanor Martling set up an agreement with the Town Of Fraser for public water taps in exchange for a water main easement that runs through the property.

II. **STAFF ANALYSIS**

This proposed division of land, as provided for under the Subdivision Exemption Regulations, meets the requirements of controlling density as outlined in the Grand County Master Plan. The neighboring subdivisions and lots are larger tracts that feather density

from Winter Park Ranch to the agricultural land north and west of the property. The parcel shares its boundary with the Urban Growth Area Boundary, and could therefore be further subdivided. Staff understands that this subdivision exemption request is intended to maintain the current character of the area which consist of higher density single family dwellings to the south, decreasing in density as development progresses north and east.

Staff has had discussions with the Applicant's representative in regard to water supply. Staff has requested a referral to the State Division of Water Resources, and is awaiting a reply. There is also the alternative of acquiring taps from the Town of Fraser because of the agreement established by the Martlings, who were previous owners of the property in the 70s-80s, that runs with the land. Prior to a hearing before Board of County Commissioners, Staff will work with the Applicant to establish a water source that meets the requirements of §29-20-303 C.R.S. as referenced under Article 2.5 (3) Water Supply.

III. **COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS**

a. **Grand County Master Plan**

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which two (2) is relevant to this proposal.

Plan Element 2 – Land Use – Growth and Development

As stated in Plan Element 2 in the Grand County Master Plan, density is encouraged within the urban growth areas where existing infrastructure and public services exist. This subdivision borders an Urban Growth Area and is surrounded by other larger lot developments. As stated in this section of the Master Plan, "Require a feathering of densities between low densities and high densities..."

Plan Element 3 – Development: The Built Environment

Plan Element 3 in the Grand County Master Plan, speaks to maintaining a high quality of life while taking advantage of existing infrastructure. This subdivision borders existing county roads and surrounded by existing utility infrastructure. The development minimizes additional impacts on open lands adjacent to wildlife corridors. Therefore, this proposed Subdivision Exemption is characteristic of the Development: The built environment.

b. ZONING – Section 6.1 Forestry and Open District

The zoning for this parcel is Forestry and Open District. This application complies with the regulations in the following ways:

- Single family dwellings have or will be constructed on the parcels, this use is in compliance with the regulations.
- These parcels are within the urban growth area as defined by the Grand County Master plan, and are allowed to have a minimum lot area of 2 acres per Forestry and Open District. The proposed parcels are in excess of 9 acres and therefore comply.
- These parcels shall comply with the minimum standard yard setbacks of the Forestry and Open District.

c. SUBDIVISION EXEMPTION – Article 2 – Design Standards

The application shall be compliant with the Grand County Subdivision Exemption Regulations, the following is how each item was addressed under the submittal of Sketch plan: [Sketch Plan (2)]

[Special Site Considerations (2.1) (1-6)] This application complies with Article 2.1. There is an existing single family residence on Lot 1. It appears that Lot 2&3 substantially avoid steep slopes.

[Driveways, Roads, Streets and Easements (2.2) (1-14)] Cul de sacs or similar shall be provided at the end of "Meadows Lane" which connects the lots to County Road 8, south of the property. Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. All utilities shall be placed underground where not already existing.

[Lots (2.3) (1-6)] The application does not substantially comply with this provision. The Subdivision Exemption regulations specify lot lines at right angles, or radial from Rights-of-Way.

[DEDICATIONS (2.4) (1-2)] This application shall comply with the provision set forth in the Subdivision Exemption regulations, the dedications are subject to review by the County Attorney.

[DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER (2.5) (1-3)] Drainage swales shall be mapped on the Final Plat to ensure the location of future buildings are outside any flood areas. A note shall

be added to the Plat that property owners are advised to contact an engineer to locate appropriate building area with proper drainage and soil bearing capacity.

This application shall comply with State Division of Water Resources (DWR) for the application, distribution and use of any existing or proposed well. Alternatively the Applicant shall provide proof of supply by the Town of Fraser. All residences shall be served by OWTS, and designs shall comply with current County regulations.

[DESIGN STANDARDS FOR NATURAL HAZARD AREAS (2.6)] This Application complies, it appears there are not located in or near Natural Hazard Areas.

[IMPROVEMENTS REQUIRED (2.7) (1-5)] Survey monuments shall remain as referenced on the Final Plat. Proposed roads shall be subject to the requirements in the current Road and Bridge Standards and approved by the County Engineer.

All lots shall be provided access to electric service at the property line. Any new extension of utility service to lots shall be placed under ground.

The Applicant shall supply an estimate of probable cost for these improvements and enter into a Subdivision Improvements Agreement with the County.

[SLASH REMOVAL/DISPOSAL (2.8) (1-2)] Shall comply with the Subdivision Regulations. Any burning of slash piles shall follow standards as established by Grand County Natural Resources and the local Fire District.

[SOLID FUEL BURNING DEVICES (2.9)] This has been repealed.

[SCHOOL LANDS (2.10) (1-6)] This application is subject to school impact assessment, fees and land dedication have been calculated below.

Land areas dedicated for future school sites follows the following calculation

3 units

$3 \times .045 = .135$ acres

Money in Lieu of Land Calculates to:

$3 \times .50 = 1.5$

$1.5 \times .090 = .135$

$.135 \times \$31,716.01/\text{acre} = \$4,281.66$ in school impact fees.

A letter shall be sent to the East Grand School District for a decision on their preference in receiving the impact fee.

[STORMWATER MANAGEMENT (2.11) (1-6)] Areas of disturbance seem to be less than 1 acre triggering a Storm water permit through CDPHE, this shall be verified in any engineering report.

[DESIGN STANDARDS FOR MINERAL RESOURCE AREAS (2.12) (1-6)] This Application shall comply.

[DITCH CROSSINGS (2.13) (1-6)] This application complies. The proposed Plat and Title Commitment does not reference any existing, dedicated waterways or historical irrigation ditches.

[POST CONSTRUCTION (2.14) (1-6)] Post construction procedures are requirements that give satisfactory proof of completion of improvements completed as referenced in engineering drawings. The acceptance of the improvements shall be subject to approval by the Board of County Commissioners.

d. SUBDIVISION EXEMPTION – Article 3 – Sketch Plan

The application shall be compliant with the Grand County Subdivision Exemption Regulations, the following is how each item was addressed under the submittal of Sketch plan:

[Sketch Plan (1) (a-c)] This application complies with relevant provisions of the subdivision regulations regarding relevant site characteristics and analyses applicable to the proposed subdivision. The submittal shows the parcel intending to be subdivided under this application. A vicinity map was also included to show the parcel in relation to a two mile area.

[Sketch Plan (2) (a)] This application complies. The applicant has supplied the proposed the name of the exempted tract which is: Morningstar Meadows Subdivision Exemption.

[Sketch Plan (2) (b)] This application complies. The title on the Sketch Plan contains a legal description of the entire property to be divided, the title shall be reviewed by the County Attorney.

[Sketch Plan (2) (c)] This application complies. The proposed Plat includes the names, addresses, and telephone numbers of the applicant(s), and the land surveyor, engineer, and/or designer of the proposed division, if any (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land surveyors). This application complies.

[Sketch Plan (2) (d)] This application complies. The Final Plat shall include a scale of not less than 1' equals 100'. Date of preparation and North sign (designated as true North) are included on the Sketch Plan and shall remain.

[Sketch Plan (2) (e)] This application complies. Location and approximate dimensions for all proposed street rights-of-way, easements and lot lines. This application complies.

[Sketch Plan (2) (f)] Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses, and other important features within and adjacent to the tract to be divided. The Final Plat shall include the width of adjacent private and County Right-of-Way.

[Sketch Plan (2) (g)] This application complies. The names of abutting subdivisions and the names of the owners of abutting unplatted properties. All surrounding property owners and boundaries have been included on the proposed Plat and shall remain.

[Sketch Plan (2) (h)] This application complies. Approximate acreage of all lots to be created by the division of land. This condition has been substantially met, all lots show acreage to the 1/1000th.

[Sketch Plan (2) (i)] This application complies. Relevant site characteristics including the existence of any special natural or man-made hazards. The Final Plat shall include any natural drainages that exist on the property.

[Sketch Plan (2) (j)] This application complies. The applicant has provided certified notice to all mineral estate owners pursuant to C.R.S. 24-65-101 et al.

[Sketch Plan (2) (k)] This application complies. The title insurance commitment has been provided as a portion of this application.

IV. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for September 12, 2018.

V. STAFF RECOMMENDATION

Staff recommends the approval of the Morningstar Meadows Subdivision Exemption Sketch Plan with the following conditions to be met prior to submitting an application for Final Plat approval:

1. The proposed Plat will be referred for comment by utility companies including: MPEI, Xcel, CenturyLink, and Comcast [§2.2 (1-14)].
2. The Subdivision Exemption regulations specify lot lines at right angles, or radial from Rights-of-way [§2.3 (1-6)].
3. Drainage swales shall be mapped on the Final Plat to ensure the location of future buildings are outside any flood areas. A note shall be added to the Plat that property owners are advised to contact an engineer to locate appropriate building area with proper drainage and soil bearing capacity [§2.5 1-3].
4. The supply of a water source shall be determined prior to Final Plat submittal [§2.5 1-3].
5. All residences shall be served by OWTS, and designs shall comply with current County regulations [§2.5 1-3].
6. The Applicant shall supply an estimate of probable cost for these improvements and enter into a Subdivision Improvements Agreement with the County [§2.7 1-5].
7. Any burning of slash piles shall follow standards as established by Grand County Natural Resources and the local Fire District [§2.8 1-2].
8. The Applicant shall be responsible to pay any impact fees associated with this application including but not limited to: School Impact and Fire Impact Fees [§2.10 1-6].
9. The Applicant shall supply an estimate of probable cost for these improvements and enter into a Water Quality Agreement with the County [§3.3 (3) (g)].

10. The title and legal description shall be reviewed by the County Attorney.
11. The Final Plat shall to include the width of adjacent private and County Right-of-Way [§3.3 (2)(f)].
12. The Final Plat shall include any natural drainages that exist on the property.
13. All impact fees shall be paid prior to recording the Final Plat.
14. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.
15. The applicant shall meet all Final Plat requirements.

All legal documents required in conjunction with the final approval of this request are subject to the review and acceptance of the County Attorney.

Applicant Comments

Mike Repucci – I'll go through the staff recommendations to understand expectations. There was a condition about Lot Lines.

Alex Taft – The language in the design standards states that lot lines should be radial or at right angles to county roads.

Marcus Davis read condition #2.

Mike – These lots were laid out by Tim Shenk to match concern about appropriate building sites, and we developed a plat note that no development other than driveways, OWTS, wells, utilities or similar would happen within 35 feet of the boundary of any property. We feel we have addressed any concerns about what constitutes a front or side yard, if that was the concern behind these regulations about lot lines. We feel being mindful of topography makes for a better subdivision. We request that this condition/note be addressed and removed.

Marcus Davis – The purpose of the regulation is road and bridge standards and providing access other than through driveways, so is not really of concern. As to the buildable distance from a lot line, where is that in the regulations?

Alex – It is not. It is a result of conversation during the pre-app conference as a way to avoid building envelopes and delineate smaller building areas.

Marcus – The issue with odd-shaped SubEx, it that it is helpful to identify front and side yards to avoid later confusion. The big question is that you are showing the entire lot of both [Morningstar Meadows and Morningstar Vista] as one ownership and one lot.

Mike- My clients represent 2 different LLCs, two differ owners, and they went to Dave and Karen, the current owners, presented with a contract to buy the entire lot, but during closing next month, we will convey 39 acres to Morningstar Meadows and 39 acres to Morningstar Vista.

Marcus – Can that transfer be done by survey? What is the minimum? Is that transfer one of the conditions?

Alex- 35 is the minimum, and there is no current condition for the transfer before proceeding.

Marcus- It has to be, because we can't approve a SubEx like this. The proper process is that you do the survey to delineate the two lots with legal boundaries, get the domestic well permit. When you have that well permit is the only time you can go through a SubEx. Although this is sketch plan, it is a serious condition. This appears to be using the SubEx process to get 6 lots, bypassing the subdivision process for your convenience. We should really not be seeing this until that division happens and you have 2 well permits in hand, or a letter from Town of Fraser saying you have service.

Mike- We have 1 well permit and an agreement with Fraser for service for 200 lots. All of what you said is correct and our intention is to close on the property, create the two properties, and amend the well permit for the Meadows property to serve only the 39 acre Meadows property. Then we will get a second well permit for the Vista Property.

Marcus – Typically you would have the survey and deeded ownership to both prior to sketch plan, but we will let the commissioners decide if you can move forward, and get advice from the county attorney as well. It appears to me that you are bringing forth a proposal without the proper requirements and trying to shirk the responsibilities of a subdivision because doing two SubEx is easy, but we can't allow that to happen.

Mike – We do have power of attorney from Dave Zink and Karen Waeschle.

Mike – Condition 3 that drainage swales are mapped, how specific do you want? Ten foot contour on USGS topo?

Marcus- That can be discussed with staff as you move forward.

Mike- Condition 4 regarding determination of water supply prior to final plat. This SubEx has domestic well, and one existing house, and there may never be another. If we hook up to Fraser water, we do have to hook up to their sewer. We understand adequate water supply is required before final plat, but we do have adequate supply from existing domestic well permit for Meadows and will have domestic well permit for Vista, and we also have Fraser water supply. Is it possible to determine our water source at the time of building permit? Once we surrender the domestic for three household permits, will we be required to drill 3 wells for each?

Marcus – No. The reason for SubEx is a simplified process to go from a domestic to three household use only wells, and it fast tracks the subdivision process for rural development. That is what you are doing and rules dictate the use of the SubEx process. The water dictates the subdivision process, not the other way around. The existence of the permits is the concern, we don't care if you ever drill them. The agreement with Fraser is not the same as approved water for your lots. The safest way of the SubEx is to surrender the domestic for households, then you have that guarantee.

Ingrid – What is the hang-up on deciding which way to go?

Mike- It is an interesting opportunity to get central water or operate off existing well.

Marcus – Sally brought up an alternative that you can purchase taps from Fraser as proof of water, showing 3 taps for each of these lots at final plat. Otherwise you show the domestic at final plat with the condition it be surrendered before recording.

Mike – Condition 5 regarding all residents being served by OWTS.

Alex – That was pulled from the regulations, and it wouldn't apply if you proceed with Fraser water and sewer.

Mike – Condition 6 asked about estimate of cost for “these improvements”.

Alex – Typically the road and any applicable utilities.

Mike – We would pull power to the boundary of each of the three lots and post financial security for that cost.

Marcus – If you have water taps, the security would also include getting water to the site, and road improvements, or other things like landscaping.

Mike- Condition 9 had similar language in the context of the wastewater covenant. What does that refer too?

Alex – That is the water quality agreement, applicable to any subdivision or SubEx. It is an impact fee paid as part of recording the plat.

Commissioner Comments

Kim Shepton – Does the existing house meet the architectural covenants? The perpetuity reference clause is particularly interesting.

Mike – This is a sample set of covenants.

Ingrid- Covenants are not our business, we just need to know they are there.

Ingrid Karlstrom - In the 25 years on the Planning Commission we have never had all the pages for covenants, titles, well agreements to review within the applications. It has been the policy that staff verify everything is okay. Is this necessary? Can you have the overview map up front of the application, at the beginning of the certificate?

Marcus – I have asked in the past that documents be included to be able to reference.

Sally Blea - no comment.

Jennifer Scott – no comments as long as it is okay for us to vote on this.

Bob Gnuse – The division of the south tract has 1 lots that is much smaller, is that because it is the other 16 acres that are likely to get further subdivided?

Mike- I don't think there is any intent to further subdivide, and understand there is a 10 year prohibition once you have gone through the process.

Alex- the prohibition was removed, but any further subdivision would have to go through the full subdivision process.

Marcy Monnahan - no comments

Steve Sery – It is easy to download a huge packet, but we still read at the same pace. I'm also not used to reviewing covenants.

Marcus- They have to exist, but putting in the first and last page would be fine. I appreciate staff updating how information is presented. Another suggestion

would be to include the certificate, map and appendices, so we can find what interests us.

Ingrid – Where did we end up the perpendicularity of the lot lines? I like the argument about topography.

Marcus – because they are using driveways and not roads, it is pretty irrelevant.

Maxine Labarre-Krostue – Regarding whether you can proceed without property transfer. One requirement is a title insurance commitment or attorney's title opinion showing applicant is the owner of all the land. At this point this is not the case as the applicant is not the owner of all the land. Until the transfer happens, it doesn't comply with the rules. Section 3.2 for Sketch Plan requires proof of ownership to go into the sketch plan process.

Chairman Marcus Davis suggested a request to table both this [Morningstar Meadows] and the next [Morningstar Vista].

Mike Repucci asked for clarification regarding "tabling" the application and asked to read the regulations.

After reading the regulation, Mike Repucci requested on behalf of the applicant that the Planning Commission table this application and return when the property is owned.

No motion was required, no vote was taken as the applicant for both Morningstar Meadows Sketch Plan and Morningstar Vista Sketch Plan asked for a continuation..

Kenefake - Special Use Permit

Presented by Richard Hubler. Applicant Frank Kenefake was present.

I. DISCUSSION

Frank Kenefake is requesting a special use permit to develop a camping area on the property which previously housed the Granby Sawmill. The property is located directly east of Granby, and south of Grand County Road (GCR) 60. Access is provided from GCR 60 and additional access is available by easement from the end of Agate Ct.

Mr. Kenefake recently sold the property to Grand Agate, LLC but now holds a long term lease on approximately two acres of the eastern end of the property. This portion of the property currently contains several residences which will remain and be screened by a fence to be constructed. The proposed development is to be completed in phases, with the initial phase being the construction of 4 cabins and 18 campsites for RVs or similar. The cabins will provide bathrooms and electricity and will be constructed to meet building codes for year round residential occupation. Subsequent phases will convert the RV campsites into additional cabins.

Parking will be provided directly adjacent to each cabin or RV site, as well as at the north end of the property next to an office building with shower facilities and a general store. The center of the site is

proposed to include a recreation area with landscaping.

II. ANALYSIS OF COMPLIANCE WITH THE GRAND COUNTY ZONING REGULATIONS

The site for the proposed Camping use is in the Business District. In this district, a commercial camping area is allowed under the provisions of Section 9.1 – uses permitted by special review (1) camping, pursuant to regulations set forth in Section 11.8.

11.8 SPECIAL USES

(1) **Camping areas are subject to the following additional provisions:**

- (a) *Such areas may be occupied only by persons using mobile homes, travel trailers, truck campers and tents for overnight or short duration camping*

As stated in the project narrative letter, camping spaces will only be for those in RVs, tents or similar for short duration. The cabins will be available for both customers with or without an RV.

Condition: To remain consistent with existing campgrounds as well as language defining resort cabins and short-term rentals, staff recommends individual stays be limited to less than 30 days, management of which shall be the responsibility of the applicant.

- (b) *Each mobile home space shall be at least three thousand (3,000) square feet in area; each space for travel trailers, truck campers and tents shall be at least one thousand five hundred (1500) square feet in area;*
- (c) *Each space shall be at least thirty feet (30') in width;*

The narrative letter indicates and site plan illustrates that the applicant will provide spaces of adequate size and will physically indicate the sites on the ground. Applicant shall comply with (b) and (c).

- (d) *Each camping area shall provide a central water supply and shall have one (1) sewerage system.*
- (e) *The source, quality, quantity, distribution system, volume and method of storage of water and the method of collection and treatment of sewage and waste water shall be approved by the Colorado State Department of Health;*

Mr. Kenefake has expressed to staff that the site will be served by public water and sewer systems from the Town of Granby. A recent easement through the Solar Senior Living complex directly to the north demonstrates such expansion is in process and Granby Town manager Aaron Blair also confirmed discussion are underway.

Condition: Applicant shall provide a "will serve" letter or other documentation from the Town of Granby prior to approval of the Special Use Permit by the BOCC. Documentation of service to individual structures will be required during the building permit process.

- (f) *No dependent mobile home, travel trailer, truck camper or tent shall be located more than two hundred feet (200') from a service building;*

Staff feels this condition can be met by either providing individual hookups to spaces #9-18 as part of the phase 1 development, or by restricting those spaces to independent RV units.

Condition: Applicant will indicate whether spaces #9-18 will be served by individual water & sewer hookups or whether they will be restricted to independent recreational vehicles, prior to approval by the BOCC.

(g) *Provisions shall be made for adequate all weather walkways to each space;*

Mr. Kenefake has indicated understanding of this requirement in his narrative letter, and staff feels this condition will be met during the development. Applicant shall comply with (g).

III. ANALYSIS OF COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which three (3) are most relevant to this special use permit proposal – elements 2, 3, & 6.

Plan Element 1 – Natural and Cultural Resources

The focus of plan element 1 is to preserve and protect environmentally sensitive lands and resources. The proposed development occurs at the edge of the Town of Granby on a site that historically housed a sawmill and is adjacent to existing intensive business developments. It is also bounded on the south by the railroad. Staff feels that this proposal will not negatively impact historic, cultural, or natural resources any further than existing development already has, and that the implementation actions for element 1 are not applicable.

Plan Element 2 – Land Use: Growth and Development

Plan element 2 aims to conserve the natural beauty and rural setting while building vibrant communities and directs growth to occur in and around existing communities. The proposed development of a camping area on the edge of Granby is located within the growth area boundary and is therefore consistent generally with the intent and specifically with the policies to encourage infill and redevelopment and to direct development toward growth areas served by central water and sewer, as the redevelopment of this property will include connection to Granby Sanitation District services.

Plan Element 3 – Development: The Built Environment

The vision of plan element 3 is to preserve visually important lands and maintain rural mountain landscapes. The proposed camping area is consistent with policies to locate higher intensity development away from sensitive areas and minimize the development of existing agricultural lands as well as to limit light pollution.

Plan Element 4 – Community and Public Facilities.

Plan element 4 focuses on the development of public facilities and infrastructure. Staff feels that the proposed development addresses a policy to encourage existing water and sanitation districts to provide out-of-district services to adjacent development. The redevelopment of this property and the proposed connection to Granby Water and Sanitation District supports the continued expansion of the Town of Granby services to properties that have not been annexed. Staff feels that other policies regarding recreation facilities, health care, and education are not applicable to this proposal.

Plan Element 5 – Transportation

The provision of safe and efficient multi-modal transportation systems is not applicable to the this proposal.

Plan Element 6 – Economic Base

The intent of plan element 6 is to expand and diversify the economic base of the county through development of year-round businesses focusing on recreation, tourism and natural resource based industries while carefully considering the impact of second homes on the affordable housing options and

service sector jobs. This proposal for development of a year round camping area will contribute to the local tourism economy and potentially boost the need for service sector employment. However, the overall development is much smaller than currently existing developments on the west end of Granby. This proposal does not address the overall shortage of affordable housing in the area or the county. Staff feels that the need to address housing opportunities is much larger than the impact of Mr. Kenefake's 22 units. Further, if all the phased development occurs on this property, 22 cabins with plumbing and heating would be built, and in the future, could potentially be re-purposed for local residences.

Plan Element 7 – Administration & Process

Plan element 7 addresses processes for administration of the other plan elements, and staff feels that the policies have either been met or do not apply to this proposal.

IV. PLANNING COMMISSION RECOMMENDATION

Planning commission scheduled for September 12, 2018.

V. STAFF COMMENTS

The proposed development is an infill type redevelopment of an existing piece of land located in a business intensive area just outside the boundary of the Town of Granby. Currently existing adjacent uses include Whatever Floats Your Boat service facility, Independent Propane, High Valley Landscape, the remainder of the sawmill property and the railroad tracks. The only nearby residential use is the Solar Senior Housing facility operated by Grand County. The subject property has been for many years in need of redevelopment and while this proposal still leaves the remainder of the sawmill property in its current state, it does begin to bring the property into compliance with the Master Plan.

The applicant proposes developing small cabins that will be permitted and constructed to building codes for year round use and provide heating, plumbing, and electricity. This style of development is more consistent with the immediate neighborhood than the seasonal "camping cabins" built elsewhere in the county. The provision of water and sewer is through connection with the Town of Granby, and this process is already underway. The phased development of the site meets the regulations at present and allows for future build-out in a manner consistent with existing regulations.

It is the opinion of staff that this proposal wholly meets the expectations laid out in the Grand County Zoning Regulations, and the conditions specified below are to clarify certain details of the construction pursuant to discussions with the applicant.

VI. STAFF RECOMMENDATION

Staff recommends the conditional approval of the Kenefake Special Use Permit in its entirety, including all 3 described phases, with the following conditions to be addressed prior to issuance of the permit by the Board of County Commissioners:

- 1) The applicant will provide a "will serve" letter or similar documentation from the Town of Granby or the Granby Sanitation District.
- 2) The Applicant will document in writing whether the provision of water and sewer for units labelled 9-18 will occur by individual taps or whether these units will be restricted during phase 1 to self-

contained recreational vehicles only.

Staff recommends the following conditions be included in the Grand County Special Use Permit:

- 1) Building permits will be required for all structures, including but not limited to cabins, the office, fences over six (6) feet tall, and retaining walls over four (4) feet tall.
- 2) Stays shall be limited to less than thirty (30) days, and such will be managed by the applicant or on-site management.
- 3) During Phase 1 & Phase 2, all camping sites shall be physically marked on the ground to be at least thirty (30) feet wide and fifteen hundred (1500) square feet in area.
- 4) Build-out of phases two and three shall occur as described on the submitted site/project plan. Any changes to the development from this approved plan shall require an amendment of this special use permit.
- 5) Any additional conditions to be added by Planning Commission or Board of County Commissioners.

Discussion with Staff

There was discussion of proposed approval for a 10 year permit.

Steve Sery asked about the traffic pattern, and wanted to know how we can approve project without knowing the traffic plan.

Richard Hubler proposed traffic management to handle increased traffic.

Steve Sery asked about input from Town of Granby.

Richard Hubler stated that Granby Town Planner, Aaron Blair, has discussed plans to prohibit left turns at the intersection.

Ingrid Karlstrom expressed concern about increased traffic.

Frank Kenefake, property lessee, stated the usage would be limited to pickups and small trailers, no 5th wheels. He is focused on cabins and not interested in competing with the big campsites. He has talked with the Town of Granby and understand the town is working with the developer on Hwy 34 to fix that intersection. Frank met with Road and Bridge to discuss how to make his driveway access safe.

Public Comments

Rod Lock, owner KKAL Properties, has also talked with Aaron Blair, specifically about the Highway Access Code, and an agreement from 2006 between the Town of Granby and CDOT. At Wrangler Tire, drivers cannot turn right. The only right turn access is at CR60, and is problematic on Sundays when church traffic backs up. More input is needed from Town of Granby, and follow-up to agreement from 12 years ago.

Marcus Davis asked about where some of the properties of interest are located.

Robert Blackwell, owner Independent Propane, has 18 wheel trucks for his business, and is not eager to see traffic changes at intersection, nor residential development downwind of his propane plant, due to sleeping people being unaware of emergencies.

Kim Shepton expressed concern about propane plant upwind of Senior Housing, and surprised that a propane plant is located in such close proximity to railroad tracks. Robert Blackwell stated that there have been no leaks to date, but a vehicle accident or train wreck might happen.

Bob Gnuse stated that there should be an emergency management plan and questioned what that includes currently to notify the public.

Robert Blackwell said they don't currently have a notification component but will work on that.

Nicky Kenney presented a letter to the Planning Commission from an adjacent property owner, Paul Chavoustie, in which he stated he did not oppose development of a quality project on this site, and enumerated his concerns about traffic, adequate entry and exit points for large RVs on CR 60, source for water and sewer, on-site management, quiet hours, and visible clean-up of the site.

Nicky Kenney also presented her own letter expressing her concerns about safety, traffic, costs of the development, fire protection, adequate turn-around space for fire trucks, fencing, and noise. Ms. Kenney is opposed to this development.

Walker Williams, owner of the property presently leased to Frank Kenefake, stated that his primary goal is to clean up the blighted area, and provide an improved property. He agrees that the traffic concerns are valid, and that the goals of the request for a Special Use Permit are to comply with safety requirements.

Richard Hubler put up an aerial view of the property at the request of Jennifer Scott and discussed the location of entrances and existing structures and proposed development.

Cindy Frith, resident of Cabin Village, expressed concerns about traffic, noise, safety, and smoke from campfires. She has spoken with the Town of Granby Town Manager, Aaron Blair, regarding a round-about, and a proposed traffic light.

Frank Kenefake, property lessee, has proposed a fence and a berm to mitigate noise, and a concrete wall between the proposed development and the railroad tracks.

The property owner, Walker Williams, has the money to improve the site. The proposal for cabins is directed to persons who do not have RVs.

Sue Coley, resident of Cabin Village, expressed concerns about traffic, noise, lighting, and fire pits. She asked if there were to be cabins only, what was the need for RV sites?

Frank Kenefake, stated that RV sites would be a source of revenue while 4 small cabins are being constructed. The RV sites will not be pull-through. He stated that there will be a quiet hour enforced for guests.

Sue Coley, resident of Cabin Village, wants assurance about signage and requirements for guests.

Jennifer Gelbhaus, resident of Cabin Village, expressed concerns about traffic, noise, campfire smoke, and lighting.

Jonas Pearson, property owner with Walker Williams, stated that the purchase of the property, and subsequent lease back to Frank Kenefake, was for the specific purpose of eliminating the existing blight and improving the property. He stated that the concerns expressed by citizens regarding traffic, noise, safety, and smoke were all pre-existing problems, and reaffirmed his commitment to take care of the property. Jonas stated that the signage issue is easy to address, and that he welcomes more questions. He raised questions regarding existing fire hydrants in the adjacent properties.

Rod Locke discussed the installation of the fire hydrant on his property and stated it was designed to serve the entire area including the sawmill.

Walker Williams, property owner, says that water and sewer will be provided by the Town of Granby, along with two fire hydrants, and is in compliance with the Master Plan.

Walker Williams and Jonas Pearson, owners, stated their goal to be caretakers, to eliminate the blight, and to rehabilitate and improve the property with recreational use which will be better than the previous industrial use as a saw mill.

Marcus Davis asked if there were any additional comments from the member of the public present.

Sam Conger, owner of adjacent property, believes in private property rights, and stated that traffic issues are not a good reason to oppose development. He commented that the owners/developers have been very neighborly. He asked about a single wide trailer that was removed, and a double wide trailer that was added to the plan. He asked about changes in the drainage ditch - the county roads drain into a culvert/ditch. Conger has concerns about the excavation up to his property line, and wants assurance that all will be done in compliance with plans and proper permits. He has seen improvement in the property, but wants all to be done correctly.

Walker Williams, property owner, expressed appreciation for all the public comments, and a good turnout to exchange ideas. He reaffirmed his commitment to do everything required to be in compliance.

Planning Commissioners Discussion/Comments

Steve Sery - no comment.

Marcy Monnahan - no comment

Bob Gnuse - question for Richard Hubler – the report mentions that some RV sites are more than 200 ft. from the shower facilities, and would have to be self contained units -the 10 sites, 9 thru 18.

Richard- It is not on the slide but is recommendation #2 on the certificate.

Bob Gnuse asked if we made a traffic management plan, what does that entail? Who participates? CDOT?

Richard stated that Grand County Community Development cannot address issues outside of PC or applicant control and referred to a traffic study. The primary roads CR 60, 6th Street, and Highway 40 need an exit plan. Enforcement could be a problem.

Ingrid Karlstrom questioned what happens when the problem intersection has no traffic.

Richard said that the exit plan will stay the same, and that the Town of Granby may be solving it.

Jennifer Scott understands the issues and concerns brought by the public comments about campfires. She suggested fewer fire pits during phase one, the building of the first four cabins, and asked what time frame is proposed for the long term development plan.

Richard said that this proposed development will progress as economically feasible to address a niche market, and proposes no specified timing.

Sally Blea wanted to know if a long term permit would be for ten years for the RV sites, and more gradual for the cabins.

Richard said that the construction of 4 cabins will happen as soon as all conditions are met, and the remainder of construction of additional cabins would be gradual.

Sally Blea asked if the proposed campfire pits are in compliance with county regulations.

Richard said there is a prohibition on individual fireplaces, and campfires will be in compliance with campfire regulations, like all other properties.

Sally Blea inquired about the mobile home and asked if it would be for a non-conforming use.

Richard referred to the plat from 1950s, which showed mobile homes, and recently one mobile home was removed and replaced with another. The shower facility proposed will be in a new structure.

Sally Blea asked how the proposed development would redetermine property use.

Marcus said that any change of use would require the property in its entirety to comply before the issuance of a special use permit. The existence of two mobile homes qualifies as a mobile home park.

Richard Hubler discussed County attorney's opinion allowing existence of multiple uses on the same parcel, including uses by right as well as pre-existing uses and special uses.

Marcus stated that a special use permit or change of use required the entire parcel to comply.

Richard stated the provisions for camping areas allows for mobile home, and staff has discussed with applicant siting the mobile homes to comply with camping area regulations. The proposal could be reviewed either including or excluding the mobile homes.

Marcus Davis said the Planning Commission was not presented with detail about the mobile home. The camping area could allow the mobile home park but it is not being presented as such.

Richard stated that the mobile homes are being presented on the submitted site plan.

Frank Kenefake, leaseholder of property, stated that the property is not a mobile home park.

Marcus Davis stated he believes the regulations have always considered two or more mobile homes as a park

Information from the 1950s shows 3 residences on one well, this proposal is not increasing non-conformance.

Bob Gnuse approves the removal of the old mobile home, an eyesore, and replacement with a newer mobile home.

Marcus clarified that this property has pre-existing non-confirming use for 3 mobile homes on 1 domestic well, this proposal does not change non-conformance, and the opinion of the county attorney's office is that this proposal is for a new use no subject to looking at the mobile home.

Maxine LaBarre-Krostue, assistant county attorney, stated that summary is correct.

Sally Blea asked if there were any further public comments about the traffic turn, and traffic pattern changes.

Rod Lock, owner KKAL Properties, asked that further action be taken from the county with regard to the intergovernmental agreement. No action has been taken since initial discussion about traffic access plan in 2004 and 2006. In 12 years, something should have been done about the traffic issues at 6th street.

Ingrid Karlstrom stated that the Town of Granby should take the lead on this matter with CDOT, the owner of 6th street.

Sally Blea agreed that something should be done about the traffic, but that development should not stop because of traffic problems.

Steve Sery said that this project will get the Town of Granby moving on the traffic issues.

Ingrid Karlstrom said that the project should not be held hostage to unresolved traffic problems, agreed regarding community fires, and also asked if the cooperation of Town of Granby water

and sewer can be achieved without annexation of the property. She also asked about permit time limit.

Frank said the provision of water and sewer is available without annexation at double the normal cost.

Richard stated staff proposed 10 years instead of lifetime because of lease, with stipulation of potential review for cause.

Marcus Davis said that a lifetime permit could apply to a lessee.

Walker Williams, property owner, stated that the current lease is for 2 years, with automatic renewal up to 20 years.

Kim Shepton said she had looked at the property, and thinks it will be a good site for small cabins. She wants on-site supervision of camping activity, and asks if there is adequate EMS access.

Richard Hubler stated that the plan shows a 24 ft. wide gravel drive that includes 2 fire hydrants. More work is needed for ingress and egress.

Kim expressed concern about the noise from the train and the propane trucks, and concerns about the volume of traffic from Cold Springs Nursery. She asks that on-site management prohibit 5 wheels.

Sue Coley, resident of Cabin Village, has concerns about night noise.

Peg VandeVoort, owns property across the street, says noise carries at night, and expressed concerns about light pollution and smoke pollution.

Kim Shepton acknowledged a huge cost to clean-up and develop this property with a need for some revenue during the development process. Further, there is a need for seasonal housing.

Marcus Davis thanked the public for comments. He commented on absence of draft permit and requested conditions include downward facing lighting, curfew for noise, on-site management, must meet road and bridge standards. He expressed concern regarding the right turn requirement that will turn and loop into a residential area with two large hills, and going behind the 7-11 is no better. Realistic signage will be needed. Regarding fire pits, is there a study about use of individual fire pits versus a shared fire pit.

Richard said that county regulations limit the size of a fire pit, so placing a limit on this applicant would be limiting the total number of allowable fires.

Ingrid Karlstrom said that 1 pit per phase sounds dinky, but fair.

Jennifer Scott said that Edgewater Cabins and Rendezvous different phases each have just one fire pit area per phase.

Richard said that the general Colorado noise ordinance limits this property to 60db 7am to 7pm and 55db overnight. Suggests noise regulations are to be the same as required for Short Term Rentals. Richard said that quiet time will be the same as required for Short Term Rentals.

Bob Gnuse recommends to remove the word "curfew" from information provided to customers. Marcus stated that financial security is not typically required for a special use permit, except for cell towers, and development will be the responsibility of the applicant.

Marcus stated that during the length of time that ownership does not change, the Special Use Permit will not change, but that the Planning Commission can pull the permit if something changes. If ownership or lease status changes, then the Special Use Permit stops. HE suggested lifetime permit as long as staff has copy of the lease.

Richard confirmed that lease is in the file.

Robert Davis asked for clarification of signage.

Marcus said the current path is GCR 60 to 6th street, with a right turn up the hill to left in front of Grand Meadows. This presents a challenge with church traffic.

Rod Locke stated the left turn happens behind 7-11.

Frank stated the truck currently says trucks must turn right at 6th st and suggests signs change to state "trucks and vehicles with trailers" turn right.

Sam Conger stated the majority of traffic is daily traffic, including his boats and the gravel pit, and expressed concerns about over-signage, and concerns about being ticketed for turning left.

Bob Gnuse wanted to know if the county will change the road signs or if the property owner will do so, adding there is not a right way to handle the problem.

Marcus wants a common solution that helps to address the problem.

Richard proposed that the condition state staff follows up with R&B and the town regarding signage to direct traffic with trailers along gravel truck route.

Bob Gnuse suggests that staff follow-up with the County, Town of Granby, and CDOT on a traffic plan outside this special use permit.

Ingrid Karlstrom feels that the property owner should do signage on their own property.

Marcus said we will address the route, and any changes, after discussion with County Road and Bridge. There are many requirements, and we will seek options outside the Special Use Permit. Until then, traffic will follow the truck route.

Frank Kenefake says he will have information to hand out to the visitors.

Marcus feels that traffic changes will be too hard to enforce.

Richard summarized the condition be that traffic with trailers should follow the truck route.

Marcus Davis called for a motion to approve the Special Use Permit for Kenefake as presented by staff with 6 additional conditions as follows:

- 1-downward facing lighting
- 2-quiet time restrictions to match STR regulations
- 3-on site management
- 4-traffic considerations - vehicles with trailers follow ATH truck route.
- 5-1 wood-burning fire pit per phase
- 6-lifetime permit, with copy of lease on file

Motion by Ingrid Karlstrom to approve with staff conditions and additional 6 conditions, seconded by Sally Blea. All in favor "aye", none opposed, motion passed.

The Kenefake matter will be presented to the Grand County Board of County Commissioners at 1:30 pm on October 9, 2018.

Marcus Davis called for a break at 9:26 pm. Back in session at 9:33 pm.

Jennifer Scott recused herself from this Agenda item.

OOE Holdings

Presented by Alex Taft. Owner represented by Drew Nelson

I. BACKGROUND

a. HISTORY

The 10.01 acre property is located to the west of Ice Box Estates along County Road 50. Ordelheide Outright Exemption, formerly known as Mountain Time Estates Subdivision Exemption was recorded in 1999. The vacant property was purchased by James and Jeannine Lahrman in August of 2008. The Owners, transferred the property by Quit Claim Deed to OOE Holdings, LLC in 2009.

The site contains a 12,000ft² barn constructed in 2011-2013 under building permit # B11-0465. Staff at the time noted that the building would not be used as a commercial business but for storage of vehicles and equipment.

The Lessee, Golden Eagle Holdings, is a Colorado corporation that has been registered with Secretary of State since 2006, and is currently in good standing.

b. PROPOSAL

OOE Holdings, proposes to use this site for storage of snow and tree removal equipment primarily during the summer months. The primary use would be storage of snow, logs, vehicles, equipment, and supporting appurtenances. The primary administrative portions of the business are run through an office location in the Town of Winter Park. Staff occupying the site may be 1-2 employees, for an entire work day, although it has been represented this is infrequent.

The ownership anticipates the future construction on a single family dwelling, but does not have a time estimate for the future construction.

Operation of the site will allow for minor maintenance of snow plow equipment and tree removal equipment. Vehicle maintenance that shall take place is limited to oil or fluid changes. GEH does not currently employ a full time mechanic for more extensive maintenance.

Storage of vehicles during the winter months will be contained on individual employee's properties. These procedures increase efficiency of current client needs and work flow. At the end of each season, fleet vehicles will use this site for storage. Average daily trips involving this facility are estimated at less than 4.

II. COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

G. MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one (1) is relevant to this Special Use Permit proposal.

Plan Element 6 – Economic Base

This business is already active in the community. As stated by the applicant it is the largest privately held snow removal business in Grand County. This snow removal business serves 500 clients in the Fraser valley. The company has twenty four (24) plow drivers in the winter season that serve the clients referenced. The business keeps employees in the County with sufficient wages.

H. ZONING REGULATIONS

Review of this request for a Special Use Permit requires the Planning Commission and the Board of County Commissioners to consider the provisions of: (1) Sections 11.2, review criteria applicable to all special uses that are considered by the county and (2) 11.8(10), criteria that is specific to construction businesses, heavy equipment storage areas and earth-moving businesses:

11.2 CONDITIONS AND GUARANTEES

Prior to the granting of any special use, the Planning Commission may recommend and the County Board shall stipulate such conditions and restrictions, upon the establishment, location, construction, maintenance and operations of the special use as are deemed necessary for the protection of the public health, safety and welfare. Any Special Use Permit granted by the Board of County Commissioners may incorporate such conditions as it deems necessary to require compliance with the standards for issuing permits as set forth in this Section XI.

Staff is reviewing this application under Grand County Zoning Regulations ("GCZR") 11.8 (10) – Construction businesses, heavy equipment storage areas and earth-moving businesses provided the following conditions can be met.

- (a) *The equipment storage areas can be adequately screened from public highways and adjacent lands.*

Screening is provided by both a dense stand of mature evergreens and a naturally occurring ridge inside the property. The building is tucked into the existing stand of trees and shielded by the ridge. The building is an enclosed, wood barn of rustic character with natural finishes.

- (b) *Truck traffic to and from such use shall not create hazards to Residential and Tourist areas.*

Staff sees access to the site from two routes (see attached map):

1. Accessing from County Road 5 then to County Road 50.
2. County Road 721 also known as Tubing Hill Road, then along County Road 73 to County Road 50S then left County Road 50.

While Staff prefers employees go the route from County Road 5 then to County Road 50, it is Staff's opinion that this route best suited to minimize impacts because this road is all paved. Staff is aware this route is through a primarily residential area, but because the Applicant is using light duty pickups it is believed it will not add undue wear to the road surface.

- (c) *Truck traffic to and from such use shall not unduly damage public road.*

The Applicant shall comply. The majority of traffic created by this use is created by light duty trucks with snow plows. The impact to the roadway is proportionate to that of a single family dwelling. Primary business activities such as administrative and scheduling operations are run out of an office in the Town of Winter Park.

Should complaints arise, Staff may require appropriate route based on further analysis.

- (d) *The use shall not create offsite negative impacts such as water pollution, noise, dust, glare and odor.*

The Applicant shall comply. The proposed storage of materials is limited to logs and snow. These will not create negative environmental impacts on or to adjacent properties.

These conditions are to be addressed by submitting fifteen (15) copies of the following items:

- (e) A narrative statement describing the operation

This application complies with this provision.

- (f) A site plan drawn to scale showing man-made structures, surface water drainage and access routes in the immediate area.

A site plan has been provided showing the connection to the County Road and this application complies with this provision.

- (g) A vicinity map.

Staff has acquired a vicinity map that covers a two mile radius. This application complies with this provision.

- (h) A screening plan.

Staff has determined that the screening on site is sufficient for the purposes of this Special Use Permit Application. There is a drainage sheltered by a ridge on the property that provides natural landscape screening for the property. The Applicant shall continue forest management on site as needed and plant trees to maintain the screening as standing dead is removed.

III. PLANNING COMMISSION

Planning Commission hearing scheduled for September 12, 2018.

III. STAFF RECOMMENDATION

Staff recommends approval of the OOE Holding Special Use Permit with the following conditions:

- 1) The Applicant shall supply a list of equipment to be stored onsite.

The following requirements shall be made a part of the Special Use Permit (Exhibit D):

- 2) The permit shall be for an initial duration of three (3) years.
- 3) The Permittee is required to keep a current lease on file with the Community Development Department.
- 4) The following Special Use Permit sections shall include: Hours of operation, Equipment and Materials Storage, Equipment Maintenance, Other Uses, and Off-site impacts.
- 5) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:

- Control of Site
- Noxious Weed Control
- Screening
- Site Maintenance
- Rehabilitation of Site
- Storage of Abandoned Equipment
- Compliance with County, State and Federal Regulations
- Limitation of Liability
- Alteration of Terms and Conditions

- Access and Right to Enter Site
- Assignability
- Binding Contract
- Financial Security
- Abandonment
- Violation of Terms and Conditions
- Non-Transferable
- Termination.

Staff Comments

Applicant has already met the conditions to provide a lease agreement and list of equipment.

Applicant Comments

Drew Nelson, owner representative, stated that Alex has done a great job, and ownership is responding with proactive action to address a complaint from across the road.

There will be storage of trucks and snow plows in the summer. There will be winter traffic for maintenance.

There will be tree removal and rock removal.

The barn will be used for equipment storage in the summer.

We have already addressed the equipment list and the updated site plan shown in tonight's report includes areas in pink for temp storage.

Ownership agrees that GCR 50 to GCR 5 is the best access route and we anticipate an estimated 4 +/- trips per day, based on an annual estimate.

Commissioner Discussion

Kim Shepton asked if the area was flat and expressed concern that surrounding trees are to be preserved as much as possible. There are some beetle kill trees set for removal.

Per Drew Nelson, owner representative, the plan is to preserve viable trees, and stack the logs or trees that needed to be removed.

Kim Shepton agreed with that storage plan as there are enough standing trees that there is no visible problem. From CR50, the eaves of the barn are visible.

The Denver Water Board owns the property to the south. The property to the east is Morrow & Sons Construction.

Kim Shepton asked if the trucks to be used are log trucks.

Drew said the company owns one dump truck, not a logging truck.

There was a letter of concern regarding heavy equipment. There are two front end loaders, kept off site, and will be transported on a trailer.

Drew has not seen the letter of concern.

Marcus Davis asked if the Special Use Permit is a lifetime request.

Alex Taft suggested a shorter 3 year term to monitor the business activity for compliance.

Marcus Davis suggested to legalize existing use for lifetime use.

The one letter of concern regarding dust and noise is from Karen Gralow.

Ingrid Karlstrom supported lifetime permit, stated that she lives near there, and has no complaints.

Marcus Davis asked which is the alternate route for Crooked Creek Ranch, CR 50 or 50S?

Alex confirmed Crooked Creek Ranch uses 50S.

Sally Blea inquired about temporary log storage like the Samuelson property. Will there be wood burning or cutting on the site?

Drew Nelson, owner representative, stated that the wood would be cut and stacked into firewood, but not burned on site. There is planned disposal of stumps. The business will adapt to the customer need. It is not a commercial firewood business. The firewood is used at the Woodspur Lodge.

Bob Gnuse asks that the wood not in use be disposed of as appropriate to avoid accumulation of wood waste.

Sally Blea asked for more detail about the letter of concern.

Alex Taft said the letter of concern was about maximum development and light industrial use, and he has spoken with the letter writer. If there is a change of use, we can adjust the Special Use Permit.

Drew Nelson, owner representative, stated that traffic is variable with the difference between summer and winter activity. The estimated 4 +/- trips per day is less than usage for a single family residence. The net average daily trips estimate from Road & Bridge is not to exceed 20 ADTs (average daily trips). As use changes, the conditions of Special Use Permit must change.

Marcus mentioned changes to the character of the road with cumulative ADTs - it will be hard to differentiate if use changes, if someone adds a home or other changes.

Sally Blea stated that there is no visible pollution even with log stacks that are 6 ft. high.

The 35 ft tall barn is not visible from the road. There is an elevation increase, then it is flat past the ridge in an area that is less than 80 per cent of the property.

The barn is built in the Amish style, and the proposed use is for equipment storage of 30 trucks with snow plows.

Golden Eagle is the business operator with a lease from OOE Holdings.

No comments from Bob Gnuse, Marcy Monnahan, or Steve Sery.

Motion to approve by Sally Blea with two conditions- lifetime permit term and ADTs not to exceed 20 or SUP will be revisited, seconded by Kim Shepton. All present in favor "aye", none opposed, Jennifer Scott recused, motion passed.

Bridger Wireless - Special Use Permit

Presented by Alex Taft, Applicant represented by Nicholas Constantine

I. BACKGROUND

a. History

The parcel involved in the proposal is owned by Glenda Lee Hill. The approximately 55 acres have been assessed agricultural for at least the last 5 years. There are agricultural buildings onsite that are typical of agricultural use and keeping livestock.

b. Proposal

The applicant is requesting a Special Use Permit to construct and operate a one hundred twenty five (125)

feet tall un-manned wireless telecommunications facility.

The proposed telecommunication tower will have the capacity to allow for collocation of several carriers. The first tenant of this structure is AT&T with FirstNet, which is the first high speed, nationwide wireless broadband network dedicated to public safety. This tower is intended to serve the public where there is minimal current service. The proposed tower will serve the local residents and the traveling public in the west end of the County. Most important is the access it provides the county for emergency and public service communications.

II. COMPLIANCE WITH THE GRAND COUNTY ZONING REGULATIONS

The proposed site for this telecommunications tower is in the Forestry and Open District, Section 6.1. In this District, the Applicant can operate this Telecommunications tower under the Special Use Permit ("SUP"), pursuant to the provisions of Section XI as specified in sub-paragraph (7). This section lists uses allowed by special review including: *Telecommunications infrastructure above thirty five (35) feet in height and not deemed a rooftop design.*

III. COMPLIANCE WITH THE SECTION 11.8(7) SPECIAL USES—TELECOMMUNICATIONS

(a) Telecommunication related facilities and support structures located within Grand County shall be subject, but not limited to, the following additional requirements:

i) **Such uses shall serve an obvious public need.**

✓This requirement has been met.

This telecommunications tower will allow better coverage to those property owners including those in Old Park, Gorewood, Gore Lakes, and the traveling public. The tower will supply high-speed, nationwide wireless broadband network provided by FirstNet.

ii) ***Coverage information shall be submitted detailing the areas of Grand County that will benefit from the proposed telecommunications facility.***

✓This requirement has been met (See Exhibit B).

Coverage areas shown on the map as provided by the applicant show increased coverage surrounding Wolford Mountain reservoir and west toward existing residential development.

iii) **All telecommunication carriers shall comply with the requirements of the Grand County Emergency Telephone Service Authority.**

The applicant shall register and comply with all requirements as set forth by Grand County Emergency Telephone Service Authority, as well as other applicable State and Federal agencies.

iv) **Collocation of existing facilities and at existing sites is encouraged.**

✓This requirement has been met.

The Applicant expresses the lack of local facilities that are available for collocation. There is one existing

site on top of Wolford Mountain approximately 6 miles away. This facility is initially adding service of one telecommunication provider and has bays available for three (3) more. Collocation shall be a requirement of future service providers on this tower.

The following collocation condition will be added to the final special use permit:

Collocation of individual service providers or the addition of new equipment is permitted and mandatory on or within any existing telecommunication facility currently permitted under this special use permit. The addition of structures and equipment not currently listed as a permitted use under the special use permit would require special approval through the public hearing process. Any proposed collocation will be reviewed on an administrative staff level. The following information must be provided to the Grand County Department of Community Development prior to any collocation or the addition of any new equipment on or within any existing and permitted telecommunication facility.

- *Name, address and telephone number of the officer, agent or employee responsible for the new individual service provider.*
 - *Executed lease agreement between special use permittee (FVCM) and any new individual service provider.*
 - *Legal status and federal registration of new individual service provider.*
 - *A description of the telecommunications services that the provider intends to offer or is currently offering or providing in Grand County.*
 - *Site plan depicting the location of installation on the existing tower or within an existing equipment building, with detail of equipment, including color and size.*
 - *Registration of all new telecommunication carriers and providers that offer services to the public with the Grand County Emergency 911 Board.*
 - *Collocation approved for: (any approved collocation companies would be added here).*
- v) **An Alternative Site Analysis shall be provided for proposed telecommunication facilities.**

✓This requirement has been met.

There are not sufficient sites within a 10 kilometer distance as stated by the applicant. A slightly more broader search conducted by Staff (see below) shows that other structures in a 15 kilometer distance are too far west or south of the Town of Kremmling to adequately serve the target population.

Displayed Results

 = Pending Application(s)

Specified Search

Latitude='40-8-28.1 N', Longitude='106-26-42.6 W', Radius=15 Kilometers

Registration Number	Status	File Number	Owner Name	Latitude/Longitude	Structure City/State	Overall Height Above Ground (AGL)
1 1024195	Constructed	A0028882	TRI-STATE GENERATION & TRANSMISSION ASSOCIATION INC.	40-02-46.0N 106-18-03.0W	TROUBLESOME, CO	15.2
2 1025161	Dismantled	A0309793	COMMNET CELLULAR LICENSE HOLDING LLC	40-07-06.0N 106-23-32.0W	KREMMLING, CO	21.0
3 1236273	Constructed	A0357722	State of Colorado	40-03-23.7N 106-22-27.5W	Kremmling, CO	10.0
4 1240839	Cancelled	A0456193	Educational Communications of Colorado Springs, Inc.	40-03-49.9N 106-22-08.1W	Kremmling, CO	9.0
5 1285836	Constructed	A1075079	Mountain Parks Electric Inc.	40-03-33.0N 106-22-03.0W	Kremmling, CO	43.9
6 1293549	Constructed	A1091112	CommNet Cellular Inc.	40-03-40.1N 106-23-45.5W	Kremmling, CO	38.1
7 1306924	Constructed	A1108236	UNION PACIFIC RAILROAD COMPANY	40-03-02.8N 106-22-40.4W	Kremmling, CO	18.3

The proposed site has greater access and coverage for emergency services and the general public.

- vi) Detailed site plan—all scaled infrastructure specific to each proposed location which shall include types of adjacent land uses, surrounding topography and vegetation, and height of proposed tower.

The Applicant has submitted a site plan (See Exhibit E) that shows the conditions and proposed infrastructure described below.

- Colorado Highway 134 and the 20'-0" access easement that will be used to access the site.
- The location of the 120' telecommunications tower and supporting equipment. (See Exhibit E, Sheet Z-3)
- The 100'x100' lease area and 56'x56' fenced area that will surround the tower and supporting equipment.
- Existing topography, surrounding land use context, and other natural site features.

- vii) Sufficient distance shall separate such uses from damaging abutting property. The intent and purpose being to ensure that visual impacts associated with the provision of telecommunication facilities be mitigated in relation to site location, design, and height. The applicant shall assess the cumulative impacts of the proposed facility on surrounding areas and uses, and identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service.

- 1) Aesthetics—All telecommunication towers and support structures shall be located as close to the ground as possible to reduce visual impact, without compromising the function of the structure. Placement of telecommunication facilities on top of ridge lines and other visually sensitive areas are discouraged, unless otherwise proven to be a critical location for network and/or service plan and visual impacts can be properly mitigated. The incorporation of "stealth" tower design, which attempts to mimic/blend in with surrounding

features, shall be addressed within each application. If “stealth” design is not incorporated within the proposal, rationale for not including this type of design shall be included.

✓This requirement has been met.

The proposed telecommunication facility is approximately a half mile off Colorado Highway 134. There is ridge behind the facility that should block the tower from sight from most locations along the highway corridors. Staff has suggested the tower be painted a tan color that is consistent with the surrounding natural landscape.

- 2) A visual simulation specific to the request shall be presented in the form of computer / photo visual representations, balloon tests, scaled models, or other medium which visually identifies the proposal in relation to the surrounding site characteristics.**

✓This requirement has been met.

The Applicant has provided photo simulations of the tower based on the balloon test conducted August 17th and 18th.

- 3) Materials/Colors—all components and infrastructure of each telecommunication facility shall be constructed of non-reflective materials and painted to blend into the natural environment and backdrop of each site to minimize visual impacts and furthermore be repainted as necessary. The color shall be approved by the Grand County Department of Community Development or other appropriate decision-making body on a site specific basis.**

✓This requirement has been met.

Staff discussed options for this tower to best blend into the surrounding environment to further minimize visual impacts. Staff believes that “Tower Tan” as proposed by the Applicant is a good choice to achieve minimal impact to the visual environment.

- viii) An executed lease agreement shall be provided prior to issuance of any special use permit. This shall include contact information for property owner/landlord.**

✓This requirement has been met.

The Applicant has supplied an executed lease agreement that meets the criterial of this provision with this submittal.

- ix) The applicant shall provide ingress and egress easements necessary to access the site which shall include access by Grand County personnel, emergency services personnel, and Grand County emergency service authority personnel (along with each of their officials, employees, contractors, representatives, and designees). Applicant irrevocably consents that Grand County reserves the right to enter the site at any time for any reason whatsoever.**

✓This requirement has been met.

It is Staff's determination that the Applicant does have access to the site. The Applicant has provided easement deeds for the access that shall be used by operators and maintenance personnel.

- x) **A maintenance and security plan shall be provided for any telecommunication facility. This plan shall include provisions to prevent unauthorized access and vandalism, in addition to ensuring that the property will be properly maintained. Applicant shall provide cash, bond or other security acceptable to Grand County in the amount of \$25,000 to ensure maintenance and complete rehabilitation of the site.**

The following shall be met prior to the signature of any Special Use Permit

The Applicant shall provide a security acceptable to Grand County in the amount of \$25,000 to ensure maintenance and complete rehabilitation of the site.

IV. COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which one (1) is relevant to this Special Use Permit proposal.

Plan Element 4 – Community and Public Facilities

If approved, this facility will be a benefit to the community. It will also aid in emergency preparedness as FirstNet is a state supported enterprise. This is consistent with Plan Element 4 as emergency management requires a frame work to increase response times and minimize risks where impacts of wildfire are great.

V. PLANNING COMMISSION RECOMMENDATION

Scheduled for Planning Commission September 12, 2018.

VI. STAFF COMMENTS

As stated in the Applicants narrative, the State of Colorado has provided support for the development and integration of the National Public Safety Broadband Network (NPSBN) and the First Responders Network Authority (FirstNet). This network is dedicated to the use of public service and first responders with the purpose of providing response to natural and human caused disasters.

It is Staff's opinion that this telecommunication facility serves a general public need. The County west of Byers Canyon has many areas that lack sufficient cellular telecommunications coverage. With recent and increased fire danger over the past decade, FirstNet provides a service to local public safety. To help keep communities safer, this improvement will be useful in expanding and helping public service response where access is difficult.

VII. STAFF RECOMMENDATION

Staff recommends the approval of the Bridger Wireless Wolford Mountain Telecommunications Tower Special Use Permit with the following conditions to be met:

- 1) The Applicant shall register and comply with all requirements as set forth by Grand County Emergency Telephone Service Authority, as well as other applicable State and Federal agencies.
- 2) The Applicant shall provide a security acceptable to Grand County in the amount of \$25,000 to ensure maintenance and complete rehabilitation of the site.

The following requirements shall be made a part of the Special Use Permit:

- 3) The permit shall be for the lifetime of the facility under current ownership.
- 4) The Permittee is required to keep a current lease on file with the Community Development Department.
- 5) The maximum tower height will be limited to the one hundred twenty five (125) feet as specified in this Special Use Permit, and alteration to maximum height or lease area shall be subject to approval of the Board of County Commissioners.
- 6) Contact information for any and all Collocation Providers shall be provided and added to the Special Use Permit.
- 7) The following Special Use Permit sections shall read as described in this certificate: Colors and Materials, Exterior Lighting, Tower Lighting, Site Maintenance, Uses Permitted, Size of Operation, Collocation, Miscellaneous Terms, and Grand County Emergency Telephone Service Authority.
- 8) That all standard language and conditions of Grand County Special Use permits shall be made part of any approved permit for this request, under the following headings, as follows:
 - Control of Site
 - Noxious Weed Control
 - Site Maintenance
 - Rehabilitation of Site
 - Storage of Abandoned Equipment
 - Compliance with County, State and Federal Regulations
 - Limitation of Liability
 - Alteration of Terms and Conditions
 - Access and Right to Enter Site
 - Assignability
 - Binding Contract
 - Financial Security
 - Abandonment
 - Violation of Terms and Conditions
 - Non-Transferable
 - Termination

The Applicant had no comments

Commissioner Comments

Kim Shepton asked if the coverage will extend to Old Park and provide better coverage for emergency needs.

Marcy Monnahan stated that at the present time there is not much population in the area, but what about the future.

The AT&T frequency band is limited.

Jennifer Scott stated that there is a need for more towers, especially for Old Park.

Steve Sery had a comment about the collocation - allows for 4 carriers on the tower at Wolford.

Verizon cannot help AT&T, cannot be useful for data.

This kind of tower is designed to serve first responders. Federal regulations require that all towers must allow service for 911. AT&T has five (5) frequency bands.

Bob Gnuse asked for clarity on the diagram, and asked does FirstNet have different lines.

Nicholas Constantine, applicant representative, stated that all lines are all on one tower, with a different bank for each.

Marcy Monnahan asked if there were any comments from landowners. Does the notice seeking comments need to extend to 750 ft. instead of 500 ft. due to sparsely populated area?

Jennifer Scott asked about a notice in the local paper, and wanted to know why there were so many attachments. (156 pages)

Sally Blea stated that she does not understand how it all works, but will try to trust that this project will provide more coverage.

Bridger Wireless will lease out to more customers.

Ingrid Karlstrom asked, since this is on private property, what happens if the property owner sells or dies, or if the tower owner sells.

The lease states that heirs, successors, and assigns get the property. The buyer gets the tower and the rent.

This is an agricultural area, not close to any residences.

Marcy Monnahan stated that the owner gave the land to his heirs.

The tower will be painted "tower tan".

Marcus Davis said that color would not match the sagebrush.

Kim Shepton had no comments.

Marcy Monnahan made a motion to approve the Special Use Permit for Bridger Wireless with staff conditions, seconded by Steve Sery. All in favor "aye", none opposed, motion passed.

Marcy Monnahan made a motion to adjourn the meeting, seconded by Sally Blea. All in favor "aye", none opposed, motion passed.

Meeting adjourned at 10:25 pm.
