

GRAND COUNTY PLANNING COMMISSION
WebEx MEETING MINUTES

Wednesday, November 18th, 2020

MEMBERS PRESENT: Marcus Davis Will MacDonald
 Ingrid Karlstrom Kim Shepton
 Tara Fournet Bob Gnuse
 Deborah Fitch

MEMBERS ABSENT:

STAFF PRESENT: Robert Davis Alex Taft
 Taylor Schlueter Jacob Cote
 Maxine LaBarre-Krostue Patty Kemper

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

Minutes from September 9th & 28th, plus October 14th, 2020 were presented. Motion to approve by Ingrid Karlstrom with corrections. Seconded by Kim Shepton. All in favor, “aye”. None opposed, September/October minutes approved. Edit, add page numbers. Question when we were talking about the Special Use Permit and the statement is that discussing lighting and that was to insure for a SUP that we issue that we are not looking at leaving something out where later, the comments was would we as the County be held liable or where the camp would be held liable and to solidify that it so we as County have covered all our bases and nothing would come back that we did not think of. Additionally it is a reminder the applicant to have a safe area. So we are encouraging by a SUP updates.

Robert Davis, Director Community Development asked to discuss Terms Discussion. Robert mentioned that we still had 2 vacancies from Sally Blea and Henry Broadhurst. We need someone from Commissioner Manguso’s district and from Commissioner Linke’s district. I have received a couple of e-mails of interest. We have advertised on Facebook, in the paper and a number of places. We have heard from 2 candidates so far.

Commissioner Davis added at our January meeting we will be looking for a new chair and a vice-chair. This is guidance from our Board of County Commissioners to rotate the chair and vice chair positions for 2021.

Commissioner Fitch mentioned she had a suggestion for a new Commissioner for Commissioner Linke’s district and would send that name by e-mail to Robert Davis.

Alex asked Commissioner Davis to change the order of the agenda to allow AT&T Williams Peak/Blue Ridge – New Special Use Permit – Smartlink, LLC represented by Valerie Cardenas to the 3rd item this evening.

Commissioner Davis asked the reason for the request.

Alex replied that most of the folks on the call are interested in the Stillwater Ranch, LLC agenda items and looking at the flow of this evening he did not want to hold up the AT&T application. He knows there will be discussion on the Stillwater Ranch, LLC.

Commissioner Davis, agreed and verified with the other Commissioners.

There were 25 members of the Public in attendance by WebEx for the November 18th meeting.

Reade Hansen Outright Exemption – Final Plat – Don Hansen and Ted Reade

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION NOVEMBER 18, 2020

Project Name	Reade-Hansen Outright Exemption
Applicant	Donald L. and Roxanne Hansen & Ted Reade Thaddeus A.E. "Ted" Reade and Malene Svejstrup-Reade
Location	130/140 GCR 4485
Zoning	Residential (R)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations, Grand County Outright Exemption Regulations
Attachments	A. Development Application B. Project Narrative Letter C. Proposed Outright Exemption Final Plat D. West Hillside Acres Final Plat - Reception No. 2004008244 E. Reade Outright Exemption - Reception No. 2004008241 F. Lots 2 and 3 Amended Building Envelope, Amended Final Plat - Reception No. 2005002607 G. Title Commitment H. Current Tax Receipt
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Outright Exemption to transfer approximately 1.1 acres of land from the Reade Outright Exemption parcel to Lot 2 of West Hillside Acres.

Background

Thaddeus “Ted” Reade and Malene Svejstrup-Reade, herein referred to as “Reade”, have owned the Reade Outright Exemption parcel as joint tenants since 2004, per Quit Claim Deed recorded at Reception No. 2004-008411. Donald and Roxanne Hansen, herein referred to as “Hansen” have owned Lot 2 of the West Hillside Acres subdivision since 2018 per Warranty Deed recorded at Reception No. 2018-008801. The Reade’s parcel is currently 2.42 acres large, while the Hansen’s parcel is currently 0.83 acres. Single-family dwellings have been constructed on both properties: on the Reade’s in 2004, and on the Hansen’s in 2005. The parcels are not located in any Growth Areas, but is in the Three Lakes Design Review Area. The parcel is serviced by Three Lakes Sanitation for sewage and is on well water.

The West Hillside Acres subdivision is located along County Road 4, west of US 34 and roughly halfway between the towns of Grand Lake and Granby. The subdivision Final Plat was recorded at Reception No. 2004-008244 in July 2004. The Reade Outright Exemption was created in conjunction with the West Hillside Acres subdivision, at Reception No. 2004-008241.

The subject properties are surrounded on the west, south, and east by existing single-family residences in relatively close proximity, and to the north by a large single-family residential parcel. Parcels in West Hillside Acres range in size from 0.83-1.0 acres, and adjacent parcels outside of West Hillside Acres range in size from 3.7 to 8.5 acres.

History

Lots 2 and 3 of West Hillside Acres’ Building Envelopes were amended in March 2005 at Reception No. 2005-002607, as well as two easement vacations/amendments. The Building Envelopes were amended to improve the view corridors for the property owners at the time of the amendments. The adjustments moved the envelopes within required front, side, and rear yards; no variances were granted through the amendment of the building envelopes.

Three of the four developable lots in the West Hillside Acres subdivision have been developed; the final lot is owned by the Reade’s.

Purpose of Request

The current Reade Outright Exemption property is quite long and narrow, leaving a significant portion of the property closest to the Hansen’s home unused—and mostly unusable—by the Reade’s. The section of the Reade Outright Exemption property to be transferred is much closer to the Hansen’s dwelling, which is itself already very close to the property line. This Outright Exemption would give the Hansen’s a larger back yard and would make more effective use of land that the Reade’s have not been able to use.

Staff Comments and Analysis

Both lots implicated in this proposed Outright Exemption are currently fully compliant with the Grand County Zoning Regulations. This Outright Exemption would not jeopardize existing compliance, and since there are no construction plans for either property contingent on approval of this Outright Exemption, this approval would not impact zoning compliance.

Because the Reade’s have found themselves making little use of the section of their property, and the Hansen’s house is much more appropriately located to make frequent use of the transferred section of land, this Outright Exemption seems to be a means of making the “best and highest use” of the to-be-transferred section of land.

An Outright Exemption is an appropriate procedure to facilitate this land transfer because, while the subject properties may not be Metes and Bounds parcels, the adjustment of the property lines will not impact any surrounding properties. There are no utility easements present along any property lines subject to change, and no additional development is planned contingent on approval of this Outright Exemption. It will have “no or minimal land impacts”.

The proposed Outright Exemption final plat shows that the Building Envelope for Lot 2 is being amended through acceptance of this Outright Exemption. However, it appears that the building envelope expansion is simply reflecting the location of the amended building envelope recorded at Reception No. 2005-002607. The Planning Commission can recommend that the proposed Outright Exemption be amended to reflect the existing amended Building Envelope, but the complete removal of the Building Envelope from the plat can also be considered as a recommendation option. However, there is no real need to amend the Building Envelope at this time.

Compliance with Zoning Regulations

Section IV - Residential District

- | | |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §4.1 Uses Permitted | Uses for both properties will remain unchanged. |
| §4.2 Minimum Area of Lot | The minimum lot area permitted in the Residential (R) Zoning District when the land is served by either public water or public sewage facilities is 15,000 ft. ² , or 0.34 acres. Both subject lots are serviced by public sewage facilities and well water, and are both over an acre in size. Both lots are in compliance. (§4.2.3) |
| §4.3 Minimum Lot Width | Both lots are in compliance and will remain in compliance following approval of this Outright Exemption. (§4.3.3) |
| §4.5 Minimum Side Yard | Both lots are in compliance and will remain in compliance following approval of this Outright Exemption. (§4.5.3) |

Subdivision Regulations - 4.3 Final Plat

§4.3 (1) (a-b) The Final Plat Mylar shall be on a 24” x 36” sheet, at a minimum scale of 1”=100’.

§4.3 (2) (a) The Title of the Outright Exemption shall be amended to read:

**Reade-Hansen Outright Exemption
Amended Lot 2A, West Hillside Acres and Reade Outright Exemption
Part of the SE ¼, Section 22, Township 3 North, Range 76 West of the 6th P.M.
Ownership recorded at Reception No. 2004-008244**

§4.3 (2) (b) The legal descriptions shall be written as follows:

Amended Lot 2A, West Hillside Acres

And

Reade Outright Exemption

§4.3 (2) (c) Primary control points, or description and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred. These requirements have been met.

§4.3 (2) (d) Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lot and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances. These requirements have been met.

§4.3 (2) (e) Names and right-of-way width of each street or other rights-of-way. These requirements have been met.

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§4.3 (2) (e) Names and right-of-way width of each street or other rights-of-way. These requirements have been met.

§4.3 (2) (f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements. These requirements have been met.

The foregoing instrument was acknowledged before me this ___ day of _____, 20___ by **Thaddeus Reade and Malene Svejstrup** .

My Commission Expires: _____

Notary Public

§4.3 (2) (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 Dale Ward** , a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Reade-Hansen Outright Exemption, Lot 2A, West Hillside Acres and Reade Outright Exemption** 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)

§4.3 (2) (m) Certificates for approval by the Planning Commission and the Board of County Commissioners as follows:

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

§4.3 (2) (n) Certification by a qualified professional engineering, designing or planning firm, insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations.

This provision is non-applicable.

§4.3 (2) (o) A two and one-half by three inch (2-1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.

This requirement has been met.

§4.3 (2) (p) The executed original of the Restrictive Covenants and Articles of Incorporation and

Bylaws of any owners' association showing filing of the Articles in the office of the Secretary of State and the State of Colorado.

This provision is non-applicable; there are no existing Articles, Bylaws, or Owners Associations.

§4.3 (2) (q) A vicinity map.

This requirement has been met.

§4.3 (2) (r) The subdivider shall provide:

- (i) Storm drainage plans and related designs, in order to insure proper drainage ways.
- (ii) Property survey and proof of ownership.
- (iii) Sanitary sewer plans and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems.

Provisions (i) and (iii) are non-applicable. Property survey and proof of ownership are provided.

§4.3 (2) (s) The subdivider shall provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof.

This provision is non-applicable.

§4.3 (2) (t) No subdivision shall be approved until such data, surveys, analyses, studies, plans, and designs as may be required by this section and by the County Planning Commission or the Board of County Commissioners have been submitted, reviewed and found to meet all sound planning and engineering requirements of the County contained in these Subdivision Regulations.

This Outright Exemption application shall comply.

§4.3 (2) (u-v) "Major Activity Notice" and "Colorado Land Use Commission".

These requirements are not applicable, as this is not a new land division in Grand County. Colorado Land Use Commission does not receive applications for Outright Exemptions.

§4.3 (2) (w) A 14" x 18" black-line mylar(s) with approved addresses and road numbers as required. **These shall be placed on the Final Plat Mylar. The final addresses for both subject parcels shall remain unchanged.**

§4.3 (2) (x) Statement of taxes due showing current taxes paid.
This requirement has been met.

§4.3 (2) (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. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.

This shall be included prior to recording of the Final Plat Mylar.

Planning Commission Recommendation

Planning Commission hearing for this Outright Exemption application is scheduled for **November 18, 2020.**

Staff Recommendation

Staff recommends approval of the Reade-Hansen Outright Exemption, being a replat of Lot 2, West Hillside Acres, and Reade Outright Exemption. The following conditions shall be met prior to the recording of the Outright Exemption:

1. The Title of the Outright Exemption shall be amended (see (a) above).
2. The Dedication shall be amended (see (k) above).
3. The Surveyor's Certificate shall be amended (see (l) above).

4. An electronic copy of the Final Plat shall be submitted (see (y) above).
5. All recording fees are to be paid by the Applicant.
6. Quit Claim Deeds to describe the amended legal description of the lots shall be completed and recorded with the Grand County Clerk and Recorder's Office.

Commissioner Davis asked the application if they had reviewed the Certificate and if they had any questions or comments.

Mr. Don Hansen, applicant asked, he has never had this type of transaction before and does not understand the next steps, does he go to a closing because it is just a plat of land with no buildings on it. Does he just needs to get the plat notarized, jointly with Mr. Ted Reade? Next steps would be wonderful to understand.

Commissioner Davis mentioned that Staff can discuss the process with you off-line. The basics are, next is the Board of County Commissioners. When your plat is finalized there are Quit claims that just transfer the land. Just to make sure the legal description of the lot is accurate moving forward. Staff can discuss the logistics for recording.

Mr. Ted Reade added thanks to staff for handling this process for us and he has no questions.

Commissioner MacDonald stated no questions or concerns.

Commissioner Shepton stated, the Certificate under the background the first initial paragraph stated that "The Parcel is serviced by Three Lakes Sanitation for Sewage and is on well water" it should read "both" parcels are serviced. You said that in the presentation but it did not show this in the Certificate. Why are we not just removing the Building Envelope, was that part of this Certificate?

Jacob replied that in the past with some Amended Building Envelopes the Commissioners discussed the option of completely removing the envelopes and he was trying to cover all the bases for this presentation. In this case we do not need to amend the building envelope at all, however he did notice in the proposed plat, as it is drawn currently, it has the building envelope being amended. He does not think this is correct and would be open to an additional condition that addresses the building envelope. To either say let's eliminate it entirely or a condition requiring the building envelope being amended.

Commissioner Davis added that his understanding reading through the Certificate that the building envelope had been amended in the past, it was there to ensure view corridors. Those are the reason we have left the building envelopes on in the past.

Commissioner Shepton continued, in the drawings it shows the driveway for Lot 1 that has a real sharp turn in it, is there enough egress?

Jacob asked, is there enough egress for? Are you referring to the driveway for the Reade Outright Exemption?

Commissioner Shepton stated Reade Outright Exemption Lot number 1. Just in case the property sells and people get kind of difficult sometimes, do they have enough egress for the driveway?

Jacob replied, Lot 1 of the West Hillside Acres is not subject, if you are referring to the Reade Outright Exemption parcel, it is a hard right turn back to the drive up. That driveway is an existing driveway on a developed parcel.

Commissioner Shepton explained she thought the driveway was being cut off by the boundary line.

Jacob replied, no and showed the map of the plat again for clarification. This has not been addressed because the driveway is already an existing drive and the property is already developed. The section of the cul-de-sac between the 2 driveways has a steep bank. There would have to be significant earth that is moved in the rear area of the property that does not use one of the existing driveway cuts.

Commissioner Davis stated the driveway has been approved by Road and Bridge, so if it existing it has already been approved.

Commissioner Fournet stated no questions.

Commissioner Fitch stated no questions.

Commissioner Karlstrom stated no questions.

Commissioner Gnuse stated no questions.

Commissioner Davis stated no questions.

Commissioner Davis asked if the public had any comment or questions. Hearing none he asked for a motion.

Motion to recommend approval by Ingrid Karlstrom for Reade Hansen Outright Exemption – Final Plat with staff conditions, plus 1 to address the stake on the building envelope. Seconded by Bob Gnuse. Not further discussion. All in favor "aye", none opposed. Motion carries.

Gold Medal Ranch Outright Exemption

Presented by: Alexander Taft, LEED Green Associate

PULLED BY APPLICANT

River Bend Outright Exemption – Final Plat – Ron Jones

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission November 18, 2020; Board of County Commissioners December 8, 2020

PROJECT NAME: River Bend Outright Exemption – Final Plat

APPLICANT: Ronald Jones

LOCATION: Lots 1-4, Lennon Subdivision Exemption and open space Tract, and a Metes and Bounds Parcel described in a deed commonly known as 50 GCR 84

APPLICABLE

REGULATIONS: Grand County Master Plan, Zoning Regulations, Outright Exemption Regulations

ZONING: Residential District

ATTACHMENTS:

- A. Vicinity Map
- B. Application and Narrative Letter
- C. Title Commitment
- D. Proposed Outright Exemption Plat
- E. Lennon Subdivision Exemption Plat Rec. No 93003081

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing to consolidate 5 existing parcels created by Subdivision Exemption and a deed into two parcels through Outright Exemption.

I. BACKGROUND

a. Proposal

Ronald "Ron" Jones, herein referred to as the Applicant, is the owner of Lots 1-4, and the Open Space tract of Lennon Subdivision Exemption as well as an adjacent Metes and Bounds parcel. The Applicant approached Staff earlier this year about the possibility of vacating the plat for the Lennon Subdivision Exemption. After further discussion, Staff confirmed the likely best course of action was an Outright Exemption.

b. History

Lennon Subdivision Exemption was initially proposed in 1990 and finally recorded in 1993 at Reception No. 93003081. This subdivision exemption was created prior to the reduction of lots allowed to be created by Subdivision Exemptions from four (4) to three (3). James Lennon the original subdivider had the intention, according to his application letter, of creating the parcel to deed lots to his children with access to the Fraser River and on-site ponds or lakes. Through the process Mr. Lennon also deeded the Right-of Way for County Road 84 to the County.

II. STAFF ANALYSIS

As noted in the proposal section, the Applicant approached Staff about finding a way to replat his property with the intention to seek a domestic well permit from the State. The ultimate goal is to have legal rights to outdoor water use. The Applicant also represented that he had done further due diligence to find out all the options available to achieve this both through water augmentation or a new plat.

The proposed plat effectively creates two "tracts" one being approximately 40 acres and the other being approximately 16 acres. These are both compliant with the lot area minimums for this Residential District. Staff is concerned that in the future, whether it be the Applicant's family or another owner, they may want to revert and make the 40 acre parcel a Subdivision Exemption.

III. COMPLIANCE/NON-COMPLIANCE WITH REGULATIONS

Any conditions to be met shall be highlighted in **bold** in the following sections.

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 one (1) is relevant to this proposal.

Plan Element 2 – Land Use – The Pattern of 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. These parcels are located outside of any identified Growth Areas and having access to wells and Onsite Wastewater Treatment Systems. The densities being created within this proposal are consistent with goals set forth in this section of the Master Plan in that they protect environmental corridors and only allow for potentially one less dwelling.

b. **ZONING –Section Residential District - R**

The parcels involved in this proposal lie within the Residential District, existing outside any Grand County Rural or Urban Growth Area. The site is surrounded by vacant land or larger lot residential uses.

- (a) Tract 1 will contain an existing Single Family Residence and the intention is that Tract 2 will eventually be able to contain a Single Family Residence. Single Family dwellings are a use by right.
- (b) This zone requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks.
- (c) Minimum area of lot, served by well & septic (OWTS) existing inside, 30,000 ft² (.68 acres). Larger lot Tract 1 being 40.3 acres, and Tract 2, being 16.2 acres complying with the minimum areas.

c. **CRS 43-2-303 et al – Vacation Proceeding: Roads, Streets and Highways Compliance with C.R.S. 42-2-303**

Grand County has used the criteria in CRS 43-2-303, regarding vacation of roadways to review vacation of utility easements:

43-2-303 (1) All right, title, or interest of a county, of an incorporated town or city or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:

(1)(b) The board of county commissioners of any county may vacate any roadway or any part thereof located entirely within said county if such roadway is not within the limits of any city or town.

(2) No roadway of part thereof shall be vacated so as to leave any land adjoining said roadway without an established public road connecting said land with another established public road.

(3) In the event of vacation under subsection 1 of this section, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water or similar pipelines and appurtenances for ditches or canals and appurtenances and for electric, telephone, and similar lines and appurtenances.

The vacation of the older easements created by the Lennon Subdivision Exemption. The intent is to deed a ROW which contains the currently constructed road back to the County. The purpose is beneficial for both the County and the Applicant by ensuring use of the property for the public and eliminating encroachment on to private property.

d. OUTRIGHT EXEMPTION – Article 1.4 – JURISDICTION

Division of a parcel of land when the Board of County Commissioners determines that such division may be permitted without complying with either Grand County Subdivision Regulations or Grand County Subdivision Exemption Regulations. When not contrary to the best interests of present and future inhabitants of Grand County, and when the method of disposition is not adopted for the purpose of evading these Regulations, the Board of County Commissioners may grant such an Outright Exemption with regard to any land division under the following circumstances:

- a) Which involves adjustment of a tract boundary to resolve a boundary to establish/determine a boundary when substantial evidence of a bona fide dispute is presented.*
- b) Which involves adjustment of a tract boundary to eliminate an existing encroachment of a substantial structure upon the real property of another.*
- c) Which involves acquisition of access from one parcel of property through another.*
- d) Which involves other unusual circumstances which are deemed by the Board of County Commissioners to justify such a grant.***

This proposal involves an existing subdivision exemption and a Metes and Bounds parcel was created by a deed prior to 1972. The unusual circumstance is that there is no other means to create a legal boundary adjustment.

As a reminder:

Following Senate Bill 35, which required review by the local jurisdiction of transfers of land under thirty five 35 acres, any proposed alteration to a property boundaries, specifically those under 35 acres, are therefore going to require a plat as defined in Section 30-28-101 (5) C.R.S:

(5) "Plat" means a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder.

In connection with compliance with the local jurisdictions adopted regulations.

Staff considers the parcel described in a deed referenced by the Title Commitment as "Parcel C" and if this plat is approved, becomes Tract 2, an irregular parcel as defined in § 38-51-102 C.R.S. below:

(10) "Irregular parcel" means a parcel of land which is not uniquely defined on a subdivision plat but which is described by any of the following methods:

(a) A metes and bounds description;

(b) A book and page or reception number reference;

(c) Any so-called "assessor's tract"; or

(d) A description which calls only for the owner's or adjoiner's name.

This Outright Exemption creates a "Subdivision Plat" as defined in § 38-51-102 C.R.S. as defined below:

(20) "Subdivision plat" means a map of a platted subdivision recorded for the purpose of creating land parcels which can be identified uniquely by reference to such map.

A subdivision plat is interchangeable with an exemption plat as defined in § 38-51-102 C.R.S. defined below:

*(7) "Exemption plat" or "subdivision exemption plat" means a **subdivision plat** which includes all of the information required by section 38-51-106 ("Land Survey Plats") and which depicts **a division of land or the creation of an interest in property** for which the board of county commissioners has granted **an exemption from subdivision regulations** pursuant to section 30-28-101 (10) (d), C.R.S. [emphasis added]*

The "Irregular Parcel" described in a deed and "subdivision exemption plat" being Lennon Outright Exemption, neither were created under the rigor of Grand County Subdivision Regulations consistent with Section 30-28-101 (10) and Section 30-28-133 C.R.S. This plat, therefore, is compliant to be reviewed as an Outright Exemption.

The Outright Exemption which is an "exemption plat", can then be used to refer all transfers of property to the Parcels created within this Plat. Legal descriptions will become:

Tract 1, River Bend Outright Exemption according to the Plat recorded at Reception No. 202000XXXX

Tract 2, River Bend Outright Exemption according to the Plat recorded at Reception No. 202000XXXX

e. OUTRIGHT EXEMPTION – Article 2 – DESIGN STANDARDS

Section 2.1 Driveway, Roads, Streets, and Easements.

All new driveways are being located entirely on private property and will not be reviewed by road and Bridge. New easements are being created by this plat 20' in width around the exterior of the property.

Section 2.2 Tracts/Parcels/Lots.

The lots meet the required minimum areas of the zoning district. **A lot shall be provided an address upon approval of the outright exemption addressing shall be shown on the final plat.**

Section 2.3 Public Dedications.

(1) *Public dedication may be required of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements.*

(2) *Approval of a division of land under these Regulations shall not constitute acceptance by the County of the roads, streets, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the county shall be accepted by the County only by specific action of the Board of County Commissioners.*

This requirement has been met.

Section 2.4 (1-2) Solid Fuel burning devices. This section has been repealed from these Regulations via Resolution 2016-7-34.

Section 2.5 (1-2) Emergency Service Impact Fees. *If a new lot with anticipated development is created through the Outright Exemption process then fees shall be paid prior to recording to the appropriate Fire Protection District. Proof of payment shall be provided to the Community Development Department. Impact fees shall be paid at time of building permit as there is not anticipated construction following the recording of the Plat.*

E. OUTRIGHT EXEMPTION – Section 3.2 – PLAT

Section 3.2 (1) A Final Plat presented on a 24" x 36" sheet, drawn to scale, detailing the proposed Outright Exemption parcel and abutting properties, along with a vicinity map, shall be provided prior to any scheduling of any review before the Board of County Commissioners. **This requirement has been met.**

Section 3.2 (2) The plat shall contain or be accompanied by the following information:

Title (which shall include the phrase "Outright Exemption"), bar scale, North arrow and date.

Title of the plat is:

River Bend Outright Exemption

Being a replat of Lot 1-4, Lennon Subdivision Exemption Recorded at Reception No. 93003810 and a Parcel described in

Located in part of Section 1, Township 1 South, Range 76 West; and Section 6, Township 1 South, Range 75 West of the 6th P.M. County of Grand, State of Colorado

Ownership Recorded at Reception No.

The proposed Plat shows a scale, north arrow, and date of creation.

Section 3.2 (2) (b) Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the applicant is recorded.

Section 3.2 (2) (c) 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 are included in the proposed plat.

Section 3.2 (2) (d) All Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves with long chord bearings and distances have been.

Section 3.2 (2) (e) the width of right-of-way for County Road 84 shall be shown and labeled.

Section 3.2 (2) (f) Reference by book and page or reception to any pre-existing recorded easements including those which are being vacated shall be shown and labeled.

Section 3.2 (2) (g) Names of adjacent property owners, shall be included on the final plat.

Section 3.2 (2) (h) These lots are proposed to continue as residential use.

Section 3.2 (2) (i) Location and description of monuments has been shown on the proposed plat.

Section 3.2 (2) (j) A title insurance commitment has been supplied with this application.

Section 3.2 (2) (k) *Statement by owner platting the property and, if required by the Grand County Board of County Commissioners, dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form (dedication language may be omitted if not required by the Board of County Commissioners):*

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That **[Ronald Jones]** is the owner of that real property situated in Grand County, Colorado, more fully described as follows: Lot1-4 of Lennon Subdivision Exemption and Open Space Tract; And lot as described in a DEED. That he has caused said real property to be laid out and surveyed as (name of Outright Exempted Tract), 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 Ronald Jones has caused his name to be hereunto subscribed this ___ day of , 20__.

Ronald Jones

STATE OF COLORADO }

ss

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this day of , 20__ by (owner's name) .

My commission expires:

Notary Public

Section 3.2 (2) (I) *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 plat to be in substantially the following form:*

SURVEYOR'S CERTIFICATE

I, **Warren D. Ward**, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **River Bend Outright Exemption** 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 Outright Exemption Regulations have been placed on the ground.

Warren D. Ward

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

Section 3.2 (2) (m) *Certificate of approval by the Board of County Commissioners as follows: (If public dedications are included, the certificate shall be in the form required by the Board of County Commissioners for approval of subdivision plats)*

COMMISSIONER'S CERTIFICATE

Approved this __day of _____, 20__ by the Board of County Commissioners of Grand County, Colorado pursuant to Grand County Outright Exemption Regulations amended and readopted by Resolution No. 2019-8-6.

Chairman

Board of County Commissioners

Grand County, Colorado

Section 3.2 (2) (n) A two and one-half by three inch (2 1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.

Section 3.2 (2) (o) A vicinity map is shown on the proposed Plat and shall remain, this requirement is met.

Section 3.2 (2) (p) Documented proof of legal access is via County Road 84 and extended through private property via the 30' access easement created by this plat therefore this requirement has been met.

Section 3.2 (2) (q) the Lennon Subdivision Exemption Plat refers to Well permits, all of which shall be surrendered and reissued by the State consistent with the recorded plat.

Section 3.2 (2) (r) Statement of taxes due showing current taxes paid has been submitted.

Section 3.2 (2) (s) 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. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.

Section 3.2 (2) (t) Such additional information as may be required by the Grand County Board of County Commissioners.

IV. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing is scheduled for November 18, 2020.

V. STAFF RECOMMENDATION

Staff recommends the approval of the River Bend Outright Exemption with the following conditions to be met:

1. Addressing shall be shown on the final plat [2.2 (c)].
2. Impact fees shall be paid at time of building permit as there is not anticipated construction following the recording of the Plat [2.5].
3. The title of the plat shall be corrected as recommended by Staff [3.2(2)(a)]
4. Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the applicant is recorded [3.2(2)(b)].
5. The width of right-of-way for County Road 84 shall be shown and labeled [3.2(2)(e)].
6. Reference by book and page or reception to any pre-existing recorded easements including those which are being vacated shall be shown and labeled [3.2(2)(f)].
7. Names of adjacent property owners, shall be included on the final plat [3.2(2)(g)].
8. A two and one-half by three inch (2 1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder [3.2(2)(n)].
9. The Lennon Subdivision Exemption Plat refers to well permits, all of which shall be surrendered and reissued by the State consistent with the recorded plat [3.2(2)(q)].
10. 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. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system [3.2(2)(s)].
11. Such additional information as may be required by the Grand County Board of County Commissioners [3.2(2)(t)].

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

Alex stated he had talked with Commissioner Davis regarding some issues but since has discussed with applicant, Ron Jones and feel in addition to the 11 conditions adding a 12th

condition that suggest any future development on Tract 2 shall be subject to a detailed site plan that shows the water quality setbacks as well as any wetlands that may be adjacent.

Commissioner Davis stated, you can rephrase that as “prior to the issuance of any building permit appropriate site plan shall show the wetlands and appropriate setbacks as required”. He would also like to see this as a Plat Note.

Alex agreed.

Mr. Ron Jones, applicant stated he had no objection to this new condition.

Commissioner Davis stated he was confused by the presentation and then the recommendation. Isn't the recommendation to also vacate the existing Subdivision Exemption, including any and all associated Easements and Rights of Ways?

Alex replied, yes and we will amend our recommendation.

Commissioner Davis asked the applicant if he has reviewed the Certificate and if he had any questions or concerns.

Mr. Ron Jones stated thank you for your time and he appreciates everyone's reviewing this proposal. He added “what is the motivation for this proposal.” I intend to keep this property in my family for many, many years. I am working on legal means to leave the property to my 3 children and I would like to be able to do some outside watering and plant flowers. When you have 60 acres it is crazy to not be allowed to run a hose off of your house. My motivation is to be able to get outside watering and have no plans at the present time to build anything more and I do not plan to sell off lots. My children are adults now and they may want individual cabins this will allow them to build their cabins. When Mr. Lennon created the subdivision his idea was to sell off each lot, I plan to keep it whole. There is wetlands and a river on the property, to me this is a sensitive ecological property that needs to be maintained and preserved. My intention is going from more lots to less lots and try to make the property a better situation. The only comments I have is the plat has the correct name which is Riverbend (all one word), all of the staff recommendations have River Bend as 2 words, this needs to be corrected. So there is no conflict down the road with this property. Also requirement number 3 is referring to something that staff recommends that is 322A, when I look at 322A I believe it is missing, there is a 322 and a 322B but no “A”. My experience with the Planning Department has been excellent.

Commissioner Davis added page 7 of your document, which is the title section, just need to add the 322A.

Alex agreed.

Commissioner MacDonald stated normally he would have concerns with taking away the ability to develop so close to a town center but I can appreciate the environmental sensitivity to that area and it is a beautiful lot. No questions or concerns.

Commissioner Shepton asked to see the map of the plat again, she could not see 4 lots identified. So what I understand, is all the lot boundaries are going to be 1 piece of property with a domestic well, is this correct?

Alex replied, it will turn into 2 tracts, 1 being a 40 acre tract and the other being a 16 acre tract.

Commissioner Fournet had no questions.

Commissioner Fitch had no questions.

Commissioner Karlstrom asked, the Sketch Plan that has been provided is that adequate, there are just a couple of circles around the area without being delineated easily.

Mr. Ron Jones added we provide a full plat that shows a map of both pieces of the property.

Commissioner Karlstrom interrupted to clarify that she meant the vicinity map.

Alex replied we recognize that there is some corrections that need to be made on the plat and they have been include in our recommendations. The applicant has not had the time to send for a mark up to Warren Ward, Surveyor.

Commissioner Davis asked it this is 1 of the conditions to update the vicinity map?

Alex replied no, but we will add.

Commissioner Karlstrom continued, if you are passing this property onto your children, what will you do with the second tract?

Mr. Ron Jones replied, I have 3 children and 1 of them might want to build a home on the property.

Commissioner Karlstrom added OK, so on the 40 acers that could be subdivided into 3 parcels.

Mr. Ron Jones added then I will lose my outside watering. I have 5 tracts right now and I am coming done to 2 tracts which allows me to build 3 houses on the 35 acre tract if I wanted to and another home on the other piece of property. Bottom line is, we as a family want to keep this in the family for many many years. The children grew up on this property, similar to many ranches in the county who are doing a Subdivision Exemption so they can build extra house for their family, that is my intention right now and to have some flower gardens and be able to water the flowers legally because that is the law.

Commissioner Gnuse added thanks for the concern of the delicate ecosystem along the Fraser River and wanting to preserve that. We need more people to have that type of interest in our community. One thing I would like to clarify is, I started trying to count up 5 properties and I could not figure out how to count up the 5 properties on the map. What I assumed is that this plat just shows the 2 lots that will exist after you have done away with all the interior property lines and such. Somehow there were 4 other property boundaries that were showing at 1 point in time, but now we are down to what will actually exist once this is approved, correct?

Mr. Ron Jones answered that is correct. Mr. Lennon's subdivision was a 4 lot subdivision plus a common area (open space lot) and there was a Metes and Bounds parcel that has been described that was between Mr. Lennon and the railroad. That is the 5 parcels, (6 if you count the open space). I appreciate your comment regarding the environment. We have worked with the late Eric Petes and Mike Grupeche to do a stream restoration and to improve the water habitat. We have created a great habitat for fishing. It is a very unique property, there is amazing wetlands and amazing wildlife. I have lived in the county for 45

years and feel a responsibility to make sure we are taking care of the county and our environment.

Commissioner Davis added he appreciated Mr. Jones continued support for the county and the environment throughout the years. I have no questions. We have 3 additional conditions, 2 of which should also be plat notes. First condition is, update to the vicinity map on the plat. Second, should be the number 1 plat notes as well as a condition is the new plat hereby vacates the Lennon Subdivision Exemption and any and all associated Easements and Rights of Ways. The third condition and second plat note, prior to the issuance of any building permit, suitable studies for wetlands and appropriate Water Quality setbacks shall be presented on an approved site plan.

Mr. Ron Jones requested that you not use the word “studies” the applicant will demonstrate that the building site is not in the wetlands, because I have some very definite upland that anyone can tell by looking at it and as long as I am building there I do not want to be required to go out and do a wetland study on something that is clearly upland.

Commissioner Davis comment fair enough. The point is to avoid encroachment on wetlands and the appropriate Water Quality Setbacks, so the appropriate wording can be added prior to Board of County Commissioner (BOCC) meeting.

Mr. Ron Jones agreed.

Commissioner Davis asked if anyone from the public had any comments. Hearing none, he asked for a motion.

Commissioner MacDonald wanted to ask a question. It sounds like you are surrendering your wells. If you want the ability to build cabins for your children in the future and wanted clarification on how that will be balanced if you are not going to have any more well access for additional properties.

Commissioner Davis answered, he is surrendering the household use only back to get a domestic well which is what you would typically have so therefore he can do his outside watering and also allows for 3 household use only wells under common ownership. If the children all want to build a cabin, it has to be under common ownership.

Motion to recommend approval by Kim Shepton for Riverbend Outright Exemption – Final Plat with 14 staff conditions. Seconded by Ingrid Karlstrom. Not further discussion. All in favor "aye", none opposed. Motion carries.

Ridge Point Townhomes

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission: November 18, 2020; Board of County Commissioners: TBD, 2020

PROJECT NAME: Ridge Point Townhouses- Sketch Plan
APPLICANT: Ryan T. Pellet and Scott J. Neuenschwander
LOCATION: Lot 27, Block 1 Winter Park Ranch Second Filing Replat, 798 GCR 834 (aka Cranmer Ave)

APPLICABLE

REGULATIONS: Grand County Master Plan, Zoning Regulations, Subdivision Regulations

ZONING: R – Residential District

ATTACHMENTS:

- a) Vicinity Map
- b) Sketch Plan (Plat)
- c) Application and Narrative letter
- d) National Resource Conservation Service (NRCS) Soils Report
- e) 448 Condominiums Phase III Drainage (June 2019)
- f) 448 Cranmer Condos Soils and Foundation Investigation (May 2019)
- g) Robbers Roost Geotechnical Engineering Study (November 2013)
- h) Amended Plat of Winter Park Ranch First Filing

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing a subdivision in order to construct a six (6) units in two (2) buildings with a density of 5.35 du/acre.

VI. BACKGROUND

a. PROPOSAL

Ryan T. Pellet and Scott J. Neuenschwander, the Applicant, are proposing a six (6) unit townhome subdivision. The townhouses are a two unit complex and a four unit complex with common “party walls.” Each unit will have one car garage, second level decks and are anticipated to have three or four bedrooms.

The plan substantially meets the development criteria as being located within the Urban Growth Area, which includes all filings of the original Winter Park Ranch Plat. The units will be served by water and sewer via Winter Park Ranch Water and Sanitation District. Electric service will be supplied by Mountain Parks Electric.

The units proposed will share a common parking area to accommodate the required three (3) cars per unit. The garage will contain space for one vehicle and additional will be parked on the shared drive.

b. HISTORY

The initial plat for all of Winter Park Ranch which was completed in six separate filings platted between 1965 and 1980. Along with these filings the original Winter Park Ranch was a Convent controlled community, but Staff understands the owners association dissolved in the 1990's.

This lot lies within the Second Filing which was recorded in Grand County at Reception No. 103408 in September 1965. The Lots within the Second Filing range in size from .51 acres (22,216ft²) to 1.10 acres (47,916ft²) occupying 95.5 acres of the 112.82 of the whole filing.

c. EXISTING REPORTS

Four reports give some insight to potential construction conditions and constraints on site. The four reports are pulled from projects nearby and general information supplementary from NRCS. At a minimum, they give us clarification on the additional information that the county will require to move this project forward.

Staff has included reports provided for 448 Condominiums, which is a nine-unit project northwest of the subject parcel also on County Road 834, Cranmer Ave. 448 Condominiums was also a replat of a lot originally created within Winter Park Ranch. The reports give reference to potential conditions. Specifically, the Phase III drainage report and soils and foundation investigation explain in detail the viability and constraints of construction on the 448 Condominiums property. Below in "Staff Analysis" there are more details

Another recent project being a "townhouse" development named Robbers Roost on Balsh, located further north on 205 GCR 837 aka Balsh Blvd. Staff has included as reference, the soils engineering reports which was a study specific to the Robbers Roost development and provides some insight to local conditions. Staff notes drainage and protection of the foundation from excess water is an area of most concern. Foundation drains will be critical in moving water away from foundation walls and footings and onsite storage shall be a minimum of ten feet (10') from the footings. Site specific information shall be considered in a soils report provided by the Applicant during Preliminary Plat review.

VII. STAFF ANALYSIS

The Applicant proposes to construct a total of six (6) units in two (2) buildings creating townhome units as homes for the owners of the parcel and family. The plan meets criteria as set forth in the Master Plan for the Winter Park Ranch neighborhood, which is located within the Grand County Urban Growth Area (Chapter 3 - 2.1 Growth & 4.2 Infrastructure).

This configuration meets the townhouse definition in the Grand County Subdivision Regulations, which states:

(14) Townhouse

*(a) The term "Townhouse" as used herein refers to a type of ownership which consists of a fee simple interest in an individually deeded lot and **dwelling**, plus a membership right in a homeowners' association which shall own in fee simple the common areas subject to all rights*

and duties as provided in the declaration of the homeowners' association.

*(b) The term "**Dwelling**" as used herein means a single family dwelling constructed on an individually deeded lot, but as part of a series of two (2) or more dwellings, each of which is either attached to the adjacent dwelling or dwellings by party walls or is located immediately adjacent thereto with no visible separation between walls or roof.*

Similar in the character of the surrounding properties, this development fits within existing uses in the area. Along County Road 834, Cranmer Ave, is a row of multi-family development on a majority of the lots both sides of the street. The density of the proposed development is 5.35 dwelling units per acre which is similar to densities of surrounding townhouse and condominium development in the area.

The particular benefit of locating the type of densities as found in this proposal within this location is the connection to existing infrastructure. Existing roads, electric, communications, public water and public sewer are all accessible to the property. These existing improvements are useful in lowering the impact on open and scenic lands and water resources opposed to if this development were to occur in other parts of the County.

The existing reports included by Staff for Planning Commission to review most notably detail the importance of verification of soils and slope stability. Approximately half the subject property is composed of "Welbe clay loam" with 10 to 55 percent slopes. This is a very well-draining soil but the steepness can lead to erosion if on-site drainage not appropriately stabilized and pushed down slope. Many of the soil types do not allow for high infiltration, Staff would interpret this suggesting the need for careful analysis of drainage to prevent precipitation and run-off from impacting the proposed buildings and pedestrian paths.

VIII. COMPLIANCE WITH GRAND COUNTY REGULATIONS

Conditions to satisfy Regulations shall be highlighted in the following sections in **BOLD**.

f. 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) is relevant to this proposal.

● Plan Element 3 – Development: The Built Environment

As stated in Plan Element 3 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. Visually important lands and the desired rural landscape character is maintained. This proposal minimizes disturbance of the rural and open land character that residents of Grand County cherish as this proposal is infill within a pre-existing development.

● Plan Element 4 – Community and Public Facilities

As stated in Plan Element 4 in the Grand County Master Plan, development shall be located near public facility infrastructure. This increases efficiency and benefits existing users by reducing the impacts on outside resources. The parcel in this proposal is surrounded by existing public water and sewer service, electric, and other utilities that make development less impactful.

- **Plan Element 5 – Transportation**

The proposed development can take advantage of Winter Park Lift bus lines which have stops adjacent or very nearby depending on the season. This is important as we see increased traffic in the valley and specifically through the US Highway 40 Corridor between Winter Park and Fraser.

- g. ZONING – Section 4.1 Residential**

The parcel subject in this Application is located within the Residential District, inside Urban Growth Area No. 1 (Winter Park Ranch). The proposed structures shall comply with the Grand County Zoning Regulations, as addressed below:

- (a) This zone allows for multi-family dwellings, and therefore the proposed use is consistent with the zoning regulations.
- (b) All proposed units will be served by public water and public sewer via Winter Park Ranch Water and Sanitation. The minimum lot size for a property that is served by both public water and sewer is 7,000 ft².
- (c) The total lot area of 1.12 acres (48,787.2 ft²) complies with zoning. The proposed building is sited without creating encroachment into the standard, 30' front yard, 20' rear yard, and 5' side yard setbacks.
- (d) Parking shall be compliant with Section 14.4, with a minimum of 3 spaces per building as these are proposed as buildings equal to or in excess of three (3) bedrooms.

- h. ARTICLE V - DESIGN STANDARDS (MULTI-FAMILY) – Sections 5.1-10**

- **Section 5.1 SCOPE:**

This application shall comply with the scope of the design standards for Apartment houses, condominiums, townhouses, or conversions to apartment houses and those required by Article II. Section 2.7, Design Standards for drainage, sewer and water, is not duplicated within article 5 and shall be reviewed as part of this proposal.

- **Section 2.7, DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER:**

The property subject in this application is not in a one hundred (100) year flood plain and shall mitigate drainage to historic levels on site. **A Phase III drainage study consistent with the standards identified within the Storm Drainage Design and Technical Criteria Manual shall submitted at Preliminary Plat [2.7(1)].**

The Applicant intends to connect to the local public water and sewer via Winter Park Ranch Water and Sanitation District. Service lines and structures shall be in accordance to these regulations as a minimum standard [2.7 (2-4)].

- **Section 5.2 SPECIAL SITE CONSIDERATIONS:**

The parcel subject in this proposal has a portion of slope equal to or greater than 30% where the slopes meet this criteria they shall be delineated as a "non-build zone" on the Final Plat [5.2 (1&2)]. No nearby drainage channels have been identified on this submittal or historical submittals in the adjacent lots and blocks. The surrounding parcels are of residential use not necessitating a landscape or setback buffer [5.2(3&4)].

- **Section 5.3 STREETS, ALLEYS AND EASEMENTS:**

The access to this subject parcel is via existing county roads. A proposed driveway will connect the units to County Road 834, aka Cranmer Blvd. The effective impact of the 6 units is approximately 48 Average Daily Trips (ADTs). **This application shall comply with current Road and Bridge Standards. Staff recommends specific focus on the requirements in Section 3.10 Multi-Family Development. The Applicant shall also provide a Phase II Traffic Impact Analysis as identified in 3.12.2.**

- **Section 5.4 UTILITY METER INSTALLATIONS AND ACCESSES:**

Staff anticipates that the utility meters for these structures will be gang-box style systems. **The preliminary plat shall show utility easements and access details to determine compliance with this provision. Xcel and Mountain Parks Electric Inc. (MPEI) shall be a Preliminary Plat Review agency.**

- **Section 5.5 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS:**

The applicant shall provide for open space dedicated to the owners association that meets the following provision:

"The Board of County Commissioners shall require the dedication, reservation or conveyance of areas or sites suitable for purposes such as parks, flood channels, scenic areas and green belts, of sixty percent (60%) of the total of land covered in the apartment house, condominium, or townhouse area dedication..." **Calculated open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat.**

- **Section 5.6 DESIGN STANDARDS FOR FLOOD HAZARD, FIRE HAZARD, GEOLOGICAL HAZARD AND MINERAL RESOURCE AREAS:**

Historically, the Winter Park Ranch subdivision and subdivisions created from parcels within this previous platting have been identified as a built up area that has mitigated the concern of flood or fire hazard. Typical thinning of standing dead trees surrounding homes and other post mature plant material as recommended by Division of Natural Resources or State Forest service has been completed by property owners throughout the subdivision.

As required by State Law, the Applicant shall research and verify sub-surface mineral extraction rights as referenced in this section below.

a) *Mineral Resource Areas*

- i) *Prior to initiation of exploration or site operation, the operator or developer will provide a general exploration or development plan to the Planning Commission for review to insure compliance with applicable federal, state and county regulations.*
- ii) *In areas where surface and mineral rights are divided, the surface developer will show proof that the mineral owner has been notified of proposed surface development or improvements C.R.S. §24-65.5-103. Said proof may be in the form of a legal publication, one (1) time, in a newspaper of general circulation in Grand County.*
- iii) *Surface development may not preclude development of mineral resources, however, preference may be given to another use if sufficient technical or other evidence demonstrates that the economic value of the minerals present is less than the value of other use.*
- iv) *Mineral extraction and exploration are prohibited if such activity would cause significant danger to the public health and safety.*

● **5.7 SCHOOL LANDS:**

(1) All subdivisions shall provide for public school sites to serve the proposed subdivision and the future residents thereof and in accordance with these Regulations.

Lands would be dedicated at the following rate:

6 units

$6 \times .018 = .108$ acres (4,704.5 ft²)

Fees in lieu were calculated for this parcel in the following manner.

School Fees Formula Calculation

6 units

$6 \times .20 = 1.2$

$1.2 \times .09 = .108$

$.108 \times \$562,500.00/\text{acre} = \$60,750.00$ in school fees. **ESTIMATED**

This is an estimate solely relying on the sales price of the subject parcel. Other comps will be pulled to assess Fair Market Value as necessitated by the Subdivision Regulations. This impact fee shall be paid prior to recording the Final Plat.

5.8 ADDRESSING REQUIREMENTS TO ENHANCE 911 EMERGENCY SYSTEM:

At Preliminary Plat, the Applicant shall provide proposed addressing. Reflective high visibility signs created by the local fire district shall be placed on the property upon completion of construction at the expense of the Developer. Staff suggests that the addresses are as follows:

798 GCR 834, Unit 1-6 (Cranmer Blvd)

The Applicant shall comply with sub sections 2-3.

5.9 SLASH REMOVAL/DISPOSAL :

Staff suspects that minimal clearing or removal of forest materials will be required on the subject property. Any clearing or removal that shall occur shall comply with this section and those guidelines set by Grand County Division of Natural Resources, East Grand Fire Protection District No. 4, and Colorado State Forest Service.

5.10 SOLID FUEL BURNING DEVICES Repealed via Resolution 2016 – 7 – 34

i. Article VII - SUBDIVISION (MULTI-FAMILY) – Section 7.1 – Sketch Plan

The application shall comply with the Subdivision Regulations (Multi Family). The Sketch Plan addresses each of the following:

Section 7.1 (1) (a) *Relevant site characteristics and analyses applicable to the proposed subdivision.* The subject parcel in this proposed development lies within a Subdivision Platted in 1964 and amended in 1971. Staff has gathered analysis completed by other projects within the vicinity that discuss common development issues with properties in the area. **This Submittal complies.**

Section 7.1 (1) (b) *Reports concerning streams, lakes, topography, geology, soils and vegetation.* A topographic survey, as a portion of the building site plans, has been provided with the Sketch Plan. The lot contains aspen and mature evergreens. The Fire District and Colorado State Forest Service will be Preliminary Plat review agencies. Updated reports shall be supplied at Preliminary Plat for information regarding soil bearing capacity and drainage. **This Submittal complies**

Section 7.1 (1) (c) *Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.* It is Staff's opinion that the impact of geologic characteristics within a subdivision of this character and size will not significantly impact the land use. **This Submittal complies.**

Section 7.1 (1) (d) *In the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.* Reports for nearby developments and across the County represent radon hazards, therefore soil studies provided at Preliminary Plat shall include information on radon hazards within the subject parcel. A plat note shall be added recommending Radon mitigation measures be integrated into all proposed structures.

Section 7.1 (1) (e-f) (e) has been repealed (f)A sketch drawing and other documentation showing the proposed layout or plan of development area, the total number and types of dwelling units and other buildings, the total area of greenbelt, and open space and their location, and the proposed area for school sites if applicable. **This Submittal complies.**

IX. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing is scheduled for the regular meeting November 18, 2020.

X. STAFF RECOMMENDATION

Staff recommends the approval of the Ridge Point Townhomes Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat approval:

1. Each unit is required to have the minimum three parking spaces per unit (GCZR Sec. 14.4).
2. A Phase III drainage study consistent with the standards identified within the Storm Drainage Design and Technical Criteria Manual shall submitted at Preliminary Plat [2.7(1)].
3. The proposal has slopes equal to or greater than 30%, and they shall be delineated as a "non-build zone" on the Final Plat [5.2 (1&2)].
4. Soils analysis shall be completed and submitted with the Preliminary Plat [5.2 (1&2)].
5. The Preliminary Plat shall show utility easements and access details to determine compliance Utility meter installation and access [5.4(1&2)].
6. The Applicant shall also provide a Phase II Traffic Impact Analysis as identified in 3.12.2[5.3 (1)].
7. Calculated open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat [5.5].
8. Phase III Drainage Study submitted at Preliminary Plat shall be added to confirm flood risk [2.1 (3&6)].
9. No burning of slash shall be allowed and disposal shall be included in the Engineers Estimate of Probable Cost provided with Preliminary Plat [5.9].
10. The Applicant shall research and verify sub-surface mineral extraction rights prior to the Preliminary Plat review by Planning Commission [5.6].
11. Plat review agencies during Preliminary Plat shall include:
 - Mountain Parks Electric, Inc. (MPEI)
 - Xcel
 - Centurylink
 - Comcast
 - Colorado State Forest Service
 - East Grand Fire Protection District
 - East Grand School District
 - Winter Park Ranch Water and Sanitation District
 - Grand County Consulting Engineer
 - Headwaters Trails Alliance
 - Grand County Assessor's Office
 - Town of Winter Park
 - Town of Fraser

Plus any additional required by Planning Commission and Board of County Commissioners.

12. The Applicant shall meet all Preliminary Plat requirements.

Commissioner Davis asked if the applicant Ryan Pellet and the Architect James Poole had an opportunity to review the Certificate and if they had any questions or comments.

The applicant Ryan Pellet and the architect James Poole are both on the call and available

to answer questions. They have no comments at this time.

Commissioner Davis gave a reminder to the Commissioners that this is a Sketch Plan review this evening, it can come in on the back of a napkin. Our biggest concern is, does it make sense where it is at and is it feasible, what are the things to look at as it enters the preliminary plat phase. If there is anything that was added or an addition, the detail is a bonus at this time and gives us opportunity for feedback.

Commissioner MacDonald asked, how these units will have stabilization with the risk of mud or rock slides. How has the engineering been done for evaluating this risk?

James Poole, Architect replied the civil engineering is being handled by JVA that would be a question for them. The soil report has been completed. JVA will be reviewing this for risk.

Commissioner MacDonald continued, (a question for Commissioner Davis), this seems like a high density area. Most of the developments along that ridge are much higher density than this property. Do we make any alterations to the 60-70% open space if they are interested in having higher density? Is this a limitation?

Commissioner Davis responded, yes it is certainly something we enforce. They would have to go through a Variance process for less open space. There are many purposes behind open space. In this case even if we increase that density they are going to hit that 60% pretty close to it anyway, just because there is a huge non-buildable area. To answer your question for future considerations, it would be case specific and looking at an appropriate reason why we would want to move away from that 60% open space.

Commissioner MacDonald stated his main concern is just that it is being safe and it sounds like they are on top of it.

Ryan Pellet, applicant stated we have engaged all the right people and JVA has done a great job in addition to High Country Soil and people who are very familiar with the area, including Jim Poole. We feel confident we are building a safe place. Plus I will be living there so I am counting on it to be safe.

Commissioner Shepton started out with stating she is glad you are building 3 bedroom units which is very important for families. In the Certificate it was mentioned in the recommendation that they had to have 3 parking spaces per unit, which is not true. 3 parking spaces for the 3 bedroom units and 2 parking spaces to the 2 bedroom unit. So recommendation number 1 needs to change. Snow removal storage needs to be addressed. Is there enough maneuverability to enter into the parking area and get around? The 2 bedroom unit on the east side on the sketch plan, she is wondering if they can even get in there.

James Poole replied, yes we see that happening, but once again this is all being handled by the civil engineering company, with Cooper and his team at JVA. Naturally he will be going to what the county requirements are.

Commissioner Fournet had no questions.

Commissioner Fitch had no questions.

Commissioner Davis stated a follow up to Kim's question, where you saying that the 2 bedroom units only require 2 parking spots and the 3 bedroom units require 3 parking spots? Alex what is your thought on which way you would like to direct them for parking more or less?

Alex replied right to the rule is the intention. When Ryan and I talked about parking originally, I thought all the units were going to be 3 bedrooms, so I used the maximum when I wrote the Certificate. As it complies with Section 14.4.

Commissioner Davis asked, if the preliminary plat has 2 bedrooms than the overall requirement for parking would be commiserate with regulations.

Alex replied, correct.

Commissioner Karlstrom stated that somewhere in the Certificate, Alex used the word convent I think you meant covenant.

Commissioner Davis stated it is on page 3, first paragraph second line of the Certificate.

Commissioner Karlstrom what was that page mutual plan summary page? She is not sure what this is for.

Alex replied, the mutual plan summary might have accidentally got put in the review materials. That is the schedule we had established with the applicant based on strict compliance with the code. How quickly could the project move through if everything is in line?

Ryan Pellet added he can answer this question. When we first purchased the land we wanted to make sure we were in compliance and could meet all the deadlines. It is basically our work plan on how and what we needed to be accomplishing to meet the objectives of the Planning Commission and all the issues that needed to be coordinated.

Commissioner Gnuse asked, the sketch plan included in the report, I tried to blow it up to look at the contour interval was on the topography lines and I cannot make it out. Trying to look at the building at the south end of the site western side, that is the closes building to the steepest part of the slope. I was trying to get an idea of how much fall that slope had between the back wall of the building and were the open space is showing, is that 20 feet there?

Alex replied that is correct. Jim can get into more detail about the topography. I believe it is 1 foot interval. We have discussed setback from the ridge and where it gets to the steeper slope. As they are building there are code concerns there.

James Poole added basically it is just a matter of all the steepness occurs, starting with the 20 foot setbacks from the ridge that is required. That it is pretty consistent and straight forward to the north of that 20 foot setback. There will be fill on one side and there will be cut on the east side.

Commissioner Gnuse continued, he is sure the geo-technical engineers will figure it out. Echoing what Commissioner MacDonald brought up, engineering wise that is going to be a challenge trying to get your buildings far back to the slope and not have any instability. When you come back we will take a look at the soils report. Want to see what the contours are, it is 1 thing if they are 1 foot it is another if they are 2 feet and another if they are 5 feet.

James Poole commented if they were 5 feet he would walk away from this project.

Commissioner Fitch asked, what is the proposed price points and are the targeted to second home owners or primary residences? What is your audience?

Ryan Pellet replied, it will be somewhere between 18-19 hundred feet in the units along the ridge line and somewhere between 15-18 hundred square feet on the duplex (the 2 townhomes next to each other. Scott Neuenschwander, my partner) we plan on taking 1 unit each and selling the other 4 units. The price point will be at what is demanded in the market. Somewhere in the \$750-850 thousand range along the ridge line and then the Duplex (which is smaller) #375 per square foot.

Commissioner Davis added so more a second home owner verses a local resident. Which is commensurate with the surrounding area. There is tons of consideration for housing for locals for several years and that question comes up for any new development. Something to consider moving forward.

Ryan Pellet stated he and Scott will be there a lot. It could be a primary residence but most likely second home owners.

Commissioner Davis added, he is glad that you are continuing to infill. It is appropriate for the multi-family for het higher densities. Thanks for finding a way to utilize that property. Those ridge line properties are certainly attractive and it fits into the new natural surroundings. I am interested in seeing elevations at preliminary plat.

Commissioner Davis asked if there was anyone from the public who would like to speak regarding this sketch plan.

Mandy Hanifen stated with what has been happening lately, the needs for fire protection, in and out access and is the property have hydrants?

Commissioner Davis stated that at preliminary plat review agencies are brought in and Alex due you know where the nearest hydrant his on this property?

Alex replied, does the property does have hydrants. They are located at the front of the property line.

Ruth Faulkenberg, a neighbor to the west, Winter Park Ranch Condominiums, just for clarification that was described as 6 townhouses, it is 12 condominiums. There is a noticeable grade change between this site and the Winter Park Ranch Condominiums site and I am wondering if that is addressed in this process or in the future.

Alex replied, in preliminary plat, the civil site plan will address drainage on the property through a drainage study as we require in our regulations. Run off should be contained on the site as opposed to running off on adjacent properties.

Commissioner Davis asked for a motion.

Motion to recommend approval by Tara Fournet for Ridge Point Townhomes – Sketch Plan with 11 staff recommendations. Seconded by Kim Shepton. Not further discussion. All in favor "aye", none opposed. Motion carries.

Nature Valley Townhomes – Sketch Plan – Stillwater Ranch-11, LLC, Ray Trimble

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission: November 18 2020; Board of County Commissioners: TBD 2020

- PROJECT NAME:** Nature Valley Ranch Townhomes Subdivision- Sketch Plan
- APPLICANT:** Kent Whitmer on behalf of Stillwater Ranch-11, LLC represented by Ray Trimble; Engineer: Kevin Vecchiarelli JVA, Inc.
- LOCATION:** Part of the Section 22 and 27, Township 3 North, Range 76 West, of the 6th P.M. 120, 132, 134 GCR 4480
- APPLICABLE REGULATIONS:** Grand County Master Plan, Grand County Zoning Regulations, Grand County Subdivision Regulations
- ZONING:** F – Forestry and Open District
- ATTACHMENTS:**
- i) Vicinity Map
 - j) Sketch Plan (Plat)
 - k) Application and Narrative letter
 - l) Water Court Decree 88 CW 270 and 91 CW 11
- STAFF PLANNER:** Alexander Taft, LEED Green Associate
- REQUEST:** The Applicant is proposing a subdivision to create four (4) parcels containing three existing dwellings on an approximately 8 acre parcel in Urban Growth Area No. 2 (Grand Lake).
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XI. BACKGROUND

a. PROPOSAL

Stillwater Ranch-11, LLC represented by Ray Trimble, the Applicant, is proposing a four (4) unit single family residential detached subdivision on approximately eight (8) acres. The subject property was purchased by Stillwater Ranch-11, LLC in 2011. The subject property is close enough or served by Three Lakes Water and Sanitation district public sewer.

The lots being created for this subdivision are to create some fee-simple interest in the existing cabins and directly adjacent outdoor space, while maintaining a large portion of open space for continued agricultural use. These Residential District parcels being served by a shared well and public sewer. They are accessed by a single driveway which extends north from County Road 4480. The site is located in Urban Growth Area No. 2 (Grand Lake) of the Master Plan.

b. HISTORY

Ray Trimble purchased this property in 2017 and has been working on development plans since. Ray approached Staff in late 2018, then after several back and forth discussions an agreement was reached that the property would need to go through the subdivision process for approvals to be developed.

The property subject to this proposal has long had a history of proposed development containing multiple units through either a guest ranch or lodge development or residential subdivision. In 2004, Spike and Pat Potts started discussions to develop the property where at the time it was conveyed that it was possible to create 64 cabins as an undivided interest. Since then there have been other interpretations of the Zoning Regulations.

c. EXISTING REPORTS

In County files Staff has discovered the water court decree from the 1990's which updates Case No. 88 CW 270. The in this water court decree dating back to the nineteen eighties details some of the prospective uses for the property then owned by, Spike and Patricia Potts as the proprietors of Stillwater Ranch Development Company. Specifically the Water Court Decree reference water for uses including a small lake, 3200 ft² of office or community use building, eighty (80) single family cabins of 900 ft², four (4) single family homes less than 4000 ft², year round swimming pool and associated dressing and sanitation facilities, a laundromat, and a fish rearing operation.

The Applicant provided a letter from Moses, Wittemyer, Harrison and Woodruff, P.C. which describes Stillwater Ranch Water Supply. This letter details the augmentation plan confirming allowable uses and total depletions.

The most current files which would supply Staff insight to anticipated site conditions are from the Drainage and Soils report provided for West Hillside Acres Subdivision in 2003.

The Soils report for West Hillside suggests there are expansive soils on that site. Staff pulled a web

soil survey from Natural Resource Conservation Survey (NRCS) to research if there is any similar soil types to those found in West Hillside Acres. The soil survey suggests that the soil found in the development area is composed primarily of loamy (higher organic contents) type soils which are typical of farmlands. The soil types differ from the available soil report and require more investigation from the Applicant to confirm site conditions.

XII. STAFF ANALYSIS

Water resources appear to be adequate and supportive of this proposed development as well as the adjacent Northern Slope Townhomes proposal. The Water Court Decree 88 CW 270 suggest 33.36 acre-feet being consumable. General allowances for an individual, single family dwelling is approximately a third acre foot (107,725 gallons).

The zoning on the property is referenced as Split-zoned pursuant to the zoning map. The split between Forestry and Open District and Residential District for this portion of the property is located at the North-South Section line separating NE. Staff notes that the Residential zoning does encompass the majority of the parcel, but not all the development area. **Staff recommends a rezoning be applied for and obtained prior to the Final Plat being approved.** This will allow the parcels to be sized consistent with the less restrictive Residential District. This will eliminate any concerns with §30-28-123 C.R.S. "Higher Standards Govern."

Access to this subdivision is from an existing County Road 4480 which dead ends into the property where properties further to the West are accessed by a private access easement road. The existing drive serving these parcels shall be improved to a local/low volume road standard.

XIII. COMPLIANCE WITH GRAND COUNTY REGULATIONS

Conditions to satisfy Regulations shall be highlighted in the following sections in **BOLD**.

j. 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 is relevant to this proposal.

Plan Element 3 – Development: The Built Environment

As stated in Plan Element 3 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. Visually important lands and the desired rural landscape character is maintained. This proposal minimizes disturbance of the rural and open land character that residents of Grand County cherish as this proposal is isolating development near existing development.

k. ZONING – SPLIT ZONE Section 4.1 Residential District; Section 6.1 Forestry and Open District.

The parcels involved in this proposal are split-zoned within both the Residential and Forestry and Open Districts, existing inside the Urban Growth Area No. 2 (Grand Lake). In either district the property is allowable to be subdivided, consistent with its location within the Urban Growth Area. The site is surrounded by residential vacant land, subdivision open space tracts, or larger lot residential uses. Consistent with §30-28-123 C.R.S. "Higher Standards Govern" Staff has noted the more restrictive standards for reference if the property is not rezoned.

- (a) The use of these lots is for single family dwellings, consistent with uses by right in both Districts.
- (b) Both Districts require 30' minimum front yard setbacks and 20' minimum rear yard setbacks, Forestry and Open being the more restrictive requires 10' minimum side yard setbacks.
- (c) The minimum lot size in the Forestry and Open District is 2 acres (87,120 ft²) which is a requirement unless the property is rezoned to Residential District allowing 15,000 ft² (0.34 acres) when serviced by well or septic facilities.

I. ARTICLE II - DESIGN STANDARDS– Sections 2.1-13

Each new subdivision platted in Grand County will, to some degree affect the character and environmental appeal of the land, the cost of services and maintenance to the purchasers and the County government, and the interests of investors in the subdivided land and surrounding areas. New subdivisions shall provide safe, convenient travel routes to and from and within the subdivision. Each lot shall provide a desirable setting for construction so that natural features of the land may be preserved, views protected, privacy permitted and screening from traffic ways made possible. Area needs for flood channels, open spaces, parks, schools, fire stations, water and sewage treatment facilities and similar community facilities must be provided depending on the location and density of each development. Although Article VIII of these Regulations provides for variances under certain circumstances, the following design standards shall be followed wherever possible.

Section 2.1 SPECIAL SITE CONSIDERATIONS:

This portion of the property is relatively flat and used in connection with agricultural operations suggesting the soil is stable and suitable for residential development. **Aerial imagery shows a drainage surrounding Stillwater Creek, this shall be delineated as a "non-build zone" on the Final Plat [2.1 (1 & 2)].**

Staff suspects that this area is not subject to flood risks, **detail within the Phase III Drainage Study submitted at Preliminary Plat shall be added to confirm flood risk [2.1 (3&6)].**

The subject site is also approximately one mile, straight line distance, from US Highway 34 not requiring any buffer [2.1 (4)].

Soils analysis shall be completed and submitted with the Preliminary Plat [2.1 (5)]. These technical analyses, at a minimum, should provide data regarding soil suitability, construction bearing capacity, and potential radon hazards.

Section 2.2 STREETS, ALLEYS, AND EASEMENTS:

This application and required improvements shall comply with current Grand County Road and Bridge Standards.

The existing driveway is anticipated to contain 32 Average Daily Trips (ADT's) which meets criteria for a Local/Low Volume road by Grand County Current Road and Bridge Standards. This road shall be improved and dedicated within a 60' ROW consistent with the Road and Bridge Standards.

It doesn't appear to have two points of ingress/egress as required by Section 2.2, paragraph 14 therefore further detail shall be provided if it is intended to keep a single ingress/egress with the Preliminary Plat with details of why two points of access are unreasonable or not feasible. A dead end street with a cul-de-sac shall follow the requirements in the Road and Bridge standards Section 3.4.3.

- **Section 2.3 & 2.4 BLOCKS & LOTS:**

Staff assumes based on existing dimensions compliance with the block being no longer than four hundred feet (400') in length, this shall be confirmed in the Preliminary Plat submittal [2.3].

It is Staff understanding the Applicant would like to follow residential requirements. Lots shall be dimensioned on the preliminary plat. Minimum areas and widths shall be in compliance with the residential district requirements being a minimum of 15,000 ft² and having a minimum width of sixty feet (60').

- **Section 2.5 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS:**

The road serving this subdivision shall be dedicated to the public by deed and part of the "designated county road system" but maintained by the owners of the subdivision and a property owners association. The dedication on the plat shall be approved by the County Attorney's Office similar to a version of the following, referenced by Section 1.4 (2) (b&c):

Recognized as a public right-of-way by deed, dedication or prescriptive use, and is a part of the designated County road system provided for by Article 2, Title 43, Colorado Revised Statutes, 1973, amended, and is dedicated or conveyed to the owners of the subdivision and their successors in title and constructed to County road standards, and a property owners' association or other legal entity acceptable to the Board of Commissioners is legally obligated to maintain such road to County standards.

This road shall be deeded to the public through a Quit Claim Deed recorded in conjunction with the Plat.

The applicant shall provide for open space dedicated to the homeowners association that meets the following provision:

"The Planning Commission shall require the dedication, reservation or conveyance of acres or sites suitable for public purposes such as parks, flood channels, scenic areas and green belts, of twenty percent (20%) of the total area of the subdivision. The location of all such areas or sites shall be mutually agreed upon by the subdivider and the Planning Commission..." **Open space shall be included on a land use table in the Preliminary Plat submittal.**

- **2.6 SCHOOL LANDS:**

(1) All subdivisions shall provide for public school sites to serve the proposed subdivision and the future residents thereof and in accordance with these Regulations.

Lands would be dedicated at the following rate:

4 units

4 x .045 = .18 acres (7,840 ft²)

Fees in lieu were calculated for this parcel in the following manner.

School Fees Formula Calculation

4 units

4 x .50 = 2

4 x .09 = .18

.18 x \$7,307.70/acre = \$1,315.38 in school fees **ESTIMATED.**

This is an estimate solely relying on the sales price of the subject parcel. Other comps will be pulled to assess Fair Market Value as necessitated by the Subdivision Regulations. This impact fee shall be paid prior to recording the Final Plat.

- **Section 2.7, DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER:**

The property subject in this application appears not to be located in a ten (10) or one hundred (100) year floods plain and shall mitigate drainage to historic levels on site. **These requirements shall be fully analyzed in a Phase III Drainage Report which complies with Grand County Storm Drainage and Technical Criteria Manual shall be submitted with the Preliminary Plat.**

The Applicant intends to allow use of public sewer provided by Three Lakes Water and Sanitation District, the three existing cabins are already connected, and the additional cabin will need to connect consistent with Three Lakes WSD construction standards [2.7 (2)].

Staff understands that a well sharing agreement is being drafted to support the use of an existing Stillwater Ranch Well for the four single family units The applicant has provided a letter and summary of rights to use via which explains rights to use water and Staff interprets compliance with

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§29-20-304 C.R.S. which is the current update to §29-20-103 C.R.S. referenced in our regulations [2.7 (3)].

- **Section 2.8 DESIGN STANDARDS FOR FLOOD HAZARD, FIRE HAZARD, GEOLOGICAL HAZARD AND MINERAL RESOURCE AREAS:**

Thinning of standing dead trees surrounding homes and other post mature plant material as recommended by Division of Natural Resources or State Forest service shall be completed. Any clearing and slash removal shall be done consistent with Division of Natural Resources guidelines.

No burning of slash shall be allowed and disposal shall be included in the Engineers Estimate of Probable Cost provided with Preliminary Plat.

As required by State Law, the Applicant shall research and verify sub-surface mineral extraction rights as referenced in this section below. Staff can provide a mineral resource procedure guide to help complete this process.

b) Mineral Resource Areas

- i) Prior to initiation of exploration or site operation, the operator or developer will provide a general exploration or development plan to the Planning Commission for review to insure compliance with applicable federal, state and county regulations.*
- ii) In areas where surface and mineral rights are divided, the surface developer will show proof that the mineral owner has been notified of proposed surface development or improvements C.R.S. §24-65.5-103. Said proof may be in the form of a legal publication, one (1) time, in a newspaper of general circulation in Grand County.*
- iii) Surface development may not preclude development of mineral resources, however, preference may be given to another use if sufficient technical or other evidence demonstrates that the economic value of the minerals present is less than the value of other use.*
- iv) Mineral extraction and exploration are prohibited if such activity would cause significant danger to the public health and safety.*

2.10 ADDRESSING REQUIREMENTS TO ENHANCE 911 EMERGENCY SYSTEM:

At Preliminary Plat, the Applicant shall provide proposed addressing. Staff suggests that the addresses are as follows:

The existing cabins shall remain 130, 132, 134 GCR 4480; Proposed lot 4 shall be approximately 133 GCR 4480.

Reflective high visibility signs created by the local fire district shall be placed on each property being created by the proposed plat upon completion of construction. The sign installation shall be at the expense of the developer.

The addressing plan shall be reviewed by Grand Lake Fire Protection District and Grand County Office of Emergency Management (OEM) to help support tracking and response to new properties. The Applicant shall comply with Sub sections 2-3.

2.11 SLASH REMOVAL/DISPOSAL:

Staff suspects that minimal clearing or removal of forest materials will be required on the subject property. Any clearing or removal that shall occur shall comply with this section and those guidelines set by Grand County Division of Natural Resources, East Grand Fire Protection District, and Colorado State Forest Service.

2.12 SOLID FUEL BURNING DEVICES Repealed via Resolution 2016 – 7 – 34

2.12 DITCH CROSSINGS The red top ditch runs through the northern portion of the property but no anticipated impacts with this proposal.

m. Article IV - SUBDIVISION – Section 4.1 – Sketch Plan

The application shall comply with the Subdivision Regulations. The Sketch Plan addresses each of the following:

Section 4.1 (1) (a) *Relevant site characteristics and analyses applicable to the proposed subdivision.*
This Submittal complies.

Section 4.1 (1) (b) *Reports concerning streams, lakes, topography, geology, soils and vegetation.* A topographic survey shall be provided with the Preliminary Plat. Grand Lake Fire District and Colorado Parks and Wildlife, Colorado State Forest Service will be Preliminary Plat review agencies. Updated reports shall be supplied at Preliminary Plat for information regarding soil bearing capacity and drainage. **This Submittal complies**

Section 4.1 (1) (c) *Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.* Staff has pulled information from NRCS related to soils and geologic characteristics. The application narrative briefly details of the soils and grades which elude to the level of future analysis needed. **This Submittal complies.**

Section 4.1 (1) (d) *In the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.* Most areas in Grand County show above average levels of Radon averaging 6.1 picocuries requiring mitigation of radon gas in any newly proposed structure. As similar with adjacent subdivisions, soil studies provided at Preliminary Plat shall include information on radon hazards within the subject parcel. This will determine appropriate mitigation measures upon application for building permits.

Section 4.1 (1) (e-f) (e) has been repealed.

(f) A sketch drawing and other documentation showing the proposed layout or plan of development area, the total number and types of dwelling units and other buildings, the total area of greenbelt, and open space and their location, and the proposed area for school sites if applicable. **This Submittal complies.**

XIV. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for November 18, 2020.

XV. STAFF RECOMMENDATION

Staff recommends the approval of the Nature Valley Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat approval:

- 1) Staff recommends a rezoning be applied for and obtained prior to the Final Plat being approved.
- 2) The proposed lots shall conform to the Residential district when rezoned.
- 3) Drainage surrounding Stillwater Creek shall be delineated as a “non-build zone” on the Final Plat [2.1 (1 & 2)].
- 4) Phase III Drainage Study submitted at Preliminary Plat shall be added to confirm flood risk [2.1 (3&6)].
- 5) Soils analysis shall be completed and submitted with the Preliminary Plat [2.1 (5)].
- 6) Staff assumes based on existing dimensions compliance with the block being no longer than four hundred feet (400') in length, this shall be confirmed in the Preliminary Plat submittal [2.3].
- 7) An extension for GCR 4480 shall be dedicated as part of the plat and shall be deeded to the public through a Quit Claim Deed recorded in conjunction with the Plat [2.5].
- 8) Open space shall be included on a land use table in the Preliminary Plat submittal [2.5].
- 9) The Applicant shall pay any impact fees assessed during the approval of a Final Plat [2.6& 3.3 (3) ()].
- 10) A Phase III Drainage Report which complies with Grand County Storm Drainage and Technical Criteria Manual shall be submitted with the Preliminary Plat [2.7(1)].
- 11) No burning of slash shall be allowed and disposal shall be included in the Engineers Estimate of Probable Cost provided with Preliminary Plat [2.8].
- 12) The Applicant shall research and verify sub-surface mineral extraction rights prior to the Preliminary Plat review by Planning Commission [2.8].
- 13) A topographic survey shall be provided with the Preliminary Plat [4.1(1) (b)].
- 14) Plat review agencies during Preliminary Plat shall include:
 - Mountain Parks Electric, Inc. (MPEI)
 - Xcel
 - Centurylink
 - Comcast
 - Colorado State Forest Service
 - Grand Lake Fire Protection District
 - Colorado Geologic Survey
 - East Grand School District
 - State Engineers Office (Division of Water)
 - Three Lakes Water and Sanitation District

- Colorado Parks and Wildlife
- Grand County Consulting Engineer
- Grand County Assessor's Office
- Grand County Division of Natural Resources

Plus any additional required by Planning Commission and Board of County Commissioners.

15) The Applicant shall meet all Preliminary Plat requirements.

Commissioner Davis asked if the applicant has had a chance to review the Certificate and if he has any questions/concerns.

Kent Whitmer, Attorney for applicant Ray Trimble responded that they have reviewed the Certificate and are satisfied with the recommendations.

Commissioner MacDonald stated he had no questions.

Commissioner Shepton asked what the purposes of the development are.

Alex replied there are 3 cabins on 130 acres. The applicant, Ray Trimble, currently has long term tenants in those cabins that basically he is creating lots to sell to those long term tenants who are local residents and have worked in the county for some time. Because he has to go through the Subdivision process, he will be creating an extra lot possible for his or someone else's future residence.

Commissioner Shepton continued, is there any concern about the shared water use?

Mr. Ray Trimble replied, there is no push back on drilling a new well.

Commissioner Shepton asked, are there concerns with topographic run off (after the fire) need to be addressed at some point.

Mr. Ray Trimble asked in terms of safety?

Commissioner Shepton replied more the use of the land.

Commissioner Fournet stated no questions.

Commissioner Fitch asked, what is the total acreage under consideration here?

Mr. Ray Trimble replied it is 135 acres.

Commissioner Davis asked what portion of that is still going to remain for agricultural use.

Mr. Ray Trimble replied, 8 acres for the Nature Valley and the 18 for Northern Slope. A total 105 acres in agriculture, in the meadow.

Commissioner Davis clarified, so maintain 105 acres. What are you growing there or is it grazing land? What is the agricultural activity?

Mr. Ray Trimble answered that it is native grass for hay and the 18 acres is at an elevation 42

where there is no irrigation and there is no grass.

Commissioner Fitch wants clarification, Ray stated there was a water augmentation plan in place for larger guest ranch style elements, what remains and how will this be utilized? Was the previous work done suitable for this new purpose?

Mr. Kent Whitmer replied, the grand planned called for 80 cabin units and a convention center, indoor/outdoor swimming pool which uses a lot of water. The analysis by engineers and water attorneys has determined what is contemplated for this development Nature Valley Ranch & North Slope Subdivision will use just a fraction of the augmentation plan could allow. A step further, because these developments will be owned separately and each will have an (HOA) Homeowners Association, essentially will have 3 separate entities that will be sharing that augmentation plan. The plan is to put in place a contractor arrangement between the 3 entities. So the augmentation plan is operated in accordance with its decree and operates into perpetuity.

Commissioner Davis stated, typically the Colorado Division of Water Resources is not keen on water share plans amongst separate ownerships so we do not see this in new developments. Is this one acceptable because it was already in place?

Mr. Kent Whitmer asked, are you referring to the augmentation plan or the contemplated contractual sharing of the augmentation plan?

Commissioner Davis replied, the contractual sharing, so for example Subdivision Exemptions take a domestic well and we now turn it in for 3 household wells use only and it is under separate ownership with 3 separate wells. It used to be you could keep that domestic well and do a well sharing program amongst 3 different owners which caused so much controversy and fights that the Division of Water Resources said we are not going to do that anymore. The question is you are talking about technically doing a water share plan through the Homeowners Association (HOA) and covenants is that acceptable to the Colorado of Water Resource moving forward?

Mr. Kent Whitmer replied, all I can tell you is we have had it examined by Moses Wittemyer firm down in Boulder that does nothing but water law and they think this will work.

Commissioner Davis stated awesome. You indicated that would be through the (HOA) Homeowners Association.

Mr. Kent Whitmer replied yes.

Commissioner Karlstrom asked, where is the Blue Grass that was mentioned?

Mr. Ray Trimble replied, we have natural grasses in the meadow.

Commissioner Karlstrom continued, I am remembering now the Potts is the piece that has Blue Grass? I guess that does not concern you then...

Alex replied, even I am lost on the Blue Grass issue, unless it was part of the correspondence from 2004 between the county and the Potts.

Commissioner Davis added there is no “Blue” in either Certificate when searched.

Commissioner Karlstrom continued, the wells that are going to be constructed are any already constructed?

Mr. Kent Whitmer replied, 2 wells have been drilled.

Mr. Ray Trimble added, 1 well for the Potts has been drilled, that serves the 3 cabins. The benefits of the 1 well is they are both part of the augmentation. Correct? We will be required to drill a separate well to accommodate the cabins.

Mr. Kent Whitmer agreed. To service in strict accordance with the augmentation plan.

Commissioner Gnuse asked to see the Certificate, on page 4 showing a sketch plan. Wanting to make sure he understands, there is going to be 4 lots, there are already 3 existing cabins, is the 4th single family home going in the eastern sketched out area that says proposed lots?

Alex replied, correct, about a third acre lot abuts Lake Ridge Mountain Valley Subdivision.

Commissioner Gnuse continued, so that is the 4 single family homes, the 3 cabins that exist plus a future lot that you are creating. How many acres? The rest is agriculture with a split zone Forestry/Open and Residential.

Alex replied 8 ½ acres.

Commissioner Davis added remember agricultural is a separate designation.

Alex added the zoning and agricultural assessment are not tied. We are recommending that a rezoning happen because the Forestry/Open in a growth area only allows for lots as small as 2 acres. This is not feasible for Ray if he wants to transfer these to the long term tenants because then the price will go up.

Commissioner Gnuse asked what is the average size of the lot per cabin?

Alex replied, minimum 15 thousand square feet.

Commissioner Davis added, is the property permanently split zoned?

Alex replied, yes Forestry/Open and Residential.

Commissioner Davis continued, tradition has been for split zoned lots, the applicant when making changes can choose the zoning they want to move forward with. The reason you are talking “townhome”, is townhome even on the table at this time or you just looking to move to Residential so you can get the minimum lot size?

Alex replied, no we are looking to do Residential for the minimum lot size, because they are all detached and single family residents.

Commissioner Davis asked so “townhome” is not part of this presentation?

Alex replied, correct.

Commissioner Davis continued, we have to make sure our agendas reflect what we are actually trying to do in titles because that did offer a lot of questions. This is just a full blown subdivision, 4 lots with a serious amount of open space. The 18 acre lot "D" is what we are talking about next?

Alex replied, correct.

Commissioner Davis stated, so we are doing a full subdivision, once approved we can start the process of doing a second subdivision, which we can do in tandem, but 1 precedes the other. That is how you are wanting to move forward?

Alex replied, correct.

Commissioner Davis asked, everything from the next presentation is contingent upon this presentation? Further subdivision of a subdivision, so why are we doing this as 2? Is it 2 separate ownerships? We are starting with the same piece of property, then dividing it and 1 section we are looking at single family and the next section we are going to be talking about multi-family. We have the ability to do that combined, I am just asking why the choice to go separate.

Alex stated, the interpretation was it was too murky combining the 2 projects because Northern Slope development is more consistent with multi-family subdivision whereas the southern portion is just for detached single family subdivision.

Commissioner Davis added, Winter Park Ranch is a great example of what we are trying to do here. A huge amount of space went into multi phases of subdivision and leaving a spot off to do phase 2 is what we are talking about here. It will be a mixed use in the end of single family and multi-family that helps me understand a little bit more as to why we are going down the path we are going down. For all intent purposes all we are talking about here are 4 lots (showing map in Certificate) what we are seeing here are Lots "A, B and C" with the houses, we have Lot "D" which is directly to the east. Then everything else will be classified as open space. Our subdivision regulations allow for open space to be used for agricultural purposes? The question is that open space will be contingent upon the overall covenants of this and the approval of the plat and so the open space has to meet usage requirements. Is that part of our subdivision regulations?

Alex added there are some restrictions on what can be constructed in open space, like recreational elements, is that what you are getting at?

Commissioner Davis stated, correct, so once you go through a subdivision it is pretty clear on what we allow in open space. Just want to make sure while we are in sketch plan that we are leading our applicant down a legitimate path. Term, common area, any open space, green belts, yards, parking area or storage spaces located on the property owned and controlled by the home owners through the Homeowners Association (HOA) but is not part of the individual townhouse lots on a community and commercial facility ... convenient to the existence, maintenance and safety of all townhomes. Permitted, item 20, document page 10, uncovered swimming pools, sports fields, pathways, trails, tennis courts,

volleyball, play grounds, picnic, shuffle boards, golf, unenclosed basketball courts, ponds, lakes, creeks, pedestrian gardens, horse corrals, no enclosed stables, patios. I am not opposed to the proposal. There is nothing that says it is NOT permitted. Typically when you see this type of community, great example of a community at the base of Rabbit Ears Pass, it is a subdivision in which it is a common ownership of the ranch. I think C Lazy U utilized a little of that, although they did not utilize the same process. So the question is, do we have 1 person who will utilize the open space for profit, because the open space is shared amongst your HOA.

Mr. Kent Whitmer jumped in, I think we need to clarify. The 8 acres that is associated with Nature Valley Ranch that will be Nature Valley Ranches common area. Which that HOA will oversee. They will not have any interest in the balance of the agricultural land, the 105 acres that Ray will retain for himself.

Commissioner Davis stated, that is not what is being proposed. The 105 acres that Ray is keeping for himself is being calculated as open space.

Mr. Whitmer added, only the 8 acres should be for Nature Valley Ranch.

Commissioner Davis stated, what we have been presented (back to the slide) it clearly states open space.

Alex added, the exterior boundary in total is 8 acres, (sharing slide again).

Commissioner Davis stated anything in green, labeled open space plus the 4 lots constitutes 135 acres as I understand it.

Alex stated, that is incorrect. The remainder of the green area, plus the lots that are **surrounded by the red dashes, that total area is about 8 ½ acres.**

Commissioner Davis asked, we are starting with 135 acres, we need to first carve out space for the subdivision that you are asking for, but the remaining lot is also a lot that remaining 105 acres is also classified as a lot.

Mr. Whitmer stated it is greater than 35 acres.

Commissioner Davis stated, you are starting with a contingent piece of property, you can have a surveyor carve it down to 35 acres and we can start from there, but at the end of the day you have to account for all of the acreage. You don't have to go through a subdivision process to cut it down to 35 acres. That is the lowest you can go with a surveyor. From there you are asking to subdivide 35 acres. What you are proposing is you are asking to divide 135 acres, so the remainder 105 acres cannot just be something else. When you go through the subdivision process that is a lot. It is unclear of what we are trying to do here. To that end, through this process as you are creating another lot?

Mr. Whitmer stated we are starting with 135 acres, then Ray wants to do an 18 acre subdivision and an 8 acre subdivision.

Commissioner Davis asked, the subdivision is 3 parcels?

Mr. Whitmer replied, the remaining parcel after the 2 subdivision applications in process is greater than the 35 acres.

Commissioner Davis asked, does an 8 acre and an 18 acre parcel exist today?

Mr. Whitmer stated, no

Commissioner Davis asked, what is the subdivision process to create lots out of Metes and Bounds? The first thing you are asking for is a 3 lot subdivision, 105 acres, 8 acres and 18 acres. The next process is to further subdivide 8 acres into open space and 3 lots. The next subdivision is for Northern and that is to take 18 and whatever you are asking to do for that lot. You have to create the lots that you want, they do not exist yet.

Mr. Whitmer asked isn't that what this application is about on both fronts, to create those tracts.

Commissioner Davis stated you are creating yet another lot that has to be acknowledged.

Mr. Whitmer and Mr. Trimble asked for the project to be tabled.

Neighbors Comments:

- Three Lakes Design Area review, not mentioned in Certificate needs to be added.
- Gretchen Reynolds, daughter of Spike and Pat, well number 10 is deeded to Gretchen. Will this be a part of the augmentation?
- Mr. Whitmer answered, the water summary from the Moses Wittemyer plan does address this. A portion of the water augmentation plan was deeded to the Pott family (where Gretchen lives now) it is acknowledged that augmentation plan is for their partial benefit because of that reservation and has been accounted for in what is remaining for the development of what Ray owns.
- This needs to be brought back with the entire 135 acres and be able to look at it and say, split off 18 acres here, 8 acres down here and go through that process. Then come back for the 108 acres and it needs to be done in conjunction. Need to see the entire 135 acres.
- The augmentation plan is 30 years old, need current water flows and support. The density of the 18 acre section. Like to see traffic impact and wetlands report. Wildlife corridor migration, want to see this addressed.
- Would like to see how it is subdivided before the sketch plan is approved to ensure what is going on.

Mr. Ray Trimble added that he wants **to do this project correctly**. I have spent 2 ½ years on more than 1 iteration on getting this project, what I think is right for the community and if we defer for a month that is appropriate. If it solves issues. No reason to force this project along. Time is money, I am not doing this for the money.

Commissioner Davis stated we need clarification on:

- Information on rezoning
- Appropriate starting place
- The confirmation of water share plan (Kent has this already)

- The original augmentation plan, with communication with all effected by the water augmentation
- The clarity on what we are trying to do, how the pieces are falling into place
- The clarification on the Certificate as well as the agenda regarding looking at a townhome consideration. Our Public Notice is misleading.
- Anything else that would be for sketch plan that we would be looking for clarification on
- Need to tighten up the presentation and Certificate.

Mr. Ray Trimble and Mr. Kent Whitmer formally requested to table this project Nature Valley Townhomes.

North Slope Subdivision – Sketch Plan – Stillwater Ranch-11, LLC, Ray Trimble

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission: November 18, 2020; Board of County Commissioners: TBD
November/December, 2020

PROJECT NAME: Northern Slope Subdivision- Multi-Family Sketch Plan

APPLICANT: Kent Whitmer on behalf of Stillwater Ranch-11, LLC represented by Ray Trimble; Engineer: Kevin Vecchiarelli JVA, Inc.

LOCATION: Part of the Section 22 and 27, Township 3 North, Range 76 West, of the 6th P.M. approximately 1001 GCR 4

APPLICABLE

REGULATIONS: Grand County Master Plan, Grand County Zoning Regulations, Grand County Subdivision Regulations

ZONING: Split Zoned R/F – Residential and Forestry and Open District

ATTACHMENTS:

- m) Vicinity Map
- n) Sketch Plan (Plat)
- o) Application and Narrative letter

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing a subdivision to create thirteen (13) duplexes and one (1) single-family totaling 27 units on an approximately 19 acre parcel separated from the "Potts Ranch."

XVI. BACKGROUND

a. PROPOSAL

This proposal by Stillwater Ranch-11, LLC, is to create a total of 27 dwelling units composed of thirteen (13) duplexes and a one (1) single family dwelling on approximately 19 acres. The proposed sketch plan represents a single drive to serve all

The property is spit zoned with the boundary for residential district lying in the center of Stillwater Creek. Multi-Family residential is allowed as a use by right in the Residential District parcels being served by a proposed water system and public sewer. They are accessed by a single road which travels approximately 2100' and allows several points for turnaround for emergency and personal vehicles alike. The site is located in Rural Growth Area #1 of the Master Plan.

b. HISTORY

Ray Trimble purchased this property in 2017 and has been working on development plans since. Ray approached Staff in 2018 originally then after several back and forth discussions an agreement was reached that the property would need to go through the subdivision process for approvals to be developed.

The property subject to this proposal has long had a history of being intended for development of multiple units through either a guest ranch or lodge development or residential subdivision. Staff has found records dating back to the nineteen eighties, specifically the Water Court Decree reference water for uses including *"a small lake, 3200 ft2 of office or community use building, eighty (80) single family cabins of 900 ft2, four (4) single family homes less than 4000 ft2, year round swimming pool and associated dressing and sanitation facilities, a laundromat, and a fish rearing operation..."* this or a portion of this proposal was discussed with Grand County in 2004 but as far as Staff can tell

c. EXISTING REPORTS

In County files Staff has discovered the water court decree from the 1990's which updates Case No. 88 CW 270. The in this water court decree dating back to the nineteen eighties details some of the prospective uses for the property then owned by, Spike and Patricia Potts as the proprietors of Stillwater Ranch Development Company. Specifically the Water Court Decree referenced, in the old plan created by the Potts, water for uses significant development as described above.

The Applicant provided a letter from Moses, Wittemyer, Harrison and Woodruff, P.C. which describes Stillwater Ranch Water Supply. This letter details the augmentation plan confirming

allowable uses and total depletions.

The most current files which would supply Staff insight to anticipated site conditions are from the Drainage and Soils report provided for West Hillside Acres Subdivision in 2003.

The Soils report for West Hillside suggests there are expansive soils on that site. Staff pulled a web soil survey from Natural Resource Conservation Survey (NRCS) to research if there is any similar soil types to those found in West Hillside Acres. The soil survey suggests that the soil found in the development area is composed primarily of loamy (higher organic contents) type soils which are typical of farmlands. The soil types differ from the available soil report and require more investigation from the Applicant to confirm site conditions.

XVII. STAFF ANALYSIS

Water resources appear to be adequate and supportive of this proposed development as well as the adjacent Northern Slope Townhomes proposal. The Water Court Decree 88 CW 270 suggest 33.36 acre-feet being consumable. General allowances for an individual, single family dwelling is approximately a third acre foot (107,725 gallons).

The zoning on the property is referenced as Split-zoned pursuant to the zoning map. Staff notes that the Residential zoning does encompass the majority of the parcel, but not all the development area. Staff believes that a rezoning is not necessary here because the entirety of the parcel being created will be designated in the Residential district complying with the proposed use. This will allow the parcels to be sized consistent with the less restrictive Residential District. This will eliminate any concerns with §30-28-123 C.R.S. "Higher Standards Govern."

Access to this subdivision is from an existing County Road 4 which adjacent to the property. The proposed access road shall be dedicated to the public consistent with the Subdivision Regulations. It appears that the drive serving these units is anticipated to be improved to a local/low volume road standard. The construction drawings submitted with the Preliminary Plat shall detail this and any non-conformities with the Road and Bridge Standards.

The applicant shall be made aware Section 1.4 "Control over Platting" (5):

*Once submittal of a sketch plan has been made to the Grand County Planning Department for review of a subdivision, **no disturbance of the site, nor installation of any improvements associated with the proposed subdivision is allowed until after approval of the final plat by the Board of County Commissioners**, or prior approval of any site disturbance or installation of required improvements has been authorized by the Board of County Commissioners. The developer will be allowed to do any soils and geologic testing, soils borings, surveying, etc. that are needed to provide the technical reports required for review of the subdivision.*

XVIII. COMPLIANCE WITH GRAND COUNTY REGULATIONS

Conditions to satisfy Regulations shall be highlighted in the following sections in **BOLD**.

n. 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 is relevant to this proposal.

Plan Element 3 – Development: The Built Environment

As stated in Plan Element 3 in the Grand County Master Plan, density is encouraged within the Urban Growth Areas where existing infrastructure and public services exist. Visually important lands and the desired rural landscape character are maintained. This proposal minimizes disturbance of the rural and open land character that residents of Grand County cherish as this proposal is infill within a pre-existing development.

o. ZONING – Section 4.1 Residential District

The parcels involved in this proposal lie within the Residential District, existing inside the Growth Area No. 2 aka the Grand Lake Growth Area. The site is surrounded by residential vacant land, subdivision open space tracts, or larger lot residential uses.

- (d) The use of these lots is anticipated as multiple family dwelling, consistent with uses by right in this District.
- (e) This District requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks. Staff would interpret the total development area as the lot boundary and it appears that any structures on site are positioned consistent with these requirements.
- (f) The minimum lot size in the Residential Zoning District is 7,000 ft² (0.34 acres) when serviced by both public water and public sanitation. The total parcel area is 18.66 acres where the ownership will be condo type or fee-simple specific to the unit. The Multi-family standards do not have more restrictive minimums.

p. ARTICLE V - DESIGN STANDARDS (MULTI-FAMILY) – Sections 5.1-10

- **Section 5.1 SCOPE:**

This application shall comply with the scope of the design standards for Apartment houses, condominiums, townhouses, or conversions to apartment houses and those required by Article II. Section 2.7, Design Standards for drainage, sewer and water, is not duplicated within article 5 and shall be reviewed as part of this proposal.

- **Section 2.7, DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER:**

The property subject in this application appears not to be located in a one hundred (100) year flood plain and shall mitigate drainage to historic levels on site. **A Phase III drainage study consistent with the standards identified within the Storm Drainage Design and Technical Criteria Manual [2.7(1)].**

The Applicant intends to connect to the local public sewer via Three Lakes Water and Sanitation District. The Applicant will also be constructing a Public Water System consistent with State Regulation 11 serving the 27 proposed units. This infrastructure and connection requires compliance with the "Grand County Administrative Regulations for New and Major Extensions of Existing Domestic Water and Sewer Treatment Systems" commonly referred to as the 1041 Regulations. **A 1041 permit shall be obtained prior to recording the final plat [2.7(2) (b)].**

Service lines and structures shall be in accordance to these regulations as a minimum standard [2.7(2) (d)].

- **Section 5.2 SPECIAL SITE CONSIDERATIONS:**

Aerial imagery shows a drainage surrounding Stillwater Creek, this shall be delineated as a "non-build zone" on the Final Plat [5.2 (1 & 2)]. Drainage flows are estimated to terminate to Stillwater Creek, this shall be confirmed in the Phase III Study. The applicant has provided confirmation that US Army Corps will be reviewing wetland impacts in order for the proposed access road to cross.

The surrounding parcels are of residential use not necessitating a landscape or setback buffer. The proposal has located building sites to further reduce impacts of new construction on view corridors.

- **Section 5.3 STREETS, ALLEYS AND EASEMENTS:**

The access to this subject parcel is via existing county roads. A proposed drive will connect the units to County Road 4. The effective impact of the proposed 27 units is approximately 138 Average Daily Trips (ADTs). This amount of ADT meets criteria for a Local/Low Volume road by Grand County Current Road and Bridge Standards. It doesn't appear to have two points of ingress/egress as required by **Road and Bridge Standards, Section 3.4.2, detail on the feasibility/infeasibility shall be submitted with the Preliminary Plat [5.3(11)].**

This application shall comply with current Road and Bridge Standards. Staff recommends specific focus on the requirements in Section 3.10 Multi-Family Development. The Applicant shall also provide a Phase II Traffic Impact Analysis as identified in 3.12.2.

- **Section 5.4 UTILITY METER INSTALLATIONS AND ACCESSES:**

Staff anticipates that the utility meters for these structures will be separate on unit style systems. **The Preliminary Plat shall show details of locating utility easements and access details to determine compliance with this provision. Xcel and Mountain Parks Electric Inc. (MPEI) shall be a Preliminary Plat Review agency.**

- **Section 5.5 DEDICATIONS AND PUBLIC AND PRIVATE RESERVATIONS:**

The applicant shall provide for open space dedicated to the owners association that meets the following provision:

"The Board of County Commissioners shall require the dedication, reservation or conveyance of areas or sites suitable for purposes such as parks, flood channels, scenic areas and green belts, of sixty percent (60%) of the total of land covered in the apartment house, condominium, or townhouse area dedication..." **Calculated open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat.**

- **Section 5.6 DESIGN STANDARDS FOR FLOOD HAZARD, FIRE HAZARD, GEOLOGICAL HAZARD AND MINERAL RESOURCE AREAS:**

It is evident because of recent events of the East Troublesome Fire that this area is subject to potential fire hazard. Typical thinning of standing dead trees surrounding homes and other post mature plant material as recommended by Division of Natural Resources or State Forest service shall be completed by the applicant. Property Owners whether a sole owner, separated interests, or separate interests under a Owners Association shall maintain the landscape in a fire wise manner within the boundaries of this development, a plat note shall be added to the final plat to this effect.

As required by State Law, the Applicant shall research and verify sub-surface mineral extraction rights as referenced in this section below.

- a) *Mineral Resource Areas*

- i) *Prior to initiation of exploration or site operation, the operator or developer will provide a general exploration or development plan to the Planning Commission for review to insure compliance with applicable federal, state and county regulations.*
- ii) *In areas where surface and mineral rights are divided, the surface developer will show proof that the mineral owner has been notified of proposed surface development or improvements C.R.S. §24-65.5-103. Said proof may be in the form of a legal publication, one (1) time, in a newspaper of general circulation in Grand County.*
- iii) *Surface development may not preclude development of mineral resources, however, preference may be given to another use if sufficient technical or other evidence demonstrates that the economic value of the minerals present is less than the value of other use.*
- iv) *Mineral extraction and exploration are prohibited if such activity would cause significant danger to the public health and safety.*

- **5.7 SCHOOL LANDS:**

(1) All subdivisions shall provide for public school sites to serve the proposed subdivision and the future residents thereof and in accordance with these Regulations.

Lands would be dedicated at the following rate:

27 units

$27 \times .018 = .486$ acres (21,170.2 ft²)

Fees in lieu were calculated for this parcel in the following manner.

School Fees Formula Calculation

27 units

$27 \times .20 = 5.4$

$5.4 \times .09 = .486$

$.486 \times \$7,307.69/\text{acre} = \$3,551.54$ in school fees **ESTIMATED**.

This is an estimate solely relying on the sales price of the subject parcel. Other comps will be pulled to assess Fair Market Value as necessitated by the Subdivision Regulations. This impact fee shall be paid prior to recording the Final Plat.

- **5.8 ADDRESSING REQUIREMENTS TO ENHANCE 911 EMERGENCY SYSTEM**

At Preliminary Plat, the Applicant shall provide proposed addressing. Reflective high visibility signs created by the local fire district shall be placed on the property upon completion of construction at the expense of the Developer.

Staff suggests that the addresses are as follows:

45-95 (Unit A&B) GCR 4485W, **Staff and the Applicant shall work together on addresses prior to Planning Commission reviewing the Preliminary Plat [5.8].**

The Applicant shall comply with sub sections 2-3.

- **5.9 SLASH REMOVAL/DISPOSAL:**

Clearing or removal of forest materials will be required on the subject property to reduce risks of fire hazard. Any clearing or removal that shall occur shall comply with this section and those guidelines set by Grand County Division of Natural Resources, Grand Lake Fire Protection District, and Colorado State Forest Service.

- **5.10 SOLID FUEL BURNING DEVICES Repealed via Resolution 2016 – 7 – 34**

- a. **Article VII - SUBDIVISION (MULTI-FAMILY) – Section 7.1 – Sketch Plan**

The application shall comply with the Subdivision Regulations (Multi Family). The Sketch Plan addresses each of the following:

Section 7.1 (1) (a) *Relevant site characteristics and analyses applicable to the proposed subdivision.*

Staff has gathered analysis completed by other projects within the vicinity that discuss common development issues with properties in the area. **This Submittal complies.**

Section 7.1 (1) (b) *Reports concerning streams, lakes, topography, geology, soils and vegetation.* A topographic survey, as a portion of the building site plans, has been provided with the Sketch Plan. The Grand Lake Fire District and Colorado State Forest Service will be Preliminary Plat review agencies. Updated reports shall be supplied at Preliminary Plat for information regarding soil bearing capacity and drainage. **This Submittal complies**

Section 7.1 (1) (c) *Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.* It is Staff's opinion that the impact of geologic characteristics within a subdivision of this character and size will not significantly impact the land use. Details of any significant geologic characteristics or hazards shall be detailed in the Soils analysis submitted with the Preliminary Plat. **This Submittal complies.**

Section 7.1 (1) (d) *In the areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.* As similar with subdivisions throughout the County, soil studies provided at Preliminary Plat shall include information on radon hazards within the subject parcel. This will determine appropriate mitigation measures upon application for building permits. **A plat note shall be added to the Final Plat which requires radon mitigation infrastructure in all new construction pursuant to this Subdivision.**

Section 7.1 (1) (e-f) (e) has been repealed (f) A sketch drawing and other documentation showing the proposed layout or plan of development area, the total number and types of dwelling units and other buildings, the total area of greenbelt, and open space and their location, and the proposed area for school sites if applicable. **This Submittal complies.**

XIX. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing scheduled for November 18, 2020.

XX. STAFF RECOMMENDATION

Staff recommends the approval of the Northern Slope Sketch Plan with the following conditions to be met prior to submitting an application for Preliminary Plat approval:

A Phase III drainage study consistent with the standards identified within the Storm Drainage Design and Technical Criteria Manual [2.7(1)].

A 1041 permit shall be obtained prior to recording the final plat [2.7(2) (b)].

Aerial imagery shows a drainage surrounding Stillwater Creek, this shall be delineated as a "non-build zone" on the Final Plat [5.2 (1 & 2)].

1. This application shall comply with current Road and Bridge Standards [5.3].
2. Feasibility/infeasibility of compliance with Road and Bridge Standards, Section 3.4.2, shall be submitted with the Preliminary Plat [5.3(11)].

3. The Applicant shall also provide a Phase II Traffic Impact Analysis as identified in 3.12.2 [5.3].
4. The Preliminary Plat shall show details of locating utility easements and access details [5.4].
5. Calculated open space shall be included on a land use table in the Preliminary Plat submittal and remain on the Final Plat [5.5].
6. The Street or shall be dedicated as part of the plat and shall be deeded to the public through a Quit Claim Deed recorded in conjunction with the Plat [5.5].
7. The Applicant shall pay any impact fees assessed during the approval of a Final Plat [5.7].
8. Staff and the Applicant shall work together on addresses prior to Planning Commission reviewing the Preliminary Plat [5.8].
9. A plat note shall be added to the Final Plat which requires radon mitigation infrastructure in all new construction pursuant to this Subdivision [7.1(1) (d)].

Plat review agencies during Preliminary Plat shall include:

- Mountain Parks Electric, Inc. (MPEI)
- Xcel
- Centurylink
- Comcast
- Colorado State Forest Service
- East Grand Fire Protection District
No. 4
- Colorado Geologic Survey
- East Grand School District
- State Engineers Office (Division of
Water)
- Colorado Parks and Wildlife
- Grand County Consulting Engineer
- US Army Corps of Engineers
- Grand County Division of Natural
Resources
- Headwaters Trails Alliance

Plus any additional required by Planning Commission and Board of County Commissioners.

The Applicant shall meet all Preliminary Plat requirements.

Commissioner Davis asked for clarification on how the 1041 Permit would work with the existing water augmentation, will the augmentation have to be amended?

Mr. Kent Whitmer replied, I am not aware of the need to amend the augmentation plan in connection with the 1041 Permit process.

Alex added the 1041 Permit is specific to dwelling units not really the augmentation plan.

Commissioner MacDonald asked where is the water in relationship to the houses and the wetlands, I heard the wetlands where on a slope.

Mr. Ray Trimble replied, are you asking about the well site locations? The wetlands are on a flat plain, right against County Road 4 and it is only about 100 feet in width. The wetlands will be 200 feet from the development.

Commissioner Shepton stated this is a split zone property also, Forestry/Open and Residential? I did not understand how there can be 27 units and 13 duplexes and yet I counted 15 structures. Will they be Short Term Rentals or will it address the housing needs for Grand County? Post fire issues will need to be addressed.

Alex replied, yes split zone also.

Mr. Ray Trimble replied, I believe it is 28 units. They are duplexes, in the interest of conserving land and addressing the market in terms of economics. They were designed to be sold to individual owners, and I cannot control if they make them Short Term Rentals. I also plan to have my personal residence there as well.

Commissioner Shepton asked what are you doing with the acreage that is between the 2 lots?

Mr. Ray Trimble replied, the design is so people will have parking. My vision is to have everything centered around something that is very pastoral, which is the center piece the 105 acres. Part of the 105 acres, my vision is to invite people to cross country ski, I hired a designer to develop ski trails. Maybe some horseback riding and walking trails. That would be open to the neighbors as well. Putting aside a third of the pasture for the deer and elk to graze.

Commissioner Shepton ask about the price range, will they be in the \$800 thousand dollar price range? This will not address our housing needs or the people that support Grand County.

Mr. Ray Trimble replied, I don't know where you came up with the \$800 thousand, someone brought up the question why don't we build density and build bigger homes? The reason or

that is they are not affordable, they don't address the needs of the market and they don't conserve land. I think we have a good design, that could be well built and also address the market.

Commissioner Fournet, no comment except breaking off the acreage.

Commissioner Fitch is concerned about the agricultural land for the future. What is the vision for the agricultural land? We need a clear intent for the future.

Mr. Ray Trimble replied, I have been working with the Conservation Land Trust people for about a year. I did not buy the land as a developer, I bought it because of the agriculture and because of the habitat for nature. I worked with all the agencies to try and managed the stream in the best way so it would be a good habitat for fish. The stream without the water, I would not have bought the ranch. The land and stream belong to nature. I will be the owner of the remaining land for as long as I can.

Commissioner Fitch is concerned that she has had conversations with you and wants to make sure that we are clear on the original intent and future intent.

Commissioner Karlstrom asked is the property all Forestry/Open or is some Residential?

Alex answered, it is zoned Forestry/Open and Residential. The split is at about the center line of Stillwater Creek. The 18 acres that would encompass this proposal would all be Residential zoning.

Commissioner Karlstrom continued, someone had written in that you cannot have multi-family in Forestry/Open, so we needed that clarification. Where is the open space for this project?

Alex replied, the units themselves have a fee simple lot, the footprint is what you purchase and everything outside of your structure is open space.

Commissioner Karlstrom asked this is unlike the Nature Valley Project?

Alex replied, correct.

Commissioner asked Ray if he had been excavating on the property down at the creek.

Mr. Ray Trimble replied, I met with an environmental engineer and we are trying to develop and improve the stream habitat for fish. He recommended a book "Let the Water do the Work" and he gave some clues on the bend where the willows were shaded to give them more depth so they can propagate, so there have been a couple of pockets where I tried to give them a little more room and survive the harsh winters. Beyond that we are not changing any streams or water ways, we are not affecting the water. I did drain the 2 ponds because they had not been drained in about 20-30 years and nothing could live there because it was too shallow.

Commissioner Karlstrom stated OK, stream improvement is basically what you have been doing. Alex please show the wetlands map, that shows the wetlands in relationship to the

buildings. This map made it look like all the houses were in the wetlands. I know the homes have to be a certain distance away from the wetlands. What is that distance?

Alex replied, the sketch plan has these hatched areas where they anticipate impacts to the wetlands area.

Mr. Ray Trimble added, look at County Road 4 and then go west to the nearest duplex, the elevation changes probably 20 feet higher. Once you get above the irrigation it is all dry, it is **semi-arête**.

Commissioner Karlstrom asked, will you need a variance for 1 access only?

Alex replied, we briefly touched on that in our report. The subdivision requires 2 points of access to ingress/egress, so it may be something Ray and staff will need to discuss further, what is the feasibility of other accesses or will it move forward to a variance and why.

Commissioner Karlstrom asked Alex to show the school fees section.

Alex replied we estimated the school fees solely off the sale price of this property and we will have to go back and gather further comps to get a closer per acre value.

Commissioner Gnuse asked the average footprint of your duplex, how many square feet?

Mr. Ray Trimble replied, because of the elevation there are walkouts, the lower level is a livable area. They will be built as a basement, 930 square feet will be the livable area, (on 1 level). They are 1 story with a walkout basement however you interpret that.

Commissioner Fitch had follow up questions, with regard to your comments about Ducks Unlimited, what was their communication to you regarding this 30 year old augmentation plan and what is water shed looking like and how it impacts the augmentation plan. Has this been discussed?

Mr. Ray Trimble stated they have not discussed.

Commissioner Davis asked this is not within the growth boundary, right?

Alex replied that it is in the growth boundary. The Grand Lake Urban Growth Area.

Commissioner Davis asked, what are the recommendation on the urban again? What is the consideration for the urban versus the rural as far as density?

Alex answered I don't know that we have a dwelling unit per acre count. Most of our Urban Growth Areas are serviced by public sewer and water. This proposal will be serviced by both water and sewer.

Commissioner Davis stated right, because the water district would be added. Looking at the surrounding area, how does this compare density wise to anything close to it?

Alex replied, the only thing I can think of this side of Highway 34 is there is some scattering of Condos along the lakes edge, Beacon Landing Condos or Lakeshore.

Commissioner Davis stated that is zoned Mobile.

Mr. Ray Trimble added might Soda Springs be included?

Commissioner Davis added, coming off County Road 4, so that is Soda Springs and then it thins out into larger residential plots and 40 acre Stillwater Estates. This would be still within that Urban Growth Area the goal is we can add density closer to Highway 34 and along that corridor and expanding out into the Forestry/Open. One of the concerns is the further you get off Highway 34, going up County Road 4 or 41 the density feathers out. There are some older subdivisions where there is good density, but not duplex style. The bigger concern is traffic count. What does that look like as far as home value, purchase price, you addressed size but never mentioned what you thought the purchase price would be? Your intention is for locals, what are your thoughts for market value.

Mr. Ray Trimble replied until I have permission to go into that level, the best I can do is compare to other properties. It starts with design and the Carter Group, I told them we need to keep this affordable and upscale and the density helps tremendously. The sale price has to be under half a million. There is comparable selling in Grand Lake proper selling for about \$6-700 thousand. I want it to be affordable.

Commissioner Davis asked a single point of ingress, a variance would most likely not be approved for 28 units. We need to look at a dual point of ingress/egress, especially with any fires, we really need to plan for the future. It was a good eye opener for why our regulations have a dual point of entry. We will want to see something at preliminary.

Public comments:

- Impact from neighbors that have septic's on their homes within 400 feet of the development.

Commissioner Davis answered those people will be compelled to hook into Three Lakes Water and Sanitation District per the requirements. If Three Lakes Water and Sanitation gets extended, there is mandatory obligation for others to impact. That could put a world of hurt on a couple of subdivisions on the Highway 34 corridor and this is well worth addressing how this impacts the neighbors as the cost could be \$10-20 thousand. Need to take into consideration how this program is run and what it will do to your neighbors. There has to be an advocate for price and consideration of neighbors when it is brought in, because they are compelled statutorily/legally to connect if they are within 400 feet.

Mr. Trimble asked what are the considerations?

Commissioner Davis did not have an answer or a recommendation, but thinks it has to be considered that whatever extension is put in place that you are subjecting your neighbors to an expense that they would be forced to undertake.

Alex added Three Lakes recognizes the burden this can cause and they have implemented a program where you have a set amount of time to buy in and connect over 5 years.

Commissioner Davis replied, fair enough, but it is still mandatory. What is the ADT's (average daily traffic)? Between the 2 we are looking at 28 additional homes. Is that going

to force a traffic study on County Road 4 or is 4 satisfactory and we are just looking at a minor collector leading to it?

Alex replied, I calculated about 140 average daily traffic (ADT's) from this proposal and also in that recommendation there is a Phase 2 requirement at that level. Phase 2 is additional signage if necessary. We will be looking at this for preliminary.

Commissioner Davis asked about drainage and habitat impact studies will need Army Corps. reports because wetlands already exist. Personal statement: Best use of our land as possible by maintaining open space with potential for locals to have a place to live seems to be the highest priority. Based on what people get paid around here, there is a reason lots have not sold in the Highway 34/40 area, by the time you add in HOA fees and lot rent and purchase price it is just not practical for locals. This seems to be brought up in every single meeting. Review agencies, just a heads up, County Road 4 is the split between Grand Lake and Granby Fire Departments. So both will need to be review agencies, for both projects. Any reason we tabled the previous project applies to this project as well.

- The eco-systems are a concern. Ask the CPW look at the stream and wetlands and be a part of the process. The 1041 ask that (inaudible) Unlimited weight in the 1041. On the remaining 105 acres, you talk about conservancy and land trust and that you entertain companies while you are going through this process.
- The density of the project is not appropriate for the area. The increased traffic, County Road 4 is already a busy corridor with being 1 of the only forest access roads and impacts to wildlife migration corridor. Snowmobiling by invitation will be a disruption to the neighbors. Question regarding the wetlands, ground water depletion and the Three Lakes hook up concerns. Concerned about the work on the streams that Ray mentioned he was doing. There are dividing ponds concerns downstream to Lake Granby and the augmentation being 30 years old.
- Need Three Lakes Design Area Review? The Forestry/Open Zone needs to stay in place. From the fire the sedimentation problems, the slope stabilization. Concerned about the wildlife migrating corridor.
- Not sure how the density fits into the area. Concerned about noise and light pollution and trash. The conservation easement is there a Phase 2, 3, 4. Issues with the ditch that is above and runs off. We care dealing with 2 properties and not sure how that works when dealing with parcel numbers and how they get combined.
- Worried about the elk, foxes and moose. The willow area along County Road 4 is hard to figure out how all this is going in that area. The main objectives in the Grand County Master Plan is maintain open lands, and wildlife habitats, minimize impact of development, make sure the location does not include areas that are critical to migration patterns, incorporate wetlands protections and conservation. Hate to see duplexes in an area with single family homes. Plus concerned about traffic.

Commissioner Davis added in summary we advocate for private ownership to do what they want on their own land as long as it meets with our guidelines and regulations. He appreciates the feedback from neighbors.

Ray Trimble and Kent Whitmer asked to table this project.

AT&T Williams Peak/Blue Ridge Special Use Permit

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission November 18, 2020; Board of County Commissioners December 8, 2020

PROJECT NAME: Williams Peak/Blue Ridge Mountain Telecommunications Tower Special Use Permit

APPLICANT: AT&T -- Represented by Valerie Cardenas of Smartlink, LLC

LOCATION: 8,300 Acres in the South ½ (specifically the Northeast ¼, Section 31), Township 1 South, Range 79 West of the 6th P.M., County of Grand, State of Colorado, approximately 3.25 Miles due East of Highway 9 along County Road 381 (a.k.a. 600 CR 381)

APPLICABLE

REGULATIONS: Zoning Regulations: Forest and Open District Section 6.1 and Special Use Permits Section 11.8, Grand County Master Plan

ZONING: Forestry and Open District

ATTACHMENTS:

- A. Application and Narrative Letter
- B. Vicinity Map
- C. United States Forest Service (USFS) Special Use Permit with Site Plan
- D. Property Title Commitment
- E. Draft Special Use Permit 2020-12-XX
- F. ASR Registration Map

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is requesting a Special Use Permit to construct and operate a one hundred forty feet (140') tall telecommunication tower and supporting appurtenances.

XXI. BACKGROUND AND PROPOSAL

Smartlink, LLC represented by Valerie Cardenas on behalf of AT&T, herein referred to as the Applicant is requesting approval for a new one hundred forty foot (140') tower, 300ft² equipment shelter, and support generator as fully described within their narrative. This equipment is proposed to be located within the "Blue Ridge Communications Site Management Plan" where previously telecommunications structures have and are placed. To accomplish the construction of the new tower, an older approximately seventy-two foot (72') tower will be removed.

The proposed telecommunication tower will have the capacity to allow for collocation of several carriers. The one tenant of this structure is FirstNet Service 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.

XXII. STAFF ANALYSIS

Staff and the Applicant have been working together to locate the cellular infrastructure at this site for approximately two (2) years. Green Mountain Networks which was approved in 2014 and a Resolution No. 2014-12-77 presented in August 2019 after all conditions of approval were met, has since been considered defunct. It is Staff's opinion that this SUP shall be the successor of that SUP approved for Green Mountain Networks in 2014 as the bond provided by Green Mountain Networks has expired which makes the SUP non-compliant.

As stated in the "Blue Ridge Electronic Site Plan" approved in March 1979, "access to the site is provided via FDR 135 which is now known as County Road 381. The County Road begins at CO Highway 9 about a mile south of County Road 10 aka Spring Creek Road, which is the most southerly entrance to Blue Valley Acres "Unit 2" Subdivision. County Road 381 traverses up the mountain primarily on USFS property. There are portions of County Road 381 that are located on Blue Valley Ranch and prior to issuance to the SUP access easement shall be verified.

XXIII. 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 by extending cellular coverage throughout areas which were previously underserved. It will also aid in emergency response along the underserved Colorado State Highway 9 corridor which is currently a "dead zone". This is consistent with Plan Element 4 as emergency management requires a framework to increase

response times and minimize risks where impacts of wildfire are great.

XXIV. 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.***

SECTION 11.8(8) 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.

FirstNet is a priority network which benefits those emergency services who subscribe to it. In Staff's opinion, this is the largest public benefit as the network gives priority to First Responders.

This telecommunications tower will allow better coverage to those property owners including those in Blue Valley Acres, Copper Creek Subdivision, large ranching properties in the Williams Fork Valley 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.

Coverage areas shown on the map as provided by the Applicant (below) show increased coverage surrounding CO Highway 9 north of Green 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.

The Applicant expresses the ability to allow for collocation of up to three providers. This facility is initially adding service of one telecommunication provider being FirstNet Service and has bays available for two (2) more. There are two (2) towers north of Kremmling but based on the RF map provided for the Wolford West tower site (see below), the range for the existing towers is limited. 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 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.**

There are not sufficient sites within a 15 mile (24 kilometer) distance suggested by the FCC ASR Registration Map. A slightly more broader search conducted by Staff (see below) shows that other structures in a 15 mile distance are too far north surrounding the Town of Kremmling to adequately serve the target population within Blue Valley Acres, Green Mountain Reservoir, and Heeney.

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 that shows the conditions and proposed infrastructure described below.

- The 20'-0" access easement that will be used to access the site.
 - The location of the 140' telecommunications tower and supporting equipment (see Exhibit C, page 6).
 - The one (1) acre telecommunications lease 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.**

This proposal is an upgrade to an existing site that is part of a larger telecommunications site which as mentioned previously has been in existence since 1979. The site lease is maintained by the USFS which has their own strict regulations on visibility, colors, access, and site maintenance, among others. This telecommunications site is only partially visible from Highway 9 and Blue Valley Acres and there are no surrounding neighbors closer than three (3) miles.

- 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 telecommunications site is relatively secluded and is nested on a mountain side surrounded by trees. Minimal additional visual impact is expected.

- 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.**

The Applicant did complete a balloon test as the proposed tower is 140' doubling the height of the existing tower.

- 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.

The lattice tower being galvanized metal is anticipated to blend into the surrounding environment to further minimize visual impacts. Staff believes that the lattice structure proposed by the Applicant is a good choice to achieve minimal impact to the visual environment. The thin metals tend to have a low visual impact because they don't have much surface area to be picked up by the human eye.

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.

The Applicant shall supply an executed lease agreement/special use permit that meets the criteria 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.

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. Staff understands that the US Forest Service requires a maintenance and removal bond for their Permit, to reduce potential additional burden administratively the Board of County Commissioners, County of Grand, State of Colorado shall be additionally named as parties of interest for remediation.

XXV. PLANNING COMMISSION RECOMMENDATION

Scheduled for review during the regular meeting of the Grand County Planning Commission November 18, 2020.

XXVI. STAFF RECOMMENDATION

Staff recommends the approval of the Williams Peak/Blue Ridge 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.
- 3) The applicant shall confirm access is available to installers and

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

- 4) The permit shall be for the length of time associated with the USFS Special Use Permit.
- 5) The Permittee is required to keep a current lease on file with the Community Development Department.
- 6) The maximum tower height will be limited to the one hundred forty (140) 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.
- 7) Contact information for any and all Collocation Providers shall be provided and added to the Special Use Permit.
- 8) 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.
- 9) 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

Commissioner Davis asked the applicant, Valerie Cardenas if she has had a chance to review the Certificate and if she had anything to add or any questions.

Applicant Valerie Cardenas stated she would like to add some information. The improved coverage will improve between Green Mountain Reservoir to Kremmling and along Grand County Road 3 between Parshall and the Ute Pass. It will cover Green Mountain Reservoir, Williams Fork Reservoir and the surrounding recreational areas as well as the residents surrounding facility. Those are the big concerns for AT&T just due to those recreation areas. This tower we are proposing is going to be co-locatable and will be able to accommodate at least 1 other carrier as well as the U.S. Forestry Service. The U.S. Forestry Service will be putting in their equipment on this tower as well. We may be able to accommodate 1 additional carrier but we can't state that for sure, because it will be dependent on the loading of the U.S. Forestry Service and 1 additional carrier's equipment.

Commissioner Davis added, so guaranteed 1 addition carrier and potentially 2?

Valerie Cardenas added 1 additional carrier in addition to the U.S. Forestry Service

Commissioner Davis stated 2 possible 3 locators?

Valerie Cardenas responded correct. The site will be adding equipment, if not at the initial installation it will be soon after. AT&T will be adding First Net services. It is a dedicated network for first responders. If you live in Denver and there is a tornado or some sort of crisis, people automatically get on their phones which cause a traffic jam. You would encounter a busy signal, due to high traffic on the network. First Net will be a dedicated service just for first responders. Grand County is a high recreation area along the major corridor, Highway 9 that is why this site is very important to AT&T.

Commissioner MacDonald is curious as to what your take is on the \$25 thousand dollar bond?

Valeria Cardenas stated she did not think AT&T would have a problem with that.

Commissioner MacDonald added, it just feels like you are providing a valuable services and something you should be getting paid from us for. If AT&T has no issues with the bond then he has no issues.

Commissioner Davis added, federally we cannot deny cell phone tower to be erected. We

can recommend different locations, we can make people jump through hoops on colors or make them put mono-pines up, but we cannot deny the service. This should be covered on Telecommunications because we have not seen a proposal in a while. The second piece is that when you drive across Berthoud Pass and look at Timberline on the right, there is a big container sitting on top of Mount Eva that was from a cell phone company that was going to be put in with no security deposit. The company defaulted and the only way to remove this is with a helicopter and the County would not put \$25 thousand dollars between Clear Creek and Grand County to be taken down. So now it is a permanent structure. Therefore, it is standard procedure on all cell phone towers in the County that they all maintain a \$25 thousand dollar surety.

Commissioner Shepton stated she is all for having another cell tower for cell phone coverage is that area. It will help cover emergency situations and for people who live in the area.

Commissioner Fournet stated she had no questions.

Commissioner Fitch asked the appearance off the tower will look like a tree, or what will it look like?

Commissioner Davis stated this is a cable tower or a guide wire supported tower.

Alex stated it is a Lattice Tower.

Commissioner Davis stated it would be very transparent, not a solid tower like you see on Mount Braise Tower coming into Hot Sulphur Springs

Valerie Cardenas added it is a self-supported tower.

Commissioner Karlstrom stated she thinks this is very timely and glad for the additional coverage in the area. County Road 381 was it also referred to as FDR 135, I did not understand this.

Commissioner Davis stated yes, Forest Developed Road. (FDR).

Commissioner Karlstrom continued, Exhibit C page 6 with a question mark but she does not know why she has this written down. Can this be brought up?

Commissioner Davis added, Exhibit C page 6, the location of the 140 foot telecommunication tower and supporting equipment, see page 6 is the bullet point. Does this help Ingrid?

Commissioner Karlstrom stated that does not ring any bells.

Alex asked if page 6 a reference to the staff report.

Commissioner Karlstrom is not sure, she could not find the staff report to check on this herself.

Commissioner Gnuse stated he also noticed the same regarding Exhibit C page 6. He is wondering if the Exhibit they are talking about is the diagram on page 5. This is where you are supposed to see where the towers are going.

Alex interjected he was making a reference to the site plan and then did not get the site plan added.

Commissioner Gnuse continued, there is no Exhibit C on page 6, but there is the sketch plan diagram that is on page 5, which shows the location of the tower.

Alex stated, correct.

Commissioner Davis asked, do you just need to change the language in your Certificate or did we have the document that we should have had?

Alex stated he needs to change the language in the Certificate to reference the site plan, (shown above).

Commissioner Gnuse stated he was glad Valerie brought up First Net because that was a question he had and also who all would be on the tower, AT&T plus possible 1 more carrier. No further questions.

Commissioner Davis stated he had no questions. He asked if anyone from the public had any questions or comments.

Mandy Hanifen commented that the Blue Ridge Cell Tower location is indispensable. If you are out in the field it does help to close up the gap. We use digital and analog because of our topography in that area.

Commissioner Davis than asked for a motion. No conditions were added just corrections.

Motion to recommend approval by Bob Gnuse for AT&T Williams Peak/Blue Ridge – New Special Use Permit – Smartlink, LLC with staff conditions. Seconded by Will MacDonald. Not further discussion. All in favor "aye", none opposed. Motion carries.

Minor Subdivision Regulations

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Grand County Planning Commission November 18, 2020; Board of County Commissioners T.B.D.

PROJECT NAME : Minor Subdivision Regulations

APPLICANT : Grand County Community Development Department

LOCATION : Unincorporated Grand County

APPLICABLE

REGULATIONS : Proposed Minor Subdivision Regulations

EXHIBITS : Procedure Flow Charts

STAFF PLANNER : Alexander Taft, LEED Green Associate

REQUEST : Community Development is requesting review and comments from the Planning Commission.

XXVII. DISCUSSION

Last year between the between the months of July and November Planning Commission meetings, and a February Board of County Commissioners workshop, Staff was working to revise the Subdivision Exemption and Outright Exemption Regulations. In February during a Board of County Commissioners workshop the Board gave staff some different direction to focus on single family densities. Between now and then several property owners have reached out asking about timeline for approval of these simplified regulations.

These proposed regulations create a process for administrative Sketch plan review and Preliminary and Final Plat approval by a new process through Planning Commission and the Board of County Commissioners. The intention is to have Planning Commission involved in two steps being a preliminary plat review and final plat review with a recommendation to the Board of County Commissioners to approve a final plat and any necessary support agreements. Staff feels that this section below best summarized these regulations:

Grand County Minor Subdivision Regulations provide for divisions of land on a small scale under circumstances in which the need to comply with Grand County Subdivision Regulations would cause undue hardships, administrative complexity and the impact of the proposed division does not bring the division within the purpose and intent of the Grand County Subdivision Regulations. The creation of new parcels through this process is intended to infill within existing neighborhoods with public water and sewer service.

XXVIII. REQUEST

This initial introduction is to allow the Planning Commission the time to read and review the proposed document and be able to provide some feedback to Staff before a full discussion in December to hopefully expedite the finalization of these regulations.

We would like for the Planning Commission to engage in providing review and notes to Staff which will be documented and incorporated in a revised version of the Minor Subdivision Regulations for complete review in December.

Alex stated last year we started discussion about changing the exemption regulations to allow a bunch of different things as well as some administrative plat approvals that went awry and in

February it was furthered by the pandemic and just not being able to pull through with those efforts. The minor subdivision regulations, we have several property owners in the Winter Park Ranch area who are looking for an abbreviated process and the minor subdivision regulations are the beginning of attempts of getting that abbreviated process going. We are looking for your help with comments and feedback on the regulations that have been uploaded in the dropbox currently and they can be sent to Alex and they will be compiled into a revised document and we will have further discussion in December and January.

Robert Davis added he with spoke with the Board of County Commissioner (BOCC) for temporary planning and zoning regulations. We look at temporary camping and using the Chapter 13 Accessory Uses and modifying that. We are not proposing to change the zoning regulations, we are proposing a resolution from Board of County Commissioners (BOCC), an emergency type of resolution. I can send out to everyone and maybe if we can get comment back before next Tuesday, I am not sure when this will go officially to the Board of County Commissioners (BOCC).

Commissioner Davis asked for the information to be sent along with a way for the Commissioners to attach their comments so a Resolution can be drafted and signed by the Planning Commissioners. List Commissioners by name on the Resolution.

Commissioner Karlstrom asked that all documents be in the drop box on Friday, and not have late entries.

Motion to adjourn. Approved Ingrid Karlstrom. Seconded Kim Shepton. All in favor “aye” None opposed. Meeting adjourned.

Meeting adjourned at 11:04 pm.
