

GRAND COUNTY PLANNING COMMISSION
MEETING MINUTES

January 9th, 2018

MEMBERS PRESENT: Sally Blea Deborah Fitch
 Ingrid Karlstrom Marcus Davis
 Henry Broadhurst Kim Shepton
 Tara Fitch Jennifer Scott

MEMBERS ABSENT: Bob Gnuse

STAFF PRESENT: Robert Davis Alex Taft
 Julie Nessen Joan Lyons
 Maxine LaBarre-Krostue Patty Kemper

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

Minutes from December 12th, 2018 were presented. Motion to approve was made by Ingrid Karlstrom, seconded by Sally Blea. All in favor "aye", none opposed, motion carried. With changes from Ingrid.

Marcus Davis welcomed new members Deborah Fitch, Henry Broadhurst and Tara Fournet. Since it is January, he asked if the second Wednesday of every month at 6:30pm still worked for the Commissioners. All agreed. Nominations for Chairman: Ingrid nominated Marcus Davis all approved. Nominations for Vice Chair: Jennifer nominated Sally Blea all approved, no other nominations offered.

Rob Davis handed out the book "The Job of the Planning Commissioner" to all planning Commissioners in attendance. Rob stated the book was written in 1987 but the theory and concepts are still relevant. Book shows history and citizen involvement.

Introduction of new planner: Joan Lyons

Rob reminded all, of the DOLA Refresher Course on Wednesday, January 16th from 5:00-7:00pm at the Granby Town Hall, all Commissioners are welcome and encouraged to attend.

Marcus Davis reminded all that as the chair he will not vote except if needed for a tie breaker, all agreed.

Chairman Marcus Davis gave a reminder to Public Attendees to come to the microphone and identify themselves when making public comments. There were 4 members of the public in attendance.

PIVOT ENERGY – PUBLIC UTILITY SUP – JON FITZPATRICK & JON SULLIVAN

Presented by: Alexander Taft, LEED Green Associate

Request: The applicant is requesting a Special Use Permit to construct and operate a public utility scale solar array.

I. BACKGROUND

a. History

The parcel subject to this proposal is owned by Grand County where it holds the Fraser Road and Bridge operation and maintenance facility. This facility received a Special Use Permit with the County in 2002 for the construction and operation of the shop to serve the Fraser Valley. The property was acquired by the County from the Denver Water Board totaling 35 acres that includes mineral rights that the County uses for its Road and Bridge maintenance.

b. Proposal

The applicant is requesting a Special Use Permit to construct and operate one (1) megawatt public utility facility. The proposed facility, if approved, will serve approximately 300 homes primarily in the Fraser Valley. The facility is being constructed by Pivot Energy, a solar developer who has partnered with Mountain Parks Electric, Inc. (MPEI). The project will use leased County land adjacent to the Fraser Road and Bridge facility (see maps below). The proposed solar panel are a single axis system arranged in a north, south orientation (Attachment D) that optimizes the absorption of solar rays throughout the day. The panels are mounted to a frame and post system that is no taller than eight feet (8') at the highest angle.

II. STAFF ANALYSIS

The subject parcel is situated within an existing, emergent light industrial use area which is atypical in the unincorporated county. Accessed from County Road 5103, the 6.68 acre leased area, is surrounded by Grand County gravel pit to the north and west, Grand County Road and Bridge operations and maintenance to the east, Denver Water Board property to the northeast, MPEI substation to the south, and Jeffery and Tracie Martin's parcel which contains a dog sled operation and kennel to the southeast. The Martin property is the closest property at approximately one tenth (.1) miles away with an existing single family home with the next being David Lutz at approximately three tenth (.3) miles away. The properties within a half mile distance are all within the Forestry and Open District. Property to the north and northeast is primarily Denver Water Board Property lying between County Road 5 to the west and County Road 522 commonly known as Fraser Valley Parkway to the east. The proposed development will not create an inconsistent development pattern within the adjacent uses. Additionally, Grand County has an agreement to assist with regional transportation efforts in Winter Park by donating land for expansion of facilities used on storage and maintenance similar to the Road and Bridge facility.

As stated in the Applicants narrative, this is one of many projects that is being proposed throughout the state of Colorado. Previously Pivot Energy had completed a project in Jackson County with MPEI. MPEI as an energy cooperative, purchases power from Tri-State Generation and Transmission and this additional solar facility helps in meeting MPEI's goals of providing "Green Power" to its customers while reducing the burden of purchased power. Tristate is the provider for many rural areas within Colorado, Wyoming, New Mexico, and western Nebraska.

It is Staff's opinion that this public utility facility serves a general public need. The renewable solar energy helps minimize the impact of using fossil fuels to power Grand County's residences. This project will also help in providing energy to the growing population within Grand County while supplying power locally. While this does not directly create local jobs, the benefits are the use of County land to supply reduced costs to power consumers in Grand County.

III. COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The subject site lies between the Grand County Rural Growth Areas No. 2 and 3. The Grand County Master Plan contains seven (7) Plan Elements that form the core of the Master Plan. The Plan Elements include policies and implementation actions, of which two (2) are relevant to this Special Use Permit proposal.

Plan Element 1 - Natural and Cultural Resources

Plan Element 1 establishes guidelines on how to maintain the integrity and quality of life that Grand County residents seek. Natural and cultural resources help maintain the core of the environment within Grand County. Specifically related to this proposal, subsection 1.6 Energy and Resource Conservation details the support of sustainable programs and conservation of energy as well as producing renewable energy. By supporting this development the County meets the implementation action of subsection 1.6.

Plan Element 4 - Community and Public Facilities

If approved, this facility will be a benefit to the community. By providing the renewable resource of solar energy, goals within subsection 4.2 Infrastructure are being achieved. The energy produced by this facility reduces the burden of MPEI in their existing contract to purchase power from Tristate, and will help reduce costs to local consumers. The location of the facility is near an existing substation which reduces potential energy transmission loss.

IV. COMPLIANCE WITH THE GRAND COUNTY ZONING REGULATIONS

The proposed site for this solar array 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 (6). This section lists uses allowed by special review including: **Public utility facilities, excluding business offices and repair facilities** .

COMPLIANCE WITH THE SECTION 11.8 (6) SPECIAL USES –PUBLIC UTILITY FACILITIES, EXCLUDING BUSINESS OFFICES AND REPAIR FACILITIES

6. Public utility facilities, excluding business offices and repair facilities, subject to the following provisions:
- (a) To avoid unnecessary administrative complexity for the providing of public utility services to individuals, construction, extension and location of public utility lines for permanent central service plants to individual users which are capable of serving no **more than seventy-five (75) dwellings shall not require a special permit. Except that electrical transmission lines designed to transmit a nominal voltage of 34,500 volts (34.5 kV) or less, natural gas pipelines that transmit gas at 75 pounds per square inch (75 PSI) or less, and communication lines that do not connect wire centers (telephone exchanges) or receiver sites shall not require a special permit. This exemption, from the provisions of this section, shall not be cumulative and to effect this provision the Grand County Planning Commission or the Board of County Commissioners of Grand County may request from all or any class of public utilities, or a utility of any class, a certification by map of such utility or utilities used and useful central service plant. All approved facilities or extensions shall become a part of a utility's central service plant.**

The proposed solar array does not fall within the criterial of the provision 11.8 (6) (a), therefore this is not applicable. This facility will serve the existing grid via connection to a nearby substation.

- (b) Public utility facilities existing in zoning districts at the time of the adoption of these Regulations, that is the twenty first (21st) day of June, 1977, shall be considered permanent facilities and a permitted nonconforming use unless and until **abandoned. Any construction, extension or relocation not exempt pursuant to (a) above shall require a Special Use Permit and the provisions of Section 15.6 relating to enlargement of a building containing a non-conforming use shall not apply to public utility facilities.**

This new proposed facility falls under the provisions of 11.8 (6).

- (c) Prior to issuance of a Special Use Permit pursuant to this section, the Planning Commission and Board of, County Commissioners shall consider the visual, environmental, physiographic and socioeconomic characteristics of the land to be used including evaluation of broad ecosystems, topography, soils, hydrology, geology, vegetation, wildlife, climate and unique fractures so that approved sites or routes result in the least possible adverse impacts within any zoning district as well as among those zoning districts necessary for the entire facility.

In consideration of these provisions the following are being analyzed:

- Visual - A test was completed by the applicant to verify the visual impact concerns of both the County and surrounding residents (Attachment E).
- Environmental - Growth and surrounding environmental uses imply that the impact of this solar facility is of minimal impact. The construction period will be the greatest

noticeable impact with traffic of construction equipment. Post construction, the Applicant states that maintenance checks will happen eight (8) times annually.

- Physiographic - There are no significant land, water, or rock formations in the area, as identified with the permitting and construction of the Fraser Road and Bridge Facility.
- Socioeconomic - The need for renewables is mentioned in the Master Plan and the proposed project will reduce the impact of carbon emissions. It also provides the benefit of a reduction of rates for local consumers.

(d) The proposed location of a public utility facility, in view of the substantial ownership of land by the United States of America and the State of Colorado within Grand County, shall maximize the use of federal and state owned land and applicant shall demonstrate the maximum use of such lands for the proposed construction, extension and location of a public utility facility after considering all alternatives including, but not limited to, not constructing the facility, burial of normally above-ground facilities, and consolidation, realignment, relocation or unitization with other facilities. All proposed public utility facilities shall serve an obvious public need.

As stated in the Applicants narrative the most suitable location of this facility is adjacent to an existing substation. No available federal or state owned lands were found, suitably located near a substation. The County owned parcel is the maximum use of such lands to consolidate impacts on view corridors and open lands. The construction proposed will be low impact to further consolidate overhead transmission lines.

(e) All proposed public utility lines shall be routed and constructed (by special **techniques if necessary**) **wherever possible to: maximize use of federal and state owned lands**; minimize damage to private landowners over which the line passes and adjacent to the proposed line; avoid paralleling of major transportation routes; cross any such transportation routes at as close to a right angle as possible; avoid "tunnel" effect of clearing which would be visible from a population concentration or major transportation route; avoid clear stripping of right-of-way; avoid soils particularly subject to erosion; avoid historic and archeological sites; avoid visually unique scenic vistas and unique natural phenomenon; avoid adverse impact on wildlife and fish and their habitat; preserve as much as possible the natural landscape; minimize conflict with existing and planned uses shown on the County master plan map; maximize the natural screening potential of vegetation and topography; avoid crossing or use interference with a fishery; avoid isolated stands of spruce, fir and aspen, streams, lakes and ponds; avoid skylines visible from a population concentration or major transportation route; and, to minimize alteration of the slope or aspect of any hillside.

The Applicant has searched for the possibility of locating this facility on federal or state owned lands that could offer minimal impacts but with no resolution. About a year ago the Applicant approached Grand County about locating this facility on County property with a lease agreement in place. The

lines used to connect this facility to the existing power grid are directly adjacent to the site. The site utilizes existing trees on adjacent properties to maximize natural screening. There are no wetlands, streams, or water bodies that would be directly impacted because of this development.

- (f) All construction of proposed extensions of public utility facilities, wherever possible, shall: reflect avoidance of the applicable impacts of (e) above; provide for re-compaction to restore the original density of disturbed ground; provide for restoration and revegetation of the original slope of hillsides and ridge cuts and future maintenance of such restoration and revegetation after construction; and by innovative construction techniques minimize the width of clearing and cuts, including installation of normally buried facilities above ground where such might be less disturbing to the sum of criteria of these sections.

The construction of this facility will have a very small impact to the alteration of ground. The structure to hold the panels is a metal frame and post with pier footings. The Applicant has agreed to reseed the areas that are disturbed with a low height growth seed mix that shall be approved by the Department of Natural Resources (DNR). The Applicant will maintain the facility in the summer to help eliminate unwanted noxious weeds and maintain short native grasses.

- (g) All extensions of public utility facilities shall give due regard to topsoil, to geologic and watershed characteristics, to which end all extensions shall: consider geologic and natural hazard areas including floodplain and, if applicable, wildfire areas; reflect selection to minimize adverse impact on subsequent development of mineral resources or mineral resource areas; approved or planned reservoir sites; and deposit of construction aggregate. Historic and archeological sites and discoveries should be treated pursuant to guidelines therefore approved by the County of Grand or other entity having statutory jurisdiction.

The Applicant notes that the project location is not within a hazard area nor does it have an adverse impact on future development in the area. The project does occupy a site within the area used by the County for gravel mining. The mineral extraction permit is held by the County and is in the process of being amended to allow the solar facility to occupy the area without impact to existing mineral rights. The facility can be removed from the site at the completion of the lease term with minimal impact due to its low impact construction.

- (h) The Board of County Commissioners may adopt, and may from time to time amend, administrative guidelines consistent with the above principals.

Staff understands that there is a provision set forth that allows the amendment of these regulations. This is a typical policy that has previously been adopted and is subject in any Special Use Permit. Administrative guidelines consistent with the above principals include that Grand County and its

assigns or designees shall be allowed access to the site whenever possible for the purpose of compliance verification. This shall be a condition of any Special Use Permit.

V. PLANNING COMMISSION RECOMMENDATION

Scheduled for Planning Commission January 9, 2019.

VI. STAFF RECOMMENDATION

Staff recommends the approval of the Pivot Energy 1MW Solar Array Special Use Permit with the following conditions to be met:

- 1) The Applicant shall supply an executed Lease Agreement prior to the issuance of the permit.
- 2) The Applicant shall work with Staff and the County Attorney's Office to verify access to the site.

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

- 1) The permit shall be for a term of 35 years, to reflect the lease agreement.
- 2) The Permittee is required to keep a current lease on file with the Community Development Department.
- 3) The maximum area of the use is limited to the area as established on the site plan submitted with this Special Use Permit, and alteration to lease area shall be subject to approval of the Board of County Commissioners.
- 4) The following Special Use Permit sections shall read as described in this certificate: Exterior Lighting, Site Maintenance, Uses Permitted, Area of Operation, and Miscellaneous Terms.
- 5) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:
 - Control of Site
 - Noxious Weed Control
 - 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
- Abandonment
- Violation of Terms and Conditions
- Non-Transferable
- Termination

Jon Fitzpatrick from Pivot presents: Pivot Energy is in it's 10th year and is headquartered in Denver. They are a small team that does solar work. Founded in 2009.

Areas of Focus: Small utility/Community scale Solar. Over 250 solar projects completed in 9 states. In-house finance, construction, asset management.

Size of project: This project fits nicely with the certificate zone and the applicant showed the contracts they have.

Background: Has a partnership with Middle Park Electric, 25+ solar developers from across the US applied for consideration. Pivot was selected by co-ops to develop. Cost savings for REAs. Size 1.35MW DC/1.0 MW AC enough to power 300 homes annually. Fixed tilt racks. Area approximately 5.25 acres. Access from Grand County Road and Bridge (CR5103). Construction will take 6-8 weeks and will be operational for 35 years.

Project Location: 2 miles NW of Fraser off CR 5103. Near electrical infrastructure on a parcel owned by Grand County. Adjacent land uses include an electrical substation, County Road and Bridge Facility, aggregate mining and a dog sledding operation.

Project Operations: Agreement with Mountain Parks Electric to purchase 100% of energy, only pay for delivered energy. Land lease with Grand County. They will visit site 4-8 times annually, to keep vegetation maintained and check systems (snow removal if deemed necessary).

Project Benefits: MPEI will be able to generate energy locally while controlling cost. Cost savings will be passed along to members. Local labor used during construction and ongoing maintenance when possible. Underused/inaccessible land use to benefit owner.

Ingrid asked about panels on property, will there only be one. Jon explained there will be multiple panels adjacent to one another, they will be hard to see. 3800 individual solar modular or 20-30 signs in a row. 35% of the 5 acres will be solar panels. The base will be steel pole in the ground (not in concrete) very low with little disturbance to the land. They will grade for drainage and infiltration of water.

Marcus asked about trees on the property.

Jon explained that some trees would have to be removed.

Tara inquired about glare. Jon stated the panels are made from glass and when the sun hits it, it goes into dark cells and light cannot get out. The glare would be lost energy and they try to collect all available energy to use.

Tara asked about snow plowing on the site. Jon replied, they do not plan on snow plowing but will if required.

Tara asked about the family living by the solar location? Jon explained that the solar array would be ideal neighbors. Will visit only around 4-8 times throughout the year (once construction has been completed). There will be minimal impact to area roads, no lighting on property, no light pollution, it will be quiet, odorless, a low profile and the best use of the land. The benefits will be that it is generating our own electricity and the savings will be passed on and they applicant will be using local labor.

Kim asked for safety purposes will there be any fencing? Jon stated that there will be a 6 to 7 foot chain link fence on the perimeter of the site.

Kim asked if there are any plans in the works for future solar work in the area? Jon answered that he hoped so and that MPEI was limited on current contract to generate 5% of all energy needs.

Kim asked if this was the first solar system in Grand County? Jon answered he did not know.

Ingrid questioned if the equipment only lasted 35 years? Jon answered that the equipment will last longer than the 35 years, it comes with a 25 year production date and they have entered into a contract which is all spelled out in the agreement.

Sally: no comments.

Kim asked about the dogs on the adjacent property and radio frequency. Jon stated they are already next to an electrical power area or substation, which is louder than the solar panels will be.

Tara, no comments.

Deborah, asked about the noise. Jon stated no noise just a small hum.

Jennifer, Is ther a transit station at this location? Any future proposals?

Alex, stated Grand County has an agreement, he is going to defer for now, there could be possible future uses.

Henry, no comment.

Marcus asked what percentage of MP current usage? Tom Sifers from Mountain Park stated less than 1%. All paperwork is completed and the construction will be completed by end of summer.

Motion to approve by Ingrid Klstrom, with 7 conditions as recommended by staff with minor corrections. Seconded by Jennifer Scott. No Discussion. All in favor 'aye', none opposed, motion carried.

Summit Trail Lodge Condominiums Phase 1 Amendment - Final Plat
REHEARING T Gagnon

Presented by: Alexander Taft, LEED Green Associate

Request: The applicant is proposing a subdivision in order to construct multi-family residential composed of four townhome (condominium) buildings with a density of 2.9 du/acre.

I. STAFF ANALYSIS

Staff believes this proposal is compliant with current County Regulations and Master Plan. The subject parcel (shown on page 2), Lot 3 contains the least land impacts of the lots created in Summit Trail Lodge condominiums. As discussed in Sketch Plan and Preliminary Plat, the Applicant has been mindful of the site constraints and challenges. It is Staff's opinion the evidence provided in those reviews provides sufficient information for the Final Plat approval and submittal of building permits. Previous discussion and analysis from Sketch Plan and Preliminary Plat can be referenced under Appendix A.

This Subdivision application was presented to Planning commission during the October 10th meeting, where Planning Commission recommended approval of the application as presented with fifteen (15) conditions. Staff then proceeded to Board of County Commissioners (the "Board") October 23rd where the Board granted approval with no additional conditions. The Applicant has discovered the need to shift the building lot as established on the plat due to unforeseen changes in the architecture. Staff is bringing the revised plat through the Final Plat approval process to solidify those changes with the appropriate authority because our III.

II. REVIEW AGENCY COMMENTS

Mountain Parks Electric, Inc.

Mountain Parks Electric (MPEI), has agreed to work with the developer to determine how to supply facilities. Suggested language dedicating easements for the MPEI shall also be placed on the Final Plat.

County Engineer, JVA Consulting Engineers

Comments have been supplied from the County Consulting Engineer. The comments suggest approvals from the Fire Protection District and Water and Sanitation District shall be required. A response from Tim Gagnon, the projects engineer, has provided resolution to comments made in relation with the Road and Bridge Standards.

Colorado State Forest Service

Matt Schlitz, Forester with Colorado State Forest Service, supplied information on this development and potential concerns of fire danger.

East Grand School District

The East Grand School District has reviewed this submittal and the school fees-in-lieu of land. The Board has approved an impact fee of \$3,939.84 to be paid prior to the recording of a Final Plat.

East Grand Fire Protection District #4

East Grand Fire Protection District #4 has provided comments in response to this submittal. Considerations are to be made for access to the development, wildfire mitigation, and access to utilities for emergency shut-off. The District notes concerns of water supply and fire suppression capacity. A recommendation of sprinkler systems has been made for the units as supply minimums are not consistent with development review criteria. The Applicant will work to resolve these issues with the Fire District as the County does not require fire suppression in multi-family units under three (3) family occupancy. Current code amendments allow structures of 2 or less to be reviewed under IRC2015 as adopted, which has no requirements for sprinkler systems (IRC2015 §R313.2). Staff confirmed in a telephone conversation with Dennis that this recommendation would not impede any approvals from the Fire District. While they would recommend and prefer that these units contain fire sprinkler systems they do not have the authority to hold up this project for the lack of sprinklers.

III. COMPLIANCE/NON-COMPLIANCE WITH GRAND COUNTY REGULATIONS

a. SUBDIVISION (MULTI-FAMILY) -Section 7.3 -Final Plat

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

Section 7.3 (1) (a-b) The design conforms to the Preliminary Plat and the statement of requirements for recording. The drawing shall be compliant with the minimum scale required and for recording shall be created on Mylar with outer dimensions of twenty-four inches (24") by thirty-six inches (36"). ✖

Section 7.3 (2) (a) Name of the development is: Summit Trail Condominiums Phase I First Amendment, the drawings submitted are 1"=10'. ✓

Section 7.3 (2) (b) Legal description of property: Lot 3, Summit Trail Lodge Condominiums Phase 1, First Amendment, County of Grand, State of Colorado. ✖

Section 7.3 (2) (c -f) Boundary line with dimensions and distances are located in reference to monuments. Names and width of streets and Right-of-Ways are shown. Easements are shown with references to the recording in Grand County Real Estate records. This submittal complies. ✓

Section 7.3 (2) (g) Location and description of monuments is displayed on the proposed Final Plat. This submittal complies. ✓

Section 7.3 (2) (h) The Applicant has supplied a current title commitment dated July 10, 2018. This submittal complies. ✓

Section 7.3 (2) (i) Statement of owner platting the property and dedicating streets, Rights-of-Way, easements and any sites for public uses, to be in substantially the following form:

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That 1215 Bryant Development, LLC is the owner of that real property situated in Grand County, Colorado, more fully described as follows:

Lot 3, Summit Trail Lodge Condominiums Phase 1, According to the Plat thereof recorded January 13, 2005 under Reception 2005000418, County of Grand, State of Colorado.

That he has caused said real property to be laid out and surveyed as Lot 3, Summit Trail Lodge Condominiums Phase 1, First Amendment, County of Grand, State of Colorado and does hereby dedicate and set apart all the streets, alleys, and other public ways and places shown on the accompanying plat for use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat. ...✓

Section 7.3 (2) (j) Certification by a surveyor shall be amended as follows (corrections in bold):

SURVEYOR'S CERTIFICATE

I, Brian Scott Socia, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of Lot 3, Summit Trail Lodge Condominiums Phase 1, First Amendment, County of Grand, State of Colorado 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 Statutes 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.)

Section 7.3 (2) (k -m) This submittal complies, certificates for Planning Commission, Board Of County Commissioners, and Planners Certificate shall remain on the Final Plat Submittal. There is a box provided for use by the County Clerk and Recorder. ✓

Section 7.3 (2) (n) 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 of Colorado. Copies of the Restrictive Covenants and Articles of Incorporation and Bylaws of any owners' association have been submitted for review by the County Attorney's Office ✓

Section 7.3 (2) (o) this submittal complies, a vicinity map is provided. ✓

Section 7.3 (2) (p) Statement of taxes due showing current taxes paid. ✘

Section 7.3 (2) (q) Addresses shall be placed on a Final Plat Mylar. ✓

Section 7.3 (2) (r) An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. ✘

IV. PLANNING COMMISSION RECOMMENDATION (October Final Plat hearing)

The Planning Commission reviewed this application during the regular meeting on October 16, 2018. Staff highlighted potential problem areas on the Plat. The lots shown, create the potential for encroachment into an existing easement that the Applicant does not want to vacate. This concern was alleviated with the establishment of a building envelope inside the lot disallowing construction of structure to extend outside the building envelope.

The Planning Commission also requested that with the amount of information and analysis being provided in this application, Staff should note the dates of map creation or submittals in order to clarify some materials may not be consistent with the current submittals.

The Planning Commission unanimously recommended approval of this application with the

conditions presented by staff with the additional condition that a date shall be added to the Plat.

V. STAFF RECOMMENDATION

Staff recommends the approval of the Lot 3, Summit Trail Condominiums Phase I First Amendment Final Plat with the following thirteen (13) conditions to be met:

1. The construction documents shall be submitted to the Water and Sanitation District for approval prior to issuance of a County Building Permit.
2. A Subdivision Improvements Agreement is entered into with the County to give surety to the improvements that referenced in the Estimate of Probable Cost provided by Tim Gagnon of Bowman consulting, dated March 8, 2018 [Section 3].
3. Impact fees of \$3,939.84 for MILOL for East Grand School District shall be paid prior to recording the Final Plat [Section 5.7].
4. A Water Quality Agreement is entered into with the County with a fee of \$2000.00 [Section 7.3 (3)].
5. Landscaping trees shall be located outside of utility easements and away from lines [Section 3].
6. The Final Plat shall locate and dedicate easements for access to utility metering. Suggested language from Mountain Parks Electric shall be added to the Final Plat Mylar [Section 5.4].
7. A note shall be added to the Plat to further describe the building envelope:
 - No structures that shall be attached to the ground shall be permitted outside of the building envelope as shown on this plat.
8. The applicant shall meet all Preliminary and Final Plat requirements.
9. Date of creation shall be placed on a Final Plat Mylar [Section 7.3 (2) (a)].
10. Statement of taxes due showing current taxes paid prior to recording the Final Plat [Section 7.3 (2) (p)].
11. 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 [Section 7.3 (2) (q)].

12. A Final Plat Mylar printed at 24" x 36" shall be submitted for recording [Section 7.3 (1) (a-b)].

13. All fees shall be paid by applicant prior to recording.

APPENDIX A

BACKGROUND

a. Proposal

The applicant is proposing a four unit townhome subdivision, with two separate buildings of two homes each. The townhome units have mirrored foot prints. Each has a foot print of approximately 3,790 square feet, with patio and deck extending on the rear. Each unit has a separate entrance, walkout basement, and one car garage.

The plan substantially meets the development criteria as stated in the Master Plan within an Urban Growth Area, which encompasses Winter Park Ranch and the original Summit Trail Lodge Condominiums Plat. In the creation of the site plan for this project, care was given to locate the buildings away from the Open Space Tract A because it provides a drainage detention area for the adjacent Lot 1. Furthermore, the lot is buffered to the north by Summit at Winter Park Ranch Open Space Tract 4, which contains a stand of mature coniferous evergreens.

The current owners purchased the parcel in December 2016, as shown in the Assessor's records. The Applicant's intent is to create second homes for each of the four families that comprise the development group.

The developers have created a plan and layout of the homes that provides usable open space on a year-round basis.

The units will be served by public water and sewer via Winter Park Ranch Water and Sanitation District. Electric service will be supplied by Mountain Parks Electric. These entities have supplied comment on this proposal. The construction documents shall be submitted to the District for approval prior to issuance of a county building permit.

The units proposed will share one driveway per structure (two units each); each unit is required to have the minimum three parking spaces per unit (per GCZR Sec. 14.4). The Applicant proposed three parking spaces at the edge of the south building (unit #1) has received a variance, to allow encroachment to the 15' parking setback.

b. History -

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

The Summit at Winter Park Ranch, a re-plat of a portion of the second filing and a portion of the third filing that was platted in 1982 and recorded at Reception No.197823.

Summit Trail Lodge Condominiums is a re-plat of Tracts A, B, and K from The Summit at Winter Park Ranch subdivision recorded at Reception No. 2005000418.

Lot 3 was developed as a larger multi-family subdivision by Developing Equities Group, LLC, also known as Summit Trail Investments, Inc. beginning late in 2002.

Phases I & II of adjacent Lot 1 included 39 units; 16 have been completed. The developer subsequently defaulted (Resolution 2012-11-22) and the remaining parcels were sold or transferred.

Lot 3 constitutes a large portion of Summit at Winter Park Ranch Subdivision Tract B. A parcel that was platted in 1982.

The illustrations below show the sequence of subdivisions that occurred, including the proposed Summit Trail Lodge Condominiums Lot 3.

The subject property is bounded by open space to the north and west. To the south exist an undeveloped parcel and a fire suppression tank installed with the improvements on Lot 1. Directly east exist Summit Trail Lodge Condominiums Lot 1, multi-family condominiums.

c. Existing Reports

Three previous reports demonstrate that construction on the site is possible, with attention to unstable soils, steep slopes and proper drainage.

The most current report is from Soillogic: "Geotechnical Subsurface Exploration" (Attachment E). The report details findings of "apparent man-made fill overlying topsoil and organics, lean clay, sand, and siltstone bedrock." Staff agrees with the Applicant that these conditions will support lightly loaded residential foundations with the appropriate depth.

The Soillogic report also details that construction of "exterior flat work and pavements on undocumented fills is not recommended". There is evidence of erosion in the surrounding area because of the steepness of slopes and soil seepage capacity.

The applicant has supplied several studies that detail information collected for the adjacent Summit Trail Lodge Condominiums - Lot 1, which present similar conditions, and support the Soillogic analysis. The HP Geotech "Geotechnical Engineering Study" (Attachment F) tells a very similar story of soil composition and capacity and provides further details. The overall report shows stable conditions near the site.

The report further explains the need for structural fill, underdrain systems, proper soil compaction and closer inspection with cuts to grade exceeding 8'. These reports together demonstrate that these conditions are typical of the region and require that the Applicant will take care in addressing concerns of the soils and slope on site.

The "Final Drainage" report by Carroll and Lange (Attachment G) for Lot 1 verifies that these soil types and slopes are prevalent in the area with slopes as great as forty-five (45) percent. This report details the design challenge for the Applicant because of "Basin A" which detains the water for an area of 4.9 acres (213,444 ft²) with a total volume of 13,863

cubic feet. The 10 year peak runoff is 2.8 Cubic Feet per Second (CFS) and 100 year peak run off is 4.4 CFS.

In consultation with the County Engineer, Staff had previously verified that "Basin A" located within Summit Trail Open Space Tract "A" is properly constructed to receive a 100 year storm over the typical one hour period. No further improvements will be necessary. The Applicant will direct existing off-site flows from Lot 1 to be detained in "Basin A".

COMPLIANCE/NON-COMPLIANCE WITH GRAND COUNTY REGULATIONS

a. Grand County Master Plan

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

Plan Element 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.

b. ZONING - Section 4.1 Residential District

The application has complied with the Grand County Zoning Regulations, as addressed below:

This zone allows for multi-family dwellings, and therefore the proposed use is consistent with the zoning regulations.

All proposed units will be served by public water and sewer via Winter Park Ranch Water and Sanitation District. The minimum lot area for a property that is served by both public water and sewer is 7,000 ft². The total lot area of .72 acres (31,363 ft²) complies with zoning.

The applicant has received a variance to the front setback for the building comprising units 1 and 2 to allow the building to be set back 6.02' from the property boundary rather than 30' as required in the zoning regulations. Additionally, a variance has been granted for the parking setback to allow a parking within 11' of the Right-of-Way boundary.

b. SUBDIVISION (MULTI-FAMILY) - Section 5 - Design Standards

Section 3 Improvements Required.

All improvements included in engineering construction documents submitted as a portion of preliminary plat shall be the basis for a Subdivision Improvement Agreement (SIA) with the County. Utilities, fire protection, water and sewer shall be approved by the governing entities. Staff notes that landscaping trees shall be located outside of utility easements or away from lines.

The application shall comply with the **Section 5 - Design Standards** . The Final Plat addresses each of the following:

Section 5.2 Special Site Considerations.

The applicant has addressed issues on the lot that are difficult for residential occupancy. The steep topography and drainage area have been addressed with site engineering and a zoning variance request. Variance to the zoning regulations were received from the Board of Adjustment via Resolution 2018-5-1.

Section 5.3 Streets, Alleys and Easements . Any easements established by this Plat shall be dedicated to the public.

Section 5.4 Utility Meter Installations and Accesses.

The Final Plat shall locate and dedicate easements for access to utility metering. Language supplied by Mountain Parks Electric shall be added to the Final Plat Mylar.

Section 5.5 Dedications and Public and Private Reservations. This Plat shall comply with open space and driveway requirements. These improvements shall be dedicated to owners within the subdivision.

Section 5.6 Flood Hazard, Fire Hazard, Geological Hazard and Mineral Resource areas. This Plat complies.

Section 5.7 School Lands.

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

School Fees Formula Calculation

4 units

$$4 \times .20 = 0.8$$

$$0.8 \times .09 = .048$$

$$.048 \times \$82,080.05/\text{acre} = \$3,939.84 \text{ in school fees.}$$

Total School Fees = \$3,939.84

Five comps were used in this calculation to arrive at the 82,080.05 per acre price. The parcels used include:

- 27 GCR 509 (POLAR BEAR LN), ICE BOX ESTATES Lot: 30;
- Approximately 100 GCR 8341(CARIBOU BLVD), SUMMIT AT WINTER PARK RANCH SUB Tract: H & J;
- 59 GCR 807 (ASPEN LN) FROSTY ACRES Lot: 13;
- 1215 GCR 8344 (BRYANT BLVD), SUMMIT TRAIL LODGE CONDO SUB Lot 3;
- Approximately 94 GCR 8341(CARIBOU BLVD), 60 GCR 8342 (COUGAR BLVD) and 61 GCR 8342, SUMMIT AT WINTER PARK RANCH SUB Tract: H, J & L.

They were identified as vacant land in a Residential District. This impact fee shall be paid prior to recording the Final Plat.

Section 5.8-9 The Applicant is responsible for compliance with addressing requirements to enhance the 911 emergency system. The Applicant is responsible for compliance with Slash Removal and Disposal, the Grand County Natural Resources Department and/or Colorado State Forest Service shall be contacted for best practices.

Section 5.10 has been repealed, all solid fuel burning devices shall comply with provisions of Grand County Zoning Regulations

Henry, no comments.

Jennifer, no comments.

Tara, no comments.

Deborah, no comments.

Sally, no comments.

Kim, no comments.

Ingrid, no comments.

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Marcus, no comments.

Public Comments-None

Motion to approve by Ingrid Karlstrom, with 13 conditions as recommended by Staff with minor corrections. Seconded by Sally Blea. No Discussion. All in favor 'aye', none opposed, motion carried.

Ingrid Karlstrom made a motion to adjourn the meeting, seconded by Sally Blea. No Discussion. All in favor "aye", none opposed, motion passed.

Meeting adjourned at 7:18pm.