

**GRAND COUNTY PLANNING COMMISSION**  
**February 8, 2023**

<b>MEMBERS PRESENT:</b>	Bob Gnuse	Lynn Adams
	Loreta Silverio	Kim Shepton (online)
	Shaun Mullahey (online)	Chris Murphy
	Ryan McNerty	Brad White

<b>STAFF PRESENT:</b>	Kristen Manguso	Maxine LaBarre-Krostue (online)
	Taylor Schlueter	Jorune Klisauskaite

There were two people present in the board meeting room.

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The February 8, 2023 Grand County Planning Commission meeting began and election of Chair and Vice Chair was called for. Shaun Mullahey was nominated for Chair. All voted “aye”. Motion passed. Ryan McNerty was nominated as Vice Chair. All voted “aye”. Motion carried. It was decided that Ryan would chair the meeting since he was attending in person, and Shaun was on Webex. The meeting was then called to order by Vice Chairman, Ryan McNerty at 6:37 p.m.

**AMENDED FINAL PLAT OF LOTS 48 AND 49, BLOCK 2, ALPINE ACRES  
SUBDIVISION (27:36)**

Nate Grimm, the Applicant was present requesting a recommendation of approval for the Amended Final Plat of Lots 48 and 49, Block 2, Alpine Acres Subdivision.

Kristen Manguso explained the request. Nathaniel D. and Jenna M. Grimm are the current owners of Lots 48 and 49, Block 2 of Alpine Acres Subdivision by Special Warranty Deed recorded at Reception No. 2021010506 of the Grand County Records. This proposal is to amend the Final Plat and combine the two lots in order to construct a single family home and accommodate for a septic field.

Alpine Acres is zoned Forestry and Open by Grand County. This subdivision is located within a Growth Boundary which requires a two (2) acre minimum lot size for new subdivisions. Alpine Acres Subdivision was recorded on December 6, 1960 at Reception No. 93114, prior to the Grand County Zoning Regulations being adopted. Since this request will combine two (2) lots into one and increase the size of the lot, this will decrease the level of non-conformity.

**STAFF RECOMMENDATION**

Staff recommends approval of the Amended Final Plat of Lots 48 and 49, Alpine Acres Subdivision with the following conditions to be met prior to recording:

1. Certificate of Taxes, showing 2022 property taxes paid in full for both Lot 48 and 49 shall be provided prior to recording.

2. An electronic copy of the amended final plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided.
3. A Quit-Claim deed conveying Lot 48A, Block 2, Alpine Acres Subdivision from Nathaniel D. Grimm and Jenna M. Grimm to themselves is required.
4. A black-line mylar shall be provided.
5. All recording fees shall be paid by the Applicant.

#### DISCUSSION

Shaun reiterated that this a nonconforming lot and will be reducing the degree of nonconformity. Kris confirmed.

Loreta moved to recommend approval of the Amended Final Plat of Lots 48 and 49, Block 2, Alpine Acres Subdivision as presented. Lynn seconded the motion. All members voted “aye”. Motion carried by Resolution No. 2023-2-1.

#### **AMENDED FINAL PLAT OF LOTS OF PARCEL II, OSPREY SUBDIVISION (31:31)**

County Planner Taylor Schlueter presented a request for a recommendation of approval for the Amended Final Plat of Parcel II, Osprey Subdivision.

This Land is My Land (The Applicant), represented by Renee Valentine, was present by Webex. Osprey Subdivision was originally platted in 1998 and recorded at Reception No. 960001225. Parcel II is accessed via a platted easement through Parcel V from US Highway 34. Parcel V is platted open space and is owned by Grand County.

The Applicant also owns Trail Ridge Marina, which is directly across US 34, and has received approval for a Special Use Permit to allow for the indoor and outdoor storage of boats and related equipment. The intent of this proposal is to build a boat maintenance shed in a more desirable location for the Applicant and neighbors. This structure may have a dwelling unit added at some point in the future.

The intention of this Amended Final Plat is to give the Applicant more room to locate this shed in a way to protect the neighboring views of the lake. The Applicant has indicated neighbors have no objection to this proposal, and each adjacent owner has been notified by first class mail.

Staff added condition no. 7 which was to amend the submitted plat to reflect the 20 foot rear setback.

#### **STAFF RECOMMENDATION**

The following conditions shall be met prior to BOCC:

1. The title of the plat shall be changed to match this Certificate.
2. The dedication statement shall be changed to match this Certificate.

The following conditions shall be met prior to recording:

3. The Final Plat Mylar shall be on a 24" x 36" sheet, at a minimum scale of 1" = 100'.
4. All 2022 property taxes shall be paid in full prior to recording.
5. An electronic copy of the Final Plat shall be provided.
6. All recording fees are to be paid by the Applicant.

### DISCUSSION

Lynn: Was there were any response to mail notice? Do we have a will serve letter for central sewer?

Taylor: a will serve letter is part of a building permit, but not for an Amended Final Plat.

Taylor: One neighbor responded to the letter we sent. He stopped the office earlier today and he had no issues.

Loreta: How tall will the proposed building be?

Taylor: There are no variances proposed for a taller building than is currently permitted per regulations.

Renee: Reiterated that the reason for the amended building envelope is to be able to preserve the view shed for neighbors.

Kim moved to recommend approval as presented with 7 conditions.

Bob second. All voted aye. Motion passed by Resolution 2023-2-2

### **AMENDED FINAL PLAT OF LOTS 8 AND 9, EITEMILLER-EVERS OUTRIGHT EXEMPTION AND PRIVATE UTILITY EASEMENT VACATION (38:08)**

County Planner Taylor Schlueter presented a request for a recommendation of approval for the Amended Final Plat of Lots 8 & 9, Eitemiller Evers Outright Exemption.

Daniel E. Enderson and Lauri-Ann S. Enderson, herein referred to as the "Applicants", are the current owners of Lots 8 and 9, Eitemiller-Evers Outright Exemption, by Warranty and Special Warranty Deeds recorded at Reception Nos. 2015002159 and 2019006107, respectively, of the Grand County Records.

Eitemiller Evers Outright Exemption was platted with 10 Lots in 1991, and recorded at Reception No. 291972. All roads and easements in Eitemiller Evers are privately dedicated to the owners of Lots 1-10.

The intention of this Amended Final Plat is to reorient the existing Lots 8 & 9. Both are currently split down the middle by GCR 8514, which runs north-south, with half of each lot on either side of the road. This proposal will align each lot so that neither is split by GCR 8514, allowing the property owner to use each lot without being encumbered by the existing side yard setbacks or easements between each half lot.

### **STAFF RECOMMENDATION**

The following conditions shall be met prior to BOCC:

1. The addresses of each lot shall be added to the plat.
2. Staff will verify that no utility companies have any objection to the private easement vacation.

The following condition shall be met prior to recording:

3. The Final Plat Mylar shall be on a 24" x 36" sheet, at a minimum scale of 1" = 100'.
4. All 2022 property taxes shall be paid in full prior to recording.
5. An electronic copy of the Final Plat shall be provided.
6. All recording fees are to be paid by the Applicants.

### DISCUSSION

Loreta: Was the road there before it was platted?

Taylor: No it was already existing.

Bob: Have we run this by Road and Bridge for comments?

Taylor: There is no impact to the road itself.

Kris: Stated that it's a good point to run it past R&B if it is a public road.

Taylor: It is a privately dedicated and maintained road.

Chris: Can they re-subdivide after the lots are combined?

Taylor: Explained that they could probably go back to the original orientation but they could not divide it through an Amended Final Plat.

Kim: Asked for clarification on lot size and asked if Staff has heard back from utility companies

Taylor: Stated that Staff has not yet received comment.

Kim moved to recommend approval. Brad seconded. All voted "aye". Motion carried by Resolution No. 2023-2-3.

### **SECOND AMENDED FINAL PLAT OF LOT 4, ASPEN PINE ESTATES FILING NO. 1 (44:35)**

Dave Johnston was present at the meeting requesting a recommendation of approval for a Second Amended Final Plat of Lot 4, Aspen Pine Estates Filing No. 1.

County Planner, Jorune Klisauskaite, explained that this request is to extend the existing building envelope and rededicate the wildlife corridor to accommodate construction of a single family dwelling with a walk-out basement. Given that the building envelope abuts a designated wildlife corridor, the boundary of the existing corridor will also have to be amended. However, since the corridor borders approximately 13 acres of open space and over 18,000 acres of U.S. Forest Service land, there will not be a substantial impact to the surrounding wildlife. Colorado Parks and Wildlife have provided confirmation that they do not see any significant impacts to wildlife from the proposed building project. Likewise, the Aspen Pine Estates Design Review Committee have approved of the amendment.

### **STAFF RECOMMENDATION**

Staff recommends approval of the Second Amended Final Plat of Lot 4 in Aspen Pine Estates Filing No. 1. The following conditions are to be met or sufficiently addressed prior to recording:

1. The Final Plat Mylar shall be on a 24” x 36” sheet, at a minimum scale of 1” = 100’.
2. All 2022 property taxes shall be paid in full prior to recording.
3. An electronic copy of the Final Plat shall be provided.
4. All recording fees are to be paid by the Applicant.

### DISCUSSION

All Commissioners had no questions.

Bob Gnuse moved to recommend approval of the Second Amended Final Plat of Lot 4, Aspen Pine Estates Filing No. 1 as presented. Loreta seconded the motion. All members voted “aye”. Motion carried by Resolution No. 2023-2-4.

### **AMENDED FINAL PLAT OF LOT 6 AND 7, BLOCK 9, TABERNASH (48:17)**

County Planner, Jorune Klisauskaite, explained the Applicant, North Forty Properties LLC., represented by Tyler Huber, is requesting an Amended Final Plat to combine Lots 6 and 7, Block 9 in Tabernash Subdivision in order to build an office space with two apartments above it for workforce housing. North Forty Properties, LLC., provides custom home building services across Grand County and hopes to attract new talent to their team by providing housing support for incoming employees.

This request will combine two 0.14 acre lots in the Business District and will decrease the degree of nonconformity to the one (1) acre minimum lot size. Since the subdivision was created prior to regulations and Senate Bill 35, the lots in this subdivision were not subject to current regulations or zoning.

The lots will be served by central water and sewer from Tabernash Meadows Water and Sanitation District (TMWSD).

### STAFF RECOMMENDATION

Staff recommends approval of the Amended Final Plat of Lots 6 and 7 in the Tabernash Subdivision. The following conditions are to be met or sufficiently addressed prior to recording:

1. The Applicant shall provide a will serve letter from Tabernash Meadows Water and Sanitation District detailing the number of taps needed for sewer and water service, prior to recording.
2. The title of the plat shall read as follows:

AMENDED FINAL PLAT  
LOT 6 AND 7, BLOCK 9, TABERNASH  
PART OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH P.M, COUNTY OF  
GRAND, STATE OF COLORADO  
CONVEYED BY RECEPTION NO. 2022005519

3. The lot shall be numbered with acreage provided on the Final Plat.

4. The Dedication Statement shall be corrected to reference the correct legal description and follow the dedication language in the Grand County Subdivision Regulations.
5. The Surveyors Certificate language shall be changed from “this plat of North Forty” to “this plat of Tabernash Subdivision”.
6. The correct address, 63 GCR 523, shall be shown on the plat.
7. An electronic copy of the Final Plat shall be provided.
8. The Final Plat Mylar shall be on a 24” x 36” sheet, at a minimum scale of 1” = 100’.
9. All recording fees are to be paid by the Applicant.

### DISCUSSION

Bob Gnuse asked if the lots are vacant. Jorune confirmed that they were.

Lynn Adams asked if it is planned to be mixed use. Jorune confirmed that the office space will be meant for business use and the top story will be used for residential.

Shawn Mullahey gave some background on the surrounding land uses as being mixed use.

Lynn asked if neighbors were notified. Jorune stated that they weren’t since notification is not required for amended final plats.

Chris Murphy asked if something built pre-existing, non-conforming, can it be built back after a fire. Jorune stated that a property owner would be able to build back to what was pre-existing, non-conforming, however they cannot increase the degree of non-conformity.

Kim Shepton, Shawn Mullahey, and Ryan McNerty had no questions.

Bob stated that this is perfect example of infill where there is mixed use in the surrounding area. He explained that they want to provide affordable housing for their employees which is a double win for us.

Jorune stated “to circle back to our conversation yesterday (the Inclusionary Zoning Workshop with Planning Commission and BOCC) this type of project is very suiting for this area. I would also like to state that this project wouldn’t be feasible without the ability to hook up to central water and sewer.”

Ryan stated that they’re just saying that it will be used for “affordable housing”, but they are not restricted it in anyway, correct?

Jorune stated that they are not being held to any AMI standard/restriction. The Applicant could voluntarily restrict if they wish, but at this given time we can't practice a requirement because we do not have any policy in place saying that we have that authority.

Bob asked that if we were to declare some portion of Tabernash to be 'zoned' where we want restrictions over, would this be the perfect spot?

Jorune stated that it depends on whether or not we would make the policy mandatory or voluntary. For a mandatory policy for example, we could require a certain AMI threshold.

Chris Murphy moved to recommend approval of the Amended Final Plat of Lots 48 and 49, Block 2, Alpine Acres Subdivision as presented. Brad seconded the motion. All members voted "aye". Motion carried by Resolution No. 2023-2-5.

### **BYERS PEAK RANCH FILING 1 – FINAL PLAT (58:18)**

Clark Lipscomb was present by Webex requesting a recommendation of approval for the Byers Peak Ranch Filing 1 Final Plat.

Kristen Manguso explained the request. Byers Peak Properties, LLC is the current owner of this property and is proposing a 123-unit subdivision of single-family "micro cottages" on approximately 13.2 acres of land contained within the larger property commonly known as Byers Peak Ranch. This request is significantly different from any other subdivision processed through unincorporated Grand County to date. Each lot ranges from 2000 square feet to 2500 square feet in size and will contain two and three story "cottages" proposed to be approximately 15' x 40' resulting in a foot print of about 600 square feet. The lower floor may contain a garage, with two stories above resulting in about 1200 square feet of living space. The architectural drawings depict high windows on one side that creates privacy for the side yard and each unit shows a patio or deck extending to the rear. The design incorporates stick frame roofs, vaults, loft and internal storage areas. Buildings will be at least ten feet apart with most unit's rear area backing up to a common open space.

Byers Peak Filing 1 received a recommendation of approval for Preliminary Plat from the Grand County Planning Commission on April 10, 2019. The Board of County Commissioners approved the Preliminary Plat submittal on January 25, 2022.

There were seven variances granted by the Board of Adjustment (BOA) on February 23, 2022. However, the variance for minimum utility easement requirements from 10 feet on the side and 20 feet on the rear to allow for 3 feet on the side and 5 feet in the rear is not something the BOA is authorized to grant. The easement variance must be granted by the Planning Commission. Staff requested the Planning Commission recognize that any approval of this request tonight also include formalization of the utility easement variances as well.

### **STAFF RECOMMENDATION**

Staff recommends approval with the following conditions to be met prior to any hearing before the Board of County Commissioners:

1. The Final Plat The title on the plat is correct shall be corrected to read “conveyance to the SUBDIVIDER at Reception 200700071.
2. East Grand Fire Department comments must be satisfied prior to any hearing before the Board of County Commissioners.
3. Plat Note number 3 shall be corrected to define the front setback as 20 feet instead of 10 feet. The note shall also refer to approval of the setbacks by variance at the Board of Adjustment meeting on February 23, 2022.
4. A land use table shall be shown on the final plat.
5. The following note shall be placed on the final plat:

Note #7 - All Outlots are open space and all Tracts are roadways. Tract “A” is a Private internal roadway and Tract “B” is Norgren Road.

6. The Applicant shall determine an interim plan and identify an entity who will maintain private roads and open space.
7. Written confirmation from Mountain Parks Electric and Xcel shall be provided, and any required language shall be added to the Final Plat Mylar.

***The following conditions shall be met prior to recording:***

8. 2022 taxes shall be paid.
9. The executed original Articles of Incorporation filed in the Colorado Secretary of State’s office, Restrictive Covenants and Bylaws of any owners' association shall be provided at the time of recording.
10. An updated title commitment dated within 6 months shall be provided prior to recording
11. The Applicant shall enter into a Subdivision Improvement Agreement (SIA) to protect the County interest while completing the required improvements including all on and off site improvements.
12. Water quality fees in the amount of \$500.00 per lot for a total of \$61,500.00 shall be paid at recording.
13. School fees in the amount of \$50,968.00 shall be deposited with the County Treasurer at the time of recording.

14. A 14" x 18" black-line mylar(s) with approved addresses and road numbers shall be provided.
15. An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided at recording.
16. The Applicant shall meet all Final Plat requirements.

***All legal documentation is subject to the review and approval of the Grand County Attorney.***

***The Applicant is placed on notice that no future development projects on Byers Peak Ranch will be considered without a Master Traffic Study that considers the entire Byers Peak Ranch project. Further, a comprehensive sketch plan that depicts how the roads, trails and all related infrastructure will integrate shall also be required.***

Kris explained that two of the variances (No's. 1 and 7) granted by the BOA was out of the authority of the BOA. Kris asked that the Planning Commission acknowledge No. 1 as this variance can be granted by the Planning Commission. No. 7 is a variance to the Road and Bridge Standards and needs to be granted by the BOCC.

Kris explained that final language and approvals from Mountain Parks Electric, Xcel and East Grand Fire Department need to happen in writing before a meeting before the BOCC will be scheduled.

Bob questioned if East Grand Fire had any comments that were significant? He wanted to know if Norgren was going to end in a hammerhead or a circular turn-around. It was clarified that it will be a circle, and the fire department is asking for a 26 foot drivable surface. Discussions are on-going on whether or not the concrete pathway adjacent to the road is able to be used.

Bob asked if there were any additional design changes to the cottages since sketch. Clark responded that he is hoping to begin construction in 2024. Architecture will be of a Scandinavian style, clean, steep roofs, big rear windows. The idea is, they're not tiny homes, these will be like a condo unit packaged in a single family home, two or three bedrooms, 1 and 2 baths. They are meant to be efficient, and targeted towards a mid-level professional person in the valley, who can't afford market rate. They will be relatively inexpensive, comparatively speaking. He stated that it is his opinion that we're getting ready to head into an economic downturn, and he thinks it's just what is needed at this time. This project will have good density in a single family format.

Bob continued that he likes the concept, and the stated price-point, despite that it's not technically "affordable housing". He appreciated the developer working to keep the price point down, making it more affordable to people in the valley.

Lynn stated she was not on the Planning Commission when this was presented for Preliminary Plat review. She expressed concerns over the lack of a master development plan and also the effects of this development on the quality of life.

Clark responded that Byers Peak development originally annexed into the Town of Fraser with a far larger number of units. Although no longer within the Town, there is an agreement with Fraser to provide water and sewer service for 1233 total units for all of Byers Peak Ranch. There is also master water and sewer studies. He stressed that it has been thoroughly planned.

Brad wanted to know if these are 2 or 3 story cottages. Clark responded that it varies – some will be 2 story and some will be 3 story. There are different architectural designs in terms of footprints, 2 or 3 stories and garage options. He wants to avoid a monolithic, cookie cutter product.

Chris clarified they will be stick built roofs – and questioned if they cottages themselves will be stick built as well. Clark responded that they will be all stick built construction, no modulars. ?

Loretta and Kim both stated they are happy this is finally moving forward and are looking forward to seeing the finished product.

Shaun agreed there needs to be a master traffic study. He thinks it would be beneficial for the Planning Commission to see the full scope of the entire project in order to make a decision. He asked if there would be any restriction on pricing of the units since it is being called “affordable”.

Clark explained his goal is provide long term housing. He is not in favor of placing any type of restrictions on the cottages. He is a “market guy” and will not be restricting short term rentals either.

Shaun requested that staff provide the Planning Commission with a high-level sketch of the full scope of Byer Peak Ranch Development project. Kris agreed, and will provide an overview at one of the future meetings to ensure the Commission is aware of the entire project.

Clark will send his current overview of the project to staff, which will be forwarded to the Planning Commissioners. He said that there is always room for discussion and new ideas, and encouraged the Planning Commission to contact him with their thoughts.

Ryan question whether or not the rear easement dedication will impact open space. It was clarified it will not.

Ryan stated the houses are very tight and wanted to understand snow storage. Clark responded that these are private roads, and the metro district and HOA will be doing the plowing. He provided the 30% snow storage as required, and believes there is adequate room.

Bob asked if the outlots could be used for snow storage, and it was confirmed that the outlots/open space can be used for snow storage.

Ryan asked for public comment. There was none.

Loreta moved to recommend approval of the Byers Peak Ranch Filing 1 Final Plat as presented. Brad seconded the motion. All members voted “aye”. Motion carried. (Resolution No. 2023-2-6).

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Bob asked for a follow up from the Inclusionary Zoning workshop. Jorune stated that it will be brought to Planning Commission in March as an agenda item.

Bob asked if the process will be defined. Jorune clarified that the next meeting will include a more in depth look at how these inclusionary zoning avenues can be incorporated and there will be open discussion about voluntary vs mandatory and the AMI threshold that we want to set. She stated that she would like to include pros and cons of each way that the County could go about this.

Bob asked Jorune to take a look at the Three Mile Plans for different towns to identify the sweet spots for development. He mentioned that maybe in these locations there would be ability to grant some variances or density bonuses. Jorune stated that the in all reality it will have to be geographically targets, given the restrictions placed on properties with household use only wells. Density works best in areas with central water and sewer.

Ryan explained that even if we implement one item and it’s voluntary, it will at least get the process moving.

Chris asked if there are any incentives for businesses that are building apartments. She stated that it would help small business so they can retain employees. Jorune clarified that currently we do not have any incentives in place.

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The meeting was adjourned at 7:50 pm.