

GRAND COUNTY PLANNING COMMISSION
WebEx MEETING MINUTES

Wednesday, March 10th, 2021

MEMBERS PRESENT: Marcus Davis Will MacDonald
 Ingrid Karlstrom Kim Shepton
 Tara Fournet Ralph Graves
 Deborah Fitch Ryan McNertney
 Ralph Graves

MEMBERS ABSENT: Bob Gnuse

STAFF PRESENT: Robert Davis Alex Taft
 Taylor Schlueter Jacob Cote
 Chris Leahy Patty Kemper
 Ryan Forster Maxine Labarre-Krostue

The meeting was called to order by Chairperson Marcus Davis at 6:35 PM. Roll call was taken.

Minutes from February 10th, 2021 were presented. Motion to approve by Kim Shepton with corrections as emailed. Seconded by Ryan McNertney. All in favor, “aye”. None opposed, February minutes approved.

Robert Davis, Director Community Development shared that Ryan Forster, Technician had been working on Planning Commission Resolutions for 2020-2021. We have Resolutions and Mylars for Marcus Davis, Planning Commission Chair Person to sign, we would like to set up a time for review and signing. Second item, be on the lookout for Floodplain Regulations. The Board of County Commissioners (BOCC), last week applied for the Floodplain Insurance Program. Ryan Foster has helped tremendously by drafting Regulations. We need to get these approved prior to the rainy season. The reason we are applying for this insurance is due to the fires, it has left our soil glazed and water will not absorb into the soil and agencies are looking at debris flows and what impact this will have during the rainy season. We want to have the Flood Insurance available for residents before the rainy season begins. We are trying to Fast Track this program. The last announcement is Ryan Forster, who I have mentioned several times, is leaving us and taking a job as an Associate Planner in Iowa. Ryan has been very helpful with his research and it will be hard to replace him. We wish him the best.

Commissioner Davis asked about the Floodplain work, will this be presented to the Planning Commission or will it be a Resolution.

Robert Davis replied, it will more than likely be an Amendment to the Zoning Regulations. We will have a public hearing with Planning Commission and then a public hearing with the Board of County Commissioners (BOCC). There will be a Resolution as well.

Commissioner Davis asked for this information to be sent out sooner rather than later and to include the rules behind what define floodplains and how they are used to educate the Commissioners.

There were 7 members of the Public in attendance by WebEx for the March 10th meeting.

Lots 78 & 79, Aspen Acres Subdivision – Steven (Woody) and Jodi C. Johnson

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION MARCH 10, 2021

Project Name	Johnson Amended Final Plat
Applicant	Stephen “Woody” Johnson
Location	120 County Road 5212
Zoning	Forestry and Open (F/O)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations
Attachments	A. Development Application B. Project Narrative C. Proposed Amended Final Plat D. Alpine Acres Final Plat, recorded December 6 th , 1960 at Reception no. 93114 E. Vicinity and Detail Maps F. Warranty Deed, recorded March 27 th , 2017 at Reception no. 2017-002240 G. Ascendant Title Owner’s Policy, dated March 28 th , 2017 H. Ascendant Title Insurance Commitment, dated December 2 nd , 2016
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Amended Final Plat to combine two adjacent and jointly-owned parcels to permit the construction of a garage on the property without encroaching upon required side, front, or rear yards.

Background

Stephen and Jodi Johnson, herein referred to as “Applicant”, have owned Lots 78 & 79, Block 1 of the Alpine Acres subdivision since March 2017 per Warranty Deed recorded at Reception no. 2017-002240. The lot is 0.42 acres large, there is currently a single-family residence built directly atop the interior lot line to be vacated per this proposed Amended Final Plat. The property is currently serviced by well and septic systems.

The Alpine Acres subdivision is located west of Tabernash, south of US Highway 40 on Red Dirt Hill. It was recorded December 6th, 1960 at Reception no. 93114. 140 lots were created on two blocks. 8’ wide utility easements were designated along side and rear lot lines, but only every other side lot line. This proposed Amended Final Plat involves two parcels adjacent to one another where the separating lot line does not contain a utility easement, therefore meaning that no utility easements are being vacated through this Amended Final Plat.

Proposed Amended Plat

History

The Applicant has owned Lots 78 & 79 of the Alpine Acres subdivision since March 2017 per Warranty Deed recorded at Reception no. 2019-02240. There is presently a 2-story single-family residence on the property constructed in 1991.

A number of Amended Final Plats have been executed in the Alpine Acres subdivision for the purpose of lot combination to eliminate potential encroachments upon required side, front, or rear yards.

Purpose of Request

The Applicant plans to combine the lots so they can construct an attached garage on the property without infringing upon the required side yard setbacks corresponding to the interior lot line upon which the home currently exists. The removal of the interior lot line through this Amended Final Plat would also eliminate the existing non-conformity of the single-family dwelling built atop the interior lot line.

Staff Comments and Analysis

Grand County Community Development staff in the past permitted construction on top of lot lines when the building permit applicant owned both parcels. This has created difficult situations for current Planners, since the two involved lots were never legally combined and the interior lot line—and any corresponding utility easements—were never vacated. This Amended Final Plat would eliminate non-conformities and clarify the legal status of the Applicant’s parcels while ensuring no setbacks are infringed upon.

Compliance with Zoning Regulations

Section VI – Forestry and Open District

§6.1 Uses Permitted Intended use of the property is in compliance. (§6.1.1)
§6.2 Minimum Area of Lot The minimum lot area permitted in the Forestry and Open (F/O) Zoning District when the property is located Inside a Growth Area Boundary is two acres. The subject parcel is located within Grand County Rural Growth Area 1 and would be approximately 0.42 acres large following completion of this Amended Final Plat, meaning it is (and would remain) legal non-conforming. This Amended Final Plat would reduce the non-conformity to the greatest possible extent. (§6.2.2)

§6.3 Minimum Lot Width Final lot width of the Amended Final Plat would be 150’, but the minimum required lot width in the F/O Zoning District is 200’. This Amended Final Plat would reduce the non-conformity to the greatest possible extent, but the property would remain legal non-conforming.

§6.4-6 Minimum Yards The Amended Final Plat would eliminate any existing front, side, or rear yard encroachments and would ensure compliance for the planned attached garage.

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 Amended Final Plat shall read:

**Amended Final Plat
Lot 78A, Block 1, Alpine Acres
Being a Replat of Lots 78 and 79, Block 1, Alpine Acres, Reception No. 93114
Ownership recorded at Reception No. 2017002240**

- §4.3 (2) (b) The legal descriptions shall be written as follows:
Lot 78A, Block 1, Alpine Acres
- §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.
- §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.
- §4.3 (2) (g) Number to identify each lot or site and acreage of each site to the nearest 1/100th of an acre.
These requirements have been met.
- §4.3 (2) (h) Purpose for which sites, other than residential lots, are dedicated or reserved.
This provision is non-applicable; the lot is intended to be used for residential purposes.
- §4.3 (2) (i) Location and description of monuments.
This requirement has been met.
- §4.3 (2) (j) Current title commitment.
This requirement has been met.
- §4.3 (2) (k) Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS: That **Stephen E. Johnson** and **Jodi C. Johnson, as Joint Tenants**, are the owners of that real property situated in Grand County, Colorado, more fully described as follows:

Lots 78 & 79, Block 1, Alpine Acres

According to the Plat thereof filed December 6th, 1960 at Reception No. 93114

That they have caused said real property to be laid out and surveyed as **Amended Final Plat, Lot 78A, Block 1, Alpine Acres**, and do 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, **Stephen E. Johnson** has caused their name to be hereunto subscribed this _____ day of _____, 20__.

Stephen E. Johnson

STATE OF COLORADO)
 ss
COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this ___ day of _____, 20__ by **Stephen E. Johnson**.

My Commission Expires: _____

Notary Public

IN WITNESS WHEREOF, **Jodi C. Johnson** has caused their name to be hereunto subscribed

this _____ day of _____, 20__.

Jodi C. Johnson

STATE OF COLORADO)
 ss
COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this ___ day of _____, 20__
by **Jodi C. Johnson.**

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 registered land surveyor in the State of Colorado, do hereby certify that this **Amended Final Plat, Lot 78A, Block 1, Alpine Acres**, being a replat of **Lots 78 and 79, Block 1, Alpine Acres**, 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

- §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 Amended Final Plat 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 Amended Final Plats.
- §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 address for the subject parcel shall remain 1503 Grand County Road 8.
- §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 Amended Final Plat application is scheduled for **March 10th, 2021**.

Staff Recommendation

Staff recommends approval of the Amended Final Plat, Amended Lot 78A, Block 1, Alpine Acres, being a replat of Lots 78 and 79, Block 1, Alpine Acres. The following conditions shall be met prior to the recording of the Amended Final Plat:

1. The Title of the Amended Final Plat shall be written as recommended in this Certificate of Recommendation (see (a) above).
2. The legal description of the lot shall be amended (see (b) above).
3. The Dedication shall be amended (see (k) above).
4. The Planning Commission Certificate shall be added to the Final Plat as written as recommended in this Certificate of Recommendation (see (m) above).
5. The Commissioner's Certificate shall be amended (see (m) above).
6. An electronic copy of the Final Plat shall be submitted (see (y) above).
7. Notice #1 on the Final Plat shall be amended to reflect accurate zoning for the property: "Forestry and Open", or "F/O".
8. All recording fees are to be paid by the Applicant.
9. 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 if the applicant was on the call. Hearing no comments he proceeded to the Commissioners.

Commissioner Fournet stated no questions.

Commissioner McNertney stated no questions.

Commissioner Shepton asked do the Recommendations state that the lots are being renamed to 78A.

Commissioner Davis interjected that the plat does that by default.

Commissioner Graves stated no questions.

Commissioner Karlstrom stated no questions.

Commissioner MacDonald asked if the property will still meet minimum open space requirements.

Jacob replied there are no open space requirements for single family developments.

Commissioner MacDonald continued that it appears that the neighbor's garage is on the applicant's property. Is that due to Parcel Viewer or could it be a potential conflict?

Jacob replied that it is a parcel viewer over lay issue. If this a concern it can be added as a condition asking to verify the location. Not sure if this would have any impact on the Amended Final Plat.

Commissioner Davis added double check with the surveyor, they would typically note if there was an issue over a property line. Let's just verify.

Commissioner Fitch stated no questions.

Commissioner Graves stated the surveyor would have noted any encroachment.

Commissioner Davis stated no questions. He asked if the public had any questions or comments. Hearing none he asked for a motion.

Motion to recommend approval by Ingrid Karlstrom for Lots 78 & 79, Aspen Acres Subdivision – Steven (Woody) and Jodi C. Johnson, with staff conditions as presented. Seconded by Kim Shepton. No further discussion. All in favor "aye", none opposed. Motion carries.

Lots 9-13, Block 2 Val Moritz Village – Amended Final Plat – Doug Foster

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION MARCH 10, 2021

Project Name	Foster Amended Final Plat
Applicant	<i>Property Owner: Aspen Acres of Grand County, LLC Represented by: Doug Foster</i>
Location	Lots 9, 10, 11, 12, and 13, Block 2, Val Moritz Village, Second Filing <i>Commonly known as: 1477-1585 County Road 881</i>
Zoning	Residential (R)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations
Attachments	I. Development Application J. Project Narrative K. Proposed Amended Final Plat L. Val Moritz Village, Second Filing Final Plat, Reception no. 117593 M. Vicinity and Detail Maps N. Special Warranty Deed for Lots 9, 10, 11, and 13, Reception no. 99010585 O. General Warranty Deed for Lot 12, Reception no. 2001-008480 P. Title Commitment effective April 9 th , 2019
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Amended Final Plat to create four lots out of five existing lots (Lots 9-13, Block 2) in Val Moritz Village, Second Filing to increase the lot sizes to facilitate well and septic systems. Private utility easements corresponding to interior lot lines of the parcels would also be vacated.

Background

Aspen Acres of Grand County, LLC, herein referred to as “Owner”, have owned Lots 9-13, Block 2 of the Val Moritz Village, Second Filing since purchasing the parcels in 1999 and 2001 (Lots 9, 10, 11, and 13 per Special Warranty Deed recorded at Reception no. 99010585 and Lot 12 per General Warranty Deed recorded at Reception no. 2001-008480). The Owner is being represented in this project application process by Doug Foster, herein referred to as “Applicant”. The parcels currently range in size from 1.07 to 1.24 acres, and none are yet developed. The properties created through this Amended Final Plat would be serviced by well water and septic systems.

The Val Moritz Village Subdivision, Second Filing was recorded May 4th, 1971 at Reception No.117593. It comprised of seven blocks and a total of 105 lots. Eleven Amended Final Plat Resolutions have been recorded by the County for this subdivision (across both the First and Second Filings), including a single

application to complete six AFP’s for the subdivision in May 2019. There have also been several instances of private utility easement vacation in the Val Moritz Village subdivision.

Proposed Amended Plat

History

The Owner has owned Lots 9, 10, 11, and 13 since October 1999 per Special Warranty Deed recorded at Reception no. 99010585 and Lot 12 since August 2001 per General Warranty Deed per Reception no. 2001-008480.

A number of Amended Final Plats have been executed in the Alpine Acres subdivision for the purpose of lot combination to eliminate potential encroachments upon required side, front, or rear yards.

AFP’s in Val Moritz Village	
RECEPTION #	
2012002294	2018006625
2014006655	2019008178
2014008600	2020001788
2016004832	2020003667
2018000058	2020011864
2018000472	

Purpose of Request

The Applicant is pursuing this Amended Final Plat to create four larger

lots out of five existing smaller lots so there is room on the parcels for wells and septic systems. The parcels were originally created at sizes not adequate to facilitate wells and septic systems: the subdivision was intended to be connected to municipal water and sewer systems, so smaller lots were platted. This Amended Final Plat would create larger parcels, therefore allowing for development in the subdivision.

Staff Comments and Analysis

Staff supports this proposal in consideration of the several other Amended Final Plats which have been approved in the Val Moritz Village Subdivision. This large number of AFP applications is a consequence of difficulties faced by the Val Moritz Village Homeowners Association as they tried (unsuccessfully) to extend municipal water and sewer services to the Second Filing.

After three failed attempts to bring service infrastructure into the subdivision, the HOA decided to encourage lot combinations; the enlargement of parcels would make easier the siting of well and septic systems on the properties, allowing for easier build-out of the subdivision. This proposed Amended Final Plat is consistent with the requests of many other approved AFP’s in the subdivision.

Compliance with Zoning Regulations

Section VI – Residential District

- §4.1 Uses Permitted** Intended uses of the properties shall be in compliance. (§4.1.1)
- §4.2 Minimum Area of Lot** The minimum lot area permitted in the Residential Zoning District when the property is on subdivided land served by neither public water nor public sewage facilities is 30,000 ft.², or 0.69 acres. The parcels created through this proposed Amended Final Plat would all be in compliance. (§4.2.2)
- §4.3 Minimum Lot Width** Minimum lot width of parcels on subdivided land not serviced by public water and public sewage facilities in the Residential Zoning District is 120’. Lot width is defined as a measurement parallel to the front lot line measured between side lot lines through the narrowest part of the lot that runs through the building or structure.

The peculiar shape of proposed Amended Lots 9 and 13 may result in non-compliant should the final structures be built in specific locations on the properties, but all parcels are otherwise compliant. (§4.3.2)

§4.4-6 Minimum Yards The Amended Final Plat is intended to eliminate any potential encroachment upon required side, front, or rear yards. Final structures built on the properties will be in compliance.

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 Amended Final Plat shall read:

Amended Final Plat

**Amended Lots 9, 11, 12, and 13, Block 2, Val Moritz Village, Second Filing
Being a Replat of Lots 9, 10, 11, 12, and 13, Block 2, Val Moritz Village, Second Filing,
according to the Final Plat recorded at Reception No. 117594.**

**Part of Section 21, Township 1 North, Range 76 West of the 6th P.M.
Grand County, Colorado**

Ownership recorded at Reception No. 99010585 and Reception no. 2001-008480

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

Amended Lots 9, 11, 12, and 13, Block 2, Val Moritz Village, Second Filing

§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.

§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.

§4.3 (2) (g) Number to identify each lot or site and acreage of each site to the nearest 1/100th of an acre.

These requirements have been met.

§4.3 (2) (h) Purpose for which sites, other than residential lots, are dedicated or reserved.

This provision is non-applicable; the lot is intended to be used for residential purposes.

§4.3 (2) (i) Location and description of monuments.

This requirement has been met.

§4.3 (2) (j) Current title commitment.

This requirement has been met.

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

DEDICATION

KNOWN ALL PEOPLE BY THESE PRESENTS: That **Aspen Acres of Grand County, LLC** is the owner of that real property situated in Grand County, Colorado, more fully described as follows:

**Lots 9, 10, 11, 12, and 13, Block 2, Val Moritz Village, Second Filing,
According to the Final Plat recorded at Reception No. 117594.**

That they have caused said real property to be laid out and surveyed as **Amended Lots 9, 11, 12, and 13, Block 2, Val Moritz Village, Second Filing**, and do 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, **Douglas K. Foster** for **Aspen Acres of Grand County, LLC** has caused their name to be hereunto subscribed this _____ day of _____, 20__.

By: Douglas K. Foster
For: Aspen Acres of Grand County, LLC

STATE OF COLORADO)
)
 ss
COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this ___ day of _____, 20__ by **Douglas K. Foster** for **Aspen Acres of Grand County, LLC**.

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 D. Ward**, a duly registered land surveyor in the State of Colorado, do hereby certify that this **Amended Final Plat of Lots 9, 11, 12, and 13, Block 2, Val Moritz Village, Second Filing** shows the result of a field survey done by me or under my responsible charge, based on facts known to me. 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:
- (iv) Storm drainage plans and related designs, in order to insure proper drainage ways.
 - (v) Property survey and proof of ownership.
 - (vi) 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 Amended Final Plat 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 Amended Final Plats.
- §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. All amended parcels shall retain the designated addresses associated with their existing lot numbers, and the final address for Amended Lot 9 shall be 1585 Grand County Road 881.
- §4.3 (2) (x) Statement of taxes due showing current taxes paid.
2020 Property Taxes shall be paid in full prior to recording of the Final Plat.
- §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 Amended Final Plat application is scheduled for **March 10th, 2021**.

Staff Recommendation

Staff recommends approval of the Amended Final Plat, Amended Lots 9, 11, 12, and 13, Block 2, Val Moritz Village, Second Filing. The following conditions shall be met prior to the recording of the Amended Final Plat:

1. The Title of the Amended Final Plat shall be written as recommended in this Certificate of Recommendation (see (a) above).
2. The legal description of the lot shall be amended (see (b) above).

3. Approved addresses shall be placed on the Final Plat Mylar as recommended (see (w) above).
4. 2020 Property Taxes for Lots 9-13, Block 2, Val Moritz Village, Second Filing shall be paid in full prior to recording of the Final Plat as recommended (see (x) above).
5. An electronic copy of the Final Plat shall be submitted as recommended (see (y) above).
6. Title Commitment for Lots 9-13, Block 2, Val Moritz Village, Second Filing issued within the six months prior to the Board of County Commissioners hearing of this Amended Final Plat application shall be submitted prior to recording of the Final Plat. Note #2 on the Final Plat shall be updated to reflect the current Title Commitment Number after the updated Title Commitment is received by Grand County Community Development staff.
7. All recording fees are to be paid by the Applicant.
8. Quit Claim Deeds to describe the amended legal description of the lots and to vacate existing utility easements corresponding to existing interior lot lines shall be completed and recorded with the Grand County Clerk and Recorder's Office.

Commissioner Davis asked if the applicant was on the call and if they had a chance to review the Certificate and if they had any questions/concerns.

Doug Foster, the applicant replied he had no questions or comments, he was available to answer any questions.

Commissioner Fournet stated no questions.

Commissioner McNertney stated no questions.

Commissioner Shepton asked since this is no longer called Lot 10 shouldn't it be Lot 10A for the Amended Final Plat?

Commissioner Davis stated we do change the lot number.

Commissioner Shepton continued, under the conditions, number 6 it states: "Title Commitment for Lots 9-13", it did not spell out that Lot 10 is out the door.

Commissioner Davis replied, the Title Commitment is for the existing lots. We normally do add an "A" for Amended Final Plats.

Jacob stated he will update the new parcels i.e. Lot XA

Commissioner Davis stated, all lots should have an "A" for amended.

Commissioner Graves stated no questions.

Commissioner Karlstrom stated no questions.

Commissioner MacDonald stated no questions.

Commissioner Fitch stated no questions.

Commissioner Davis stated no questions. He asked if the public had any questions, hearing none he asked for a motion.

Motion to recommend approval by Ingrid Karlstrom for Lots 9-13, Block 2 Val Moritz Village – Amended Final Plat as presented. Seconded by Kim Shepton. No further discussion. All in favor "aye", none opposed. Motion carries.

Highway Junction Outright Exemption – Final Plat – Ronald S. Jones

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission March 10, 2021; Board of County Commissioners TBD, 2021

PROJECT NAME: Highway Junction Outright Exemption – Final Plat

APPLICANT: RSJ Granby West Storage, LLC represented by Ronald Jones

LOCATION: Tract 1 and 2, N. B. Burt Subdivision located at 60001 US Highway 40

APPLICABLE

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

ZONING: Tourist District

ATTACHMENTS:

- A. Vicinity Map
- B. Application and Narrative Letter
- C. Title Commitment
- D. Proposed Outright Exemption Plat
- E. NB Burt Subdivision Plat Rec. No. 93003081
- F. Certificates of Recommendation for N.B. Burt

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing to consolidate 2 existing parcels created by Subdivision into one parcel through Outright Exemption.

I. BACKGROUND

a. Proposal

RSJ Granby West Storage, LLC represented by Ronald “Ron” Jones, herein referred to as the Applicant, is the owner of Tracts 1 and 2, of N.B. Burt Subdivision subject in this application. Tract 1 has an area of 1.83 acres and Tract 2 has an area of 1.55 acres. The parcels as well as the adjacent unincorporated properties are in the Tourist District.

The Applicant approached Staff about the possibility of combining these parcels and vacating the open space. After further research, Staff found Outright Exemption as a process to facilitate the Applicant’s desire to develop the property allowed because of Section 1.4 (d) by reasons Staff will further detail in the “Staff Analysis” section below.

b. History

NB Burt Subdivision was approved and recorded November 26, 1985. The Staff Recommendation

presented to the Planning Commission and Board at the time noted that the subdivision was being completed to fix an illegal land transfer. At the time of the N.B. Burt plat Grand County was in the process of fixing several land transfers which were done in violation of Senate Bill 35. This one was such a case and N.B. Burt brought forward a request for a Subdivision Exemption which was denied by the County but the Applicant was given the recommendation to return with a Preliminary Plat and follow the Subdivision process through Final Plat.

II. STAFF ANALYSIS

Staff acknowledges that this request is peculiar. The Outright Regulations, Section 1.4 Jurisdiction paragraph 2 states: "*These regulations shall not apply to the division of a parcel of land contained within a platted subdivision.*" The intention to this proposal is to vacate the subdivision thereby also eliminating the swath of open space/non-disturbance area from the front of the property.

Staff researched the Subdivision Regulations in detail to see if there was any means to meet the same purpose while completing an Amended Final Plat. In the Current Subdivision Regulations which were Amended and Readopted in July 26, 2016, Open space is defined as: "*Land dedicated to the common use of all residents of a subdivision, condominium or town house development intended to provide visual openness and recreational use for that development.*" This property doesn't align with the concept of having open space reserved for the use of residents because it is and has been intended to be developed for commercial storage. In the Current Subdivision Regulations the uses allowed in open space include: uncovered swimming pools, sports fields, pathways, trails, tennis courts, volleyball courts, playgrounds, etc. items which there is not enough space or protection from the highways adjacent to maintain those uses.

Staff's argument is that to a reasonable extent, the highest and best use of the property is for some sort of commercial or retail development. In order to achieve this open space shall be eliminated because it adds unnecessary or unfounded restriction on the use of the property. If approved the benefit of this is additional commercial space which can be increase tax revenue for the county.

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 – Growth and Development

Plan Element 2 is significantly focused around positioning development of specific land use consistent with those other land uses adjacent. East of the US Highway 34 & 40 intersection is a strip of development which is composed of pre-existing hotels which have existed since the 50's and 60's as well as other commercial and retail uses. Within the limits of the Town of Granby there are several light industrial commercial uses. In recent this corner has long needed change and redevelopment to bring back a lively nature at the edge of Granby. This project could help revitalize those efforts where the land uses are compatible but need improvement.

Plan Element 6 – Economic Base

Section 6.2.1 Recreation & tourism based industry, policies state: "*encourage and support high quality recreation and tourist activities, facilities and services and make efforts to retain Grand County's unique rural, western and scenic character that is so appealing to tourists.*" Staff feels that this property is in a prime location where residents and visitors alike will use this as a hub to access the water in the Three Lakes Area summer or winter. Many supporting services are located in Granby already and especially with the recent fires storage of recreational vehicles and equipment could be ideal in this location until rebuilds are complete but also into the future as population and visitation increases.

b. ZONING –Section Tourist District - T

The parcels involved in this proposal lie within the Tourist District, existing inside Granby Growth Area. The site is surrounded by vacant land or other commercial and light industrial uses.

- (a) The property will be developed for use as a mini-storage warehouse. Mini-storage warehouse is a use by right.
- (b) This zone requires 30' minimum front yard setbacks, 10' minimum side yard setbacks and 20' minimum rear yard setbacks.
- (c) Minimum area of lot is 1 acre. The total area of the combine tracts is 3.4 acres complying with the minimum area requirement.

c. 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.**

The unusual circumstance is that there is no other means within Grand County Regulations to create a legal lot combination and open space vacation. This grant will allow the property owner to achieve the space they need to add mini-storage warehouse buildings to the site.

d. OUTRIGHT EXEMPTION – Article 2 – DESIGN STANDARDS

Section 2.1 Driveway, Roads, Streets, and Easements.

Existing access is provided from the east at US Highway 34 through a State Access Permit where the driveway has existed since the N.B. Burt Subdivision was in existence. No further Rights-of-Way or Easements are being dedicated because of this plat.

Section 2.2 Tracts/Parcels/Lots.

The lots meet the required minimum areas of the zoning district. Access to US Highway 34 is provided via the existing easement as originated on the N.B. Burt Subdivision Final Plat. **The existing address shall be shown on the Final Plat Mylar.**

Section 2.3 Public Dedications.

Easements of 20' in width along the side and rear shall be Public Dedications on this plat. The N.B. Burt Subdivision Plat included access easements to serve both properties.

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. **The Applicant shall contact Grand Fire Protection District No. 1 about applicable impact fees shall be paid at time of building permit** because Staff cannot calculate the fee as this is anticipated as commercial use.*

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) (a) 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:

Highway Junction Outright Exemption

Being a replant of Tract 1 and Tract 2 N.B. Burt Subdivision Recorded at Reception No. 236596

Located in part of the SE $\frac{1}{4}$ of Section 36, Township 2 North, Range 77 West; and SW $\frac{1}{4}$ Section 31, Township 2 North, Range 76 West of the 6th P.M. County of Grand, State of Colorado

Ownership Recorded at Reception No. 2021001709

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 has been

included on the title.

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 US Highway 34 has been shown.

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, have been included on the proposed final plat and shall remain.

Section 3.2 (2) (h) these lots are proposed to be improved for commercial use, the proposed use is also consistent with the current zoning.

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 **RSJ Granby West Storage, LLC** is the owner of that real property situated in Grand County, Colorado, more fully described as follows:

Tract 1 and Tract 2 of N.B. Burt Subdivision according to the Plat Recorded at Reception No. 236596;

That he has caused said real property to be laid out and surveyed as Highway Junction Outright Exemption, 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 **RSJ Granby West Storage, LLC** has caused his name to be hereunto subscribed this ___ day of _____, 20__.

Ronald S. Jones

RSJ Granby West Storage, LLC

STATE OF COLORADO }

SS

COUNTY OF GRAND }

The foregoing instrument was acknowledged before me this day of , 20____ by **Ronald S. Jones.**
RSJ Granby West Storage, LLC

My commission expires:

Notary Public

Section 3.2 (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 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 **Highway Junction 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 has been 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 US Highway 34 and extended through private property via the 24' access easement created by the N.B. Burt Subdivision Final Plat therefore this requirement has been met.

Section 3.2 (2) (q) there is an existing commercial well on the property under Well Permit Number 66998.

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 is scheduled to review this application for March 10, 2021.

V. STAFF RECOMMENDATION

Staff recommends the approval of the Highway Junction Outright Exemption with the following conditions to be met:

1. The existing address shall be shown on the Final Plat Mylar [§2.2].
2. Easements of 20' in width along the side and rear shall be Public Dedications on this plat[§2.3].
3. The Applicant shall contact Grand Fire Protection District No. 1 about applicable impact fees shall be paid at time of building permit [§2.5].
4. 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)].
5. Certificate of approval by the Board of County Commissioners [§3.2 (2) (m)].
6. 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 [§3.2 (2) (s)].
7. 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 announced that the applicant, Ron Jones was on the call this evening.

Commissioner Davis asked the applicant, Ron Jones if he had a chance to review the Certificate and if he any comments or questions.

Ron Jones, replied he did not have anything to add other than again the Planning Department has been very professional with their approach and they suggested that an Outright Exemption would be the best way to proceed. The whole reason for this convoluted commercial property that has residential characteristic to it is because his predecessor, 30-40 years ago did an illegal subdivision and the only way they could get out of it was to do a formal subdivision and the regulations required all of this. We are just trying to do what they are doing across the street at the Shell Station. We think this is a perfect location, being close to River Run and all the development there, there will be a real need for our product and moving forward putting the property to a beneficial use. In order to do, this Alex mentioned that we need to go through the Outright Exemption process.

Commissioner Fournet asked what type of wells does this property have and I want to make sure that if it is going to be a commercial facility that the well and water that goes with the property is noted appropriately.

Mr. Jones replied there are actually 2 well permits on the property. One was for Gibson's which is commercial. The existing green building used to be the Forest Service Offices and that was clearly commercial and that also has an appropriate well. We have had the well tested and analyzed and all the things that you do during due diligence.

Commissioner McNertney asked, just a clarification question, the access point is going to be through what is a parking lot for the green building and not off the highway?

Mr. Jones replied we have been through the process with C-DOT and we have a new access permit, it will come off of Highway 34. There are 2 accesses off of Highway 40 which C-DOT has required us to close. Those have been closed and will be permanently closed when the weather breaks this summer, pursuant to the permit.

Commissioner Shepton stated she has problems with the accesses as well because it does look like the only way to legally turn is into the other storage facility, otherwise there is a double yellow line and it is right near an intersection. I was also wondering about the open space, are we omitting the open space? The Plans they had, under Plan 6, "storage and recreational vehicles and equipment could be ideal in this location until rebuilds are complete, but also in the future the population increases". With the recreational vehicles, that is outdoor storage and under Outright Exemption, warehouses need to have complete screening. That does not seem to coalesce with the curve and line of site, if there is all this equipment and the equipment is completely screened, would you need a Special Review for that?

Alex replied, what has been represented to us is mini storage not outdoor storage. There will be structures, similar to the structures Ron owns within the town limits of Granby, by the Grand Elk Building off of Highway 40.

Ron stated this property is currently an outdoor storage facility. The county issued a "cease order" for that property and the previous owner went through a process to basically say, "When the regulations actually change (which they have not yet) regarding screening, we have done

screening in Tabernash and also in Grand Lake, voluntarily, because we think it is the right thing to do. We are planning to build a fence for screening at this facility. Our business plan is to continue the outdoor storage and build mini storage as the demand requires, much the way we are doing in Tabernash right now. Tabernash Miller Facility is the poster child for what we in vision for this project. It is important to say that this action is not approving a "Use" this action is simply eliminating open space which is not appropriate in a commercial zone, no other commercial properties require open space. As far as eliminating lot lines, we will follow the zoning criteria for the property (which is Tourist) to the "T" and any "Use" we have for the property will be appropriate. Any building requirement will go through the building department and we will meet all requirements. You are not approving a "Use" here, we are asking for a lot line change and land use decision, in terms of what the property looks like not the "Use" of the property.

Commissioner Shepton stated she appreciated the clarification. She understands that the access of the site will be through Road and Bridge.

Commissioner Graves stated the property has been storing trucks, campers and all sorts of things for years and he does not see any concern. Frankly, the current RV Park is an eyesore. No further comments.

Commissioner Karlstrom added the discussion about this being a consolidation of lots makes a lot of sense. Is the storage a Use by Right or will he need a Special Use Permit?

Mr. Jones replied it is a Use by Right in Tourist Zoning.

Commissioner Karlstrom asked what the screening fence will be built out of.

Mr. Jones replied it will be the same fencing as in Tabernash, the rusted metal because it holds up so well and fits into the mountain scene.

Commissioner MacDonald stated his concern was the open space along both of the highways. The intention there (inaudible) maybe 50-100 years, I feel there will be a need for another lane along both of the highways. I feel this space will be a desirable area to expand the highways.

Commissioner Davis asked Alex, how far out does the Highway 40 and 34 Right of Way sit?

Mr. Jones replied our fences are to the property line, there is an existing fence there and the Highway Department have plans and they have a very wide Right of Way and they take expansion and growth into account. Private property owners are not required to reserve land that maybe in 100 years the Highway Department might need. If the Highway Department feels that they need some of the property, there is a process they go through to get the property. We went through a process with the Highway Department for access and there was not a word said about anything being planned for the future with this piece of property. The way it works is they notify you if they need the property, they appraise it and then come and buy it from you. It is not the providence of this board or me, a private land owner, to try and guess what the Highway Department needs.

Commissioner Fitch stated no questions.

Commissioner Davis stated the Planning Commission is not asking to reserve any property, we do not have the authority to do that. The question is view corridors and has that been discussed and taken into account with our current Regulations. As far as the front setbacks against the 2 adjacent highways. The front yard setback will be against Highway 40 and the side yard setback will be against Highway 34. Do we need to take into account any additional view corridors or make a

recommendation later or do we want to look at it as part of this platting process as a no build zone for view corridor off of the intersection?

Alex replied when you say “view corridor” are you talking about like sight distance?

Commissioner Davis replied yes, that are in our Road and Bridge Standards. Again, this is not a Grand County road but a state road. Discussion have taken place for access sites and I am sure the concern has come up with C-DOT regarding that intersection with sight lines, etc. Is there any concern from the Grand County Regulations that we have authority to utilize that you would want to address.

Alex continued we don't. There are not concerns with the sight of visibility at the intersection from the front of this property. There are no additional “no build zones” or reduced height building zones that need to be created on this project. There is plenty of real-estate between the property line and the edge of the pavement which allows for the appropriate site visibility. I can get verification from C-Dot if needed.

Commissioner Davis stated yes, I think it is worth looking at the Road and Bridge Standards as well as our own zoning standards. My thought is we currently have the “open space no build zone” you could add a parking lot no problem, but if you put a 2 story Indoor Storage building against the edge of the property line then you have a much different line of site for a view corridor. We are not getting lost in future uses, but when we go through the platting process we want to ensure that we are looking at any potential future issues. We could look at doing something like a maximum height restriction. If the setbacks cover the site corridor and you feel all is good, I just want to make sure that you have thought through this and heard the Commissioner's comments. I would like an additional condition to review anything beyond the existing front yard setback.

Robert Davis, Director Community Development, replied we did look at the site for distance issues. If you are south bound on Highway 34 and you look to the east you have a clear line of sight. The only conflict would be west bound cars traveling on Highway 40, you can clearly see.

Commissioner Davis stated perfect that is the comment I am looking for. I want to hear, this is what we have done and here is the data. That answered my question, no need for a further condition.

Commissioner Karlstrom stated, she would like clarification on what is being called the front and side yard.

Commissioner Davis stated in our Zoning Regulations there is a clear definition.

Alex added it states that the shortest lot line adjacent to a street is the front, so Highway 34 is the front of the property. In Tourist Zoning, the side yard setback is 10 feet.

Commissioner Davis stated you would only be looking at adding a 10 foot setback along Highway 40 and if you have taken this into account with any future development are we truly considering the implications?

Alex stated we are confident that no conditions need to be added.

Commissioner Davis asked if there were any public comment. Hearing none he asked for a motion.

Motion to recommend approval by Tara Fournet for Highway Junction Outright Exemption – Final Plat as presented. Seconded by Will MacDonald. No further discussion. All in favor "aye", none opposed. Motion carries.

Lots 5, 9, 10, 11, 12, 13 & 14, The Ranches at Devils Thumb – Amended Final Plat

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission, March 10, 2021; Board of County Commissioners March 23, 2021

PROJECT NAME: Amended Final Plat, Lots 5, and 9-14, the Ranches at Devils Thumb

APPLICANT: The Ranches at Devils Thumb, Inc. represented by Jeff Vogel AICP, Principle, Vogel & Associates

LOCATION: Amended Lot 5:103 GCR 80314; Amended Lot 9:108 GCR 80314; Amended Lot 10: 110 GCR 80318; Amended Lot 11: 112 GCR 80318; Amended Lot 14 118 GCR 80320

ZONING: Forestry and Open District (F)

APPLICABLE REGULATIONS: Grand County Zoning Regulations, Grand County Master Plan, Rural Land Use Process

ATTACHMENTS:

- A. Vicinity Map
- B. Letter of Application and Narrative
- C. Proposed Plats
- D. Title Commitments
- E. Site photos (EagleView)

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is requesting an Amended Final Plat of seven (7) lots, to eliminate two (2) lots being 12 and 13, to redistribute the remaining land area across five (5) lots.

VI. BACKGROUND

Lot #	Area before	Area after
5	17.90 acres	38.478 acres
9	17.41 acres	34.00 acres
10	10.26 acres	31.755 acres

11	31.63 acres	31.465 acres
12	31.10 acres	0 acres
13	33.71 acres	0 acres
14	21.59 acres	27.88 acres

a. PROPOSAL:

The proposal is to eliminate on Lots 12 and 13 to redistribute the land area amongst the other lots. The Rural Land Use Final Plat required 66% open space, with the expansion of lot areas, it increases the total open space area by approximately three (3) acres. Only the existing Lot 11 owned by Ridge

11, LLC has a single family dwelling under construction, Lots 9-14 subject in this proposal are vacant parcels.

b. HISTORY:

The Ranches at Devils Thumb was completed under a Rural Land Use Process (Subdivision) in 2017 and 2018. The Ranches at Devil’s Thumb, Inc. as the developer, is still owner of a majority of the parcels within the subdivision. The 17 lots within the subdivision are on 341.1 acres near Devils Thumb Ranch Resort located northeast of the Town of Fraser and situated between GCR 8 to the south and GCR 83 which leads to Devils Thumb Ranch Resort to the north and east. The subdivision, which created these 17 lots, maintains two-thirds open space and contains solely agricultural or recreational uses.

The property is not contained within an Urban or Rural Growth Boundary as defined by the 2011 Master Plan. Being located outside of these growth areas the Rural Land Use Process is one of the few methods available to property owners interested in creating multiple interest in tracts less than thirty-five (35) acres (see the map below for the project vicinity and map on the next page for a zoomed in view).

VII. STAFF COMMENTS AND ANALYSIS

The proposal to combine lots appears to not conflict with any previous approvals. The building envelopes shall remain on the new amended lots to limit the amount of area being disturbed but still usable by the lot owners. The effect of combining the lots to preserve more space is a reasonable one. It may be a reduction to the overall tax revenue collections but that seems negligible.

Although the subject property borders parcels to the south within the Urban Growth Area the property has no access to public water or sewer. The sparsely developed lots proposed surrounded by ample open space provides a good transition and more rural open areas.

VIII. COMPLIANCE WITH GRAND COUNTY REGULATIONS

a. 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) are 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. This proposal minimizes disturbance of the rural and open land character and minimizes impacts to water table pressure this development would create.

b. ZONING REGULATIONS

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

- (a) The owners of these lots will construct a single family dwelling, consistent with uses by right in this District.
- (b) This District requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks. They are shown on the proposed plat.
- (c) The minimum lot area in the Forestry and Open District is 5 acres (217,800 ft²).

c. RURAL LAND USE PROCESS REGULATIONS – 4.4 Final Plat/4.5 Amended Final Plat

The application shall comply with the Rural Land Use Process Regulations, Amended Final Plat -Section 4.5. Conditions are listed in **BOLD**. Below Staff notes how the proposed Plat addresses each of the following:

Section 4.4 (1) (a-c) this application meets the statement of requirements of the Preliminary Plat. It has been submitted with a scale complies at a one inch (1") equals one hundred feet (100') as shown on a twenty-four inch (24") by thirty-six inch (36") sheet.

Section 4.4 (2) (a) Title shall read:

Amended Final Plat

AMENDED LOTS 5, 9, 11, 12, 13 and 14 THE RANCHES AT DEVILS THUMB

BEING A REPLAT OF LOTS 5, 9, 10, 11, 12, 13, and 14, THE RANCHES AT DEVILS THUMB, RECORDED AT RECEPTION NO. 2018007768 PART OF, SECTION 9, 16, AND 17, TOWNSHIP 1 SOUTH, RANGE 76 WEST, 6TH P.M., GRAND COUNTY, COLORADO

OWNERSHIP RECORDED AT RECEPTION NO. 2018007768 and 2018010687

A scale of one inch (1") equals one hundred feet (100'), north arrow and date of January 10, 2020 are all located on this proposed Plat.

Section 4.4 (2) (b) Legal descriptions are as follows:

Amended Lot 5, The Ranches at Devils Thumb, Being a Replat of Lots 5, 9, 10, 11, 12, 13, And 14, The Ranches At Devils Thumb;

Amended Lot 9, The Ranches at Devils Thumb, Being a Replat of Lots 5, 9, 10, 11, 12, 13, And 14, The Ranches At Devils Thumb;

Amended Lot 10, The Ranches at Devils Thumb, Being a Replat of Lots 5, 9, 10, 11, 12, 13, And 14, The Ranches At Devils Thumb;

Amended Lot 11, The Ranches at Devils Thumb, Being a Replat of Lots 5, 9, 10, 11, 12, 13, And 14, The Ranches At Devils Thumb;

Amended Lot 14, The Ranches at Devils Thumb, Being a Replat of Lots 5, 9, 10, 11, 12, 13, And 14, The Ranches At Devils Thumb;

Section 4.4 (2) (c-d) Primary control points, or description and ties to such control points have been clearly identified on the proposed plat. Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines shall show radii, arcs and central angles with accurate dimensions.

Section 4.4 (2) (e-f) Name of adjacent Right-of-Way, are labeled with county road numbers and common names. They also show widths and dimensions of Rights-of-Way. Pre-Existing recorded easements with reference to their location of recording within the Grand County Real Estate records (e.g., 25' access easement, 8' utility easement) have been accurately labeled on the proposed plat.

Section 4.4 (2) (g-i) Lots subject to this application include acreage to the nearest 1/100th. All lots are intended to remain residential use. **The proposed plat shall comply showing the location and description of monuments shall be connected to corners of sections or similar.**

Section 4.4 (2) (j) Current title commitment Order Number ABS60013850 has been provided dated February 17, 2021 has been included with this submittal.

Section 4.4 (2) (k-m) minor corrections are needed for the Certificates placed on the Plat. **The County Attorney's Office shall review the Dedication.**

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS: That **The Ranches at Devils Thumb, Inc.** is the owner of that real property situated in Grand County, Colorado, more fully described as follows: **Lot 5, 9, 10, 12, 13, and 14, The Ranches at Devils Thumb, according to the plat recorded September 27, 2018 at Reception No. 2018007768;**

That **Ridge 11, LLC.** is the owner of that real property situated in Grand County, Colorado, more fully described as follows: **Lot 11, The Ranches at Devils Thumb, according to the plat recorded September 27, 2018 at Reception No. 2018007768;**

That they have caused said real property to be laid out and surveyed as, **Amended Final Plat,**

AMENDED LOTS 5, 9, 11, 12, 13 and 14, THE RANCHES AT DEVILS THUMB 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 The Ranches at Devils Thumb, Inc. has caused its name to be hereunto subscribed this _____ day of _____, 20__.

Robert Fanch, Chairman

The Ranches at Devils Thumb, Inc.

STATE OF COLORADO)

SS

COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this__ day of _____, 20__ by Robert Fanch, Chairman, The Ranches at Devils Thumb, Inc.

IN WITNESS WHEREOF The Ranches at Devils Thumb, Inc. has caused its name to be hereunto subscribed this _____ day of _____, 20__.

Robert Cyman

Ridge 11, LLC

STATE OF COLORADO)

SS

COUNTY OF GRAND)

The foregoing instrument was acknowledged before me this__ day of _____, 20__ by Robert Cyman , Ridge 11, LLC

SURVEYOR'S CERTIFICATE

I, David C. Costner, a duly licensed land surveyor in the State of Colorado, do hereby certify that this plat of **Amended Final Plat, AMENDED LOTS 5, 9, 11, 12, 13 and 14, THE RANCHES AT DEVILS THUMB** 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)

Section 4.4 (2) (n) Certification by a qualified professional insuring compliance with the design standards has been provided.

Section 4.4 (2) (o) A two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner has been provided for use by the County Clerk and Recorder.

Section 4.4 (2) (p) This application complies; covenants are not subject to change because of this proposed Amended Final Plat.

Section 4.4 (2) (q-r) Vicinity map has been supplied and shall remain on the cover page. The proposed Plat complies with provisions of (r) any new construction shall follow established criteria for OWTS and stormwater drainage within each lot.

Section 4.4 (2) (s-t) These provisions are not applicable. A forest stewardship plan and wildfire hazard mitigation plan was submitted with the Final Plat creating the subdivision. No land areas are being dedicated for other use with this Amended Final Plat. No additional studies are being submitted or required to meet engineering requirements. Colorado Land Use Commission no longer exists.

Section 4.4 (2) (u) Address shall be shown on the Amended Final Plat and a digital copy will be supplied to the Grand County GIS Coordinator.

Amended Lot 5:103 GCR 80314 103 (Sky Valley Way);

Amended Lot 9:108 GCR 80314 108 (Sky Valley Way);

Amended Lot 10: 110 GCR 80318 110 (Buckrail Bend);

Amended Lot 11: 112 GCR 80318 112 (Buckrail Bend);

Amended Lot 14 118 GCR 80320 118 (Cattle Dr),

Section 4.4 (2) (v) Statement of taxes due showing current taxes paid shall be supplied prior to recording the Final Plat.

Section 4.4 (2) (w) 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.

IX. PLANNING COMMISSION RECOMMENDATION

Planning Commission hearing is scheduled for March 10, 2021.

X. STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Amended Lots 5, 9, 11, 12, 13 and 14, The Ranches at Devils Thumb, with the following conditions to be met prior to the recording of the Amended Final Plat.

1. Correct the Title of the plat as shown [§4.4 (2) (a)].
2. Minor corrections are needed for the dedications that are placed on the Plat, the County Attorney's Office shall review the Dedications [§4.4 (2) (k)].
3. Address shall be shown on the Amended Final Plat and a digital copy will be supplied to the Grand County GIS Coordinator [§4.4 (2) (u)].
4. A statement of taxes that shows all taxes have been paid shall be submitted [§4.4 (2) (v)].
5. An electronic copy in AutoCAD.dwg or AutoCAD.dxf of the Final Plat shall be submitted [§4.4 (2) (w)].
6. All recording fees are to be paid by the Applicant.
7. All applicable building and sanitation permits shall be obtained through the County prior to construction.
8. Quit Claim Deeds to describe the amended legal description of the lots and be clearly conveyed on title.

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

Commissioner Davis noted that Jeff Vogel, with Vogel and Associates, was on the line and was representing The Ranches at Devils Thumb and asked if Jeff had any comments.

Jeff Vogel representing the Ranches at Devils Thumb added the proposal is simply to eliminate 2 lots. Which includes Lot 10 & 13 to enlarge the other lots. What has caused this is as we have gone through the marketing and sales process there have been buyers who have indicated that they want larger home sites. The owner of The Ranches at Devils Thumb has considered these potential home owners desires, so with the deletion of the 2 lot sites we end up with an addition of 3 acres open space that will go into the common area. With regards to the roads and access all will remain exactly as it is.

Commissioner Fournet stated notation of the letter A” on the property for amended lots.

Commissioner McNertney stated no questions.

Commissioner Shepton stated it seems like the road 11 & 14 is taking up a lot of space on tract 10. Going through road 10 & 11 to get to road 14 and these are county roads.

Jeff Vogel stated these are private roads.

Commissioner Graves stated no question.

Commissioner Karlstrom stated in the cover letter Vogel and Associates stated that Lots 10 & 13 were being eliminated is this a typo? We are adding 3 acres of open space was there not enough of open space to start with?

Jeff Vogel replied, there was enough open space. The rural site plan process requires that 67% minimum be provide which we have with the original plat. The 3 acres is just an additional open space beyond the 67% that is required.

Commissioner MacDonald stated no questions.

Commissioner Fitch stated no questions.

Commissioner Davis stated no question. He asked if there were any public comments. Hearing none he asked for a motion.

Motion to recommend approval by Ryan McNertney. Lots 5, 9, 10, 11, 12, 13 & 14, The Ranches at Devils Thumb – Amended Final Plat as presented. Seconded by Kim Shepton. No further discussion. All in favor "aye". None Opposed. Motion carries.

Lot 23, Sheep Mountain Ridge Estates – Amended Final Plat (Amended Building Envelope) Cindy Wagner

Presented by: Ryan Forster, Planning & Building Technician

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION MARCH 10, 2021

Project Name	Lot 23, Sheep Mountain Ridge Estates Amended Final Plat
Applicant	Cindy Wagner (Owner) represented by Scott Munn
Location	Lot 23, Sheep Mountain Ridge Estates Subdivision 201 GCR 51991/ 201 Samaia Court
Zoning	Forestry & Open District
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations
Attachments	A. Development Application B. Detail and Vicinity Maps C. Sheep Mountain Ridge Estates, Reception No. 2001002315 D. Proposed Amended Final Plat E. Warranty Deed, Reception No. 2020006556
Staff Planner	Ryan Forster, Building and Planning Technician
Request	Approval of an Amended Final Plat to move and alter, but not expand a building envelope of Lot 23, Sheep Mountain Ridge Estates Subdivision.

Background

Cindy Wagner represented by Scott Munn, herein referred to as “Applicant”, has owned Lot 23 of the Sheep Mountain Ridge Estates since August 7th 2020 per Warranty Deed recorded at Reception no. 2020006556. The lot has an area of 9.109 acres, and is a heavily forested. A 150’ x 150’ building envelope was included in the original Final Plat of the subdivision. No permanent structure has yet been built on the

property. Plat Note #5 dictates that “no improvements (including decks but excluding approved driveways, water wells, any central water or sewer lines, utilities, fencing...) shall be constructed outside the designated building envelopes on each lot as designated on the accompanying plat unless specifically approved by ARC”. Plat Note #5 also notes that the exact location of all improvements within the building envelope must be provided to Grand County Building Department as a condition of approval for any building envelope.

The Sheep Mountain Ridge Estates Subdivision is located west of Fraser, and south of County Road 519 in an area commonly known as the Pole Creek Valley. Lot 23 is located in Rural Growth Area Two. The Final Plat was recorded March 13th, 2001 at Reception no. 2001002315. 160.575 acres was subdivided into 23 lots over 114.807 acres.

Lots vary in size ranging from 2.5 acres up to 11.2 acres throughout the subdivision. 32.816 acres or 20.44 percent of the subdivision was dedicated for open space. All parcels in the subdivision were created with 150' x 150' building envelopes. A 20' utility easement was platted along rear and side lots, however these utility easements would not be impacted by this proposed Amended Final Plat.

The lot in question, Lot 23, is currently vacant. Adjacent to the property is an easement denoted as Outlot A. Outlot A is a private, exclusive utilities and road easement for the benefit and use of an owner of adjacent lands located outside the property. The building envelope recorded at Reception no. 2001-002315 shows the building envelope tie at N41°49'24E to be 414.67'. On the proposed amended final plat, the same building envelope tie shows 459.99'. The proposed new building envelope will be 45.32' closer to Outlet A.

A Non-Development-Zone can be found across Lot 23 in the far lower right-hand corner as noted on the Sheep Mountain Ridge Estates Plat. This Non-Development-Zone has no associated plat notes; however, it appears it was implemented to prevent property owners from developing on a 30% grade. The property is gradually sloping from Samaia Court, with a sudden steep grade change towards the bottom portion where the Non-Development-Zone is located.

The proposed building envelope will be located within 19' of the side of the property. Drive way access will be utilized from Samaia Court, GCR 51991. The proposed building envelop does not encroach on the ten-foot side setback in the Forestry and Open Zoning District, nor its front or rear setbacks.

Proposed Amended Plat

Purpose of Request

The Applicant wants to build a single-family residence on the property, but the location of the current building envelop creates an approximate 165' drive way. The proposed amended building envelope will have an approximate drive way of 85', substantially requiring less snow removal. The Applicant, a single woman, currently owns another property with a longer driveway that is burdensome. In addition, the Applicant is cognizant of the forested nature of the lot and wants to preserve this lot's unique characteristics. Moving the building envelop closer to the road reduces driveway length and subsequently reduces the amount of clear cutting required.

Staff Comments and Analysis

The designated building envelope for the property was located without full consideration given to the “buildability” of the property and the sustainability of said actions with respect to the location of a driveway. The property’s topography is a densely wooded environment. The original building envelope does not consider the amount of deforestation that will be required in order to access any dwelling. Relocating the building envelope closer to the road will preserve more of the forested areas and will reduce the snow removal burden. The proposed building envelope is not larger than the current one found on the Sheep Mountain Ridge Estates Plat.

Compliance with Zoning Regulations

Section VI – Forestry and Open District

- §6.1 Uses Permitted** Intended use of the property is in compliance. (§6.1.1)
- §6.2 Minimum Area of Lot** The minimum lot area permitted in the Forestry and Open Zoning District when subdivided land is located within a Growth Boundary is two (2) acres. The size of the subject parcel is 9.104 acres and would not change as a result of this Amended Final Plat. This property is in compliance. (§6.2.2)
- §6.3-8 Minimum Lot Width & Yards** The lot width is in compliance, and the single-family dwelling will be in compliance with all yard requirements.

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 Amended Final Plat shall read:

Amended Final Plat
Lot 23A, Sheep Mountain Ridge Estates
Being a Replat of Lot 23, Sheep Mountain Ridge Estates, Reception No. 2001-002315
Part of SW ¼ Section 9, Township 1 South, Range 76 West of the 6th P.M., County of
Grand, State of Colorado
Ownership recorded at Reception No. 2020006556

- §4.3 (2) (b)** The legal descriptions shall be written as follows:
Amended Lot 23, Sheep Mountain Ridge Estates
- §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.
- §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.
- §4.3 (2) (g)** Number to identify each lot or site and acreage of each site to the nearest 1/100th of an acre.
These requirements have been met.
- §4.3 (2) (h)** Purpose for which sites, other than residential lots, are dedicated or reserved.
This provision is non-applicable; the lot is intended to be used for residential purposes.
- §4.3 (2) (i)** Location and description of monuments.
This requirement has been met.
- §4.3 (2) (j)** Current title commitment.
This requirement has been met.
- §4.3 (2) (k)** Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

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:
- (vii) Storm drainage plans and related designs, in order to insure proper drainage ways.
 - (viii) Property survey and proof of ownership.
 - (ix) 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 Amended Final Plat 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 Amended Final Plats.
- §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 address for the subject parcel shall remain 1503 Grand County Road 8.
- §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 Amended Final Plat application is scheduled for March 10th, 2021.

Staff Recommendation

Staff recommends approval of the Amended Final Plat, Lot 23A, Sheep Mountain Ridge Estates Subdivision, being a replat of Lot 23, Sheep Mountain Ridge Estates Subdivision. The following conditions shall be met prior to the recording of the Amended Final Plat:

1. Plat Note #1 shall be amended from stating Lot 26 to Lot 23.
2. The Title of the Amended Final Plat shall be amended (see (a) above).
3. An electronic copy of the Final Plat shall be submitted (see (y) above).
4. All recording fees are to be paid by the Applicant.
5. 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 if the applicant was on the call.

Joe Mautz from Munn Architecture will be representing the applicant and stated they are trying to minimize the impact of the site as much as possible and trying to make things easier on Cindy Wagner, the home owner, as far as plowing goes because she will be plowing herself. All the conditions look very straight forward.

Commissioner Fournet stated no questions.

Commissioner McNertney stated no questions.

Commissioner Shepton stated she did not see on the plats that the lot was originally numbered 26 all she saw was Lot 23. Is this an error on condition number 1?

Ryan Forster responded that the plat that was provided to staff in the plat notes it stated Lot 26. Staff will review this in the office.

Commissioner Shepton continued under the dedication in the Certificate, it states Amend Final Plat 3A not 23A.

Commissioner Davis added we will need to add condition number 6 to update the dedication.

Commissioner Graves stated no questions.

Commissioner Karlstrom stated she was wondering what the original plat and building envelope look like.

Ryan shared the slide that showed the overlay to show the difference between the new and old building envelope. The original building envelope is 150 feet by 150 feet and the new building envelope is 130 feet by 170 feet.

Commissioner Karlstrom continued do we need to call this an Amended Final Plat because we are not changing any boundaries?

Commissioner Davis stated yes because you are creating a new plat it is automatically amended.

Commissioner MacDonald asked is there any reason we could just get rid of the building envelope versus this approach.

Ryan stated he did not consider that option but the applicant did request that the building envelope be altered but not eliminated and the subdivisions HOA had building envelopes in all of the lots and would like to keep the building envelopes which help space out the sites to not impede site vision from lot to lot.

Commissioner Davis stated we have traditionally gone down 2 pathways, we can either get rid of them if they were put in as part of the HOA and architectural review committee and we can understand the purpose than we leave them. A lot of larger subdivisions want to maintain distance between housing for better sales. If the HOA wants to leave the building envelopes they have the option to do so. If the subdivision does not want to leave the building envelopes then we try to eliminate them. It is typically more in bulk that we get rid of them not onesie twosies. This process is not black and white.

Commissioner Fitch stated no questions.

Commissioner Davis stated the only question he has is if we have a letter from the HOA/Architectural review committee?

Joe Mautz stated that a letter was submitted to Alex Taft. Sheep Mountain Ridge Subdivision did go through that process. I will follow up with staff to make sure they have a copy of the letter.

Commissioner Davis stated he did not see the letter in the Certificate. If there is an active HOA and we have made every attempt to reach out and get their permission it is a nice addition to our Certificate that states we do not have 1 home owner going rogue. We do not want to create conflict.

Alex stated we do have the letter document dated February 12th and it was not incorporated into the materials. The letter stated there were no issues from the neighbors and the subdivision did approve the change to the building envelope.

Commissioner Davis stated let's add that as condition number 7 that the letter be added to the record for BOCC. He then asked if the public had any comments, hearing none he asked for a motion.

Motion to recommend approval by Will MacDonald. Lot 23, Sheep Mountain Ridge Estates – Amended Final Plat (amended building envelope) with 7 conditions. Seconded by Tara Fournet. No further discussion. All in favor "aye", none opposed. Motion carries.

Bio/Break back at 8:05PM

Northern Water Campus – CRS 30-28-110 – Represented by Celine Walsh

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission March 10, 2021

PROJECT NAME: Northern Water Granby Campus

APPLICANT: Northern Water Conservancy District -- represented by Celine Walsh, Project Manager

LOCATION: North ½ of the Northeast ¼ of Section 16, Township 2 North Range 76 West 6th P.M.
Grand County Colorado

APPLICABLE

REGULATIONS: C.R.S. 30-28-110, Grand County Master Plan

ZONING: Forestry and Open District

ATTACHMENTS:

- A. Vicinity Maps
- B. Application and Narrative Letter/Project Summary
- C. Schematic Design
- D. Land Survey Plat
- E. § 30-28-110 C.R.S

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is requesting a location and extent review consistent with § 30-28-110 C.R.S..

XI. BACKGROUND AND PROPOSAL

The site subject in this application is located in the unincorporated area north of Granby, west of US Highway 34. **The** property is a 77 acre parcel which the Plat has recently been recorded and owned by Northern Water Conservation District (Northern Water). Northern Water intends to construct a campus to house its Collections Systems Department, Control Center, and west slope Field Service Departments. The project site will be located on land south of the existing Willow Creek Pumping Plant. The facility is intended to replace the existing office and shop facilities located at the Farr Pumping Plant and the Windy Gap Pumping Plant; with day-to-day operations being similar in nature and consists of a mix of both office and fleet maintenance space.

Northern Water's website states:

In 1937, the Northern Colorado Water Conservancy District was created to jointly operate and maintain the federally-owned Colorado-Big Thompson Project, with the U.S. Bureau of Reclamation.

Northern Water is a water conservancy district as recognized under § 37-45-153 C.R.S which establishes their powers as a governmental body in the State of Colorado for the purposes of the following:

- (a) Be essentially for the public benefit and advantage of the people of the state of Colorado;
- (b) Indirectly benefit all industries of the state;
- (c) Indirectly benefit the state of Colorado in the increase of its taxable property valuation;

- (d) Directly benefit municipalities by providing adequate supplies of water for domestic use;
- (e) Directly benefit lands to be irrigated from works to be constructed;
- (f) Directly benefit lands now under irrigation by stabilizing the flow of water in streams and by increasing flow and return flow of water to such streams;
- (g) Promote the comfort, safety, and welfare of the people of the state of Colorado.

Northern Water serves front range populations of Boulder, Estes Park, Fort Collins, Greeley, Longmont and Loveland with water for domestic, agricultural, and industrial uses. They are the district which caused the creation of Windy Gap where they also test, collect, and divert water into the Colorado River.

XII. STAFF ANALYSIS

This review is unusual in the terms of projects previously reviewed by Grand County. Location Extent Review as detailed in § 30-28-110 C.R.S. allows the Planning Commission to review proposals which are from other political subdivisions in the State of Colorado to give guidance to those jurisdictional bodies on what Grand County would like to see developed within our jurisdictions boundaries.

*(1) (a) Whenever **any county planning commission** or, if there is none, any regional planning commission has **adopted a master plan of the county** or any part thereof, no road, park, or other public way, ground, or space, **no public building or structure**, or no public utility, **whether publicly or privately owned, shall be constructed or authorized in the unincorporated territory of the county until and unless the proposed location and extent thereof has been submitted to and approved by such county or regional planning commission.**"*

While this proposal is not required to be reviewed as a special use permit, it seems best to review based on some criteria in the Grand County Zoning Regulations. Explained in more detail below, Staff reviewed this proposal against the provisions for a use of "construction businesses, heavy equipment storage areas and earth-moving businesses." We felt that similar to the Winter Park Lift Transit Operations Center that was reviewed in 2019, Grand County Zoning Regulations Section 11.8 (11) were the closest provisions to ground the review.

The campus includes a large approximately 41,596 square foot building that will house administrative offices, light vehicle storage, and heavy vehicle storage. It also includes some outdoor spaces for future gathering opportunities and educational conservation gardens. The building is being designed with sustainable objectives in mind. The design team has represented that they intend to shoot for LEED Silver Building Certification. This objective is a significant one from Staff's perspective in that the construction and operation of the building will have a very minimal impact. This also would be the one of the few buildings with LEED Building certification in Grand County.

XIII. COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The site subject in this application is located in the unincorporated area north of Granby, west of US Highway 34. The Grand County Master Plan Chapter 3 contains seven (7) Plan Elements that form policies which are the core of land use decision making based on the Master Plan. The Plan Elements include policies and implementation actions, of which four (4) are most relevant to this proposal.

Plan Element 1 – Natural and Cultural Resources

Plan Element 1 notes important natural and cultural resources that make up the qualities of Grand County which draws visitation. Section 1.5 Visual Resources notes the importance of the broad visual interest that the landscape in Grand County brings to shaping the county's character and quality of life, which truly make it Grand. Separation of development and a landscape along both US Highway 34 and 40 are something the county strives to achieve when reviewing development. In this proposal, the structure is placed in an area that should not have deleterious effects on the landscape and the scenic highway.

Section 1.6 Energy and Resource Conservation is applicable to this application as they strive to be awarded LEED Silver Building Certification. Design for this certification is carbon conscious and drives to be above code performance in several aspects including energy conservation, site impact, water conservation, and carbon emissions.

Plan Element 3 – Development: The Built Environment

Section 3.2 the appearance and Design of Development, policies include "*Support "green" building design and design that delivers "above code performance" and is appropriate to the area.*" The proposed building is being designed to an apply for LEED Silver Certification

Plan Element 4 – Community and Public Facilities

This proposed campus supports work force for Northern Water which to an extent already exist in Grand County. *Encourage development in locations that minimize fiscal impacts on governmental service providers and direct growth toward areas that are efficient to serve.*

Plan Element 6 – Economic base

Northern Water supplies jobs to some of the fulltime residents in Grand County. *Expand the economic and tax base of the county through economic development opportunities by supporting the growth of existing and new business and appropriate industry.*

XIV. COMPLIANCE WITH CRS 30-28-110 LOCATION AND EXTENT VIA GRAND COUNTY ZONING REGULATIONS

In order to complete the "location and extent review" as detailed in § 30-28-110 C.R.S., Staff has used the existing language in our regulations using the provisions of: (1) Sections 11.2, which is review criteria applicable to all special uses that are considered by the County and (2) 11.8 (11), criteria that is specific to construction businesses, heavy equipment storage areas and earth-moving businesses:

11.2 CONDITIONS AND GUARANTEES

*Prior to the granting of any special use, the Planning Commission may recommend and the County Board shall stipulate such conditions and restrictions, upon the establishment, location, construction, maintenance and operations of the special use **as are deemed necessary for the protection of the public health, safety and welfare**[emphasis added].*

SECTION 11.8 (11) SPECIAL USES— Construction businesses, heavy equipment storage areas and earth-moving businesses

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

The proposed building is located in a valley east of US Highway 34, and south of County Road 40. At this location the building is approximately three-quarters (3/4) of a mile from US Highway 34. It is Staff's opinion that visibility of the structure will not require additional screening being mindfully tucked into the adjacent mountains in the surrounding landscape.

a. Truck traffic to and from such use shall not create hazards to Residential and Tourist areas.

As detailed in the application package, the amount of employees have a minimal impact. This is a route to Willow Creek Reservoir which is a popular summer recreational area. It is Staff's understanding that the amount of heavy truck traffic will not create hazards to Willow Creek Reservoir as the nearest tourist area. If this provision is tied to Residential and Tourist zoning districts, it is also surrounded by Forestry and Open District lands adjacent.

b. Truck traffic to and from such use shall not unduly damage public road.

Traffic created by this use is projected add approximately 90 Average Daily Trips (ADTs). The application letter noted 30 full time equivalents (FTE). Using that number, a rudimentary calculation using information from the 8th Edition of the Institution of Transportation Engineering Manual, Staff arrived at a trip generation of 91 ADTs. Staff also received traffic counts from September 2-9, 2015 done by Grand County Road and Bridge which show 210 ADTs on CR 40. Based on these numbers, Staff could assume the need for a new State Highway Access Permit at the intersection of CR 40 and US Highway 34 will be required and shall be applied for prior to construction of the new facility.

c. The use shall not create offsite negative impacts such as water pollution, noise, dust, glare and odor.

The proposal details that the facility is intended to contain 30 full time equivalent (FTE) employees and could on occasion have gatherings with 120 people.

These conditions are to be addressed:

d. A narrative statement describing the operation

Several memos from the different disciplines which composed the design team give detail to the different components of construction and operation of this campus.

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

The schematic design drawing details all this information including the location of the offices, vehicle storage and other accessory use facilities needed to make this campus function. There is also a preliminary landscape and civil site plan which gives full detail to the onsite improvements to contain surface water drainage.

f. A vicinity map.

Staff has included the land survey plat (Attachment D) which contains its own vicinity map in addition to those created by Grand County Staff.

g. A screening plan.

The proposed site location is far enough from the US Highway 34 Corridor which protects the site from breaking any important visual landscape views.

XV. STAFF RECOMMENDATION

Staff recommends the Planning Commission approve of the Northern Water Granby Campus with the following conditions:

- 1) An application for a Highway Access Permit shall be submitted to Colorado Department of Transportation (CDOT) for review and approval (if applicable) and shall be provided to Grand County. If no permit is required, Northern Water shall return a letter of compliance to Grand County Community Development.
- 2) A State issued commercial well permit shall be submitted to Grand County Community Development Department prior to any Certificate of Occupancy being granted.
- 3) A septic permit shall be submitted Grand County Community Development Building Division.
- 4) A CDPHE Storm Water Discharge Permit application and required materials for a CDPHE Storm Water Discharge Permit that will provided to CDPHE shall also be sent to Grand County in duplicate keep on file.
- 5) Exterior (outdoor) lighting to the extent possible for safety, lighting shall be hooded and dark sky compliant (downcast) to limit light pollution.
- 6) Identification signage shall comply with the Grand County Zoning Regulations.

Celine Walsh, Project Manager for Northern Water gave a presentation. Shared the history of Northern Water and how they have gotten to this point and why they are wanting to move forward with this project. Celine also shared a rendering of the building they are proposing.

Commissioner Shepton had a question regarding the conference room, will that be open to the public to use like the Granby Library?

Ms. Walsh replied that she believes there is some intent to have some public use, but is not sure of the full intent. We would like to see it be an amenity for the county as well. We understand there is not really a lot of large gathering spaces in the county.

Commissioner Fournet stated her only concern would be (maybe more of a Road & Bridge question), but with all the additional traffic that first mile of gravel road will require a lot of maintenance. Is it worthwhile to suggest putting asphalt down so the county is not on the hook for maintaining the additional road work. Talking about County Road 40.

Alex replied it is a publicly dedicated road. We can check with Road & Bridge, if the trips would meet the needs for any pavements.

Commissioner Fournet continued, even with the addition of all the construction traffic and equipment that is being housed at the facility.

Alex replied correct.

Commissioner Fournet stated she feels she would like to still stand with her recommendation that we look into pavement for the first mile.

Commissioner McNertney stated no questions.

Commissioner Shepton wanted to ask about the use of the facility. Are you moving staff that have jobs at other facilities to this area?

Ms. Walsh replied that the staff that was working out of the pump plant and Windy Gap will be working at this new facility.

Commissioner Shepton asked what the plans for the Windy Gap facility were?

Ms. Walsh replied I cannot speak to the full extent of future plans. I do not think it will change much as far as the function. I think it is more getting appropriate office space for employees and having everyone in one location.

Commissioner Graves stated this is a much needed upgrade.

Commissioner Karlstrom stated she appreciates that Northern Water is getting more involved in our county. She was surprised to see the list of all changes of Northern Water and all that they are expected to do. She was struck by the fact that Northern Water should be helping the whole state. My history with Northern is that they are established to help consumers and that is it. The history with Northern has been it is tough to get much investment with Grand County. After our fires she feels Northern is going to have to make some big investments to protect their water sources. Is any of this why you are setting up now more in Grand County?

Ms. Walsh replied we are wanting to make sure we are invested in the area of Grand County. It is a very important for us to help support the people of this area.

Commissioner Karlstrom stated, I hope that is what happens with you building this new facility in Grand County. That we have more and better communication and that maybe Northern will begin to understand the impact you are having in our county. Especially with the drying up of our water.

Commissioner MacDonald stated he feels part of the reason we have Business Districts for projects like this is because there is housing nearby, so I am curious if there has been any consideration of future stages of the potential of having onsite housing with this project development.

Ms. Walsh stated she did not believe so at this time, no. There has not been any discussion around housing.

Commissioner MacDonald continued I am not going to require it but I hope there can be some conversation about housing. This project will create a lot of traffic with employees needing to drive all over the county to get to this facility and it would be a big convenience for your employees to have close housing offered at least for some.

Commissioner Fitch stated no questions.

Commissioner Davis thanked Alex, stating it was a great introduction to why we are doing this project and a great presentation from Northern Water. With this being completely out of site, visually, the recommendations for the downward lighting, etc. are incredibly important. I would also recommend because you have people there 24/7 that there are considerations for night time lighting versus daytime, (off hour lighting), traditionally past 10 PM. Look at lighting as far as protocol for the group. This would be a follow up for Community Development. Most of the staff will be current staff they will just have a new home office.

Ms. Walsh stated they will be current staff, possible a few new employees brought in. It is really to get staff into appropriate office space and is one of the driving factors at one location.

Commissioner Davis added as far as utilities obviously you will be working through that. I understand where we are going with the County Road 40 discussion. We continue to get more and more traffic on these smaller side roads as we develop and I think this has already been added as a condition, but I want to echo a slightly different thought. As we look at the growth and as we look at those ADT's (average daily trips) and what is on them, does Road & Bridge have a different recommendation or have we had a very thorough conversation about what type of ADT those would be?

Chris Leahy, County Attorney, added I personally am uneasy with the recommendation on paving County Road 40. I worked extensively with Road & Bridge and there are many reasons why they do not want things paved. Such as long term maintenance to take care of the roads. Without Road & Bridge being involved, I would be reticent to include that as a condition (inaudible).

Commissioner Davis stated he fully agrees. My intention on this condition was to circle back with Road & Bridge to address the type of ADT's to make sure everything is covered with just Road & Bridge's question. As far as making a recommendation for a specific road type that is certainly not our role, the concern was dust mitigation that could be done in several different ways. Let's rethink how we word that condition.

Chris Leahy, County Attorney stated it sounds like you are suggesting what I would call an internal referral to Road & Bridge.

Commissioner Davis stated yes, to be completed before going to BOCC.

Chris Leahy, County Attorney stated this does not go before the BOCC. This will go to the Northern Waters Board. They are the board in this situation. I believe we still have a referral for CDOT. So you could still have a referral to Road & Bridge.

Commissioners Davis agreed and would still like to have the referral to Road & Bridge added to the conditions. Our role is statutory that we look at this request to make sure it falls within the perimeter of our Zoning and Master Plan and does it sit well within the community as it has been presented. I have heard nothing that says differently but would like to make sure it has been referred to Road & Bridge for review on County Road 40 as part of our condition. Does this solve it Chris?

Chris Leahy, County Attorney replied I believe it does, yes.

Commissioner Davis asked if there were any comments from the public, hearing none he asked for a motion.

Motion to recommend approval by Kim Shepton for Northern Water Campus – CRS 30-28-110 as presented with 1 new condition. Seconded by Ryan McNertney. No further discussion. All in favor "aye", none opposed. Motion carries.

Rural and Urban Growth Areas Discussion

Presented by: Jacob Cote, Planner I & Ryan Forster, Planning & Building Technician

GRAND COUNTY POPULATION TRENDS

Wednesday, March 10th, 2021

According to the Colorado State Demography Office's County Data Lookup database, Grand County's population as of 2021 is estimated to be **15,672**. This is an increase of **972** people since 2010, a **6.2%** increase in population. Per the same data source, Grand County's population is expected to grow to **17,745**, adding **1,983**, increasing the county's full-time resident population by **11.2%**.

These figures may not account for the past year's disruption to typical growth and migration patterns in Grand County. An increasing number of households are leaving urban areas for low-density, rural locations where remote work is possible; Grand County has become a popular destination for such households. COVID-19's impact on the County's population trends is yet undetermined, but the pandemic can be expected to significantly increase the population of the county's full-time residents.

Grand County's growth is comparable to the trends observed in peer and adjacent counties. Clear Creek, Eagle, Gilpin, Jackson, Pitkin, Routt, and Summit County's population trends were also analyzed, to contextualize Grand County's experience with population growth.

Grand County's growth has been typical of counties in the Colorado High Country, its rate of annual growth (as measured by gross population increase, not population increase relative to existing population) surpassed only by Eagle, Routt, and Summit Counties. These counties represent three of the four peer counties with higher total population in 2021 than Grand County; the fourth county is Pitkin County, where population change has been steady to decreasing in recent years.

Grand County's total population has steadily increased for the past 30 years with the exception of the Great Recession years in the early 2010's. All peer counties have experienced similar trends of continuously increasing populations with the exception of Jackson County, which has been steadily losing population.

The State Demography's Office data confirms the observed trend of increasing population in Grand County. More analysis is needed to accurately determine the regions of Grand County accommodating the greatest amounts of growth. The County's designated Growth Areas, intended to direct growth towards already-established towns and communities, will be analyzed and compared to one another and county-wide trends with the intent of determining which Growth Areas are most effective at guiding new development towards designated areas in the County.

It is Community Development Staff's intent to make this Growth Area analysis available in its entirety within the next few months for Commissioners' review. At this time, preliminary analysis has allowed Staff to make early presumptions about the Growth Area analysis' findings:

- Growth Areas are producing the parcel sizes desired based on density. Rural Growth Areas consist of larger, lower-density parcels, while Urban Growth Areas typically contain smaller lots, resulting in higher densities.
- A significant number of parcels in the Growth Areas thus far analyzed remain vacant. Only one growth area already assessed—Urban Growth Area 1, located east of Fraser—has a parcel vacancy rate lower than 17% (4.2%).
 - This observation was previously noted in the September 2020 discussion of Rural Growth Area 3's potential for amendment (the vacancy rate in RGA 3 is 17.6%).
- Large Metes & Bounds parcels are included in the designated Tabernash Growth Area. The table below excluded these parcels from analysis to prevent extrapolative skewing of data.

Growth Area	Vacant Land %	Number of Parcels	Total Acreage	Average Parcel Size
RGA 1	27.16%	950	2,449	2.58
RGA 2	56.08%	653	4,817	7.38
RGA 3	17.38%	278	1,558	5.60
Tabernash GA	31.39%	532	1,340	1.75* excluding vacant M&B and Conservation Easement
UGA 1	4.22%	1,945	1,998	1.03
UGA 2	27.79%	1,767	3,145	1.78

The observed—and projected—growth of Grand County’s population should warrant a closer examination of the County’s designated Growth Areas in the coming months. The goal of such examination should be to determine the merits of the existing Growth Areas, identify the benefits and detriments of their locations and corresponding policies, and create recommendations for future amendments to the Growth Areas so population growth in the County can be effectively managed.

Community Development Staff is interested in learning which population datasets most interest the Grand County Planning Commission so future analysis of our designated Growth Areas can be pointed and effective.

Commissioner Fournet stated no comments.

Commissioner McNertney stated he thinks we should look at more specifically what Growth Areas we are seeing more growth and what areas we are not seeing a lot of new growth. Then we can use the areas to determine if there are any tweaks needed.

Jacob replied thinking about the efficacy of each Growth Area. A conclusion we came to from our September 2020 discussion was the Urban Growth Area 1 seems to be the most built out of the growth areas. Urban Growth Area 1 covers everything south of County Road 8 and east of Fraser.

Commissioner Shepton stated when I was reading through the Master Plan they were stating specific items and then it stated implementation-no specific action. We put together the Master Plan but we are not sure how to implement action to help with the housing per job sector ratio. Is this something we can ask the Planning Department to look at, that is the Master Plan and start making some specific action plans? This is a concern as we get more second home owners, because these parcels are huge, 7.38 parcel sizes in Urban Growth Area #2, which brings in second home owners building large homes. Which is great, but with increases in the job sector, we need more affordable homes. We have made suggestions, we are encouraging more developers to have some area set aside for local residence (affordable homes). Can we encourage smaller homes on lots that are purchased so they can subdivide the lots to have 2 homes on 1 lot then? So the people that help service Grand County can afford to live in Grand County.

Robert Davis stated we are looking at a number of ways to look at affordable housing. For example, we will be presenting our Minor Subdivision Regulations soon. Commissioners had suggested deed restricting some lots as an incentive for affordable housing. We mentioned in 2018 reducing the 60% open space for multifamily, particularly in the Growth Area. We think by looking at our Growth Areas it is going to give us a lot of ideas for looking at Subdivision Regulations and making amendments that will help increase more affordable housing in our community.

Commissioner Davis added he thinks we can continue to stay at a high level. In the last couple of years, we have seen so many regulations come in front of the Commissioners that have not been implemented. Some of the things that are being talked about like having the Housing Authority give a presentation and recommendations that we want to look for as far as fees or additions within the Zoning Regulations if there needs to be a collaborate effort. I think we need to pick 1 and laser focus to get something done. Pose the question back to Kim what is the laser focus item because we have Zoning Regulations and Subdivision Regulations. The Master Plan is the Planning Commission's document of where we want to direct the overall vision, but the application and execution is in a more tangible document. The Master Plan is an advisory document. We do need to review our Master Plan in the next couple of years. What are some of the key ideas that are going to help us within our authority as a Planning Commission as well as what we can look at to make real changes and not just ideas. What are the specifics we want to do to determine if there is a near or long term change?

Commissioners Shepton stated, along those lines, I know we don't have the authority but there was a 6 unit multifamily townhouse that were listed for 700-800 thousand dollars that does not lead to affordability.

Commissioners Davis stated that is not our authority.

Commissioner Shepton stated how can we word it to bring in more affordable housing.

Jacob added would a multi choice or another means of laying out some specific options be useful? We as staff could start listing off the most common forms of development/housing that we receive inquiries about. The number of calls we receive about tiny home communities or accessory dwelling units both can be relatively affordable housing options, if we do want to start moving forward with specific "action items".

Commissioner Davis stated I will put it back to you this way, I am a data driven individual. There are 2 means, 1 is here are all the problems what do you think we should do about it and 2, here is what we know and here is what we need to address. We are seeing both from staff and Commissioners through these discussions and my question is "what are we gleaning out of it"? What more do the Commissioners need so we have the right data? It seems like we are not remanding the problems but adding to them.

Commissioner Karlstrom asked Jacob, you stated in the Memo that the county's population is expected to grow to 17 thousand 745 but you don't state in what timeframe.

Jacob replied 2030, 9 years out.

Commissioner Karlstrom continued OK we are only adding under 2000 in the growth population, that number seems small but the percentages are higher because we are a small county. I was struck by the data that Pitkin County has not had a whole lot of growth, can this be delved into a little more? The prices in Pitkin County have gotten expensive. Was it because they did something to curb growth to protect their quality of life? Our prices are going up also, I am not sure if that is a factor in consideration for slowing growth. Also, I was wondering if there is a projected build out for Grand County, like how much water we have and how many more people can we serve? It seems like an overall consideration of build out due to limitations of resources is very important for us to learn about. I would not consider any more density at all, maybe except for affordable housing. What are ACS numbers?

Ryan replied, the U.S. Census American Community Survey (ACS).

Commissioner MacDonald stated he thinks second homes are increasing vastly faster than the population and that is a much more important variable to be considering because of the development. Population is increasing and will continue beyond the projections because of tele-commuting. We have growth areas in Winter Park and Granby including mobile home parks, I think we should be promoting Fraser and Winter Park so people are not creating so much traffic. I think our future growth areas need to be factored where utilities can be accessed so we avoid the Val Moritz issues that we see almost every month. The biggest variable in growth is property value. Our property growths are pretty much sky rocketing for the past 2 or 3 years and they will continue to do so. We have 8000 units that are in development that we know about right now. We only have 21,000 existing properties. That says a lot about how much developers have confidence in what is going to happen in this community. Winter Park is decreasing their open areas from 40% to 20% **for residential development, I think this is 1 suggestion. Winter Park also does a ½ of percent of each new house built goes to an affordable housing fund.**

Commissioner Fitch stated she has nothing new to add.

Commissioner Davis stated he had some data to add to our landscape. In local paper today, Hot Sulphur Springs pauses development. On 1 hand we have a town that has paused development except for single family homes and accessory units. "With the influx of conversations and questions from people wanting to come here, we need to get a handle on this stuff so that the long term productivity and sustainability of the community stays". Interesting concept.

Alex added first I have to disclose that I sit on the Hot Sulphur Springs Planning Commission. They made a moratorium on development as you have suggested. Partly because they do not know what their utilities capacities were. The focus of development is going to be around where utilities are available.

Commissioner Davis continued, we have a significant number of new homes and new housing being built which on the surface seems affordable until you get down to the nuts and bolts. If you can't get a mortgage for \$950 a month you will have to continue to pay rent for \$1400 a month. The original conversation here began because we wanted to look at changing the requirements for a subdivision to make it easier to build additional homes that don't meet the needs and do things easier if they were part of a growth boundary, etc. We need to be more specific as to where the growth is happening and which one of these rural urban growth areas the growth is happening in and then we can spur discussion on is it good enough or not. The one take away I got from this is infill. We still have a tremendous amount of infill to do in this urban and rural growth areas. There are areas where we are lower density and areas where when we try to bring in more density the neighbors are like not in my backyard. We want to make sure we go back to the Master Plan and use those guiding principles of Grand County that we have today. We want to focus growth around the urban centers and the travel corridors. We want to make sure we are maintaining the reason that we all choose to live here. Do the colors of the houses blend in, are we maintaining our rural character while we are growing appropriately? Someone had brought up product. What product is selling? Development is a business. Data from a realtor, there are currently only 47 available houses in the entire county for sale. I have talked to 20 people who have either bought or sold a home in the last couple weeks. They are forgoing appraisals, they are forgoing home inspections, and people are coming to the table and paying the cash difference. The goal to purchase in Grand County is so astronomical, when a house hits the market it is gone fast. The product that is selling is for people to get out of the city and/or to have that 2nd or 3rd home. Let's see where the infill is happening and where it is working. Let's do see where we may or may not need to consider addressing the existing growth areas. Our growth area based on the data you presented, for the

time being we have sufficient growth areas. The piece we are struggling with is the development and the new buildings that are coming in are not of a nature for general Grand County residents. Someone who is going to work and support the tourism growth that we are seeing. How do we address that, obviously the Highway 34 corridor and the 125 corridor bring that into a bigger light. My feedback with the additional data I provided, if we are to make some changes we have to have dashboard, what is the current state of affairs. If we could see this once a quarter. Maybe correlated to Building Permits with this type of product and people are we winning or losing. Are we winning or losing for local folks? Let's add this to the mix. Where do we need to go next, let's get better data and understand if we are winning or losing, how do we define that? I would recommend to Community Development, figure out the metrics that tell you if you are winning or losing as a county, data not opinion. Are we outgrowing our ability to support the economy that is growing within the county? Are we able to keep up with the growth? Are we able to do it in a manner where we still like to be here? Are we doing it in a manner where we are not pushing ourselves to bedroom communities to support our activities? Are we growing correctly?

Commissioner Graves stated as far as he is concerned Grand County is affordable housing. If I had my house here in Summit it would triple in value. Grand County will never grow as fast as our adjacent neighbors. I think most of us do not really want it to. I want to see organized development. On the east side I see people wanting to save the open space but they want loads of affordable housing. Our roads cannot handle our current population as it is now. On tiny homes, I am against it, they are generally just being stored in a RV storage facility because folks don't realize how hard it is to live in a closet. Encouraging or inviting growth rubs me the wrong way.

Commissioner Karlstrom asked for Kris Manguso's comments.

Board of County Commissioner, Kris Manguso stated that Planning Commission/Staff are the think tank for Grand County. We are looking at a whole lot of different things and we don't have the answers either. I can tell you a Master Plan update is not in the foreseeable future, due to budgetary concerns. We are trying to figure out a way to hire/replace employees in the county government, because it is hard to house people in Grand County. We are trying to do a regional housing authority. Kris will take this back to Ed Moyer, Acting County Manager, I think there is a disconnect. Us as County Commissioners and you as Planning Commissioners, we need a better communication system. I don't know what that is but I appreciate you asking me. I think we will be more effective if we communicate. I appreciate all the thoughts, I am impressed.

Commissioner Shepton stated I wanted to reiterate, when we have the Master Plan there is a lot of good, but the implementation kept saying no specific action. If we get the data and the needs assessment then we have to get some action plans going. Can we stop calling it tiny homes and maybe call it smaller homes. We are not talking about a home on wheels that you drag behind your truck. We are looking for smaller homes that are more affordable but stay on the land. Homes that are under 400 square feet not 100 square feet. Perhaps we need a slogan that will encourage people to build for tourism, because we like the tourism we like the dollars.

Commissioner Davis stated we talk tiny homes, because there is a category called tiny homes that has been a topic of conversation. There is also a second topic which is right sized homes that are affordable for the right product.

Commissioner Graves stated the affordable housing units that I am working on in Breckinridge/Keystone range from 350-900 square feet are jammed into the area and most are like a large dormitory room. It is basically a small room to stick employees in there. They are still paying \$1,800 a month. Some are paid for by the resorts some are individual investors.

Commissioner Davis concluded what does staff think the takeaways are?

Robert Davis responded, what we wanted to do was bring up the numbers of where is the growth occurring now and where is it likely to occur in the future. You provided us with a lot of good questions for us to follow up on. Are we retaining rural character as we grow? Where is infill occurring? We had started an infill analysis back in September, we will complete this analysis. We are going to take a hard look at building permits and be able to discuss the product that seems to be prevalent in the county right now. Then your big question was are we winning or losing regard to local folks? I know Ingrid has been bringing up a question about water availability and one of the things we want to do at the end of the day is to look at all our growth areas and look at the water and sewer districts and then look at a three mile radius from the towns and then put all that together on a GIS map and see where the gaps are. The Commissioners gave us the information we are looking for to move forward.

Commissioner Davis stated there is a very interesting take on all that data. Get this put together and get it to the Commissioners, both Planning and Board of and publish it. Because people who are looking for investment and want information about the county, we need to make that available. Knowing what the data is and where the opportunity's (roads, water, and housing) lie, advertise it. Advertise your need.

Jacob asked, when we talk about product that sell, I think this is a very good point. What are people buying and what is in demand? What is our opportunity for housing?

Commissioner Davis asked where are the gaps and what are the opportunities.

Meeting adjourned at 9:41 pm
