

GRAND COUNTY PLANNING COMMISSION
WebEx MEETING MINUTES

Wednesday, May 12th, 2021

MEMBERS PRESENT: Marcus Davis Will MacDonald
 Ingrid Karlstrom Bob Gnuse
 Tara Fournet Ryan McNertney
 Deborah Fitch

MEMBERS ABSENT: Kim Shepton Ralph Graves

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

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

Minutes from April 14th, 2021 were presented. Motion to approve by Ingrid Karlstrom. Seconded by Bob Gnuse. All in favor, “aye”. None opposed, April, 2021 minutes approved.

Robert Davis, Director Community Development announces that unfortunately Alex Taft and Jacob Cote have resigned from Grand County Community Development. Their last day with us will be Friday, May 28th.

There were 5 members of the Public in attendance by WebEx for the May12th meeting.

Lots 1 & 3 Aspen Pines Acres Subdivision – Amended Final Plat – Paul Becay

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION MAY 12, 2021

Project Name	Becay Homestead Amended Final Plat
Applicant	Paul Becay
Location	Lots 1 and 3, Aspen Pine Acres <i>Commonly known as:</i> 45 Grand County Road 492
Zoning	Forestry/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. Aspen Pine Acres Final Plat, Reception no. 83601 E. Vicinity and Detail Maps F. Title Commitment effective February 3 rd , 2021 G. Property Tax Receipts
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Amended Final Plat to combine two adjacent, jointly-owned parcels to increase the amount of land on the property on which to construct a single-family dwelling, since a portion of the lot is too wet to build upon.

Background and History

The family of Paul Becay (the Applicant), has owned Lots 1 and 3 of the Aspen Pine Acres subdivision since 1950’s, when Paul’s father, John Becay, traded a bulldozer (John Becay owned an excavation company) to Fairman Wallace Taber, the original platter of the subdivision, in exchange for five or six of the newly-created parcels. Mr. Tabor then used the newly-acquired bulldozer to create the roads for the subdivision. Paul Becay gained full ownership of the parcel in January 2021 per Trustee’s Deed recorded at Reception no. 2021-000949.

The parcels are currently both approximately ½ acre in size, and the parcel on the east (Lot 1) hosts a single-family dwelling built in 1937. The property created through this Amended Final Plat would be serviced by well water and Three Lakes sanitation, and is in the Three Lakes Design Review Area. There are no utility easements on the property.

The Aspen Pine Acres Final Plat was recorded October 17th, 1956 at Reception no. 83601. It was originally platted with 32 parcels. The subdivision rests in the Kawuneeche Valley just west of the Colorado River, directly north of the Winding River Resort. The subdivision—like all subdivisions in the Kawuneeche Valley—was severely impacted by the East Troublesome Fire, but the Applicant’s property did not burn.

Purpose of Request

The Applicant is pursuing this Amended Final Plat to combine two adjacent parcels—both of which are owned by the Applicant—to increase the buildable area and eliminate the potential of front, side, or rear yard encroachment. Both lots are very flat, and Lot 3 tends to hold surface water, making it too wet to build on. It is the Applicant’s intent to construct a new home where the lot line separating Lots 1 and 3 currently exists.

Staff Comments and Analysis

This Amended Final Plat application is consistent with most AFP applications submitted to Grand County Community Development staff in that it is a request to combine adjacent lots, increasing the buildable area for the Applicant. The difficulty of developing on Lot 3 due to the parcel’s tendency to hold water makes an

Amended Final Plat removing the interior lot line separating the two parcels the most practical means of encouraging development on the property.

The Preliminary Plat provided by the Applicant shows utility easements corresponding to the north, west, and east property lines. These easements were added to the Preliminary Plat at the discretion of the Applicant's contracted surveyor, Warren Ward, to ensure compliance with requirements that all newly-created lots have easements and public access. After receiving this explanation from Warren, staff has recommended that the width of the easements be adjusted to more accurately reflect which of the property's "yards" are going to be the "front", "side", and "rear" yards.

Compliance with Zoning Regulations

Section VI – Forestry and Open District

- §6.1 Uses Permitted** Intended uses of the property shall be in compliance. (§6.1.1)
- §6.2 Minimum Area of Lot** The minimum lot area permitted in the Forestry and Open Zoning District on properties outside of Growth Boundaries is five acres. The parcel created through this proposed Amended Final Plat would not comply with this regulation, but the Amended Final Plat would reduce the non-conformity to the greatest possible extent. (§6.2.1)
- §6.3 Minimum Lot Width** Minimum lot width of parcels in the Forestry and Open Zoning District is 200 feet. Because the parcel created through this Amended Final Plat would be a corner lot at the intersection of County Roads 491 and 492, the front yard will be considered the yard adjacent to GCR 492, where the lot width is 147 feet. The Applicant's intent is to access a single-family dwelling from GCR 491, however, where the lot width will be 297 feet. The property width will not be in compliance with Grand County Zoning Regulations and is considered pre-existing non-conforming, and it will remain pre-existing non-conforming following recording of this Amended Final Plat.
- §6.4-6 Minimum Yards** The Amended Final Plat is intended to eliminate any potential encroachment upon required side, front, or rear yards. The structure(s) built on the property 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

Aspen Pine Acres Lot 1A

A Replat of Aspen Pine Acres Lots 1 and 3

**According to the Final Plat recorded October 17, 1956 at Reception no. 83601
Located in Part of Section 25, Township 4 North, Range 76 West of the 6th P.M.
Grand County, Colorado**

- §4.3 (2) (b)** The legal descriptions shall be written as follows:
Aspen Pine Acres Lot 1A
- §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.
Preliminary Plat shows 20' rear utility easement along north property line and 10' side utility easement along east and west property lines. Aspen Pine Acres Final Plat shows no platted utility easement; however, newly-created lots must include utility easements. The utility easements corresponding to the east and west property lines shall be 20' each in width, and the utility easement corresponding to the north property line shall be 10' in

(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 requirement has been met.
- §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.
This shall be placed on the Final Plat Mylar. The final address for Lot 1A shall be 45 GCR 492.
- §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 **May 12th, 2021**.

Staff Recommendation

Staff recommends approval of the Amended Final Plat, Aspen Pine Acres Lot 1A. 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. Utility easements shall be amended on the Final Plat as recommended before final recording (see (d) above).
3. The Dedication shall be amended as recommended (see (k) above).
4. The Surveyor's Certificate shall be amended as recommended (see (l) above).
5. The approved property address of 45 Grand County Road 492 shall be placed on the Final Plat Mylar as recommended (see (w) above).
6. An electronic copy of the Final Plat shall be submitted as recommended (see (y) above).
7. All recording fees are to be paid by the Applicant.
8. A Quit Claim Deed to describe the amended legal description of the parcel shall be completed and recorded with the Grand County Clerk and Recorder's Office.

Commissioner MacDonald asked if this property is in a Growth Area. Can staff please confirm?

Jacob replied, that this property is not in a Growth Area, this property is too far north.

Commissioner MacDonald then stated he does not see a hardship for building on these lots. Excavation on a house build would fill in any low lying area pretty easily. If it is not in Growth Area then I am not that concerned.

Commissioner Karlstrom asked will they have Three Lakes Sanitation but not water.

Jacob replied, that is correct. My understanding is the water service for Three Lakes only extends to the limits of the town. This property is a few miles north of town.

Commissioner Karlstrom asked if the roads are correct on the plat. 491 is south and 492 is east?

Jacob replied, the road names that are shown on the overlaying plat are incorrect. The text on the satellite imagery shows the correct road numbers.

Commissioner Karlstrom asked which is the front lot of the property.

Jacob replied, per our zoning definitions, the east property line is the front yard, County Road 491.

Commissioner Karlstrom asked will the address be County Road 491.

Jacob replied the address is yet to be determined.

Commissioner McNertney stated on the preliminary plat, you showed under Amended Lot 1, there is an address 45 Grand County Road 452 (which I don't think is right) and it also says original Lot 1 and original Lot 2 and the west lot says Lot 3.

Jacob replied, thanks for catching this. I will make a note to change this.

Commissioner Karlstrom asked will this be called Amended Lot 1A then.

Commissioner Davis added, you can either say Amended Lot 1 or Lot 1A. Let's just be consistent.

Commissioner Fournet stated no questions.

Commissioner Fitch stated no questions,

Commissioner Gnuse stated no questions.

Commissioner Davis stated this is a good solution for the property. This will not mess with the high traffic for moose. In this case it does make sense to have a better buildable area. As far as the existing cabin, it is a non issue as long as there is no water. How many conditions were added?

Jacob stated 2 conditions. 1. Correct original lot numbers to the parcels, seems we have been traditionally using A's rather than amended. 2. Correct the address, which I believe is Condition #6 as 45 Grand County Road 492.

Commissioner McNertney added, on the plat state's 45 Grand County Road 452.

Commissioner Davis asked should it be Grand County Road 491 or 492? Your Condition #6 just needs to be corrected so the plat has the correct address.

Maxine, Assistant County Attorney added, Three Lakes does not really have a water system, they just do waste water. Then they manage other water systems through Three Lakes.

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

Robert Davis, Director wanted to clarify that Condition #6 in the presentation is correct, it will be County Road 492 on the staff report, and Condition #6 needs to be corrected to say Grand County Road 492, instead of 491. We need to change the plat as well.

Motion to recommend approval by Ingrid Karlstrom. Lots 1 & 3 Aspen Pine Acres Subdivision – Amended Final Plat – Paul Becay with 2 Conditions and correction to Condition 6. Seconded by Ryan McNertney. No further discussion. All in favor "aye". None Opposed. Motion carries.

Lot A, Wildacres First Filing, Lot 5 and Lot 6, Block 5 Amended Final Plat

Presented by: Jacob Cote, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION MAY 12, 2021

Project Name	Amended Final Plat, Lot A, Wildacres Subdivision
Applicant	Stephen and Patricia Trunck
Location	Lot A, Amended Final Plat Lot A, Lot 5 and Lot 6, Block 5, Wildacres Subdivision, First Filing
Zoning	Residential (R)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations
Attachments	<ul style="list-style-type: none"> A. Development Application B. Project Narrative C. Proposed Amended Final Plat D. Amended Final Plat Lot A, Lot 5 and Lot 6, Block 5, Wildacres Subdivision, First Filing, Reception no. 2005-007430 E. Wildacres Subdivision, First Filing Final Plat, Reception no. 91063 F. Vicinity and Detail Maps G. Warranty Deed, Reception no. 2005-008041 H. Title Commitment effective March 3rd, 2021
Staff Planner	Jacob Cote, Planner I and Alexander Taft, LEED Green Associate
Request	Approval of an Amended Final Plat to remove the no-build zone and building envelope from Lot A, and to clarify access easements.

Background and History

Stephen Trunck, herein referred to as the “Applicant”, has owned Lot A, Block 5 of the Amended Final Plat Lot A, Lot 5 and Lot 6, Block 5, Wildacres Subdivision, First Filing since July 15th, 2005 per Warranty Deed recorded at Reception no. 2005-008041. The parcel is approximately 2.3 acres large and is undeveloped. The subject parcel will be serviced by Three Lakes Water and Sanitation District, public sewer and water via State issued well permitted.

The Wildacres, First Filing Final Plat was recorded March 8th, 1960 at Reception no. 91063. Lot A was then subject to an Amended Final Plat in 2005 (recorded at Reception no. 2005-007430), as well as Lots 5 and 6 of the subdivision. This Amended Final Plat was intended to make Lot 6 developable, so Lots 5 and 6 were increased in size while Lot A was decreased in size.

Purpose of Request

The Applicant is pursuing this Amended Final Plat to eliminate the platted Building Envelope and No-Build Zone designated in the 2005 AFP.

Staff Comments and Analysis

This Amended Final Plat application is consistent with most AFP applications submitted to Grand County Community Development staff in that it is a request to combine adjacent lots, increasing the buildable area for the Applicant. This increase in buildable area will also make easier the establishment of well and septic systems on the parcel.

Compliance with Zoning Regulations

Section IV – Residential District

- §4.1 Uses Permitted** Intended uses of the property shall be in compliance. It is Staff’s understanding that a single family residence will be constructed by a new owner. (§4.1.1)
- §4.2 Minimum Area of Lot** The minimum lot area permitted in the Residential Zoning District when served by either public water or public sewer is 15,000 ft² (.34 acres). The parcel created through this proposed Amended Final Plat would be in compliance at 2.28 acres (99,316 ft²).
- §4.3 Minimum Lot Width** Minimum lot width of parcels in the Residential Zoning District when served by either public water or public sewer is 60 feet. The parcel complies with this minimum requirement.
- §4.4-6 Minimum Yards** The Amended Final Plat is intended to eliminate any potential encroachment upon required side, front, or rear yards. The structure(s) built on the property shall be in compliance with the required yards.

Section XIV – Three Lakes Design Review Area

A Plat note shall be added stating: *This proposal is located within the geographic area of the county known as the Three Lakes Design Review Area and is subject to all design criteria of the overlay zoning district.*

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:
2nd Amended Final Plat
Amended Lot A, Block 5 Wildacres First Filing Subdivision
A Replat of Amended Lot A, Wildacres First Filing Subdivision
According to the Amended Final Plat, Lot A, Lot 5, and Lot 6, Block 5 Wildacres First Filing recorded, at Reception No. 2005007430
Part of Section 13, Township 3 North, Range 76 West of the 6th P.M., County of Grand, State of Colorado
- §4.3 (2) (b)** The legal descriptions shall be written as follows:
Amended Lot A, Wildacres Subdivision
- §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.
The name of the street adjacent, commonly known as Meadow Road, shall be labeled GCR 445 (Meadow Road).
- §4.3 (2) (f)** Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.
A thirty foot (30’) width easement which exists along the County Road shall also be clearly labeled.
- §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.

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 provision is non-applicable as these were submitted with the review of the total subdivision proposal and amended final plats do not meet the threshold for these reviews.
- §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.
The existing address shall be placed on the Final Plat Mylar.
- §4.3 (2) (x) Statement of taxes due showing current taxes paid.
This requirement has been met, taxes were paid in full March 23, 2021.
- §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 **April 14th, 2021**.

Staff Recommendation

Staff recommends approval of the 2nd Amended Final Plat, Amended Lot A, Wildacres First Filing Subdivision. The following conditions shall be met prior to the recording of the Amended Final Plat:

1. A Plat note shall be added stating: This proposal is located within the geographic area of the county known as the Three Lakes Design Review Area and is subject to all design criteria of the overlay zoning district.
2. The Title of the Amended Final Plat shall read as shown in this recommendation [§ 4.3 (2) (a)].
3. The name of the street adjacent, commonly known as Meadow Road, shall be labeled GCR 445 (Meadow Road) [§ 4.3 (2) (e)].
4. Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially as shown in this recommendation [§ 4.3 (2) (k)].
5. The existing address shall be placed on the Final Plat Mylar [§ 4.3 (2) (w)].
6. An electronic copy of the Final Plat shall be submitted as recommended (see (y) above).
7. All recording fees are to be paid by the Applicant.
8. Quit Claim Deeds to describe the amended legal description of the parcels shall be completed and recorded with the Grand County Clerk and Recorder's Office.

Commissioner Davis asked if the applicant, Mr. Trunck had an opportunity to review the Certificate and if he had any questions or concerns.

Mr. Stephen Trunck stated he had reviewed the Certificate and had no questions at this time.

Commissioner MacDonald stated it looks like some of the overlays show the driveway going through a neighbor's lot. It could be the way the overlays tend to be incorrect at times on the Parcel Viewer site. Just verifying in case we need to add as a condition.

Mr. Trunck replied, it is actually the access to the lot. There is a county road above and a road that Road & Bridge does not intend to develop that was for a fire access, but it is still a county road. I spoke with Road & Bridge and they were fine with adding a driveway and meeting Driveway Standards. This driveway will not be infringing on anything except the existing county road.

Commissioner MacDonald stated everything next to Mr. Trunck's lot looks fine. I am looking at the top left corner of the overlay shown, which seems like it deviates from the county road and goes into a neighbor's lot.

Mr. Trunck replied, there is a county road that comes off an existing county road that has not been developed. I do not believe the county will develop that road, nor does Road & Bridge intend to develop it. This would be the access to the lot and it would be what was designated to the county road. They want me to make sure that I meet the driveway access and that I hit those standards for the grade, width, etc.

Jacob added, we could always include a condition that the application verify that the driveway is not on his neighbor's property. Mr. Trunck is going to apply for a formal driveway permit for his property. Through that process, Road & Bridge and Community Development we will be able to verify that the new driveway would not infringe upon his neighbor's lot.

Commissioner MacDonald replied, he is fine knowing that his concern with the driveway will be reviewed by Road & Bridge.

Commissioner Davis added, if there is a conflict found, make sure that an easement is reached and recorded with the plat.

Commissioner Karlstrom asked, now that the non-buildable area and the building envelope are gone, is there still going to be unbuildable areas on the property? Will the Building Department help decide if they can build where they want to build?

Jacob replied, yes.

Commissioner McNertney stated he picked up an addressing error, on page 5 of the Certificate. The name of the street commonly known as Meadow Road should be labeled as County Road 445.

Jacob replied, is the common name or the county road name incorrect? Can we add this as a condition?

Commissioner McNerney replied the County Road is incorrect. Staff Recommendation #3 has the same road number. I am confident the road number is wrong, because I have a house in Grand Lake that uses 445 and that is a mile south of this piece of property. I am OK with a Condition that asked for verification of the address.

Commissioner Fournet stated no questions.

Commissioner Fitch stated no questions.

Commissioner Gnuse stated no questions.

Commissioner Davis stated no questions. He then asked if there was any public comments. Hearing none he asked for a motion.

Motion to recommend approval by Tara Fournet for Lots A, Wildacres First Filing, Lot 5 & 6, Block 5 Amended Final Plat – Stephen P. Trunck as presented plus 1 condition. Seconded by Ingrid Karlstrom. No further discussion. All in favor "aye", none opposed. Motion carries.

Part of Tract 5 & Part of Tract 6, Grudgel Subdivision – Amended Final Plat – Ryan & Theresa Brock

Presented by: Taylor Schlueter, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION MAY 12, 2021

Project Name	Gudgel Subdivision Tract: 5-6 E125ft of Tract 5 & N50ft of The E125ft of Tract 6: Amended Final Plat
Applicant	Brock, Ryan & Theresa
Location	Gudgel Subdivision Tract: 5-6 E125ft of Tract 5 & N50ft of The E125ft of Tract 6:
Zoning	Residential (R)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations, Three Lakes Design Review Area Regulations
Attachments	H. Development Application I. Project Narrative J. Proposed Amended Final Plat K. Gudgel Subdivision, Reception #56512 L. Site Map M. Warranty Deed, Reception no. 2019008140 N. Title Commitment effective March 18th, 2021 O. 2020 Property Tax Receipt
Staff Planner	Taylor Schlueter, Planning Technician
Request	Approval of an Amended Final Plat to allow for a residence to be rebuilt in slightly north of its original location preceding the East Troublesome Fire

Background and History

Ryan & Theresa Brock, herein referred to as the “Applicant”, has owned Gudgel Subdivision Tract 5A since July 15th, 2019 per Warranty Deed recorded at Reception no. 2019008140. The Gudgel Subdivision was recorded November 5th, 1941 at Reception no. 56512.

The parcel is 0.574 acres and is currently undeveloped as the house that was built in 1993 was destroyed in the 2020 East Troublesome Fire. The property is serviced by Three Lakes Sanitation infrastructure and well water.

Purpose of Request

This Amended Final Plat is intended to allow the 1993 house to be rebuilt near its historical footprint, which was bisected by the line between Gudgel Subdivision Tracts 5 & 6.

Staff Comments and Analysis

This Amended Final Plat application is a request to combine portions of two adjacent lots to create a third lot, so that the 1993 house destroyed in the East Troublesome Fire can be rebuilt in its historical location, straddling the lot line between original Gudgel Subdivision Tracts 5 and 6.

The subject parcel is surrounded by residential uses on all sides. Access to the site will be provided by the existing driveway.

Compliance with Zoning Regulations

Section IV – Residential District

- §4.1 Uses Permitted Intended uses of the property shall be in compliance. (§4.1.1)
- §4.2 Minimum Area of Lot (3) On subdivided land served by either public water or public sewage facilities
15,000 sq. ft.

- *Proposed lot is 25,003 sq. ft. (0.574 acre)*

§4.3 Minimum Lot Width (3) On subdivided land served by either public water or public sewage facilities
60 feet.

- *Proposed lot is 125 feet wide*

§4.4-6 Minimum Yards 4.4 MINIMUM FRONT YARD 30 feet
4.5 MINIMUM SIDE YARD 5 feet
4.6 MINIMUM REAR YARD 20 feet

- *Proposed lot will meet all minimum 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

**TRACT 5A, GUDGEL SUBDIVISION BEING A PORTION OF TRACTS 5 AND 6,
GUDGEL SUBDIVISION, LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 1, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE SIXTH PRINCIPAL
MERIDIAN, COUNTY OF GRAND, STATE OF COLORADO**

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

Amended Final Plat

TRACT 5A, GUDGEL SUBDIVISION

§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 **Ryan & Theresa Brock** are the owners of that real property, more fully described as follows:

GUDGEL SUBDIVISION Tract: 5 - 6 E 125FT OF TRACT 5 & N 50FT OF THE E

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 requirement 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.
- *This requirement has been met.*
- §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 **May 12th, 2021**.

Staff Recommendation

Staff recommends approval of the Amended Final Plat 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 Dedication shall be amended as recommended (see (k) above).
3. An electronic copy of the Final Plat shall be submitted as recommended (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 parcels shall be completed and recorded with the Grand County Clerk and Recorder's Office.

Commissioner Fournet asked if this project is 4 separate lots now.

Taylor showed a map from his presentation and stated the area in red that was deeded in 1967, established 2 lots, 1 on other side of the dotted line. The Lot inside the rectangle, those are 2 lots. Directly south of the red box is another lot and lot on the western portion, Tract 5 and Tract 6 are 2 lots, owned by the same person.

Commissioner Fournet asked are all 4 lots owned by the same person and how many homes were burned in the fire?

Taylor replied, the only home burned in the fire is the Williamson residence. To be clear it is 5 lots currently.

Commissioner Fournet continued, the east Tract 6 is not losing any land with this combining of lots?

Taylor replied, that is correct. The lot on the eastern portion of Tract 6 was deeded prior to zoning regulations.

Commissioner Fitch stated no questions.

Commissioner Gnuse asked, the illustration that is being shown shows a ditch that cuts through the property from northeast to southwest. In your Certificate you show setbacks that go along with the ditch line. Where will the new house be built? Will it be on the same foundation and was that existing house location encroaching on any of the setbacks for the ditch?

Taylor replied, my understanding is the applicant intends to rebuild the house slightly south of where the original footprint was. No plans have been submitted but I believe that is the plan to solidify the buffer between the house footprint and the ditch.

Commissioner Gnuse continued, the new house when built is going to be subject to whatever setbacks are required to stay off the ditch line as well as setbacks on the property, front, rear and side.

Taylor replied that is correct.

Commissioner MacDonald asked, since this is the same owner, can we force the elimination of the plat line that makes the lot to the left or west nonconforming, since it is inaccessible from anywhere.

Taylor replied, the left half of the Tract 5 and Tract 6 is under common ownership. The intention of the applicant is not to eliminate the lot lines on this Amended Final Plat.

Commissioner MacDonald thought since the owner was present it would be an opportunity to clean up the non-conforming lot also.

Alex added, to clarify, the west portion of Tract 5 and Tract 6 is under separate ownership from what is under review in this plat.

Commissioner Davis added, you should add to the file for Gudgel Subdivision, that if the west portion of Tract 6 were ever to sell, it would be inaccessible.

Taylor added he needed to clarify, the west portion of Tract 5 and the west portion of Tract 6 are 1 common ownership.

Commissioner Davis added, when you look at your plat, the southwest property has no access. What Commissioner MacDonald is trying to accomplish here is the Planning Commission is not allowed to create a non-conforming lot. Because it is not part of this presentation, and it is under separate ownership we are not concerned about this. You might add a note in the file that if those portions of property are ever sold or separated then there would have to be an easement for access.

Commissioner Karlstrom stated she thought she read somewhere that originally the property was 4 squares. Whoever bought the outline tract wanted more land, wasn't this in the history? She thought she read that they wanted to augment the upper east lot.

Taylor replied, I have not come across any evidence that the property was split into 4 equal parts of Tract 5 and Tract 6. The existing lot line does remain (the section outlined in red) because it was deeded prior to 1970.

Commissioner Gnuse added, at one point Taylor mentioned that we had 5 lots. We have Lot 5 and then the lower southern portion of Lot 5A, which was added on (which is a separate lot), so there are 2 lots. Then there was lot below if that is 3. Then you have the 2 lots on the west side, so that is 5 lots. So we are going to vacate that lot line between the old Lot 5 and Lot 6 and now it will be called Tract 5A.

Taylor replied, correct.

Commissioner Davis added amazing things happened pre-regulations. You just transferred the land by deed and no one followed up with the plats. I am guessing this will not be the only set up like this that we will see, so maybe a good idea to chat with the Board of County Commissioners on how to best help out these homeowners that lost their houses in the fire and to work through these processes and get the plats cleaned up.

Commissioner Karlstrom stated she was not sure who owned what lot. The plats did not have owners names associated with them.

Commissioner Davis, added the names should be on there. You have reception numbers but not ownership.

Taylor replied, it was my understanding that both were not required for this process.

Alex added we can go back and look if having both the owners name and reception numbers on the plat are required. I could not find Final Plat language that required it. We could have a discussion with the surveyor to focus on the Brock's property.

Commissioner Davis added, I do believe, in our Subdivision Regulations, if we look at plat language, I thought it called out specifically that adjacent property owners were to be labeled.

Commissioner McNertney stated no questions.

Commissioner Davis stated the question he has regarding the irrigation, with the ditch going through, what is the buildable area? There is a 30 foot setback on either side of an irrigation ditch, that is a big chunk of the property gone that will not be part of the buildable area.

Taylor replied, I do not have the calculation in terms of northwest and southeast portions of the property that are buildable. It is my understanding that potentially the existing footprint of the building encroached on the 30 foot setback.

Commissioner Gnuse stated the setback on either side is 21.5 feet not 30 feet.

Commissioner Davis added our standard water setback is 30 feet.

Alex added, back in January we spoke with the architect who, was working with the surveyor to start to get this project under design. We do not currently have drawings and the owners concern is the same as yours. The applicant wants to build in about the same footprint. There is a portion of the home or the foundation that is remaining and then the owner is going to trace back some lines as far as they can and find the corner that would have been the most encroachment and make sure that they stake away, removing the new home from encroaching on the water setback. The 21 feet is the maximum extent that they have measured out from.

Commissioner Davis added, we need to make sure that the setback is correct per Zoning Regulations and what it shows to me is the upper left of the northwest quadrant, with setbacks you would have a 60 x 60 chunk of land that you could build. The lot is 125 feet on the north side and 200 feet on the west and then the southeast portion just under 60 feet wide, so about 50 x 50 in the bottom right corner buildable area and about 60 x 70, so this property is still buildable. We need to update the setbacks for buildable area for 30 feet. Before you take it to Board of County Commissioners, you will need measurements for buildable area. There are ways around these ditches, sometime when communicating with ditch owners, the ditch can be rerouted. Let's add a condition that discussion about the Howard Ditch is had and that the setbacks from the Howard Ditch are updated to the mandatory 30 feet.

Commissioner MacDonald stated I thought setbacks are more for maintenance.

Commissioner Davis replied I am talking about the 30 foot water quality setback. So if nobody cares on water quality on this one, let's make sure we understand how that applies to an irrigation ditch.

Taylor asked, essentially you are saying that there might be a way to disregard the 30 feet because this ditch is primarily for the property owner.

Commissioner Davis stated not for the property owner, the property owner has no rights over the water. The owner of the Howard Ditch has priority. Let's add this as a condition to rectify the issues with the Howard Ditch to make sure the appropriate setbacks are included and another condition

prior to Board of County Commissioners is to confirm that the applicant is happy with their buildable area.

Robert stated that Maxine, Assistant County Attorney, stated she is not sure if the Planning Commission is aware of Resolution 21-1-29 where there was a temporary emergency planning & zoning waiver for permit fees and for homeowners affected by the fires. As part of that Resolution, we looked at Section 15.4 which is pertaining to non-conforming uses of buildings and we did include land which in the Resolution said “Legal non-conforming buildings will be allowed to be reconstructed, as long as any alterations do not increase the degree of non-conformity”. In this case one could argue that the building was situated X amount of feet away from the ditch and therefore, as long as it doesn’t encroach any closer, it would be allowed.

Commissioner Davis added I fully agree with that, however we are not allowed to record a plat in violations of the regulations. So although we are offering homeowners the ability to rebuild where it was, whether it was compliant or not is one thing, but because they have gone through the platting process, that kicks them in the fact that we cannot approve a non-conformance. Our Regulations state that if you have a non-conforming building and you do not increase the non-conformity you can rebuild on your current footprint. The extension with the Resolution is that people may or may not want to build in the same area, but as long as they are not increasing the non-conformity we are good to go there. Our regulations state that you can rebuild as long as 1 stick is still standing from the original building. If no sticks are left standing that Resolution gives the leeway to say Carte Blanche, let’s rebuild. Because we went through the platting process we cannot approve a non-conforming plat. It comes down to the ditch, how that goes through and does it meet the Water Quality Regulations. What you are saying is, we can plat it, we can approve a building permit, and it can go on non-conforming until the next time it shows up and I am fine with that. I would not be able to sign this plat when it came around to me if there was a non-conformance on it as far as setbacks, water quality and ditch location. Where the building is, it is not relevant for the Planning Commission. Ditch crossings, in the plating process, Section 2.13, it is talking about roads, etc., look through Section 2.13 in the Regulations. You are on the right track, just review before presenting to the Board of County Commissioners. We are adding 3 new conditions, 1. Confirm ownership of the Howard Ditch, the actual easement they want. 2. Confirm we are conforming to the appropriate setback line and 3. An adjustment of an existing condition to make sure the surrounding neighbors are labeled correctly per the requirements.

Robert Davis, Director, Community Development asked if Commissioner Davis is Ok with showing the points of setbacks on the plat?

Commissioner Davis stated no, we normally do not put those on the plat, and I do not remember which way we normally do this. Alex what is our standard?

Alex stated my thought is we leave them off because then if you have to request a variance, you also have to amend the plat.

Commissioner Davis stated he agreed. Section I under 4.22 in the Subdivision Regulations, the names of abutting subdivisions and the names of the owners of abutting unplatted properties, this is why we always add names.

Taylor asked if the neighboring properties qualified as unplatted.

Commissioner Davis replied, yes. By extension, that is why we always see names of ownership on the plats. It should not say “unplatted lot”, but what it is saying is all surrounding neighbors are either called out by subdivision name or by property owner name. It is poorly worded. Another

one in our Subdivision Regulations that made sense when it became habit, but when you look at it more closely you say the English language is better than this. We need to add a few words for clarification.

Commissioner Karlstrom asked for a further explanation of # 3 of the Staff Recommendations, "final plat shall reverse the original lot names shown on the plat with front lot lines to accurately reflect the original locations of Lots 1 and 2".

Taylor replied, that it is not supposed to be there and there is an updated version in the Dropbox.

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

Motion to recommend approval by Tara Fournet for Parts of Tract 5 & Part of Tract 6, Grudgel Subdivision – Amended Final Plat – Ryan & Theresa Brock with the deletion of number 3 and the addition of 3 new conditions. Seconded by Bob Gnuse. No further discussion. All in favor "aye", none opposed. Motion carries.

BIO-BREAK back at 8:05pm

Mulligan Estates Townhomes – Preliminary Plat – Mulligan Estates LLC.

Presented by: Alexander Taft, Planner, LEED Green Associate

CERTIFICATE OF RECOMMENDATION

Planning Commission: May 12, 2021; Board of County Commissioners: TBD Early June, 2021

PROJECT NAME: Mulligan Estates- Preliminary Plan

APPLICANT: Mulligan Estates, LLC represented by Simon Farrell, Engineer: Kevin Vecchiarelli JVA Consulting Engineers

LOCATION: Lot 27, Winter Park Ranch First Filing, 997 GCR 830 (aka Mulligan Street)

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

ZONING: R – Residential District

ATTACHMENTS:

- A. Vicinity Map
- B. Sketch Plan (Plat)
- C. Application and Narrative letter
- D. Development Agreement
- E. Amended Plat of Winter Park Ranch First Filing
- F. County Engineer Review of Landscape Feature dated September 4, 2020
- G. Building Permit# B19-0146

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant/Developer is proposing a subdivision in order to divide a two townhome (duplex) building on a .58 acre parcel creating a density of 3.4du/acre.

I. BACKGROUND

a. PROPOSAL

The Simon and Amanda Farrell purchased the subject parcel in May 2018, then in August 2020, as shown in the Assessor's records, transferred it to Mulligan Estates, LLC, which is the entity herein referred to as the Applicant. The Applicant's intent is to create second homes for themselves and family. Simon proceeded with construction of the duplex building consistent with 2015 IRC while under one common ownership. Staff and the Applicant had discussed the options of subdividing the property either before or after construction with Staff explaining the possibility of some risks involved with subdividing after construction was complete.

Mulligan Estates, LLC, represented by Simon Farrell, the Developer, has constructed a two unit townhome and would like to subdivide to create two interests in the structure and property. The total building footprint of 4,913 square feet includes a three bedroom and a two bedroom unit and a single car garage for each unit with patio or deck extending outside. The property subject in this proposal, Lot 27, Winter Park Ranch First Filing, has an area of .58 acres or 25,264 ft².

The plan substantially meets the development criteria as being located within the Urban Growth Area Number 1, which includes all filings of the original Winter Park Ranch Plat. The two units being proposed have been developed for use by the property owner and family.

Each unit has a separate entrance. The units are currently served by separate water and sewer taps via Winter Park Ranch Water and Sanitation District. Electric service will be supplied by Mountain Parks Electric. These utility companies or districts will be included in those who receive the Preliminary Plat for review.

The units proposed will share one driveway. Each unit is required to have the minimum three parking spaces per unit (per GCZR Sec. 14.4). Each garage contains space for one vehicle and additional vehicles will be parked on the shared drive.

b. HISTORY

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

This lot lies within the First Filing which was recorded in Grand County at Reception No. 101192 in September 1964. The first lots within the First Filing range in size from .51 acres (22,216 ft²) to 1.10 acres (47,916 ft²). The Amended Plat of Winter Park Ranch First Filing Declaration of Protective Covenants reference a restriction of development beyond a single family residence on Lots 1-6, 36 and 37, which excludes this lot as well as several others which have been developed for multiple family residential uses.

The Applicant applied for a townhouse multi-family subdivision in January 2019. During the February 2019 meeting, the Planning Commission reviewed and recommended approval of the sketch plan. At the Board of County Commissioners review in March 2019, a neighbor and former owner of Lot 27, Winter Park Ranch First Filing came forward stating that there was a deed restriction on the property restricting development. After some further discussion and consideration, Simon withdrew his application with the intent to subdivide at a later time.

c. REPORTS

Drawings submitted by the Applicant demonstrate grades and drainage of the proposed parcel. Topography on site consists of gentle slopes that will allow for building and drainage compliant with regulations.

Phase III Drainage Report has been supplied created by JVA Consulting Engineers, Inc. represented by Cooper Karsh. The report was created for the development of the site consisting of a single residential structure, utilities, and a gravel drive. In the conclusion of this report, it was represented that historic flows are being maintained or improved. It is also noted that no water quality or detention has been constructed.

Phase II Traffic Impact Analysis discussed the impacts from development of this two-family dwelling on the existing network of roads from CR 830, also known as Mulligan St, to the access to US Highway 40. The conclusion represents that no further improvements are required because of this development.

II. STAFF ANALYSIS

The developer has constructed two (2) townhome units as consistent with criteria as set forth in the Master Plan for Winter Park Ranch Subdivisions being all located within the Urban Growth Area. This construction, under common ownership, has been completed and would be then converted to a subdivision creating fee-simple interest in each unit, which is consistent with the interpretation of the following Subdivision Regulations provision stating:

- (1) *Except as herein provided, design standards for apartment houses, condominiums, townhouses or **conversions to** apartment houses, condominiums and/or **townhouses** shall be those required by Article II of these Regulations. In addition, the requirements in this Article shall also apply.*

Neighbor's Complaint

In 2020, Staff received and has worked toward verifying complaints received from a neighboring property owner. Several members of Community Development Staff, the County Consulting Engineer, and the Community Development Director have all been on site to review alleged encroachments on the interior easement. At this time, we have not discovered any violation of the Grand County Regulations. It is our understanding that Grand County has no authority over the easements but our policy remains that no permanent structures can built within their limits.

Within The Amended Plat of Winter Park Ranch First Filing Declaration of Protective Covenants there are enforcement actions for impediment of the easement by the Owners Association, but to the best of Staffs

knowledge the Owners Association is no longer active. Staff did send a referral letter to the last known address of the Developer but has not received any response.

In June of 2020, Chas McConnell registered concerns about drainage pipes from the subject building and where their water, snow melt and other drainage will be directed. He was also concerned with the elevation changes in the private bridle path easement which is a 10 foot easement that surrounds the interior of all Winter Park Ranch properties.

Community Development agrees that the landscape feature, boulder wall, is built by the Applicant is located in the easement. We do not believe, however, what was built in the side yard is defined as a structural retaining wall requiring to be setback. Effectively the placement of these boulders have been placed at the Applicant's own risk where utility companies could remove them should they need access to the underground utilities. It is Staff's understanding that they are intended to be the landscape buffer from the property line to the drive.

Another concern relates to the proximity of parking areas and driveways to Mr. McConnell's property. Staff finds the parking to be at least seven (7) feet away from Mr. McConnell's property boundary compliant to both Section 14.4 of the Grand County Zoning Regulations, and the duplicate Section 3.9.3 of the Road and Bridge Standards. Driveways are also compliant with the restriction no closer than five (5) feet from property boundaries.

Per the character of the surrounding properties, this development is similar to existing uses in the area. Within approximately a ¼ mile from the property, there are eleven other townhome and condominium type developments. The density of the development is approximately 3.4 du/acre which is similar to densities of surrounding townhouse and condominium development.

The particular benefit of locating the type of densities as found in this proposal within this location is the connection to existing infrastructure. Existing roads, public water and sewer are all accessible to the property. These existing improvements are useful in lowering the impact on lands and water resources if this development were to occur in other parts of the County. The zoomed in vicinity map above illustrates the prevalence of two-family or greater units in the area.

There is an agreement filed with the Grand County Clerk and Recording Office at Reception No. 2010001479 that limits the development of this property to be single or two family dwellings. It is Staff's opinion that the proposed duplex classifies as a two-family dwelling and has reviewed the issue with the County Attorney's Office.

III. REVIEW AGENCY COMMENTS

a. Mountain Parks Electric, Inc. (MPEI) :

Staff received a response from MPEI on April 5, 2021 via email. The response from MPEI suggested that there was no further action necessary from their organization and the appropriate notes and dedications were included in the proposal.

b. Xcel: No Comment

c. Centurylink: No Comment

- d. Comcast: No Comment
- e. Colorado Geological Survey (CGS)

Jill Carlson wrote: "The site is located within a mapped low to moderate hazard potentially unstable slope area. The site itself does not contain steep slopes and is not exposed to known geologic hazards that would preclude the proposed multi- family residential use and density. **CGS therefore has no objection to approval of the preliminary plat as proposed.**" No further conditions are required by Grand County to mitigate hazards since they do not exist.

- f. Grand County GIS: No Comment
- g. Winter Park Ranch Owners Association: No Comment
- h. East Grand Fire Protection District: No Comment
- i. East Grand School District:

The East Grand School District was sent the memo via Email March 29, 2021 but staff has not confirmed a response. **The school fees-in-lieu of land, if requested, would be an impact fee of \$10,769.76 to be paid prior to the recording of a Final Plat.**

- j. Winter Park Ranch Water and Sanitation District

Comments have been supplied from the Winter Park Ranch Water and Sanitation District, via email received on March 31, 2021. The District had concerns about the service lines and allowing access for maintenance to both owners. A Plat note and maintenance easement shall be added to the Final Plat. The covenants shall add a provision to protect the right to maintenance to make necessary repairs to both water and sewer service lines, language shall be reviewed by the County Attorney's Office.

- k. Grand County Consulting Engineer

Staff has had several conversations with the Grand County Consulting Engineer about this project but at the date of creation of this report no comments have been received.

- l. Headwaters Trails Alliance: No comment
- m. Grand County Assessor's Office: No comment
- n. Grand County Road and Bridge: No comment
- o. Town of Winter Park: No comment
- p. Town of Fraser: No comment

IV. COMPLIANCE WITH GRAND COUNTY REGULATIONS

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

a. Grand County Master Plan

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

Plan Element 3 – Development: The Built Environment

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

Plan Element 4 – Community and Public Facilities

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

b. ZONING – Section 4.1 Residential District

The application shall comply with the Grand County Zoning Regulations, as addressed below:

- (a) This zone allows for multi-family dwellings, and therefore the proposed use is consistent with the zoning regulations.
- (b) All proposed units will be served by public water and public sewer via Winter Park Ranch Water and Sanitation. The minimum lot size for a property that is served by both public water and sewer is 7,000 ft².
- (c) The total lot area of .58 acres (25,264 ft²) complies with zoning. The proposed building is sited without creating encroachment into the standard, 30' front yard, 20' rear yard, and 5' side yard setbacks.
- (d) Parking shall be compliant with Section 14.4, with a minimum of 3 spaces per building as these are proposed as buildings equal to or in excess of three (3) bedrooms.

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

- **Section 5.1 SCOPE:**

This application shall comply with the scope of the design standards for Apartment houses, condominiums, townhouses, or conversions to apartment houses and those required by Article II. Section

2.7, Design Standards for drainage, sewer and water, is not duplicated within Article 5 and shall be reviewed as part of this proposal.

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

The property subject in this application does not appear to be in a one hundred (100) year flood plain according to the Colorado Geological Hazards Map and the Drainage Report confirms the same. Any storm water improvements shall mitigate drainage to historic levels on site. The Applicant has connected to the local public water and sewer via Winter Park Ranch Water and Sanitation District. Service lines and structures should be in accordance to these regulations as a minimum standard.

- **Section 5.2 SPECIAL SITE CONSIDERATIONS:**

The parcel subject in this proposal appears to be on a gently sloping lot as demonstrated by the submitted site plan. No nearby drainage channels have been identified on this submittal or historical submittals in the adjacent lots and blocks. The surrounding parcels are of residential use not necessitating a landscape or setback buffer. Because impervious surface areas has increased because of the driveway and parking area, it is anticipated this will add to the velocity and volume of water runoff.

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

The access to this subject parcel is via existing county roads. A proposed driveway will connect the units to County Road 830, Mulligan Street. The effective impact of the two units is less than twenty (20) Average Daily Trips (ADTs). This application shall comply with current Road and Bridge Standards.

Amended Plat of Winter Park Ranch First Filing Recorded at Reception No. 118249 notes a "utility easement of 10' wide along all side, front, & rear lot lines except where shown to be different." The Plat Dedication states: "...does hereby dedicate and set apart all the streets, alleys, and other public ways and places as shown on the accompanying amended 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 amended plat as easements." Staff would interpret this as the ability for public utilities to occupy those spaces as they see fit to install infrastructure. The note and graphic on the plat easement detail and bridle path do not further clarify anticipated purpose of the dedicated easement.

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

Mountain Parks Electric Inc. (MPEI) has reviewed the Preliminary Plan Review as a referral agency. The proposed preliminary plat shows the necessary dedication statement for their utilities and infrastructure.

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

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

"The Board of County Commissioners shall require the dedication, reservation or conveyance of areas or sites suitable for purposes such as parks, flood channels, scenic areas and green belts, of sixty percent (60%) of the

total of land covered in the apartment house, condominium, or townhouse area dedication...” **Recalculated open space shall be included on a land use table in the Preliminary Plan submittal.**

The Preliminary Plat needs to identify and dedicate a stand-alone tract for open space meeting the minimum required percentage.

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

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

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

- a) *Mineral Resource Areas*

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

- **5.7 SCHOOL LANDS:**

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

Lands would be dedicated at the following rate:

2 units

2 x .0138= .0276 acres (1,202 ft²)

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

School Fees Formula Calculation

(NOTE: Dedication percentage of .09 was approved May 5, 2015 but has not been formalized in Resolution or incorporated to the current published regulations.)

2 units

$$2 \times .50 = 1$$

$$1 \times .09 = .09$$

$$.09 \times \$119,663.95/\text{acre} = \$10,769.76 \text{ in school fees.}$$

Total School Fees = \$10,769.76

Five (5) comps were used in this calculation to arrive at the \$119,663.95 per acre price.

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

Simon Farrell, the applicant added, he wanted to give an update on the wall, including boulders and site drainage. He would like to start with noting that everything that they have done is in conformance with current regulations. Grand County Engineer and Grand County staff have been out to the site and have confirmed that the boulders are not a structured retaining wall and they are in compliance with Grand County Regulations also including the drainage. We have been asked to take it a step further, so we are proposing a few adjustments. We will put together a design and submit this as part of the Final Plat, and you can review and comment on. Showed photos of current conditions including the boulders, culverts and home. Also showed neighbor's home, Chas McConnell. This boulder wall is less than 4 feet high, there are 2 layers of boulders and is not considered a structural wall. Showed pictures of 7 foot setbacks which will not be used for parking. The asphalt paving would go to the 7 foot setback, then there is a slope to the boulders that anchors in the culvert that is used for site drainage. Proposed to remove 1 layer of boulders, the asphalt paving at the 7 foot setback and have a gentle slope. The main purpose to keep the lower level of boulders for drainage and to keep Mountain Park Electric junction box. We have a Phase 2 drainage report and our 10 year storm drainage report does not increase our flows by a cubic foot per second, so a water quality pond is not required. We have disturbed less than ½ acre a water quality treatment for storm water, such as a grass swale, is not required. We are going to take this 1 step further and propose a best management practice in that area. We will submit the design for these improvements at the Final Plat.

Alex added framed the condition added at sketch plan, the Board of County Commissioners (BOCC) meeting minute's state, "Commissioner Manguso moved to approve the sketch plan, in Mulligan Estates Townhomes as presented, adding a condition that the retaining wall is moved back 7 feet and clearly delineates there is no parking within 7 feet as described in the zoning regulations".

Commissioner Davis asked, do you feel the proposed changes tonight substantially meet that request?

Alex stated he did. The fact that we have a letter from the County Consulting Engineer stating that it is not a retaining wall, and the fact that Simon is reducing the height as well as making a limitation on the pavement can insure that the parking is located according to our regulations.

Commissioner Fournet asked about Tim Gagnon's letter. It seems like there is quite a bit that he wanted clarified, where are we on all 5 of the clarification statements.

Simon Farrell replied, he reviewed Tim's letter with JVA, Consultants this afternoon. Part was additional survey request. There are items they want to see in the record document, items that were not surveyed. I will hire another survey of the property to get more detailed topo of areas, such as the driveway and a few utilities. Then we talked about the Best Management Practice for storm water that would be added. Did you have a specific question on the letter?

Commissioner Fournet continued, no there were just many items in the letter and I was curious as to how much had been taken care of before we proceed. The building permit was issued with different lot lines, no setbacks. With the preliminary plat, little items like this, has this all been cleared up?

Simon Farrell stated it is not done as of today. I have reviewed all these comments with my team and we plan on having it done by the 31st of May. This is actually a condition for us before we go to BOCC with preliminary plat which is scheduled for June 15th.

Commissioner Fournet had a question for Commissioner Davis. I was confused on covenants and how they get recorded to a plat? In these covenants, it states that they are part of the amended plat, how does that work if there is no Home Owners Association (HOA)?

Commissioner Davis replied, I am going to preface this by saying, I am not an attorney nor an expert. What I can tell you is, in my experience, we have a check box to insure the covenants have been created and that when we go to record the plat, the plat records in a very specific order, we then add the covenants into the recording. We do not evaluate those for private party, but when we create a subdivision, one of the requirements is that covenants are in place. There is no requirement to have an active HOA as part of the covenants. That is all under the authority of a different entity.

Maxine, assistant County Attorney, stated, conveyance runs with the land. When you do an amended plat or a new plat if it doesn't reference the covenants it may be ambiguous to whether or not the property is covered, under a subdivision, when it is initially filed with conveyance. The covenants governs every lot, no matter what happens to them in the future. They are just reaffirming that those covenants apply the land.

Commissioner Fitch asked if we are just talking about this now to see if there is anything else they need to do, or will this be presented to us again?

Commissioner Davis stated preliminary plat is our final chance to make substantial changes. When final plat is brought back, the hope is we won't make any changes. It is confirming that all pieces that were in question are solidified. This is our chance to provide the most scrutiny.

Commissioner Fitch stated her only concerns are the neighbor's grievances. Have these been resolved?

Simon Farrell replied, when we started this project the first thing we did was, my partner, Fred Westcott and I, approached Chas and told him what we were planning on doing. We are making these improvements and we want this to work for both parties. Chas decided not to participate in this conversation, and stated as long as it drains I don't have any issues. There are some issues though. We believe that we have resolved all the issues. Our intent is to meet or exceed all the regulations.

Commissioner Gnuse stated he has a question for Simon. Some late developing information sent to us today and I want to refer to one of the drawings. 997 drainage drawing, this drawing has come up several times in reviewing of the data. Then we received easement pictures and Gagnon's review memo. I believe this is a construction drawing for the buildings that are now already built. The drawings shown are not how the building were built.

Simon stated no, the orientation of the driveway are different and the grading is different.

Commissioner Gnuse continued, and the drainage is different. The drainage outlet occurring right on the property line. As it was shown on the original drawing, the drainage outlet had an upper basin collection point. It was brought underneath the driveway and it day lighted and came out on the lower side of your property and not along the property line.

Simon responded, that culvert was installed, there are 2 culverts. We added another culvert along the property line. Actually to benefit Chas.

Commissioner Gnuse states so there are 2 culverts, I could not find a picture that showed 2 culverts. Where is the collection point?

Simon responded there are 2, 15 inch culverts.

Commissioner Gnuse, stated it is the same collection area.

Simon replied, correct. It is my opinion that the second culvert was added for Chas's benefit. I would be surprised if he was opposed. That culvert is what Chas's driveway drains too. I think he did not like that there was drainage in that area.

Commissioner MacDonald stated he had a question for Simon/Alex. If this was my project I would have gone with an HOA. I am curious why you went with the subdivision route.

Simon replied, my understanding was that recommendation was to go with a HOA and it would be a multi-family subdivision. When we received a letter from Tim, the County Engineer, one of the things that came up was a recommendation (path of least resistance) to modify the lot line in order to make it just 2 lots for each building and then there would be an easement for the road and utilities. Then an out lock for the open space area.

Alex added, it is the path of least resistance. It clarifies the areas outlot of the units are also for specific use of the owners.

Commissioner Davis added, it comes down to the fact that the intention is to eventually have separate ownership, or the path that may happen in the future is separate ownership and this is the cleanest when you have separate ownership. Then they can have proper title.

Commissioner Karlstrom stated she was wondering about the bridal path easement. Is that clear to go or is that removing of one layer of boulders the solution?

Simon responded the bridle path has a 20 foot easement it will have 1 layer of boulders in the bridle path easement.

Commissioner Karlstrom asked if there was passage way?

Simon responded there will be 1 layer of boulders, the outlet of the 2-15 inch culverts and a Mountain Park Junction Box in the bridle easement. Is it totally obstructed? I would say no. By lowering the boulders, we have less of an impediment on the bridle path easement.

Commissioner Karlstrom continued, I noticed in 1 of the pictures provided that Mr. McConnell has a big tree in his 10 foot easement, I guess that is not as prohibitive as boulders. The open space, has that been established as being adequate?

Alex replied the proposed plat shows 67% open space that will be maintained with the revised plat. It will be established in a separate specific tract to maintain it.

Commissioner McNertney stated no questions.

Commissioner Davis stated no questions. He then asked for any public comment.

Chas McConnell started with the question about the bridle path easement, this has not been resolved. Simon stated earlier that I made a statement, something to the effect as long as it drains, I don't care. I don't ever remember saying that. I do remember saying to Simon there is a 10 foot public bridle easement that goes along the property and you are getting ready to build an 8 foot retaining wall across it and you cannot do that. My legal counsel made it clear that it needs to be

unimpeded access across the public bridle path easement. He went ahead and built the retaining wall. As far as removing 1 layer of rocks, the back of the retaining wall is 8 feet tall. We are not OK with removing 1 layer of boulders. The BOCC was very clear, you have to remove 7 feet of the retaining wall. We also need to move the 2, 15 inch culverts, again the easement is 10 feet. We are ok with the 7 feet, but you have to remove the retaining wall, all of it. You have to move your 2, 15 inch culverts for unimpeded access the public easement.

Commissioner Davis stated from the standpoint of what we have been presented by the County Engineer and the pictures we have been shown the obligation of this board is to make sure that owner satisfies substantially the subdivision regulations. Based on the County Engineer's feedback, the proposed changes will substantially meet them. If there is a concern between neighbors that needs to be brought up with the HOA. This will go to the BOCC next for their review. We asked staff if they believed that the recommendation satisfied the intent of the BOCC, it sounds like there is a difference of opinion. The BOCC will look at the changes. Our perspective in Planning Commission, we have to look at it from does it meet the substantial requirement of the subdivision regulations? Every property owner is allowed to make modifications in the easement just not allowed to build a permanent structure. Staff has to receive a letter of approval from HOA for this project?

Chas McConnell stated there is not a permanent HOA and hasn't been for 25 years.

Commissioner Davis added, then your only recourse is to follow the regulations that we have the authority to enforce.

Alex added, in the analysis, we worked through both Planning Commission meeting minutes and BOCC meeting minutes. There are other parts of the staff recommendations that began to allude to it, but I would say that the ball was dropped in that we have been so busy that it was an oversight. We addressed this with the applicant to the best of our ability in the last 48 hours.

Chas McConnell added, you are making the determination on what you think the Commissioners were saying by moving the retaining wall 7 feet back. You met with the applicant and you decided only removing 1 row of boulders or leaving 4 feet, when it is supposed to be unimpeded through the easement. So you are the one making the determination of what you think the Commissioners were saying and what they voted on. You went to the same engineer and surveyor who told Simon it was ok to build over an easement.

Alex stated that is correct.

Commissioner Davis added, the County Engineer reviewed this as well and that is what we are making our determination on. Staff recognized their shortfall and presented to us during this meeting. The question before the Planning Commission this evening is, will be the last chance Planning Commission has to review this? Is there anything additional that the Planning Commission feels it needs to add before going to BOCC. Then having BOCC take a look at the final plat to ensure that all points are satisfied. BOCC can also kick this back to Planning Commission if they do not feel this preliminary plan is satisfactory.

Chas McConnell added we do not have current drawings of where the sewer comes out or the 2, 15 inch pipes comes out. We don't have any drawings of the boulders after the 1 layer has been removed. Maybe we are going to do this or that, unclear. Isn't that what is required at preliminary plat so Commissioners can approve?

Robert Davis, Director Community Development, added, we spoke with Mr. Farrell earlier, he did indicate to us in about 2-3 weeks he will submit a design and this will be part of the final review. We would then present the design drawings to the BOCC.

Commissioner Davis asked Robert, I looked at this and it has been reviewed by the County Engineer and questions have been asked and staff is working through to be satisfied. It was my understanding that these would be satisfied. Do you think that what was presented is substantial enough that we are receiving correct information and with the direction provided by the County Engineer upon review? We always can go back and make modifications. From listening to the Commissioners, it seemed that those items were being addressed, and they were being addressed sufficiently and looking at the conditions, those are going to be complete prior to BOCC. If this is not the case, then this should never have come before us. I made a leap of faith that all these issues were being addressed and I thought with our discussion that they were. If you did not have a complete package this should never have come before us. A complete package, a Phase 2 drainage report, with comments. Comments take time to address. So where do we stand on this, Robert?

Robert Davis replied, based on Commissioner Manguso's comment that the retaining wall moved back 7 feet and clearly delineates that there is no parking within the 7 feet. I think we demonstrated that there will be no parking within the 7 feet. My question would be if we totally irradiated the retaining wall, what are the implications in terms of drainage and what are the implications for the parking area. My question would be, what is a practical recommendation that the Planning Commission can provide that will take into consideration what the Commissioner's want to do but at the same time is something that is not going to create any conflicts as a result.

Commissioner Davis stated, let's look at this from 2 different perspectives. The first perspective is as presented tonight, there was a compromise made that satisfied drainage that was there. The County Engineer looked at it and gave it a thumbs up comment. That is not satisfying verbatim what the request was by the BOCC. Which happens between sketch and preliminary plat, that is why we have the potential to circle back if they are not satisfied with the execution of the condition. The other side of this is, from staff's perspective, no you did not meet the condition, this will never go through you need to circle back or we need to have a workshop meeting with BOCC. Does staff feel satisfied that you have had the proper discussion with the County Engineer, that you have the right means to present to BOCC and justify what you are presenting. What it sounds like to Planning Commission is that staff is satisfied with moving forward that you had an argument to present to BOCC as a compromise moving forward. We can either move forward, add a condition or table the agenda item for this evening and staff chat with BOCC. BOCC has the right to deny the preliminary plat then you would be required to circle back to Planning Commission and BOCC.

Simon Farrell & Fred Westcott asked for the agenda item to be tabled.

Lots 26 & 27, Shores of Shadow Mountain – Amended Final Plat & Utility Easement Vacation – Two Creek Holdings, LLC.

Presented by: Jacob Cote, Planner

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION MAY 12, 2021

Project Name	Lewis Amended Final Plat
Applicant	Michael Lewis <i>Representing: Two Creek Holdings, LLC</i>
Location	Lots 26 and 27, Shores of Shadow Mountain <i>Commonly known as: 504 & 528 County Road 662</i>
Zoning	Residential (R)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations
Attachments	P. Development Application Q. Project Narrative R. Proposed Amended Final Plat S. The Shores of Shadow Mountain Final Plat, Reception no. 2002-002404 T. Vicinity and Detail Maps U. Title Commitment effective March 15 th , 2021 V. Lots 26 & 27 Property Tax Receipts
Staff Planner	Jacob Cote, Planner I
Request	Approval of an Amended Final Plat to combine two adjacent, jointly-owned parcels to create a single larger lot on which to construct a single-family dwelling. Utility easements corresponding to the interior lot line separating the two parcels will also be vacated.

Background and History

Two Creek Holdings, LLC, herein referred to as the “Applicant” and represented by Michael Lewis, has owned Lot 26 of the Shores of Shadow Mountain subdivision since July 13th, 2016 per Warranty Deed recorded at Reception no. 2016-004860 and Lot 27 since June 16th, 2016 per Reception no. 2016-004140. The parcels are currently both approximately ½ acre in size, and neither are yet developed. The properties created through this Amended Final Plat would be serviced by well water and Three Lakes sanitation.

The Shores of Shadow Mountain Final Plat was recorded March 5th, 2002 at Reception no. 2002-002404. It was originally platted with 54 parcels, ranging in size from 0.35-1.39 acres. One other Amended Final Plat has been recorded in the subdivision which combined two adjacent lots into one larger lot. The subdivision is located in Urban Growth Area 2.

Purpose of Request

The Applicant is pursuing this Amended Final Plat to combine two adjacent parcels—both of which are owned by the Applicant—to increase the buildable area and eliminate the potential of front, side, or rear yard encroachment.

Staff Comments and Analysis

This Amended Final Plat application is consistent with most AFP applications submitted to Grand County Community Development staff in that it is a request to combine adjacent lots, increasing the buildable area for the Applicant. Though the parcels are in a designated Growth Area, and this Amended Final Plat would decrease the number of developable lots and the density of the neighborhood, the property’s position inside the “elbow” of a 180 turn makes it a challenging parcel on which to comply with setback requirements, should the two lots remain separate.

Compliance with Zoning Regulations

Section IV – Residential District

- §4.1 Uses Permitted** Intended uses of the property shall be in compliance. (§4.1.1)
- §4.2 Minimum Area of Lot** The minimum lot area permitted in the Residential Zoning District on subdivided land served by either public water or public sewage facilities is 15,000 ft.², or 0.34 acres. The parcel created through this proposed Amended Final Plat would be in compliance at 1.07 acres.
- §4.3 Minimum Lot Width** Minimum lot width of parcels in the Residential Zoning District on subdivided land served by either public water or public sewage facilities is 60 feet. The parcel created through this proposed Amended Final Plat would be in compliance at approximately 200 feet in width.
- §4.4-6 Minimum Yards** The Amended Final Plat is intended to eliminate any potential encroachment upon required side, front, or rear yards. The structure(s) built on the property 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

Shores of Shadow Mountain Lot 26A

A Replat of Shores of Shadow Mountain Lots 26 and 27

**According to the Final Plat recorded March 5, 2002 at Reception no. 2002-002404
Located in Part of the North ½ of Section 24, Township 3 North, Range 76 West of the 6th
P.M., Grand County, Colorado**

- §4.3 (2) (b)** The legal descriptions shall be written as follows:
Shores of Shadow Mountain Lot 26A
- §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.
Final Plat shall show the “Front Yard” to correspond to the portion of the property line on the north of the property, between the beginning of the radial curve around the east side of the property and the intersection of the front lot line and the west lot line separating the Applicant’s parcel from Lot 28. The “Rear Yard” shall be the portion of property line directly opposite the aforementioned “Front Yard” between the beginning of the radial curve around the eastern side of the property and the intersection of the rear lot line and the west lot line separating the Applicant’s parcel from Lot 28. All other lot lines shall be considered “Side Yards”.
- §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 **Two Creeks Holdings LLC, A**

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 requirement has been met.
- §4.3 (2) (q) A vicinity map.
This requirement has been met.
- §4.3 (2) (r) The subdivider shall provide:
6. Storm drainage plans and related designs, in order to insure proper drainage ways.
 7. Property survey and proof of ownership.
 8. 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.
This shall be placed on the Final Plat Mylar. The final address for Lot 26A shall be 504 GCR 662.
- §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 **May 12th, 2021**.

Staff Recommendation

Staff recommends approval of the Amended Final Plat, Shores of Shadow Mountain Lot 26A. The following conditions shall be met prior to the recording of the Amended Final Plat:

9. The Title of the Amended Final Plat shall be written as recommended in this Certificate of Recommendation (see (a) above).
10. The front, side, and rear yard setbacks for the parcel resultant of this Amended Final Plat shall be labeled as recommended (see (d) above).
11. The Dedication shall be amended as recommended (see (k) above).
12. The approved property address of 504 Grand County Road 662 shall be placed on the Final Plat Mylar as recommended (see (w) above).
13. An electronic copy of the Final Plat shall be submitted as recommended (see (y) above).
14. All recording fees are to be paid by the Applicant.
15. A Quit Claim Deed to describe the amended legal description of the parcel shall be completed and recorded with the Grand County Clerk and Recorder's Office.

Commissioner Davis asked the applicant, Mike Lewis, if he had an opportunity to review the Certificate and if he had any questions/concerns.

Mike Lewis, the applicant stated other than some wording change. I have looked through the recommendations and it looks mainly like wording changes to the initial plat that the surveyor did. Typographical items.

Commissioner MacDonald asked if there are services and utilities.

Mike responded yes, there are 2 sets of utilities they are pre done into the lots. We would be vacating a set of electrical and a set of water utilities. We are paying both waters and the water belongs to the HOA. So vacating 1 sewer and 1 electric.

Commissioner MacDonald asked if there is a hardship or the reason why these lots need to be combined. **A ½ acre seems like plenty to build on.**

Mike replied, if you look at the circle lot, which was the initial lot we purchased. Getting a house with the specification that the HOA requires a specific amount of square feet on the first floor and second floor and then meeting driveway requirements. There is a definite slope to the front and I am not allowed a driveway on the front of the circle by code with the county road. We were able to purchase the second lot behind us, after we purchased the initial front lot which is substandard to build on. To add a driveway to code was impossible.

Commissioner MacDonald asked if the driveway issue was an HOA or driveway code.

Mike continued, you cannot put a driveway within so many feet of the corner on the inside curve. Also the height requirement for grade, where it slopes as far as the angle of the driveway. The HOA has approved the combining of the lots and there is a letter in the materials. There was an issue with the grade of the driveway and then the setbacks would be easier to meet code due to a circle shaped lot.

Commissioner MacDonald stated it was a non-conforming lot to start with.

Commissioner Karlstrom stated no question.

Commissioner McNertney stated no questions.

Commissioner Fournet stated no questions.

Commissioner Fitch stated my father-in-law is actually the president of this HOA and told me he was completely fine with this request. I have no questions.

Commissioner Gnuse stated no questions.

Commissioner Davis stated that the switchback is angry. I think this is a good solution and I think moving the lot to the west is very appropriate, not only for line of site, snow removal considerations but also because it would be next to impossible to get a good driveway in there. Thank you staff for including the HOA letter. For formalization, Commissioner Fitch, is there any financial interest that you or your father-in-law would have as a result to you voting, is there a conflict of interest?

Commissioner Fitch stated no.

Commissioner Davis asked if there were any public comments. Hearing none he asked for a motion. He added the staff recommendation does not include the vacation of the utility easement, the Certificate calls is out but not the recommendation.

Robert Davis added we need to add the recommendation to vacate the utility easement.

Motion to recommend approval by Deborah Fitch. Lots 26 & 27, Shores of Shadow Mountain – Amended Final Plat & Utility Easement Vacation – Two Creek Holdings, LLC as presented plus 1 condition to vacate the utility easement. Seconded by Ingrid Karlstrom. No further discussion. All in favor "aye", none opposed. Motion carries.

Meeting adjourned at 10:30 pm
