

MEETING MINUTES
GRAND COUNTY BOARD OF COUNTY COMMISSIONERS
GRAND COUNTY DEPARTMENT OF SOCIAL SERVICES
GRAND COUNTY HOUSING AUTHORITY

May 28, 2019

Present: Commissioner Richard D. Cimino, Commissioner District 1 - Chair
Commissioner Merrit S. Linke, Commissioner District 2
Commissioner Kristen Manguso, Commissioner District 3

Also Present: County Clerk and Recorder Sara L. Rosene
County Manager Kate McIntire
Interim County Manager Ed Moyer
County Attorney Chris Leahy

Those present recited the Pledge of Allegiance.

Commissioner Linke moved to approve the Meeting Special Minutes of May 20, 2019, Board of Commissioners meeting with one addition.

The motion passed unanimously.

Commissioner Cimino announced that the Board is sitting as the Grand County Housing Authority.

Commissioner Manguso moved to authorize the Chair to sign the Letter of Support of the Old Town Apartments located just outside the old town Fraser as presented by Sheena Darland.

The motion passed unanimously.

Ms. Darland is interested in bringing into Grand County the Single Family Owner Occupied Rehabilitation Program. This would bring \$250,000 per year in loans to rehabilitate property. The Board would like a workshop to further discuss this after Ms. Darland reviews the program.

Commissioner Linke moved to approve the Down Payment Assistance Loan in the amount of \$4,915 for Julianne Eastmond contingent upon the Grand Foundation grant being approved and authorize the funds to be wired outside the meeting.

The motion passed unanimously.

Commissioner Manguso moved to sign the signature cards for down payment assistance and operating accounts at Grand Mountain Bank.

The motion passed unanimously.

Commissioner Cimino announced that the Board is sitting as the Grand County Board of Commissioners.

General Public Comments

Christian Hornbaker presented the following comments regarding short term rentals:

Good morning ladies and gentlemen, my name is Christian Hornbaker and I'm here this morning to petition you, the wardens of Grand County to make some tough decisions, and in effect, upset some people while you're at it. Later today you're going to be listening to Julie and Robert give an update, and hopefully some suggestions in regards to the Short Term Rental situation that is having a dramatically negative impact on our housing crisis here in Grand County. During that meeting or shortly after, one of two things will happen: You're going to make headlines by making it difficult to be STR owners and beginning to reverse the housing crisis here in the county, or you're going to make headlines by doing nothing or next to nothing and continuing to turn a blind eye and watch as the county continues to suffer. We shouldn't be living in the wild wild west and have a live and let live attitude when it comes to our residents. The time to act was over a year ago, but today is as good as a day as any I guess.

A year or two ago, I believe that it was said that housing issues are not the concern of the board or county, or that it's not for the board to act in regards to housing issues. Something like that. It's private business or local governments that should regulate it. If we were in just about any other county in the US, that would be acceptable. But we're in a very unique and amazing county where tourism is the number 1 driver of real economic impact, full time winter and summer

resorts, we're at the headwaters of the CO river, we're a gateway to one of the greatest parks in the US, and the failure to act over these past two years has created the housing crisis that we're witnessing now. Your role as county commissioners and the rest of the executive team, is to protect the RESIDENTS of Grand County first and foremost. The people that live here full time, that want to raise their kids here, pay taxes here, eat out when they can afford to, are finding it more and more difficult to find places to rent or buy because out of county, and out of state interests are coming in and buying up houses and doing everything they can to turn a quick profit before the county finally wakes up and realizes the hole that's going to be near impossible to dig out of. Those buying up homes in the county don't care about the people, the county, the schools, anything. They're here to make money at the cost of the real residents.

Misconceptions of STR:

Limiting them or making it tougher to do will limit tourism or the number of people coming to the county to visit. If anyone has said this to you, I hope that you saw through it and laughed. People will always come to this county, whether we have a new hotel or more or less STRs.

That these are just homeowners looking to make a few extra bucks and can do it in their own homes and government shouldn't interfere. The moment that a homeowner decides to put their home on for STR status, they are turning it into a business. It becomes a public home, not a private home. It doesn't matter if they only 'sell' it one week out of the year, they are a business that has an external impact to their neighbors, HOAs and community and needs to be held to a higher standard.

I appreciate the chance to speak in front of you today. I have more to say but my time is up and I look forward to seeing how this afternoon's meeting goes. I'm happy to answer any questions.

Eden Recor asked the Board to have the Agenda on the front page provide more complete information about the agenda items.

Mr. Recor stated that he agrees that Grand County is not growing as fast as originally projected. The Board needs to consider how it will spend money on the capital items being considered.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on May 29, 2019, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the checks presented on May 28, 2019 for payment on May 29, 2018 for the Grand County Housing Authority.

The motion passed unanimously.

Finance Director Curtis Lange presented the Warrant Register and Expenditure List to be paid on May 29, 2019, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve the vouchers presented on May 28, 2019, for payment on May 29, 2019 for the Grand County Board of Social Services.

The motion passed unanimously.

Commissioner Linke moved to approve the wires payment and vouchers transfers presented on May 28, 2019, for payment on May 29, 2019 for Grand County.

The motion passed unanimously.

The Board gave Mr. Lange direction to move forward with hiring the position he requested.

Departmental Contracts, Comments, Issues

Commissioner Manguso moved to approve the Memorandum of Understanding with Collaborative Manager as described by Amy Chamberlin.

The motion passed unanimously.

Commissioner Linke moved to approve Resolution No. 2019-4-23, “A RESOLUTION ADOPTING UPDATED FIRE IMPACT FEES FOR LAND DEVELOPMENT ACTIVITIES WITHIN GRAND FIRE PROTECTION DISTRICT NO. 1”

Commissioner Linke	aye
Commissioner Manguso	aye
Commissioner Cimino	no

The motion passed.

Commissioner Linke moved to approve Resolution No. 2017-6-46, “A RESOLUTION GRANTING APPROVAL OF THE FINAL PLAT OF LAKE GRANBY TRACT B SUBDIVISION, LOCATED IN SECTION 34, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO AND AUTHORIZING THE CHAIRMAN TO ENTER INTO A SUBDIVISION IMPROVEMENTS AGREEMENT AND A WATER QUALITY WASTEWATER AGREEMENT” and authorize the Chair to sign all applicable documents.

The motion passed unanimously.

Commissioner Manguso moved to authorize the Chair to sign Contract Amendment No. 2 between Grand County and the Colorado Department of Public Health and Environment Office of Planning and Partnerships and Improvement for Core Public Health Services in the amount of \$66,832 as presented by Public Health Nurse Brene Belew-LaDue.

Discussion: This helps with local planning and support and environmental health.

The motion passed unanimously.

Commissioner Manguso moved to approve the contract for immunizations in the amount of \$22,610 and authorize the Chair to sign as presented by Public Health Nurse Brene Belew-LaDue.

The motion passed unanimously.

Commissioner Manguso moved to approve the contract between Grand County and Colorado Department of Public Health and Environment Office of Emergency Response and Planning in the amount \$22,565 and authorize the Chair to sign as presented by Public Health Nurse Brene Belew-LaDue.

The motion passed unanimously.

Commissioner Manguso moved to approve Construction Contract presented by Ed Moyer between the Grand County Board of Commissioners and Old Castle SW Group, Inc. doing business as United Companies and authorize the Chair’s signature to be stamped on the Contract outside the meeting.

Discussion: This is for paving County Roads 515, 832, 838, 84, 8500, 858, and 53 with a completion date of September 13, 2019.

The motion passed unanimously.

Commissioner Manguso moved to appoint Tonya French to the Middle Park Fair Board to serve a term to end December 31, 2021.

The motion passed unanimously.

Commissioner Manguso moved to approve the Cost Share Agreement with the Middle Park Fair Board in the amount of \$40,000 for a concert.

The motion passed unanimously.

Commissioner Manguso moved to approve the request to waive the building permit fees for the Town of Fraser for the Upper Fraser Valley Wastewater Treatment Plant.

The motion passed unanimously.

Manager and Attorney Items

County Manager Kate McIntire presented her weekly update.

County Attorney Leahy reported that there is another sale of lots in Pine Aire Subdivision. The Board does not want to exercise the Right of First refusal.

Consent Agenda

Resolution No. 2019-5-13, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AUTHORIZING OUT-OF-STATE TRAVEL FOR A DEPARTMENT OF HUMAN SERVICES CASEWORKER"

Resolution No. 2019-5-14, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, SITTING AS THE GRAND COUNTY BOARD OF HUMAN SERVICES, APPROVING THE PURCHASE OF TANF FUNDS FROM JACKSON COUNTY"

Commissioner Manguso moved to approve the Consent Agenda.

The motion passed unanimously.

Board Business

Commissioner Cimino attended the Club 20 Fly-in to Washington, DC.

Commissioners Cimino and Linke attended that Memorial Day events in Grand Lake.

Commissioner Linke attended the NWCCOG meeting where economic development and broadband were discussed.

May 28	Elected Officials meeting at 3:30 p.m. at Mavericks – All three commissioners
May 29	County Leadership meeting at 8:30 a.m. in the Board of Commissioner's meeting room – All three commissioners
May 29	Commissioner Manguso will meet with the Mayor of Fraser at 2:30 p.m.
May 30	Commissioner Cimino will attend a tour with Infinite West
May 30	State of the River meeting at West Grand High School from 5:30 p.m. to 9:00 p.m. – Commissioners Manguso and Cimino
May 31	Commissioner Manguso accepted the invitation from Rob Firth from 12:30 to 2:30 p.m.
June 1	East Grand High School graduation – Commissioner Cimino
June 3, 4, 5	CCI Conference – Commissioners Cimino and Linke
June 5 & 6	CCAT meetings – Commissioner Cimino
June 12 & 13	BLM Resources Advisory Committee meeting in Kremmling – Commissioner Linke
June 14	QQ Meeting in Carbondale – Commissioners Cimino and Manguso

Commissioner Manguso attended the TPR meeting. Passing lanes on Highway 9 are being considered. A speed study may be considered for Red Dirt Hill.

Commissioner Manguso moved to sign a letter of support to the BLM regarding the land exchange with Blue Valley Ranch.

The motion passed unanimously.

Commissioner Manguso moved to sign a letter to Governor Polis regarding appointment of Matt Karzen as District Attorney for the 14th Judicial District.

The motion passed unanimously.

Human Resources – Grand County Personnel Manual Proposed Amendments

Human Resource Director Colleen Reynolds presented:

A core provision of the Affordable Care Act (ACA) is its employer-shared responsibility mandate, which requires an employer with 50 or more full-time equivalent employees to offer its full-time employees health care coverage that is both affordable and provides minimum value. While the ACA does not address or restrict an employer's hiring activities, a number of the ACA regulations connected to the employer mandate come into play when a former employee is rehired or if there is a change in active employee status. Per ACA, a full time

employee is anyone who works on average at least 30 hours per week or 130 hours per month. There are two methods that can be used for determining full time employee status: monthly measurement method and look-back measurement method. Grand County utilizes the lookback method and has established the following periods: Standard Measurement Period: November 1 – October 31 Administrative Period: 1st of the month following 30 days of employment Stability Period: January 1 – December 31 The hours that an employee works during measurement period(s) determines if he/she qualifies for continued insurance coverage when there is a change in status and/or if the employee resigns from employment and is then rehired (with less than a 13 week break in service). Depending on the situation, maintaining an employee in a part time status and/or rehiring an individual may result in the County being required to offer continued medical insurance coverage. Please see attached example situations. Staff is seeking direction on how to handle these occurrences and is striving to implement a policy that is consistent for all departments. If it is decided to limit or restrict these situations, staff recommends amendments to Sections 4.04, 4.08 and 10.04 of the Grand County Personnel Manual as outlined below. The proposed amended language was drafted with the assistance of the County Attorney. If there is no policy put into place, the County may be responsible for continued insurance costs and potential claims exposure when these situations occur.

County Clerk and Recorder Sara Rosene expressed her objection to this change.

Commissioner Manguso moved to approve as recommended to change to the Grand County Personnel Manual under Sections 4.04, 4.08, and 10.04.

The motion passed unanimously.

Facility Needs Assessment – Fiscal Strategy, Project Scope, Properties

County Manager Kate McIntire stated that it has been identified that the Detention Facility and Sheriff's Office is the first priority.

Commissioner Cimino stated that he would like a financial ceiling for the Detention Facility and Sheriff's Office. Commissioner Cimino would like the Sheriff, County Manager, and consultant to come up with a plan using a ceiling of \$20 to \$25 million.

The Board would like the Sheriff to consider building a Detention Facility and then remodeling the current building for offices.

The Sheriff's Office believes that the County needs a 62-bed Detention Facility.

Commissioner Manguso moved to convene an Executive Session at 11:38 a.m. citing Section 24-6-402 (4)(a), CRS, concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; Section (4)(e)(1) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations; and instructing negotiators and, if necessary; Section (4)(b) for legal advice RE: Facility Needs Assessment - Property. Present for the meeting will be the Board, County Manager, Assistant County Manager, Finance Director, County Attorney, Assistant County Attorney, EMS Chief, Director of Human Services, and Public Health Director.

The motion passed unanimously.

I, Richard Cimino, hereby attest that the minutes of this executive session were recorded in accordance with CRS 24-6-402 and confined to the topic authorized for discussion in the executive session.

The Executive Session ended at 12:30 p.m.

Public Hearing – Short Term Rental Annual Review

The Public Hearing scheduled to begin at 1:00 p.m. was called to order at 1:05 p.m. County Attorney Chris Leahy set the record with the following items:

- A Proof of Publication – Middle Park Times, dated May 9, 2019
- B Public Notice – Middle Park Times, dated May 3, 2019
- C Email from Alex Kale – dated May 5, 2019

Julie Nessen presented:

STR Safety Workshop included property managers, fire officials, HOAs residents, and staff. The group met on May 9 to discuss concerns regarding short term rental safety:

- Fire Safety: smoke alarms, carbon monoxide detectors, fire alarms, fire extinguisher, and egress
- Safety Inspections: who, what, where and when
- Sanitation: monitoring of septic systems
- Occupancy: “reasonable” occupancy

STR fee schedule – STR fees are based on a pillow count of \$25 per occupant.

STR Safety inspections. What will complete inspections?

Fire Districts – who will schedule and collect fees?

Property Managers – most already perform inspection

Owners self-reporting – create a checklist to be submitted with application

Grand County staff – high number of inspections

STR safety inspections:

What to inspect:

Smoke detectors (interconnected) to each bedroom

Carbon monoxide detectors near bedrooms and gas burning appliances

Fire extinguishers (highly visible not concealed)

Operable & accessible egress windows and doors (not blocked)

STR safety: sanitations

Issue: design flow criteria

OWTS (septic) 2 person per bedroom or 75 gal/day/person

STR safety: occupancy

Complex vs Home

- Does the 2 per bedroom +2 make sense for both types of properties?
- Does square footage allowance provide safer accommodations?
- Will safety requirements regulate occupancy?

Property Management Companies:

Fraser/Winter Park area more condos

Grand Lake area more single family detected

Do we treat them differently?

STR safety: recommendations

Safety Inspections:

1. Create a safety inspection checklist
 - submitted website include for posting with permit
2. Allow owners/property managers to verify
 - Fire District to help with training
3. Create a Safety Awareness Campaign
 - Videos, ads, email information
4. Spot inspections throughout the year
 - code enforcement and/or building official

STR safety: recommendations

Occupancy

Reasonable Occupancy Calculation Options

1. Legitimate bedrooms 2 per bedroom + 2 or up to ?
2. Square footage calculation
3. OWTS properties only by design criteria

STR safety: recommendations

Septic Inspections

Owners would need to provide an annual septic inspection report with proof of pumping every 3 years

Christian Hornbaker lives in Silversage and is on the HOA Board. The HOA is waiting for the County and the Town of Granby to set up requirements. Silversage is working toward setting up restrictions regarding short term rentals.

Mr. Hornbaker asked the Board to put moratorium on short term rental permits until the end of 2019. Mr. Hornbaker would like the County to get this under control. Mr. Hornbaker would like the fees to be high.

Mr. Hornbaker would like the public to be provided information on how to handle complaints.

Mr. Hornbaker would like a six-month, one-year, and a three-to-five-year plan regarding short term rentals.

Commissioner Manguso is not interested in making changes to the current system and requirements. Commissioner Manguso believes that problems with water and sewer will take care of themselves.

Commissioner Linke believes that the County needs to provide a safe experience for the public. If the County is going to permit, the County needs to work to make sure that renting a short term rental is a safe experience. The County needs, at the very least, to address the blatant violations of safety with regard to access.

Commissioner Cimino wondered if blocked access is addressed in individual homes that are not short term rentals.

Staff would like to provide a check list for each facility and the check list is to be posted at the facility.

The Board agreed with requiring the checklist (including safety), posting the checklist, and providing the opportunity to complete the checklist for water and septic.

Commissioner Cimino stated that the County is not receiving a lot of complaints. In order to address complaints, he would like people to make those complaints known to the Community Development Department.

Commissioner Cimino would like an occupancy policy suggested by staff to be presented last this year.

Tracts 58 and 59, Trinder Tracts Subdivision – Amended Final Plat

PROJECT NAME: Amended Final Plat, Tracts 58 and 59, Trinder Tracts Subdivision
APPLICANT: Dave Trepasso
LOCATION: Tracts 58 and 59, Trinder Tracts, 328 County Road 476 (Agnes Drive)
ZONING: Residential District (R)
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Grand County Master Plan, Subdivision Regulations
ATTACHMENTS:
A. Vicinity Map
B. Community Development Application
C. Trinder Tracts Subdivision Plat Rec. No. 63921
D. Tracts 58 and 59, Trinder Tracts Proposed Amended Final Plat
E. Title Commitment
F. Letter from Mountain Parks Electric, Dated May 1, 2019
STAFF PLANNER: Joan Lyons, Planner I
REQUEST: Approval of an Amended Final Plat to combine lots for the construction of a new garage.

.DISCUSSION

a. Background: David Trepasso (the “Applicant”) is the owner of the subject tracts transferred via Warranty Deed recorded at Reception No. 2004008357 and Reception No. 2006000301. The Applicant is proposing the construction of a garage on the southern portion of the combined tracts. Approval of this Amended Final Plat will increase the effective building area and preventing a garage from being on a tract by itself.

b. History: Trinder Tracts Subdivision was platted in 1946 and contains approximately 60 tracts in 60 acres with average lot sizes of roughly one acre or 43,560 ft². These subdivided tracts are within the service area of Three Lakes Water and Sanitation District and require a well. There are existing easements within the County rights-of-way for sewer. Electric is provided in overhead easements, but are also located underground in adjacent tract lines, or side setbacks per Mountain Parks Electric (see Exhibit F).

I. STAFF COMMENTS AND ANALYSIS

The Applicant is proposing this tract combination with the future intention of constructing a new garage on the larger tract. The individual platted tracts are 1.05 acres or 45,738 ft², and 1.057 acres or 46,042.92 ft² lying in the Residential District. Under current County Zoning Regulations, minimum area of a lot or tract is 15,000 ft² and minimum width is sixty (60) feet. The difficulty with constructing a building on the existing tracts is that

per Grand County Zoning Regulations Section 13, Accessory Structures and Uses, garages are not to be built on lots or tracts by themselves. Staff is currently in the process of reviewing Section 13, Accessory Structures and Uses, and the Applicant wanted to stay consistent with regulations. The subject parcel is bordered by Residential zoning in all directions. The south and east of the parcel is surrounded by single-family dwellings. Immediately north and west exist vacant land. Staff finds this proposal consistent with the applicable Grand County Regulations. The resultant tract is 2.107 acres or 91,780.92 ft² and therefore complies with the 15,000 ft² minimum area of a tract lying in the Residential District. It is Staff's opinion that, the land area is a suitable area for a garage. Staff believes that the proposal is consistent with keeping low density where there are not public water or sewer services.

III. PLANNING COMMISSION REVIEW

During the regular Planning Commission meeting on May 8, 2019, the Commissioners reviewed this application. Commissioners had questions regarding the Applicant's building permit. Commissioners asked if the owner was connecting water or sewer to the garage, and the Applicant does not plan to connect water or sewer to the garage. No other items were discussed during the regular Planning Commission meeting.

IV. RECOMMENDATION

Planning Commission unanimously recommended approval of the Amended Tract 58A of Trinder Tracts Subdivision with the following conditions to be met prior to the recording of the Amended Final Plat:

1. A statement of taxes that shows all taxes have been paid shall be submitted (4.3 (2) (u)).
2. An electronic copy of the Final Plat shall be submitted (4.3 (2) (y)).
3. All recording fees are to be paid by the Applicant.
4. All applicable building and sanitation permits shall be obtained through the County prior to construction.
5. Draft Quit Claim Deeds to amend legal description of the lots shall be submitted for review by the County Attorney's Office and recorded with Final Plat.
6. A 24"x36" mylar for recording shall be submitted (4.3(1)(a)).
7. A surveyor's certificate shall be submitted (4.3(2)(1)).
8. Location and dimensions of existing easements and reference to their recording information are shown on the proposed Plat (4.3) (f).

Commissioner Manguso Kris moved to approve the Amended Final Plat, Tracts 58 and 59, Trinder Tracts Subdivision with recommendations.

The motion passed unanimously.

Board Business

Commissioner Manguso moved to approve Resolution No. 2018-9-32, "A RESOLUTION APPROVING THE AMENDED FINAL PLAT OF AMENDED LOT 3A, APPROVING THE ROCKY RIDGE SUBDIVISION EXEMPTION LOCATED IN THE NE ¼ OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 76 WEST OF THE 6TH P.M., COUNTY OF GRAND, STATE OF COLORADO, and authorize the Chair to sign applicable documents.

The motion passed unanimously.

Lot 21, Coyote Creek Phase 2 – Amended Final Plat

PROJECT NAME: 2nd Amended Final Plat, Coyote Creek at Winter Park Lot 21
APPLICANT: ABW REO, LLC represented by Glenn Campbell and Austin Handley
LOCATION: Coyote Creek Lot 21 Subdivision
ZONING: Tourist District (T)
APPLICABLE REGULATIONS: Grand County Zoning Regulations, Grand County Master Plan, Subdivision Regulations

ATTACHMENTS:

- A. Vicinity Map
- B. Letter of Application and Narrative
- C. Coyote Creek Amended Final Plat Rec. No. 2007002233
- D. Coyote Creek Lot 21 Proposed Amended Final Plat
- E. Architectural plans

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: Approval of an Amended Final Plat to adjust restrictive building envelopes.

I. BACKGROUND

a. History:

Pole Creek Valley recorded at Reception No. 2000004846 created 115 Lots of various sizes ranging from .20 acres to 8.47 acres, excluding the various open space tracts which contained wetlands surrounding Pole Creek and the Pearl Ditch. This Plat anticipated the addition of multi-family under another developer as mentioned in Plat Note #16 which states:

“Lots 16, 21, 23, 24, MF-1 and MF-2 will not be allowed for multi-family use until such time as they are proposed, reviewed and approved by Grand County.”

Coyote Creek recorded Reception No. 2006003270 created a Plat containing 123 multi-family units over 4 lots including Lots 21, 23, 24, and MF-2. Phase 1 composed of Lots 23 and 24 has been completed. Amended Coyote Creek approved with Resolution 2006-10-35 recorded at Reception No. 2007002233 replaced the building footprints with building envelopes. This Amended Plat for Lots 23 and 24 at approval tied into the existing Subdivision Improvements Agreement (SIA).

b. Proposal:

The quantity of forty-nine (49) units will remain the same as the Final Plat recorded at Reception No. 2007002233. Site improvements are in the process of being completed. Construction plans and specifications have been reviewed and approved by the County Consulting Engineer. The Applicant is adjusting building envelopes similar to the Amended Plat in 2007 with the intention of constructing the units with more flexibility.

II. STAFF COMMENTS AND ANALYSIS

Coyote Creek is a townhouse project that was platted in 2006-7 as an infill project where a single family and multi-family project occupying portions of this site were never fully built out.

Existing SIA will be required to be amended with this proposal as the Applicant is proceeding to Preliminary Acceptance. Language within the current SIA calls out ownership recorded at Reception 2017004871 for entitlements within the Plat recorded at Reception No. 2007002233.

Open space is a concern with Phase 2 and 3 since the margin to accomplish the 60 percent is small. The 2006 and Amended 2007 Plat references open space totals of 63.5% for Lot 21 (Phase 2), and 65.85% Lot MF-2 (Phase 3). Staff has further detailed this within the compliance analysis pursuant to Article 5 Design Standards, Section 5.5.

III. PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed this application during their regular meeting of May 8, 2019. The Planning Commission generally had little concern, but requested some clarification about building heights, open space, trail access, trash collection, and snow storage.

The Planning Commission unanimously recommends the approval as presented with the following conditions to be met prior to the recording of the Amended Final Plat. Conditions in Bold have been added by Staff after further review.

1. The Applicant shall show square footages within each building and complexes as a whole and dimensions of drives to verify open space totals (Section 5.5).
2. Conveyance to the owner ABW REO's LLC recorded at Reception No. 2017004871 and 20186914 note shall be added to the title, all other references to previous (7.3 (2) (b)).
3. Planning Commission Certificate shall be added to the Cover Final Plat (7.3 (2) (k)).
4. A two and one-half by three inch (2 ½" x 3") vertical box in the lower right-hand corner shall be provided for use by the County Clerk and Recorder (7.3 (2) (m)).
5. A statement of taxes that shows all taxes have been paid shall be submitted (7.3 (2) (p)).
6. An address table shall supplied on the cover page of the proposed Final Plat, a digital copy shall be submitted to the Grand County GIS Coordinator for updates to the system (7.3 (2) (q)).
7. An electronic copy in AutoCAD.dwg or AutoCAD.dxf of the Final Plat shall be submitted (7.3 (2) (r)).
8. The existing SIA is subject to revision in coordination with the recorded Amended Final Plat (Article 6).
9. All recording fees are to be paid by the Applicant.
10. All applicable building and sanitation permits shall be obtained through the County prior to construction.
11. Proposed Restrictive Covenants and Articles of Incorporation and Bylaws, shall be reviewed by the County Attorney's office prior to recording the Plat (7.3 (2) (n)).

Commissioner Manguso moved to approve 2nd Amended Final Plat, Coyote Creek at Winter Park Lot 21 as presented.

The motion passed unanimously.

PROJECT NAME: Amended Final Plat, Lots 6, 9, 10, 11, 12 and 13, Block 2; Lots 6, 7, and 8, Block 3; Lots 10A, 11 and 12, Block 6; Lots 12 and 13, Block 5; and Lots 8A, 9, 10, and 11, Block 5, Val Moritz Village Second Filing and the Vacation of Utility Easements

APPLICANT: Bradley K Jayme Moss; Stephan and Joyce Playter; Clifton and Louise Foster; Margaret Keller; Kelly Leigh Van Hull; Aspen Acres of Grand County, LLC represented by Doug Foster (Aspen Acres of Grand County, LLC)

LOCATION: 2975 GCR 88; 420 GCR 884; 2064 GCR 88; 1585-1471 GCR 881; 99 GCR 8807

ZONING: Residential District (R)

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

ATTACHMENTS:

- A. Vicinity Map
- B. Letter of Application and Narrative
- C. Proposed plat
- D. Title Commitments
- E. Site photos

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is requesting six (6) amended final plats to combine 15 lots into nine (9) new lots. The Amended Final Plat will also show the vacation of privately dedicated utility easements which run along the common interior lot lines of the lots involved in this proposal.

I. BACKGROUND

a. History:

Val Moritz Village Second Filing was platted in 1971 recorded at Reception No 117594. All of the lots in the subdivision are approximately one (1) acre in size and are serviced by wells and septic systems. The one (1) acre lots are capable of accommodating both well and septic systems in most situations. The property owners face difficulties because of soils and required well depths. It has proven to be less than ideal.

All lots within the subdivision were intended to be served as a part of these two filings and Innsbruck Val-Moritz. The homeowners' association that is presently known as the Village Lots Homeowners Association have made three attempts to extend central sewer service to Val Moritz Village Second Filing. The third attempt was recently unsuccessful and therefore, the Homeowners Association is encouraging lot combinations so that lot sizes are increased, thus facilitating the siting of well and septic systems on the properties.

Roads and easements within the subdivision are dedicated to the owners of Val-Moritz Village, any vacation of these easements will need to be via deed provided by the Village Lots Homeowners Association and Recorded prior to recording Plat.

b. Proposal:

Combine lots in order to reduce the number of lots within Val-Moritz Village since public water and sewer are not available.

II. STAFF COMMENTS AND ANALYSIS

A batch Amended Final Plat was started in 2017 for 14 lots to become 8 lots in a similar fashion. Doug Foster, owner of several lots, member of the Village Lot Owners Association and the Applicant's representative was organizing this effort. That previous process has been completed and the Owners Association is still recommending property owners combine lots that present problems with well and septic spacing.

Staff believes that the previous and current proposal prevents other issues that would be present if all lots were developed in their current position.

III. PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed this application during their regular meeting of May 8, 2019. They asked a few general questions about the proposal but generally had no major concerns. The Planning Commission voted to recommend approval following discussion with two conditions:

- Any existing wells shall be re-permitted with the state to correct the legal description,
- These lots shall be forever combined, never to be sold, mortgaged, or transferred separately.

The Planning Commission unanimously recommends the approval with Staff conditions and one (1) additional condition of the Amended Final Plat, Val Moritz Village Second Filing Lots 6, 9, 10, 11, 12 and 13, Block 2;

Lots 6, 7, and 8, Block 3; Lots 10A, 11 and 12, Block 6; Lots 12 and 13, Block 5; and Lots 8A, 9, 10, and 11, Block 5, with the following conditions to be met prior to the recording of the Amended Final Plat. Conditions in bold have been added by Staff after further review.

1. Conveyance to owners and location of Recording (4.3 (2) (a)) [Subject Plats: Lots 6, 9, 10, 11, 12 and 13, Block 2; Lots 6, 7, and 8, Block 3; Lots 12 and 13, Block 5;].
2. Rights-of-Way shall show Grand County road numbers (4.3 (2) (e)) [Subject Plats: Lots 6, 9, 10, 11, 12, and 13, Block 2; Lots 10A, 11 and 12, Block 6;].
3. Pre-Existing recorded easements with reference to their location of recording within the Grand County Real Estate records (4.3 (2) (e)) [Subject Plats: Lots 12 and 13, Block 5; : Lots 6, 9, 10, 11, 12, and 13, Block 2;].
4. Planning Commission Certificates shall be corrected (4.3 (2) (f)) [Subject Plats: Lots 12 and 13, Block 5; Lots 6, 9, 10, 11, 12, and 13, Block 2;].
5. A lienholders certificate shall be added to the Plat (4.3 (2) (j)) [Subject Plats: Lots 8A, Block 5; Lots 6, 9, 10, 11, 12, and 13, Block 2;].

Consistent to all proposed Plats:

6. The County Attorney's Office shall review the Dedication (4.3 (2) (r)).
7. A statement of taxes that shows all taxes have been paid shall be submitted (4.3 (2) (x)).
8. An electronic copy in AutoCAD.dwg or AutoCAD.dxf of the Final Plat shall be submitted (4.3 (2) (y)).
9. All recording fees are to be paid by the Applicant.
10. All applicable building and sanitation permits shall be obtained through the County prior to construction.
11. Any existing wells will need to be re-permitted with the State following the recording of the Amended Final Plat.
12. These lots shall be forever combined, never to be sold, mortgaged, or transferred separately.
13. A Quit Claim Deed from the Village Lot Owner's Association shall be recorded prior to recording any Amended Final Plat, vacating interest in existing easements along common property boundaries.

Commissioner Linke moved to approve Amended Final Plat, Lots 6, 9, 10, 11, 12 and 13, Block 2; Lots 6, 7, and 8, Block 3; Lots 10A, 11 and 12, Block 6; Lots 12 and 13, Block 5; and Lots 8A, 9, 10, and 11, Block 5, Val Moritz Village Second Filing and the Vacation of Utility Easements as presented.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 2:26 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 11th day of June 2019.

Richard Cimino, Chair

Attest:

Sara L. Rosene, Clerk and Recorder