

GRAND COUNTY PLANNING COMMISSION
WebEx MEETING MINUTES

Wednesday, June 9th, 2021

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

MEMBERS ABSENT: Ralph Graves

STAFF PRESENT: Robert Davis Taylor Schlueter
 Maxine LaBarre-Krostue Patty Kemper

The meeting was called to order by Chairperson Marcus Davis at 6:33 PM. Roll call was taken.

Minutes from May 12th, 2021 were not presented.

There were 8 members of the Public in attendance by WebEx for the May12th meeting.

LibbyClair Ranch Outright Exemption – Outright Exemption Final Plat – LibbyClair Ranch, LLC represented by David Taussig

Presented by: Taylor Schlueter, Planner I

PULLED by STAFF

Lot 7-11, Block 6 Lake Forest 1st Addition Subdivision – Amended Final Plat – Jamie Mitchell.

Presented by: Taylor Schlueter, Planner I

PULLED BY STAFF

Lot 32-37, Olvey’s 1st Subdivision – Amended Final Plat – Veeneman Hayes

Presented by: Taylor Schlueter, Planner I

CERTIFICATE OF RECOMMENDATION

PLANNING COMMISSION JUNE 9, 2021

Project Name	Amended Final Plat, Lots 32-37, Olvey’s First Subdivision
Applicant	Hayes Veeneman
Location	Lots 32, 33, 34, 35, 36, and 37, Olvey’s First Subdivision
Zoning	Residential (R)
Applicable Regulations	Grand County Zoning Regulations, Grand County Subdivision Regulations
Attachments	A. Development Application B. Project Narrative C. Proposed Amended Final Plat D. Olvey’s First Subdivision Final Plat, Reception no. 57393 E. Vicinity and Detail Maps F. Warranty Deed, Reception no. 95004987 G. BOCC Resolution, 2 nd Street Road Vacation, Reception no. 122426 H. Title Commitment effective May 5 th , 2021 I. 2020 Property Tax Receipt, dated April 26 th , 2021
Staff Planner	Jacob Cote and Taylor Schlueter
Request	Approval of an Amended Final Plat to combine six adjacent lots into a single parcel.

Background and History

Hayes Veenemen, herein referred to as the “Applicant”, has owned Lots 32-37 of Olvey’s First Subdivision—together with that portion of vacated Second Street adjoining said lots, since June 15th, 1995 per Warranty Deed recorded at Reception no. 95004987. The parcel would be approximately 1.47 acres large and contains only one single-family dwelling. The subject parcel is serviced by Three Lakes Water and Sanitation District for sewage and well water.

The Olvey’s 1st Subdivision Final Plat was recorded in 1940 at Reception no. 57393. The subdivision was originally platted with 37 lots. The right-of-way for Second Street—running adjacent to the north/northwest property line of the Applicant’s property—was vacated in 1963 at Reception no. 122426, and the Applicant’s portion of the vacated right-of-way is shown on the preliminary plat. The Applicant is not interested in removing the parcel line separating his parcels from the vacated right-of-way at this time.

Purpose of Request

The Applicant is pursuing this Amended Final Plat to combine their six adjacent, jointly-owned parcels. It is their position that the development of the small existing lots would be detrimental to the natural resources of the area, and it would disrupt an existing wildlife pathway.

Staff Comments and Analysis

This Amended Final Plat application is typical of most Amended Final Plat applications received by Grand County in that it is intended to increase the size of a parcel by combining two or more adjacent parcels, eliminating any possibility for future development of the parcels. The proposal is fully compliant with all zoning and subdivision regulations, but it is not consistent with the Grand County Master Plan’s recommendations to focus future growth and denser developments in areas closer to existing towns and communities. In the case of this Amended Final Plat proposal, five small lots just outside the town limits of Grand Lake would be eliminated.

Future development of the parcels being adjoined through this Amended Final Plat would not be likely if the lots were to remain separate: few houses built in Grand County today would fit comfortably on a lot 50’

wide. The Applicant's existing driveway would also likely need to be adjusted, or it would further complicate efforts to develop any of the five currently undeveloped lots. In all, while the reduction of developable lots will only contribute to the housing and land affordability problems currently facing Grand County residents, this may not be the best candidate location for future development in any case.

Compliance with Zoning Regulations

Section IV – Residential District

- §4.1 Uses Permitted** Property's current use is in compliance. (§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 1.47 acres (64,033 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 property is pre-existing and is in compliance.

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:

Amended Final Plat

Lot 32A, Olvey's First Subdivision

A Replat of Lots 32, 33, 34, 35, 36, and 37, Olvey's First Subdivision

According to the Final Plat recorded at Reception No. 57393

Part of Section 6, 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:
Lot 32A, Olvey's First 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.

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:
- (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 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.

Staff Recommendation

Staff recommends approval of the Amended Final Plat, Lot 32A, Olvey's First Subdivision. The following conditions shall be met prior to the recording of the Amended Final Plat:

1. The Title shall be amended as recommended [§ 4.3 (2) (a)].
2. The Dedication shall be amended as recommended [§4.2 (2) (k)].
3. The Surveyor's Certificate shall be amended as recommended [§4.3 (2) (1)].
4. The existing address shall be placed on the Final Plat Mylar [§ 4.3 (2) (w)].
5. An electronic copy of the Final Plat shall be submitted as recommended (see (y) above).
6. All recording fees are to be paid by the Applicant.
7. 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 was on the call. Have you had a chance to review the Certificate and do you have any questions/concerns.

Hayes Veeneman, the applicant is on the call and available to answer any questions. He has not had an opportunity to review the Certificate, but has no problems moving forward with the meeting. He sees no issues arising based on the subdivision and what type of request he is applying for this evening. These are just internal lot lines that he is requesting to be pulled.

Commissioner Davis informed the applicant, due to the unusual month if the applicant does not feel like the questions were answered by our County Planner, sufficiently he can certainly interject with his own response.

Commissioner Karlstrom stated no questions.

Commissioner MacDonald stated he believes this property is in a growth area, can they please confirm this.

Taylor Schlueter, Planner replied, that yes it is in the Grand Lake Growth Area.

Commissioner MacDonald stated he can appreciate wanting to condense to preserve the natural characteristic, but I am curious if there are any hardships that makes it difficult to develop these lots.

Taylor replied the grade of the properties in question are above 30%. Which is an obstacle of development in this case.

Commissioner MacDonald added it looks like you would not be able to build a driveway to your home if neighbors were to develop.

Commissioner Fournet stated no questions.

Commissioner McNertney stated no questions.

Commissioner Shepton asked if the applicant owned all of the lots presented.

Mr. Veeneman stated yes he does.

Commissioner Shepton stated then the lots are yours to do what you want. I have no objections, it is steep with narrow lots, so it would be hard to build.

Commissioner Gnuse asked why the applicant decided not to vacate the line that determines Second Street, which has previously been vacated, so the line are no longer of any significant issue?

Mr. Veeneman stated that is very interesting. Community Development had brought that up also, and I had never thought of that. It has been vacated for so long, if that line could also be vacated.

Commissioner Davis added, there is a big difference between a road not being improved, and going through a vacation process. If it had been vacated, the property would have been deeded 50% to either side of the center line of the road. That is the standard. We could do this using the same process but I would

recommend doing it as a secondary because there is a lot more involvement with Road & Bridge, and other stakeholders along the way. Once you vacate a road it does not come back. If you are interested to pursue this process you are already here and that would be a significant tabling if you wanted to add this new process to your request. Does your deed include ownership of Second Street?

Mr. Veeneman stated yes.

Commissioner Davis stated I have a property that does the same thing and to work through the vacation and such is not realistic, and at the same time, I thought it would never be improved, now I have road specs to my house.

Mr. Veeneman added I would be in favor of going on and getting this done tonight. If I wanted to add the vacation or anyone else does in the future, they could submit.

Commissioner Davis stated according to your deed this has already been vacated. So now it begs the question, why is the plat not indicative? Who did the plat?

Mr. Veeneman stated Warren Ward.

Commissioner Davis stated to take the plat back to Warren Ward, I think he has a dotted line there but the plat needs to be updated. So let's make a condition, the plat needs to make very clear to show that portion of Second Street is vacated, it does say vacated Second Street, and it looks to me like it is all done as long as the plat note is correct. The more I am reading and looking at the plat you are good to go. The new Quit Claim to yourself will have to include the proper language.

Mr. Veeneman stated OK.

Commissioner Karlstrom asked why the plat was not reflecting this.

Commissioner Davis stated it is and we are good to go. It is showing "Vacated Second Street" on the plat. What is being vacated is all the internal lines and the dark exterior line would be the only lot shown. For the note to the existing driveway, Taylor should say, lot lines common to (inaudible) Lots 32 and 34, 35 and 36, as well as lot line adjacent to vacated Second Street, shall be vacated per this plat. Instead of holding this up tonight, make a condition to address Second Street. Second Street was vacated prior to the replatting. According to Vacation (go back and look at Resolution) each lot would have extended to the center line of that road. So we should not see vacated Second Street on this plat at all. There is a deed from 1995 that is showing it vacated.

Taylor stated understood.

Commissioner Fitch stated no questions.

Commissioner Davis stated the only consideration is when we use the term that a 50 foot lot is too narrow to build anything on. That is certainly not true. My neighbor is on a 50 foot lot and he has a beautiful 3 bedroom home with plenty of space. So we need to keep things realistic. When we are talking about density and driveway access. If you combined the 50 foot lots there is plenty of room with the existing driveway to pigtail off to your neighbor with an easement. I support an owner's right to combine the lots and never to be sold separately because it was added to the plat. You would have to go through the subdivision process to re-split the lot again. I read in the Certificate that yes, this is in a Growth Boundary, but it seems reasonable because of the hard slope. None of which can't be overcome. I don't vote, I will voice my dissent for this project, because I do not agree with the arguments. At the same time, to be independent as possible, I understand that an owner is allowed to do with their property what they wish to do with their property. I hope I shared both sides of the coin. Any members of the public have any comments.

Maxine Labarre-Krostue, Assistant County Attorney added to correct the record that it is 6 lots. We are combining all 6 lots to form 1 lot. I believe Taylor said combining 5 lots when it is 6 lots. Just want to correct the record.

Commissioner Davis stated the Certificate is correct but the record needs to say 6 lots combined and not 5 lots. We have added 1 condition to address a vacated Second Street. There are a total of 8 conditions now.

Commissioner MacDonald asked do we need to have items like this be consulted with Three Lakes Water and Sanitation, since they service this area.

Commissioner Davis replied, no because it is a reduction of density.

Commissioner Karlstrom wanted to comment about the ability of a land owner to do what he wants with his land. The Master Plan is just a guideline, it is not required.

Commissioner Davis then asked for a motion.

Motion to recommend approval by Ingrid Karlstrom for Lot 32-37, Olvey’s 1st Subdivision – Amended Final Plat – Veeneman Hayes, with the added condition regarding Second Street Vacation. Seconded by Tara Fournet. No further discussion. All in favor "aye". MacDonald Opposed. Motion carries.

Aspen View Estates Subdivision Exemption – Sketch Plan – Ladd Properties, LLC represented by Roger Ladd.

Presented by: Robert Davis, Director Community Development

CERTIFICATE OF RECOMMENDATION

Planning Commission, June 9, 2021; Board of County Commissioners T.B.D.

<i>Project Name</i>	Aspen View Subdivision Exemption – Sketch Plan
<i>Applicant</i>	Ladd Properties, LLC represented by Roger Ladd
<i>Location</i>	Government Lot 2 Section 35, Township 1 North, Range 76 W of the 6 th PM
<i>Zoning</i>	Residential District
<i>Applicable Regulations</i>	Grand County Zoning Regulations, Grand County Subdivision Exemption Regulations
<i>Attachments</i>	A. Development Application B. Project Narrative Letter C. Proposed Subdivision Exemption Final Plat D. Vicinity and Detail Maps
<i>Staff Planner</i>	Robert Davis, AICP, SMP and Alexander Taft, LEED Green Associate
<i>Request</i>	The Applicant is proposing a three (3) lot Subdivision Exemption.

I. BACKGROUND

a. PROPOSAL

The applicant, Ladd Properties LLC, is proposing to subdivide a 42.3 acre parcel into three lots. Lot 1 will be 11.428 acres, Lot 2 will be 14.78 acres and Lot 3 will be 13.388 acres totaling roughly 39.6 acres. Outlots A-F total approximately 2.8 acres. There will also be a 60 foot easement to accommodate an access that will also be shared by the roughly 42 acre parcel directly to the south and identified as the proposed Tabernash Highlands Subdivision Exemption (also to be presented on June 9th). The proposed lots are accessed by a single road which travels north to south approximately 2,100' and allows several points for turnaround for emergency and personal vehicles alike. The proposed road will connect to County Road 854.

Well permits for the domestic well will be converted to three (3) household wells. Electric power and utilities will be installed underground. Preliminary geotechnical engineering, On-site Wastewater Treatment Systems feasibility have been analyzed and roadway pavement sections have been designed.

The subject property has recently been divested to two entities holding approximately 40 acres each. The previous owner, Grand Enclave, presented several proposals between 2005 and 2008 which were reviewed by Grand County but were never finalized. Those proposals considered approximately 42 acres and contained a maximum of three lots consistent with the Minor Subdivision Regulations, which have since been repealed.

The site is located in Tabernash Rural Growth Area #1 of the Master Plan.

The Grand County Subdivision Exemption Regulations outline the process of how to divide land on a small scale under circumstances in which the need to comply with Grand County Subdivision Regulations would cause undue hardships and the impact of the proposed division would not require it for the Subdivision Regulations. Subdivision exemptions apply to the division of land into a maximum of three (3) single family residence lots with one (1) single-family residential unit per lot.

b. HISTORY

The surrounding single family dwelling per parcel subdivisions include Winter Park Highlands Unit 5, Winter Park Highlands Greenridge, and Tabernash Village West. These were all developed between 1970 and 1980 and to date are not entirely built out.

In 2006, a proposed Minor Subdivision Preliminary Plat was reviewed and approved by Grand County but did not proceed because of the economic recession.

II. STAFF ANALYSIS

The surrounding area is characterized by single family detached homes on large lots with the exception of large vacant open space parcels directly to the west. The density of the proposed development is low at approximately .07 du/acre compared to the roughly .25 du/acre of surrounding developments. The use of well and septic is expected, since there is no public water or sewer within a feasible proximity to create extension. With available water, Staff finds this use to be appropriate for the area.

III. COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

a. Grand County Master Plan

Plan Element 2 – Land Use – Growth and Development

The Vision is to conserve the area’s natural beauty and rural setting while building vibrant communities. Growth should be directed to occur in and around existing communities in a way that complements and enhances the County’s rural character. For Rural Growth Areas, the Plan discusses feathering of densities between low density areas which exist east of the subject property and high density areas existing directly west.

Plan Element 3 – Development: The Built Environment

As stated in Plan Element 3 in the Grand County Master Plan, 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.

b. ZONING – Section 6.1 Forestry and Open District

The parcels involved in this proposal lie within the Forestry and Open District, existing inside the Tabernash Rural Growth Area. The site is surrounded by residential vacant land, subdivision open space tracts, or larger lot residential uses.

- (a) The use of these lots are anticipated as single family dwellings, consistent with uses by right in this District.
- (b) This District requires 30’ minimum front yard setbacks, 10’ minimum side yard setbacks and 20’ minimum rear yard setbacks.
- (c) The minimum lot size in the Forestry and Open Zoning District is two acres when located within a Growth Area. The proposed lots range from 11-14 acres and complies with this requirement.

c. SUBDIVISION EXEMPTION – Article 2 – Design Standards

The application shall be compliant with the Grand County Subdivision Exemption Regulations, the following is how each item was addressed under the submittal of Sketch Plan: [Sketch Plan (2)]

2.1 SPECIAL SITE CONSIDERATIONS

The Applicant shall map and identify areas of steep grade and geologic hazards. **Those areas in excess of 30% grade or greater shall be noted on the final plat as non-development zones [2.1 (1&2)].**

The proposed subdivision is surrounded by other residential subdivisions. The subject site is also approximately ¾ of a mile, straight line distance, from US Highway 40 [2.1 (3)].

Large areas on each lot are undevelopable because of steep slopes, providing some natural preservation [2.1 (4)].

The necessary technical analyses, at a minimum, should provide data regarding soil suitability for Onsite Wastewater Treatment Systems (OWTS), construction bearing capacity, storm water drainage hazards, and potential radon hazards. **A geotechnical soils analysis shall be completed and submitted with the Final Plat [2.1 (5)].**

The applicant shall be aware: "Once submittal of a sketch plan has been made to the Grand County Planning Department for review of a Subdivision Exemption, no disturbance of the site, nor installation of any improvements associated with the proposed subdivision is allowed until after approval of the final plat by the Board of County Commissioners, or prior approval of any site disturbance or installation of required improvements has been authorized by the Board of County Commissioners. The developer will be allowed to do any soils and geologic testing, soils borings, surveying, etc. that are needed to provide the technical reports required for review of the Subdivision Exemption." [2.1 (6)].

2.2 DRIVEWAYS, ROADS, STREETS AND EASEMENTS (2.2) (1-14)

Street rights-of-way shall be designed to bear a logical relationship to the topography. A private road is proposed that will be maintained by a homeowner's association. The proposed road follows a path currently existing on the site. **Cul-de-sacs, turnarounds areas, street widths, grades and driveway requirements shall follow Road and Bridge Standards [2.2 (1-11)].**

Easements of not less than twenty (20) feet in width shall be provided along rear or side lot lines for utilities. Such easements may be provided by ten (10) foot easements on each of adjoining lots. Utility easements at different locations may be provided upon recommendation by the affected utility companies and approval of the Board of County Commissioners **Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. A plat note stating: All utilities shall be placed underground where not already existing [2.2 (12)].**

All roads created to serve the Subdivision Exemption shall be assigned county road numbers. [2.2 (13)]. The address presently assigned to the parcel is 250 Grand County Road 854.

The Grand County Road and Bridge Standards and the Grand County Storm Drainage Design and Criteria Manual have been integrated into the Subdivision Exemption Regulations wherever applicable and at the discretion of the Board of County Commissioners. Standards may be reduced according to density impacts.

The Grand County Road and Bridge Standards and the Grand County Storm Drainage Design and Criteria Manual have been integrated into the Subdivision Exemption Regulations wherever applicable and at the discretion of the Board of County Commissioners. Standards may be reduced according to density impacts [2.2 (14)]. Staff would believe that the authority and purpose of the Grand County Road and Bridge Standards sufficiently protect the public safety and welfare as a portion of the Subdivision Regulations.

2.3 LOTS

The proposed lots are 11.428 acres, 14.78 acres and 13.388 acres which are greater than the required 2 acres, therefore complying with these regulations and the Forestry and Open District [2.3 (1)].

Each lot shall have access to a street right-of-way. The front of the lot shall be that side adjacent to the driveway or road access noted on the Final Plat [2.3 (2)].

No lots in this proposed Subdivision Exemption has double frontage [2.3 (3)].

The proposed lots are as close as possible to be aligned to right angles from the proposed private road.

*Prior to approval of the final plat, the applicant will provide a black-line mylar, 14" x 18", at the applicant's expense, depicting each lot or tract according to a formula provided by the Grand County Planning Commission. The Grand County Planning Commission may require the applicant to consult with a specific engineering firm to determine proper addresses. The cost of said consultation will be the responsibility of the applicant. The mylar will also contain the name of the exemption and the section(s), township(s) and range(s) in which it is located. **Addresses for lots shall verified/determined before approval of the final plat [2.3 (5)].***

There are no corner lots being created by the proposed plat [2.3 (6)].

2.4 DEDICATIONS

The language included below is directly quoted from the Subdivision Exemption regulations and is to serve as a reminder to the Applicant that no new county roads are being accepted for maintenance. Any

Dedication of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements, may be required [2.4 (1)].

Approval of a division of land under these Regulations shall not constitute acceptance by the County of the roads, streets, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the county shall be accepted by the County only be specific action of the Board of County Commissioners. [2.4 (2)].

2.4 DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER

The FEMA Flood Insurance Rate Map (FIRM) dated January 2, 2008, depicts the area as located within Zone D. The Zone D designation is used for areas where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted. Staff believes there are no potential flood hazards in this area. [2.5(1)].

An explanation of adequate supply created by a water resource engineer or water resource attorney shall be provided prior to Final Plat review by the Board of County Commissioners pursuant to §29-20-103 (§29-20-304) Colorado Revised Statutes [2.5 (3a)].

2.6 DESIGN STANDARDS FOR NATURAL HAZARD AREAS

In areas determined to have significant flood, fire, geological, or other natural hazards the Board of County Commissioners may, in the interest of public safety, require applicants to submit for review plans to eliminate or reduce hazards to a reasonable level. Such plans may include, but are not limited to engineering designs, fuel modification, emergency water systems, etc.

Staff has not discovered any natural hazards which would cause concern to public safety or welfare.

2.7 IMPROVEMENTS REQUIRED

*In each proposed land division, the applicant and the Board of County Commissioners shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to the surrounding area. **The applicant shall be made aware:***

Improvements shall be made by the applicant at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Board of County Commissioners.

Permanent survey monuments shall be set as required by Colorado Revised Statutes, 1973, Title 38, Article 51. In addition, half inch (1/2") steel pins (or larger) shall be set at all lot corners. Affixed securely to the top of each such monument shall be the Colorado registration number of the land surveyor responsible for the establishment of said monument. [2.7 (1)].

There is an assumed access from County Road 854 to serve all three lots **[2.7 (2)]**.

Improvements not specifically mentioned in these Regulations but found appropriate and necessary due to unusual conditions found on the site, shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Board of County Commissioners **[2.7(3)]**.

Staff notes that *"The Applicant(s)/Developer(s) will be responsible for paying all engineering fees associated with any new subdivision exemption. In addition to the initial costs associated with the development, the applicant/developer will be responsible for ongoing engineering fees throughout the project (i.e., traffic study reviews, subdivision improvement inspections, etc.)"* **[2.7 (4)]**.

Staff recommends that electric utilities be supplied to all lots to prevent extensions of service over head and to avoid multiple road cuts. Staff understands that there are no *"appropriate county officials having jurisdiction over such improvements"* for electric service.

2.8 SLASH REMOVAL/DISPOSAL

Slash removal and disposal is not anticipated on the subject property but if any is to occur, it shall be done compliant with this provision and requirements of the Department of Natural Resources **[2.8 1-2]**.

2.9 SOLID FUEL BURNING DEVICES

This has been repealed via Resolution 2016-7-34

2.10 SCHOOL LANDS

Staff will collect five (5) comps of vacant parcels within a three mile vicinity to arrive at a cost per acre price prior to the submission of the final plat.

A letter shall be sent to the East Grand School District for a decision on their preference in receiving lands or fees in lieu.

2.11 STORMWATER MANAGEMENT

[2.11 (1-2)] Areas of disturbance are anticipated to be less than 1 acre and therefore not triggering a Storm Water Permit through CDPHE. As noted above new roadways shall be constructed to Road and Bridge Standards.

2.12 DESIGN STANDARDS FOR MINERAL RESOURCE AREAS

"Mineral extraction and exploration are prohibited in order to protect public health and safety as the same also contradicts the purpose of the Subdivision Exemption process. This Application shall comply [2.12].

2.13 DITCH CROSSINGS

Plat notes shall be added to the Final plat covering the following items related to ditch crossings.

"Approval from the ditch owner or ditch company to cross the ditch easement may be required prior to any disturbance of the ditch. The developer shall be required to provide the ditch easement owner with design drawings and hydraulic analysis of the proposed crossing. The developer or owner is responsible for all costs associated with any review of plats or specifications for ditch crossings by the ditch company" [2.13 (2)].

"Crossings shall be at roads or driveways whenever possible. The crossing shall be sized so as not to interfere with the ditch operation or alter the existing flow characteristics. (I.e. width, depth, slope, velocity or pattern)" [2.13 (2)].

2.14 POST CONSTRUCTION

[2.14 (1-9)] The developer shall follow procedure outlined in the Road and Bridge Standards for construction of all new roads to serve these lots. Construction Drawings and Cost estimates for construction shall be submitted with the Final Plat for review by the Grand County Consulting Engineer.

d. SUBDIVISION EXEMPTION – Article 3 – Sketch Plan

The application shall be compliant with the Grand County Subdivision Exemption Regulations, the following is how each item was addressed under the submittal of Sketch Plan:

[Sketch Plan (3.2) (1)(a-c)] The proposed land division shows the creation of three new parcels within the 42.3 acres owned by the applicant (a&b).

A vicinity map was also included to show the parcel in relation to a two mile area (c).

[Sketch Plan (3.2) (2) (a)]

The proposed name of the exempted tracts is Grand Enclave Filing No.1 Subdivision Exemption.

[Sketch Plan 3.2 (2) (b)]

Government Lot 2, Section 35, Township 1 North, Range 76 West of the 6th P.M. is the legal description identified in the application. **The title on the Final Plat shall be reviewed by the County Attorney.**

[Sketch Plan 3.2 (2) (c)]

The Final Plat shall also include, owner and/or engineer of the proposed division.

[Sketch Plan 3.2 (2) (d)]

The Sketch Plan shows a date of preparation of May 5, 2021, with 1"=60' scale and shall remain on the Final Plat.

[Sketch Plan 3.2 (2) (e)]

Location and approximate dimensions for all proposed street rights-of-way, easements and lot lines. The applicant has provided dimensions for street rights-of-way and lot lines. A thorough analysis of all existing and proposed easements and Rights-of-Way shall be completed with the Final Plat submittal.

[Sketch Plan 3.2 (2) (f)]

The Final Plat shall include the location and principal dimensions for all existing streets (including their names) width of adjacent private and County Right-of-Way. The Final Plat shall include the width of adjacent private and County Right-of-Way.

[Sketch Plan 3.2 (2) (g)]

All surrounding subdivided lots with legal descriptions have been included on the proposed Sketch Plan/Plat and shall remain.

[Sketch Plan 3.2 (2) (h)]

This condition has been substantially met all lots show acreage to the 1/100th.

[Sketch Plan 3.2 (2) (i)]

Relevant site characteristics including the existence of any special natural or man-made hazards.

[Sketch Plan 3.2 (2) (j)]

The Applicant shall certify that notice has been provided to the mineral estate owner pursuant to C.R.S. '24-65.5-101 et al., which includes time and place of the Sketch Plan hearing before the Planning Commission, nature of the hearing, location of the property that is the subject of the hearing, and name of the applicant. The name and address of the mineral estate owner are required to be provided within said certification notice. Grand County shall, pursuant to C.R.S. '24-6-402(7) et al., provide notice of subsequent hearings to Mineral Estate Owners who register for such notification.

[Sketch Plan 3.2 (2) (k)]

The title insurance commitment has been provided as a portion of this application and is dated May 24, 2021.

IV. STAFF RECOMMENDATION

Staff recommends the approval of the Aspen View Subdivision Exemption Sketch Plan with the following conditions to be met prior to submitting an application for Final Plat approval:

1. These areas in excess of 30% grade or greater shall be noted on the final plat as non-development zones [2.1 (1&2)].
2. A geotechnical soils analysis shall be completed and submitted with the Final Plat [2.1 (5)].
3. Cul-de-sacs, turnarounds areas, street widths, grades and driveway requirements shall follow Road and Bridge Standards [2.2 (1-11)].
4. Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. A plat note stating: All utilities shall be placed underground where not already existing [2.2 (12)].
5. An explanation of adequate supply created by a water resource engineer or water resource attorney shall be provided prior to Final Plat review by the Board of County Commissioners pursuant to §29-20-103 (§29-20-304) Colorado Revised Statutes [2.5 (3a)].
6. A letter shall be sent to the East Grand School District for a decision on their preference in receiving lands or fees in lieu [2.10].

7. Plat notes shall be added to the Final Plat covering the following items related to ditch crossings [2.13].
8. The title on the Final Plat shall be reviewed by the County Attorney.
9. The Final Plat shall also include, owner and/or engineer of the proposed division [3.2(2) (c)].
10. The Final Plat shall include the location and principal dimensions for all existing streets (including their names) width of adjacent private and County Right-of-Way. [3.2(2) (f)].
11. All impact fees shall be paid prior to recording the Final Plat.
12. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.
13. The applicant shall meet all Final Plat requirements.

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

Commissioner Davis asked if the applicant, Roger Ladd, had a chance to review the Certificate and if they had any questions/comments.

The applicant, Roger Ladd stated he had no comments.

Commissioner Fitch stated she was confused by a couple items. Rob stated 42 acres in his presentation and the Certificate state 77 acres. Then adding the extra 2 lots in the back, I am not clear on what that means.

Director Robert Davis replied, the actual acreages is 42.3 acres. If something said 77 acres that was a typo. We were describing these 2 lots as outlots. They were created by the surveyor to represent the land that is currently in boundary dispute. This was the surveyor's attempt to describe those lots that could end up being sold off once the boundary dispute is resolved.

Roger Ladd wanted to comment. There is no boundary dispute. It was the Bureau of Land Management (BLM) that created that survey on the other side of the property, which trumps any private survey. There is no boundary dispute.

Commissioner Davis stated, Robert and I discussed this earlier. Our Subdivision Exemption Regulations allow for a 3 lot division-maximum. Otherwise, you have to go through a full Subdivision Division process which doesn't make sense in this case. Because there was a difference between the private survey and the government survey. Robert's concern was that the disparity hadn't been completely concluded and my indication was (in communication with Robert) if these pieces were to be transferred north, south, west or east at any time in the future you would do it through an Outright Exemption process anyway, and if they were to be created prior to this event they would be done with an Outright Exemption. Because they do not carry water rights, it is a chunk of land that needs to determine where it goes. The recommendation was, if the land owners property line as best we know it, just extends the 3 parcel division to meet that exterior boundary line and then if there is a question or a handshake one way or the other then we do that through an Outright Exemption at a later date.

Commissioner Gnuse stated my only question is, on this application it showed at the end of the road there is a cul-de-sac. When you go to the next application, Tabernash Highlands Subdivision application it shows a

cul-de-sac also, and I am wondering does the cul-de-sac at the end of this application disappear and only connects at the road that extends through the second property. Or does the cul-de-sac remain even when you connect the road into the second 42 acres?

Roger Ladd replied the cul-de-sac remains with an addition to have a turnaround for the fire department. The cul-de-sac will be an additional turnaround for the fire department. We have had discussions with the fire department in the past. Back in September of 2020, we approved sketch plans for 14 lots, so we have had various discussion with the fire department. So yes, the cul-de-sac will remain.

Commissioner Shepton stated in the future please state why it is not a sketch plan like we usually see.

Commissioner Davis added, if you look at the attached plat, it is on 2 separate pages as presented by the surveyor, so they were pulled together that way.

Commissioner McNertney stated no questions.

Commissioner Fournet asked, the fire department is not listed in the staff recommendations, should it be or should that be more of a Preliminary Plat thing?

Commissioner Davis stated no this is it. We only see it here or at final.

Commissioner Fournet asked to add consult the fire department.

Robert Davis stated we will include it in the recommendations.

Commissioner Davis asked if we could modify Condition Number 3, "Cul-de-sacs, turnaround areas, street widths, grades and driveway requirements shall follow Road and Bridge Standards". Add as well as comply with fire department request.

Commissioner Fournet agreed.

Commissioner MacDonald requested to have the cul-de-sac and the property line contradictions to be resolved before the next phase. The cul-de-sac is discussed in the Staff Recommendations but not on the plans. I am requesting to see that on the plat. The opposing surveys, which ever one that matters (possible the federal survey), to show the survey lines at the next phase.

Commissioner Davis stated, a cleaned up plat. Which is mainly covered in Condition 9 & 10. Do you see that there needs to be a change on those Conditions, Will?

Commissioner MacDonald asked, which survey will take precedent? I would assume it is the federal survey. I want to make sure that this whole process is not being done to enhance the argument of the dispute.

Commissioner Davis stated, do we need to reword, add a condition, or is it covered? Number 9 says "The Final Plat shall also include, owner and/or engineer of the proposed division". Condition Number 10 states "The Final Plat shall include the location and principal dimensions for all existing streets (including their names) width of adjacent private road, and County Right-of-Way". We are changing the recommendation to have just 3 lots, so I think with that it will follow the legal description appropriately by eliminating those out lots. I think we will be OK on that Will, do you agree or do you want to see anything different in the conditions?

Commissioner MacDonald replied, I think we should ask the county attorney?

Roger Ladd wanted to make a comment regarding the outlot. Lot 16 was encroaching. The home owner had a terminal illness and the husband asked to resolve it and we went through a fairly complex process just to deed that over to them. The homeowner on Lot 17, also wants to clean up his property. The surveyor stated

these out lots are the easiest way to deed over portions of the property to the neighbors. A couple of the outlots are going to green space.

Commissioner Davis added, we cannot do that through the Subdivision Exemption process. There has to be a parallel Outright Exemption request to legalize and transfer those chunks of property. We need to do a parallel Outright Exemption process to this. Otherwise, if you are over 3 lots, you are in a 6 meeting subdivision process which does not accommodate what you are trying to do.

Roger Ladd stated, a Subdivision Exemption later per the surveyor, he claims it is easier to clear up these encroachments by creating the Outright Exemption.

Commissioner Davis added, (inaudible) and we will not approve that. It is a parallel process with an Outright Exemption.

Roger Ladd stated he understands.

Commissioner Karlstrom asked, when you say parallel, do you mean it has to be concurrent with his application?

Commissioner Davis replied, as we are looking at this in a sketch plan or identifying things that need to be modified to the extent of Lot 7, that they have already gone through the process to carve off that chunk of land. This plat shows that one already combined with a different lot, so there is going to be a jagged outside border at some level and if there is still a question, then you can do an in-process parallel Outright Exemption process to cure any small transfer of land to an adjacent land owner. Staff can walk the applicant through that now that we understand what the request is and what they are trying to solve. The process can be done now or later. The solution in either case before or after is an Outright Exemption to have concurrently, then everything is solved at 1 time. If it happens beforehand then, you do the Subdivision Exemption as long as the remaining property is over 35 acres and we are not improving encroachment.

Commissioner Karlstrom stated she is asking if we can go ahead with this Subdivision Exemption and the applicant can take care of the Outright Exemption if need be later?

Commissioner Davis replied, yes, what I am trying to get across is where we are at with the first look at this project. We have identified several issues with these outlots, some need to go to an adjacent property owner, some may remain with the current land owner and what is the easiest way to move forward. I think staff and the applicant should take this back to iron out the outlots. The 2 restrictions are, you are still going to be over 35 acres, so the Subdivision Exemption still works and as long as we identify how to handle the encroachment (we cannot approve a zoning violation). If we identify something that we need to add a condition then we do so now, the applicant goes back to the drawing board and gets it all ferreted out before they bring it back to Planning Commission. Whether they have to do a parallel or concurrent or it is all fixed and we just have it back in order, I think we are good to go.

Commissioner Karlstrom stated this is the directions she was looking for.

Commissioner Davis continued, we can't approve a zoning violation either. We may have to do the Outright Exemptions first. There are 3 parts, according to the survey where there is overlap according to the survey.

Roger Ladd added there are just 2 we resolved the one on the Lot 16 a couple years ago.

Commissioner Davis stated Ok. So there are 2 remaining that will have to be solved before this can move to the next step. But it can be done with a condition this evening. Condition, all encroachments are solved and the plat comes back with the final 3 parcel request. Add a condition that the encroachment is resolved prior

to final plat. Changing a recommendation to only be a 3 lot subdivision. So we only need 1 additional condition.

Commissioner Karlstrom had comments on the Certificate. Errors on page 8, repeated paragraph. Page 9 typo on the regulations under 2.4 dedications, by not be.

Commissioner Davis asked if the public had any comments or concerns.

Grand County, County Manager, Edward Moyer added, there are 2 Subdivision Exemptions being proposed at the same time. The north side 3 lots and the south side 3 lots all accessed by 1 road. Historically Grand County has always put home owners on notice in this situation in that the overall impact is that this is a subdivision. It is the same owner so this would be circumventing the Subdivision Regulations but in this case there are 2 separate ownerships but none the less, it is the same access. I want to stress that Condition 3 will apply to both of these Subdivision Exemptions and there are sections in the Road & Bridge Standards that will be applicable to both of these. Looking at it as a 6 lot subdivision, because that is the only access for it. When we talk about fire access and turn arounds that is addressed in the Road & Bridge Standards as an alternative water supply to allow for dead ends and turn arounds. I wanted everyone to be on the same page with both of these Subdivision Exemptions that Condition Number 3 is very important.

Commissioner Davis asked for any other comments. We made a modification to Condition Number 3 (that Robert will also include in the second presentation coming up). Ed makes a great point, that it is separate ownership. If it was same ownership we would be using the full subdivision process, which is a long process. We are adding also another condition to remedy all encroachments prior to final plat. He stated he would entertain a motion.

Motion to recommend approval by Kim Shepton for Aspen View Estates subdivision Exemption – Sketch Plan with the 14 recommendations and change Condition Number 3 – Ladd Properties, LLC represented by Roger Ladd. Seconded by Will MacDonald. No further discussion. All in favor "aye", none opposed. Motion carries.

Tabernash Highlands Subdivision Exemption – Sketch Plan – Tabernash Highlands, LLC represented by Brad Smith.

Presented by: Robert Davis, Director Community Development

Motion to recommend approval by Tara Fournet for Tabernash Highlands Subdivision Exemption – Sketch Plan – Tabernash Highlands, LLC represented by Brad Smith. Seconded by Bob Gnuse. No further discussion. All in favor "aye", none opposed. Motion carries.

CERTIFICATE OF RECOMMENDATION

Planning Commission, June 9, 2021; Board of County Commissioners T.B.D.

<i>Project Name</i>	Tabernash Highlands Subdivision Exemption – Sketch Plan
<i>Applicant</i>	Tabernash Highlands, LLC, represented by Brad Smith
<i>Location</i>	NW ¼, SW ¼ of Section 35, Township 1 North, Range 76 West of the 6 th P.M.
<i>Zoning</i>	Residential District - R
<i>Applicable Regulations</i>	Grand County Zoning Regulations, Grand County Subdivision Regulations, Grand County Outright Exemption Regulations
<i>Attachments</i>	A. Development Application B. Project Narrative Letter C. Proposed Subdivision Exemption Final Plat D. Vicinity and Detail Maps
<i>Staff Planner</i>	Robert Davis, AICP, SMP, and Alexander Taft, LEED Green Associate
<i>Request</i>	The Applicant is proposing a three (3) lot Subdivision Exemption.

I. **BACKGROUND**

a. **PROPOSAL**

The applicant Tabernash Highlands LLC represented by Brad Smith, is proposing to subdivide a 42 acre parcel into three lots. Lot 4 will be 10.7 acres, Lot 5 will be 17.78 acres and Lot 6 will be 12.4 acres totaling roughly 40.9 acres. Outlots G-H total approximately 1.15 acres. There will also be a 60 foot easement at the NW portion of the site to accommodate an access that will also be shared by the 43 acre parcel directly to the north and identified as the proposed Aspen View Subdivision Exemption (also to be presented on June 9th). The proposed lots are accessed by a proposed single road which from the northwest which extends from County Road 854 approximately 2,000' to the north and allows several points for turnaround for emergency and personal vehicles alike.

Well permits for the domestic well will be converted to three (3) household wells. Electric power and utilities will be installed underground. Preliminary geotechnical engineering, On-site Wastewater Treatment Systems feasibility have been analyzed and roadway pavement sections have been designed.

There is a 2.5 feet wide trail easement identified on the southern portion of Lots 5 and 6.

The subject property has recently been divested to two entities holding approximately 40 acres each. The previous owner, Grand Enclave, presented several proposals between 2005 and 2008 which were reviewed by Grand County but were never finalized. Those proposals considered approximately 42 acres and contained a maximum of three lots consistent with the Minor Subdivision Regulations, which have since been repealed.

The site is located in Tabernash Rural Growth Area #1 of the Master Plan.

The Grand County Subdivision Exemption Regulations outline the process of how to divide land on a small scale under circumstances in which the need to comply with Grand County Subdivision Regulations would cause undue hardships and the impact of the proposed division would not

require it for the Subdivision Regulations. Subdivision exemptions apply to the division of land into a maximum of three (3) single family residence lots with one (1) single-family residential unit per lot.

b. HISTORY

The surrounding single family, single dwelling per parcel subdivisions include Winter Park Highlands Unit 5, Winter Park Highlands Greenridge, and Tabernash Village West. These were all developed between 1970 and 1980 and to date are not entirely built out. Significant features important to current development is the location of open space or “park” tracts which border the subject property and could be an important open space connection for trails or drainage. These tracts are under private ownership not public or a homeowners association.

II. STAFF ANALYSIS

The surrounding area is characterized by single family detached homes on large lots with the exception of large vacant open space parcels directly to the east and west. The density of the proposed development is low at approximately .07 du/acre compared to the roughly .25 du/acre of surrounding developments. The use of well and septic is expected, since there is no public water or sewer within a feasible proximity to create extension. With available water, Staff finds this use to be appropriate for the area.

There are nearby, existing county roads which could serve this development and continue to support existing homes throughout the surrounding neighborhood. This parcel will need an access easement from the neighboring property to the north in order to be supplied legal access.

III. COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY REGULATIONS

a. Grand County Master Plan

Plan Element 2 – Land Use – Growth and Development

The Vision is to conserve the area’s natural beauty and rural setting while building vibrant communities. Growth should be directed to occur in and around existing communities in a way that complements and enhances the County’s rural character. For Rural Growth Areas, the Plan discusses feathering of densities between low density areas which exist east of the subject property and high density areas existing directly west.

Plan Element 3 – Development: The Built Environment

As stated in Plan Element 3 in the Grand County Master Plan, 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.

b. ZONING – Section 6.1 Forestry and Open District

The parcels involved in this proposal lie within the Forestry and Open District, existing inside the Tabernash Rural Growth Area. The site is surrounded by residential vacant land, subdivision open space tracts, or larger lot residential uses.

- (a) The use of these lots are anticipated as single family dwellings, consistent with uses by right in this District.
- (b) This District requires 30' minimum front yard setbacks, 10' minimum side yard setbacks and 20' minimum rear yard setbacks.
- (c) The minimum lot size in the Forestry and Open Zoning District is two acres when located within a Growth Area. The proposed lots range from 11-14 acres and complies with this requirement.

c. SUBDIVISION EXEMPTION – Article 2 – Design Standards

The application shall be compliant with the Grand County Subdivision Exemption Regulations, the following is how each item was addressed under the submittal of Sketch Plan: [Sketch Plan (2)]

2.1 SPECIAL SITE CONSIDERATIONS

The Applicant shall map and identify areas of steep grade and geologic hazards. Staff has noted (see below) areas that appear to be in excess of 30% grade or greater. In the center of these areas it appears to be a drainage or swale but in review of historical aerial imagery it does not appear to contain a waterway. **These areas in excess of 30% grade or greater shall be noted on the final plat as non-development zones [2.1 (1&2)].**

The proposed subdivision is surrounded by other residential subdivisions. The subject site is also approximately one half mile, straight line distance, from US Highway 40 [2.1 (3)].

Large areas on each lot are undevelopable because of steep slopes, providing some natural preservation [2.1 (4)].

The necessary technical analyses, at a minimum, should provide data regarding soil suitability for Onsite Wastewater Treatment Systems (OWTS), construction bearing capacity, storm water drainage hazards, and potential radon hazards. **A geotechnical soils analysis shall be completed and submitted with the Final Plat [2.1 (5)].**

The applicant shall be aware: "Once submittal of a sketch plan has been made to the Grand County Planning Department for review of a Subdivision Exemption, no disturbance of the site, nor installation of any improvements associated with the proposed subdivision is allowed until after approval of the final plat by the Board of County Commissioners, or prior approval of any site disturbance or installation of required improvements has been authorized by the Board of County Commissioners. The developer will be allowed to do any soils and geologic testing, soils borings, surveying, etc. that are needed to provide the technical reports required for review of the Subdivision Exemption." [2.1 (6)].

2.2 DRIVEWAYS, ROADS, STREETS AND EASEMENTS

Street rights-of-way shall be designed to bear a logical relationship to the topography. A private road is proposed that will be maintained by a homeowner's association. The proposed road follows a path currently existing on the site. **Cul-de-sacs, turnarounds areas, street widths, grades and driveway requirements shall follow Road and Bridge Standards [2.2 (1-11)].**

Easements of not less than twenty (20) feet in width shall be provided along rear or side lot lines for utilities. Such easements may be provided by ten (10) foot easements on each of adjoining lots. Utility easements at different locations may be provided upon recommendation by the affected utility companies and approval of the Board of County Commissioners **Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. A plat note stating: All utilities shall be placed underground where not already existing [2.2 (12)].**

All roads created to serve the Subdivision Exemption shall be assigned county road numbers. [2.2 (13)]. The address presently assigned to the parcel 250 Grand County Road 854 will have to change.

The Grand County Road and Bridge Standards and the Grand County Storm Drainage Design and Criteria Manual have been integrated into the Subdivision Exemption Regulations wherever applicable and at the discretion of the Board of County Commissioners. Standards may be reduced according to density impacts.

The Grand County Road and Bridge Standards and the Grand County Storm Drainage Design and Criteria Manual have been integrated into the Subdivision Exemption Regulations wherever applicable and at the discretion of the Board of County Commissioners. Standards may be reduced according to density impacts [2.2 (14)]. Staff would believe that the authority and purpose of the Grand County Road and Bridge Standards sufficiently protect the public safety and welfare as a portion of the Subdivision Regulations.

2.3 LOTS

The proposed lots are 10.7 acres, 17.78 acres and 12.4 acres which are greater than the required 2 acres, therefore complying with these regulations and the Forestry and Open District [2.3 (1)].

Each lot shall have access to a street right-of-way. The front of the lot shall be that side adjacent to the driveway or road access noted on the Final Plat [2.3 (2)].

No lots in this proposed Subdivision Exemption has double frontage [2.3 (3)].

The proposed lots are as close as possible to be aligned to right angles from the proposed private road.

*Prior to approval of the final plat, the applicant will provide a black-line mylar, 14" x 18", at the applicant's expense, depicting each lot or tract according to a formula provided by the Grand County Planning Commission. The Grand County Planning Commission may require the applicant to consult with a specific engineering firm to determine proper addresses. The cost of said consultation will be the responsibility of the applicant. The mylar will also contain the name of the exemption and the section(s), township(s) and range(s) in which it is located. **Addresses for lots shall verified/determined before approval of the final plat [2.3 (5)].***

There are no corner lots being created by the proposed plat [2.3 (6)].

2.4 DEDICATIONS

The language included below is directly quoted from the Subdivision Exemption regulations and is to serve as a reminder to the Applicant that no new county roads are being accepted for maintenance. Any

Dedication of rights-of-way for streets giving access to adjacent lands and adjoining dedicated streets, and drainage and utility easements, may be required [2.4 (1)].

Approval of a division of land under these Regulations shall not constitute acceptance by the County of the roads, streets, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the county shall be accepted by the County only be specific action of the Board of County Commissioners. [2.4 (2)].

2.4 DESIGN STANDARDS FOR DRAINAGE, SEWER AND WATER

The FEMA Flood Insurance Rate Map (FIRM) dated January 2, 2008, depicts the area as located within Zone D. The Zone D designation is used for areas where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted. Staff believes there are no potential flood hazards in this area. [2.5(1)].

An explanation of adequate supply created by a water resource engineer or water resource attorney shall be provided prior to Final Plat review by the Board of County Commissioners pursuant to §29-20-103 (§29-20-304) Colorado Revised Statutes [2.5 (3a)].

2.6 DESIGN STANDARDS FOR NATURAL HAZARD AREAS

In areas determined to have significant flood, fire, geological, or other natural hazards the Board of County Commissioners may, in the interest of public safety, require applicants to submit for review plans to eliminate or reduce hazards to a reasonable level. Such plans may include, but are not limited to engineering designs, fuel modification, emergency water systems, etc.

Staff has not discovered any natural hazards which would cause concern to public safety or welfare.

2.7 IMPROVEMENTS REQUIRED

*In each proposed land division, the applicant and the Board of County Commissioners shall agree on the type, location and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to the surrounding area. **The applicant shall be made aware: Improvements shall be made by the applicant at his expense according to standard specifications prepared by a qualified professional engineer and approved by the Board of County Commissioners.***

Permanent survey monuments shall be set as required by Colorado Revised Statutes, 1973, Title 38, Article 51. In addition, half inch (1/2") steel pins (or larger) shall be set at all lot corners. Affixed securely to the top of each such monument shall be the Colorado registration number of the land surveyor responsible for the establishment of said monument. [2.7 (1)].

There is an assumed access from County Road 854 to a private road which will serve all three lots [2.7 (2)].

Improvements not specifically mentioned in these Regulations but found appropriate and necessary due to unusual conditions found on the site, shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Board of County Commissioners [2.7(3)].

Staff notes that *“The Applicant(s)/Developer(s) will be responsible for paying all engineering fees associated with any new subdivision exemption. In addition to the initial costs associated with the development, the applicant/developer will be responsible for ongoing engineering fees throughout the project (i.e., traffic study reviews, subdivision improvement inspections, etc.)”* [2.7 (4)].

Staff recommends that electric utilities be supplied to all lots to prevent extensions of service over head and to avoid multiple road cuts. Staff understands that there are no *“appropriate county officials having jurisdiction over such improvements”* for electric service.

2.8 SLASH REMOVAL/DISPOSAL

Slash removal and disposal is not anticipated on the subject property but if any is to occur, it shall be done compliant with this provision and requirements of the Department of Natural Resources [2.8 1-2].

2.9 SOLID FUEL BURNING DEVICES

This has been repealed via Resolution 2016-7-34

2.10 SCHOOL LANDS

Staff will collect five (5) comps of vacant parcels within a three mile vicinity to arrive at a cost per acre price prior to the submission of the final plat.

A letter shall be sent to the East Grand School District for a decision on their preference in receiving lands or fees in lieu.

2.11 STORMWATER MANAGEMENT

[2.11 (1-2)] Areas of disturbance are anticipated to be less than 1 acre and therefore not triggering a Storm Water Permit through CDPHE. As noted above new roadways shall be constructed to Road and Bridge Standards.

2.12 DESIGN STANDARDS FOR MINERAL RESOURCE AREAS

“Mineral extraction and exploration are prohibited in order to protect public health and safety as the same also contradicts the purpose of the Subdivision Exemption process. This Application shall comply [2.12].

2.13 DITCH CROSSINGS

Plat notes shall be added to the Final plat covering the following items related to ditch crossings.

“Approval from the ditch owner or ditch company to cross the ditch easement may be required prior to any disturbance of the ditch. The developer shall be required to provide the ditch easement owner with design drawings and hydraulic analysis of the proposed crossing. The developer or owner is responsible for all costs associated with any review of plats or specifications for ditch crossings by the ditch company” [2.13 (2)].

“Crossings shall be at roads or driveways whenever possible. The crossing shall be sized so as not to interfere with the ditch operation or alter the existing flow characteristics. (i.e. width, depth, slope, velocity or pattern)” [2.13 (2)].

2.14 POST CONSTRUCTION

[2.14 (1-9)] The developer shall follow procedure outlined in the Road and Bridge Standards for construction of all new roads to serve these lots. Construction Drawings and Cost estimates for construction shall be submitted with the Final Plat for review by the Grand County Consulting Engineer.

d. SUBDIVISION EXEMPTION – Article 3 – Sketch Plan

The application shall be compliant with the Grand County Subdivision Exemption Regulations, the following is how each item was addressed under the submittal of Sketch Plan:

[Sketch Plan (3.2) (1)(a-c)] The proposed land division shows the creation of three new parcels within the 42 acres owned by the applicant (a&b).

A vicinity map was also included to show the parcel in relation to a two mile area. (c)

[Sketch Plan (3.2) (2) (a)]

The proposed name of the exempted tracts is Grand Enclave Filing No.2 Subdivision Exemption.

[Sketch Plan 3.2 (2) (b)]

NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 35, Township 1 North, Range 76 West of the 6th P.M. is the correct legal description of the entire property as included on the Deed recorded at Reception No.

[Sketch Plan 3.2 (2) (c)]

The Final Plat shall also include, owner and/or engineer of the proposed division.

[Sketch Plan 3.2 (2) (d)]

The Sketch Plan shows a date of preparation of May 10, 2021, with 1"=60' scale.

[Sketch Plan 3.2 (2) (e)]

Location and approximate dimensions for all proposed street rights-of-way, easements and lot lines. The applicant has provided dimensions for street rights-of-way and lot lines. A thorough analysis of all existing and proposed easements and Rights-of-Way shall be completed with the Final Plat submittal.

[Sketch Plan 3.2 (2) (f)]

The Final Plat shall include the location and principal dimensions for all existing streets (including their names) width of adjacent private and County Right-of-Way. The Final Plat shall include the width of adjacent private and County Right-of-Way.

[Sketch Plan 3.2 (2) (g)]

All surrounding subdivided lots with legal descriptions have been included on the proposed Sketch Plan/Plat and shall remain.

[Sketch Plan 3.2 (2) (h)]

This condition has been substantially met all lots show acreage to the 1/100th.

[Sketch Plan 3.2 (2) (i)]

Relevant site characteristics including the existence of any special natural or man-made hazards.

[Sketch Plan 3.2 (2) (j)]

The Applicant shall certify that notice has been provided to the mineral estate owner pursuant to C.R.S. '24-65.5-101 et al., which includes time and place of the Sketch Plan hearing before the Planning Commission,

nature of the hearing, location of the property that is the subject of the hearing, and name of the applicant. The name and address of the mineral estate owner are required to be provided within said certification notice. Grand County shall, pursuant to C.R.S. '24-6-402(7) et al., provide notice of subsequent hearings to Mineral Estate Owners who register for such notification.

[Sketch Plan 3.2 (2) (k)]

The title insurance commitment has been provided as a portion of this application and is dated May 24, 2021.

IV. STAFF RECOMMENDATION

Staff recommends the approval of the Aspen View Subdivision Exemption Sketch Plan with the following conditions to be met prior to submitting an application for Final Plat approval:

1. These areas in excess of 30% grade or greater shall be noted on the final plat as non-development zones [2.1 (1&2)].
2. A geotechnical soils analysis shall be completed and submitted with the Final Plat [2.1 (5)].
3. Cul-de-sacs, turnarounds areas, street widths, grades and driveway requirements shall follow Road and Bridge Standards [2.2 (1-11)].
4. Utility easements shall be reviewed by MPEI, Xcel, CenturyLink, and Comcast. A plat note stating: All utilities shall be placed underground where not already existing [2.2 (12)].
5. An explanation of adequate supply created by a water resource engineer or water resource attorney shall be provided prior to Final Plat review by the Board of County Commissioners pursuant to §29-20-103 (§29-20-304) Colorado Revised Statutes [2.5 (3a)].
6. A letter shall be sent to the East Grand School District for a decision on their preference in receiving lands or fees in lieu [2.10].
7. Plat notes shall be added to the Final Plat covering the following items related to ditch crossings [2.13].
8. The title on the Final Plat shall be reviewed by the County Attorney.
9. The Final Plat shall also include, owner and/or engineer of the proposed division [3.2(2) (c)].
10. The Final Plat shall include the location and principal dimensions for all existing streets (including their names) width of adjacent private and County Right-of-Way. [3.2(2) (f)].
11. All impact fees shall be paid prior to recording the Final Plat.
12. Statement of taxes due showing current taxes paid. This shall be provided prior to recording of the Final Plat.

13. The applicant shall meet all Final Plat requirements.

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

Commissioner Davis asked if the applicant, Brad Smith was on the call and if we are sharing some of the same work with the last presentation. The last condition is to ensure there are no encroachments.

Robert Davis stated this is a different applicant, Brad Smith.

Brad Smith, David Carrick and Howard are all the applicants. David Carrick is the only applicant on the call.

Commissioner Karlstrom stated she appreciates how the cul-de-sac is set up, although she does not think the cul-de-sac big enough and happy that no more roads have to be built. She is referring to the radius of the cul-de-sac to handle fire trucks.

Commissioner MacDonald stated he noticed the density was higher on all sides, I am curious if the owner is planning on subdividing the property further. What are your long term plans?

David Carrick replied in terms of beyond a subdivision exemption? No we are not planning to subdivide the lots.

Commissioner MacDonald added he wants to make sure you have an agreement for the easement as a condition.

David Carrick replied, yes the 3 owners will take care of that.

Commissioner Fournet stated no questions. The only concern is the easement is not listed in the Staff Recommendations.

Commissioner Davis asked, is it 15 feet on the easement?

Commissioner Fournet replied 14 feet.

Commissioner Davis stated it will be 15 feet and then 14 feet will eliminate all encroachments.

Commissioner Fournet added correct Condition 3 to match the previous certificate.

Commissioner McNertney stated the only thing he sees is under Staff Recommendation. We say "Staff recommends the approval of Aspen View Subdivision" and this project is Tabernash Highlands, need to correct and no other questions.

Commissioner Davis states we had to add another condition for the lot number that you pointed out Robert. Eliminate all encroachments prior to Final Plat. Which will be an Outright Exemption process.

Commissioner Shepton asking about a line on the map, is it a previous trail?

Robert replied that it is a pedestrian trail, 2 ½ foot wide that an easement is being placed on it.

Roger Ladd stated in the last 15 years we have been in close contact with the Homeowners Association (HOA), of Winter Park Highlands. In discussion with them they thought it would be a great idea to have a connection between those green belts. I have been in touch with Bob Calasamo, HOA President, and mentioned that Brad, Dave and Howard, will most likely want input on what you would like to see on the width of the trail. Bob stated he will get with us and Brad, Dave & Howard on the width of the trail.

Commissioner Davis stated thanks for the update and maintaining the trails.

Commissioner Shepton asked if this is part of the Headwaters Trail and do they have any input?

Robert Davis replied that he had not received any information from the Headwaters Trail, but we can reach out to them.

Commissioner Gnuse stated just to be clear we are talking about having an easement (Staff Recommendation #15) agreement in place. Would we also need to have a condition regarding the trail, because that will become an easement of some type?

Commissioner Davis replied you are correct, I think Robert is adding that condition.

Commissioner Gnuse continued, this is about the connection of the road to the Aspen View Subdivision.

Robert asked do we need an easement agreement for the trail.

Commissioner Davis replied, yes. It is the property owner and the HOA that come together and request what they want. I am going to guess that they will be asking for an easement, but it would be good to have it as a condition that if the trail moves forward there is an easement agreement as part of the Final Plat.

Commissioner Fitch stated no questions.

Commissioner Davis asked we were discussing Headwater Trail Alliance (HTA), this has nothing to do with your trail in your subdivision, correct?

Roger stated no, not that he is aware of.

Commissioner Davis continue, so the concept of working with HTA makes sense when they had prior input, but I don't think HTA would be required to be addressed on this project. So Kim you were saying have they been contacted to see if there is any support for the trail system. I think that is between the applicant and the HOA.

Commissioner Shepton asked in the recommendations it talked about ditch crossings, but I did not see any ditches on the sketch plat.

Robert stated that is a good catch. There are no ditches (Recommendation #7) we will remove it from both proposals.

David added the ditches and canals were reserved by the federal government with the issuant of the patent. They still exist. There are no ditches on the property. This is common with conveyances by patent. They reserve the right for ditches and canals, etc. If the government ever decided to have ditches are canals on the property they would have the right.

Commissioner Davis stated this was brought up because that is on the existing plat, correct?

Robert stated it was found in the title commitment.

David added this is standard language on this patent.

Commissioner Davis continued, in both of these projects, there was discussion of a traffic study and you said for Phase I. In the Subdivision Exemption Regulations it talks about the impact through average daily trips (ADT's), (8 per household) with both subdivisions together (that is 48 trips) it is pretty straight forward. I am not sure if we call it a Phase I Traffic Study or if we say that by stating in Condition 3 that we are meeting the Road & Bridge requirements that Road & Bridge is already going to tell them there are 48 additional ADT's per regulations. That is what we would be adding and then the conversation would be were to go from there. Asking the applicant to do a traffic study is not appropriate because our Subdivision Exemption Regulations try to simplify that as we just pointed out 8 per lot.

Robert stated he is using a 10 trips per day from my knowledge of the ITE Trip Generation Manual.

Commissioner Davis asked if the Subdivisions Exemption Regulations have a stated allotment.

Robert replied in terms of traffic generated. I would have to check the Regulations.

County Manager Edward Moyer added it is 8 ADT's for a single family dwellings in the Road & Bridge Standards.

Commissioner Davis continued it is already spelled out. Don't create something that is not in the Standards. If the Standards is 8 use 8. They will tell you if adding 48 ADT's to the collection road is going to be a problem or not. It is already in the conditions that you are going to meet Road & Bridge Standards, I think you are covered. Follow through with that prior to Final Plat. Both plats, on the Subdivision Exemption, need to show (a plat note) that each project is restricted to 1 single family dwelling. Add this as a condition on this project and retroactively on the previous project, for the Final Plat.

Robert added that staff noticed (and it is not in the Recommendation) the Plat title said Grand Enclave I for Aspen View and Grand Enclave II for Tabernash Highlands and we feel the name should change on the plat.

Commissioner Davis stated, yes because the request is for the Subdivision Exemption of Aspen and Tabernash Highlands. The plat title needs to be reflective of what the application has requested. Any other comments public or commissioners. Hearing none he asked for a motion.

Motion to recommend approval by Tara Fournet for Tabernash Highlands Subdivision Exemption – Sketch Plan – Tabernash Highlands, LLC represented by Brad Smith with 17 conditions. Seconded by Bob Gnuse. No further discussion. All in favor "aye", none opposed. Motion carries.

Soda Springs Heights – Sketch Plan – Hill Industries, LLC represented by Tom Hill

Presented by: Robert Davis, Director Community Development

PULLED by STAFF

Byers Peak Ranch Mobile Concrete Special Use Permit

Presented by: Robert Davis, Director Community Development

CERTIFICATE OF RECOMMENDATION

Planning Commission - June 9th, 2021

PROJECT NAME: Conerstone Holdings Concrete Batch Plant Special Use Permit

APPLICANT: Clark Lipscomb

LOCATION: 300 GCR 721

APPLICABLE

REGULATIONS: Grand County Zoning Regulations Section VI, Section 11.8 Special Use Permits, Grand County Master Plan

ZONING: Forestry & Open / Residential Districts (Split Zoned)

ATTACHMENTS:

A. Vicinity Maps

- B. Application and Narrative Letter/Project Summary
- C. Site Plan
- D. Draft Special Use Permit 2020-XX-XX
- E. Easements

STAFF: Taylor Schlueter, Planner I

REQUEST: The Applicant is requesting a Special Use Permit for a mobile concrete plant.

II. APPLICATION NARRATIVE

Cornerstone Winter Park Holdings, LLC has purchased a CMI Rustler 12 mobile concrete plant for the purposes of producing concrete for the local building industry. The proposed site is zoned Forest/Open and is located east of the Colorado Adventure Park Tubing Hill in an area that has been utilized for material stock piling and staging. The plant is a self contained plant as specified in the brochure provided to Grand County Community Development. It is screened from site with a large topsoil berm that will continue to increase in size over the next several years with development of Byers Peak Ranch Filings 1 and 2. The plant is centrally located to all of Grand Park's current construction projects and was purchased to supplement concrete needs given the challenges associated with concrete production in Grand County since Mountain Parks Concrete closed around two years ago. Permanent power was extended to the plant in March of this year so a generator is not necessary to operate the plant.

The plant will use three primary materials to make concrete: sand, gravel, and cement. The applicant states the three primary products will be purchased off site and delivered to the plant as necessary. This plant is a small mobile batch plant not designed for large scale concrete production like the Peak Materials facility or the now out-of-operation Mountain Parks Concrete plant. The source of water to be utilized is the down gradient pond.

III. STAFF ANALYSIS

Staff understands the high demand for concrete in the county and endeavors to ensure the necessary concerns are being met. This means the applicant will have to provide the county with verification that access, stormwater or air quality permits from the state are not necessary.

Access to the site is from GCR 721 through the secondary parking lot of the Colorado Adventure Park on the existing gravel roads to the site as shown on the site plan. Since there is no anticipated increase in traffic trips, a CDOT access permit may not be required, but it is up to the applicant to verify this to the county. If truck trip numbers remain small, the limited number of concrete truck trips may not come close to the 20% of the existing traffic at US 40 and GCR 721. The Applicant believes concrete deliveries to Cornerstone related jobs west of US 40 will not result in any traffic on US 40.

The hours of operation are proposed to be 7am to 7pm, Monday through Saturday as necessary.

The Applicant does not anticipate any substantial traffic increase associated with the proposed mobile concrete batch plant and states much of the concrete produced are destined for construction projects within a five mile radius of the concrete plant. Additionally, it's primary area of service is intended to be within a five mile radius of the Town of Fraser. Staff has not received projected traffic numbers, or an analysis of directional distribution or projections of traffic on US 40. Both Staff and CDOT would prefer to see a traffic impact analysis, but given the time constraints associated with completing a traffic study and with the high demand for concrete in the county, **Staff advises the applicant to state in writing that there are no anticipated increase of traffic on US 40. In addition, the routing of trucks will be required to avoid Norgren and should not filter through the Old Town neighborhood of the Town of Fraser.**

As the materials are purchased off-site and not mined at the site, the Applicant anticipates that no DMRS permit will be required for the operation of this mobile concrete plant. It will not be utilizing sand and gravel products produced on site in any concrete to be sold off site. No commercial gravel pit operation is proposed at the site.

The Applicant believes no permits related to air quality will be required for this self-contained mobile concrete plant, which produces no dust from its contained cement silo and dust collection system. When necessary, dust control on the access roads from GCR 721 to the site and any necessary on site will be handled with watering and/or mag chloride.

Only DOT certified concrete trucks will be utilized to deliver concrete from the mobile concrete plant, consistent with all area concrete plants.

The site itself is located in a grade separated location that will drain to the drainage pond shown on the site plan. The applicant states no erosion will leave the site and the pond acts as a secondary containment back up, were any erosion to occur from the site.

The applicant must provide verification from the appropriate state and federal agencies that no permits are required.

IV. COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

The subject site in this application is located at 300 GCR 721 and is located within the Fraser Urban Growth Area.

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

Plan Element 1 – Natural and Cultural Resources

Applicant will be required to manage erosion and sediment, drainage, water quality, air quality and visual quality. Applicant states their intention to collect all storm water and direct it to an

existing water retention pond located on site. **A Stormwater Discharge Permit issued by the Colorado Department of Health, Water Quality Control Division may be required and the applicant must demonstrate with a letter from the State that there is not a need of such a permit.**

No sky-lining of equipment or structures shall be allowed. This shall be made a condition of any Special Use Permit.

Plan Element 2 – Land Use – Growth and Development

This proposal will help meet the growing need of providing concrete for construction in the Fraser Valley, with relatively minimal associated impact when compared to similar operations of larger scale.

V. COMPLIANCE WITH THE GRAND COUNTY ZONING REGULATIONS

The proposed mobile concrete batch plant is a Use Permitted by Special Reiview in Grand County Zoning Regulations Section VI, consistent with Section 11.8 (11). This section lists uses allowed by special review including: construction business, heavy equipment storage areas, and earth-moving businesses.

COMPLIANCE WITH SECTION 11.8 (11) Construction businesses, heavy equipment storage areas and earth-moving businesses provided the following conditions can be met:

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

The proposed site is well screened. The Applicant has already installed a large topsoil berm, effectively screening from GCR 721 with dirt walls up to twenty-five feet (25') tall. The southern and eastern ends of the property are nestled against the base of the adjacent Colorado Adventure Park's operating hill and thus hidden from public view.

(b) Truck traffic to and from such use shall not create hazards to Residential and Tourist areas

County zoned Residential exist to the northwest of the site. If truck routing is limited to CR 721 and CR 72, there should be minimal disruptions as much of the zoning along CR 72 is Business.

According to the applicant, given the finite number of concrete jobs in this area, the traffic associated with concrete trucks will remain the same but may destined for different locations. With the primary purpose being to serve the Cornerstone related projects, the traffic is projected to be less on US 40 than if trucks were coming from Peak or Mountain Parks Concrete when the plant is in use. Estimated concrete needs in Grand County are around 60,000 cubic yards per year according to the applicant. Mountain Parks Concrete served a significant portion of this cubic yardage and since closing, those concrete trucks are sourced from other locations, moving the concrete traffic trips, but not increasing them. Given the very small scale of this mobile concrete plant, a small number of trips will be rerouted but the Applicant anticipates no meaningful change in concrete traffic will occur given the finite demand.

(c) Truck traffic to and from such use shall not unduly damage public road

The following language will be provided in Exhibit A of the SUP:

During the term of this Permit, if any damage or injury is caused to County Road 721 or CR 72, said County Road being the public right-of-way over which materials will be transported when collected from the permit area, then and in that event, the County shall give written notice to the Permittee specifying the damage which is being caused by the Permittee's operation. Within ten (10) days after such written notice, which shall be deemed to have been furnished at the time of mailing to Permittee at its address shown on this Permit, Permittee shall correct its operation to eliminate such damage and at its expense, repair the damage alleged to have been caused to the county road. If Permittee denies responsibility for the damage alleged to have been caused by its operation, then and in that event, Permittee shall furnish written notice to the Board of County Commissioners of the County of Grand of its denial of liability within ten (10) days. Within twenty (20) days after receiving said written notice of denial of liability, the Board of County Commissioners of the County of Grand shall hold a Public Hearing. After hearing evidence regarding the alleged damage and the responsibility of the Permittee for such damage, the Board of County Commissioners of the County of Grand shall make findings regarding Permittee's liability or non-liability. If Permittee is found responsible for injury to County Roads 721 and 72, it shall so be advised in writing as provided for above in case of notice, and shall have ten (10) days in which to comply with the decision of the Board of County Commissioners of the County of Grand. Failure to comply with these provisions by the Permittee shall automatically result in the termination of this Permit Amendment and Permittee shall immediately cease operation.

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

With regard to the Concrete Batch Plant, the applicant will need to describe how the water will be used to produce the concrete. Water is anticipated to be pumped from the pond and used in the operation. **No washing of gravel or production of concrete will be permitted until acceptable verification from the state is provided. The applicant must provide approvals received from the state for the use of the pond.**

In the event a stormwater management permit is required for the site, the Applicant has to indicate whether one would be obtained.

The applicant needs to clarify and identify equipment to be contained within this operation including. Staff has named equipment based on what was seen in the aerial photos provided by the applicant including one (1) concrete batch plant. **Other equipment such as any wash plant, scale house, office trailer or portable toilets, etc. have not been identified and should be identified by the applicant.**

If lighting is proposed, all lighting shall be hooded and downward facing. Signage shall comply with the requirements outlined within Section 13.3 of the Grand County Zoning Regulations.

The Applicant has made comments satisfying staff concerns about the possibility of excess dust, stating that the mobile batch plant contains a dust-collection system, and that dust resulting from truck trips will be controlled on the access road (GCR 721) as needed, by the Applicant.

Standard hours of operation for similar operations in Grand County have been established as Monday through Saturday, 7 am to 7 pm. This shall be made a part of any approved Special Use Permit.

*(e) A narrative statement describing the operation – **this condition has been met***

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

*(g) A vicinity map – **this condition has been met***

*(h) A screening plan – **this condition has been met***

VI. STAFF RECOMMENDATION

Staff recommends the conditional approval of the Cornerstone Holdings Mobile Batch Plant Special Use Permit with the following conditions to be met prior to issuance of a SUP:

- 1.) The SUP will be granted for an initial term of one year.
- 2.) The applicant will clarify and identify equipment to be contained within this proposed operation.
- 3.) The applicant should state in writing there are no anticipated increases of traffic on US 40.
- 4.) The routing of trucks will be required to avoid Norgren and should not filter through the Old Town neighborhood of the Town of Fraser.
- 5.) The Applicant will provide documentation that the operation meets requirements of the Colorado Department of Public Health & Environment (CDPHE), i.e., provide documentation the on-site equipment meets Colorado air quality standards and provide verification from the appropriate state agencies that no permits are required.
- 6.) A Stormwater Discharge Permit issued by the Colorado Department of Health, Water Quality Control Division may be required and the applicant must demonstrate with a letter from the State that there is not a need of such a permit.
- 7.) The applicant must provide approvals received from the state for the use of the pond.
- 8.) A stormwater management permit may be required and the applicant must demonstrate with a letter that there is not a need of such a permit.

- 9.) No sky-lining of equipment or structures shall be allowed. This shall be made a condition of any Special Use Permit.
- 10.) The applicant will identify all equipment to be used on site.
- 11.) All signage shall be permitted and comply with the requirements outlined within the Grand County Zoning Regulations. If lighting is proposed, a detailed lighting plan shall be provided.
- 12.) All conditions contained within the Stormwater Management Plan must be complied with.
- 13.) The Applicant will provide proof that the operation will not require a Stormwater Discharge Permit from CDPHE.
- 14.) Permittee shall be responsible for controlling and maintaining the site in attractive condition at all times. No junk or other debris shall be allowed to accumulate on the site.
- 15.) Hours of operation shall be Monday through Saturday, 7 am to 7 pm. The applicant shall provide details of the proposed duration of the operation.
- 16.) In the event of observed high trip totals on US 40 or local streets, the Applicant may be required to submit to Community Development a Traffic Study.
- 17.) No trucks will access US 40 from Eisenhower Drive in Fraser. All trips accessing US 40 will be routed through GCR 721 and to the intersection of GCR 72, and will use GCR 72 to access US 40.
- 18.) The applicant shall provide an approved access permit from the Town of Fraser for CR 721.
- 19.) That all standard language and conditions of Grand County Special Use Permits shall be made part of any approved permit for this request, under the following headings, as follows:
 - Control of Site
 - Noxious Weed Control
 - Site Maintenance
 - Rehabilitation of Site
 - Storage of Abandoned Equipment
 - Compliance with County, State and Federal Regulations
 - Limitation of Liability
 - Alteration of Terms and Conditions
 - Access and Right to Enter Site

- Abandonment
- Violation of Terms and Conditions
- Termination

Commissioner Davis welcomed Clark Lipscomb, the applicant to the meeting and asked if he has reviewed the Certificate, did he have any questions/concerns or anything to add?

Clark Lipscomb stated he thinks there is an excessive amount of Staff Recommendations that we should address that are not necessarily necessary. We did ask for 5 years, we are happy to agree with 1 year and see how it goes. I would think if all was going fine we could have an automatic extension for the other 4 years. This site in particular is very well screened, we own and operate the Colorado Adventure Park Tubing Hill here. This site is set in an area that is sensitive to all of my customers. I have an operating business next door and we do not want the place looking unsightly. This would be a mobile plant, which I think is of critical importance in this consideration. This is not a permanent plant like Mountain Parks Concrete Plant, this is mobile. It is a low production plant. There is significant concrete shortages given Mountain Parks Concrete has closed. This is a means to provide concrete to our specific projects and to help supplement the concrete shortages in the area. As far as traffic there is only so many concrete jobs, there is a finite number of jobs. Because we bring in a mobile concrete plant does not mean that there is going to be more concrete jobs. Traffic wise, the same number of concrete trucks are going to be on the road and our intent since we are only serving Grand Park is there will be very little traffic on the road and I could argue that it will remove concrete truck traffic from Highway 40, or however else Peak was using to get from their plant to the town of Fraser. We will serve Fraser/Winter Park area immediately but I have no intentions of extending a long way. We are confident there will be no increase traffic of concrete trucks. As to the requirements, we are agreeable to, some of the requirements are unknown, such as do you need a CDPHE Permit for discharge that was in the application. We would agree to acquire any necessary permits for the plant from other parties that may have jurisdiction should they be necessary. I think Robert and team do not know and we have a good idea and will probably include this in an already existing Storm Water Management Plan that we have associated with the pond construction at the Colorado Adventure Park. As far as routing stuff around Fraser and keeping it out of Fraser, that is fine with us, except we thought someone may want concrete in the town of Fraser. Item #6, #8, #12 and #13 should be removed and replaced with the statement of the nature of any additional permits that may be required by the state or the CDPHE associated with the operation for this plant shall be obtained by the applicant prior to operation of the plant. Item #18, an access permit from Fraser, we already have, and we are using existing access. That needs to be removed. There is no access permit required. This access that is being utilized is through the parking lot (showing on the plans), which is an existing access. Access permits are required when building new access, this is an existing access.

Commissioner Davis stated Commissioner Fitch was having internet issues and not back on yet.

Commissioner Karlstrom asked, talk about the traffic, you are having all the materials delivered by truck to this batch plant?

Clark replied that is correct sand, gravel and cement will be delivered to the batch plant. Same fashion that they are to the other sites like Mountain Park Concrete had theirs delivered. It is common you use washed sand and washed rock and cement is a specialty item that comes in. You would not recognize these cement trucks if you passed them on the highway.

Commissioner Karlstrom stated, I did not realize that Mountain Parks Concrete did not have their own excavation site. So that will not really add more traffic. What about possible noise?

Clark replied, this location has nothing around it and all the motors are electric on the plant and it has permanent power from Mountain Electric that has been brought into the site, so there will be generators running. You might hear a loader beeping when it is backing up. I doubt that the beeping would be heard from this location. There are conveyor belts running with motors and a loader that is loading the bins. The concrete trucks have alarms on them also.

Commissioner Karlstrom continued, you mentioned there was a silo involved, how tall is the silo?

Clark responded, this a low proof isle mobile plant, it is basically a hinged silo (looking at photos to help describe) I did provide a pamphlet to Robert. Fully erected it is probably 20 feet tall, I do not think you will see it above the giant earth berm that is screening the site. My berm is estimated to be 25 feet.

Commissioner Karlstrom asked, will this operate year round?

Clark replied, that would be ideal, however this is not something that we have ever done before and we did do quite a lot of concrete this last winter, mainly with footers and foundations, we employed 4 ground paw machines. In a busy year it makes sense and if it is feasible for the plant to operate in the winter we will, however, we are not completely convinced that it will be feasible, we do not have an enclosed heated facility. You are dealing with water, there is just allot of considerations.

Taylor added I have been to the site a few times and I definitely do not have any concerns about the screening, the berm is sufficient from what I can tell.

Commissioner MacDonald stated I agree we should eliminate the traffic study, this is clearly going to reduce the amount of traffic. When do you see this Special Use Permit being removed?

Clark replied, we asked for 5 years on the original permit and we think that coincides with our completion of the pond on the property (it also has water rights) and is today about 20% complete. There is roughly another 20% that you can see that is exposed and being excavated. We think the 5 year term is most likely when we finish the pond. We have a permanent facility that is in our Special Use Permit for the Colorado Adventure Park Tubing Hill. We would very much like to get that permanent facility built by then and that facility, to justify the expense, will run year round and host events. We can't have the site where it is once that facility is up. We anticipate this is a 5 year deal, then the Mobile Concrete business will be gone.

Commissioner MacDonald stated that he lives a mile from Peak Materials and I notice in the morning time some days there is an inversion that does affect people's health with the air quality. It is not common but it does happen. It is more from the asphalt then concrete. I would recommend some consideration of the weather on any given day and how early you start. This could be potential feedback from the public. I am asking at the next meeting with Planning Commission that we see drawings of the structure and fencing.

Clark replied, there is no structure.

Commissioner MacDonald meant where the Mobile unit will be placed and the fencing around it.

Clark stated it is already there. Ask for photo to be displayed, showing where the plant will be and its size.

Commissioner Fournet stated it is a great idea what you are doing. She asked, the waste water being different then storm water? When you are washing out the concrete trucks is there anything special we have to take into consideration for that.

Clark replied, yes that will be in the modified permit. We will dig a wash out area and they will have to wash out in that specific area. There are very specific rules around concrete wash outs, how they are managed and cleaned and how that water is allowed to leave that area.

Commissioner McNertney asked how likely is it going to be that you will be operating on Saturday's.

Clark replied it will happen, it is not common because a lot of concrete crews do not necessarily want to work on Saturdays. But with a short construction season we have to make hay when we can. With the summers being 5-6 months long, they might need to pick stuff up on Saturdays.

Commissioner Shepton stated I agree about the conditions, some seemed to be repeated. I am glad it will not be used all that much in the winter. When the tubing hill is being used, there are kids running around the parking lots and then to have the trucks coming through at the same time. That being considered, when there are high numbers of tourist in the area, will there be some type of barricades or other safety features that can be included?

Clark stated, what you would be driving through there are cement trucks, which drive around all the time through towns, through neighborhoods, etc. We would not be operating the plant on busy days, more important for me to have safe & fun tubing and take care of that business than make concrete. I think the cement trucks that would be navigating through there can do it just fine. The parking lot is large so there can be quite a bit of space and if it became a problem we can add some additional signage or make an area that is wider so that people are not encroaching into that area so it is clear. I do not disagree with you that on a busy weekend day or holidays it could be a problem, but I do not think we will be making concrete on holidays.

Commissioner Shepton continued, I looked up what a mobile concrete plant looked like and it is not that big of a deal.

Clark stated it is a semi-trailer.

Commissioner Gnuse wanted to clarify, I got the impression this plant is primarily for the use of Cornerstone Development properties and developments. Many of which you have under construction right now and some on the drawing boards. There were a couple things that were said that made me wonder if you intend to serve other customers as well as your own projects.

Clark replied yes, it is the plan to serve other customers and then my own projects also. We want to supplement the areas concrete needs to the extent that we can. I will have first priority for our jobs. We will focus on the Fraser/Winter Park area. There is no reason for us to go past Red Dirt Road or Granby.

Commissioner Gnuse continued give us an estimate, what is 3 foot of cubic yards of concrete a day that you might be able to produce from this plant?

Clark replied the plant will produce more than what we use in a normal day. To give you an idea, some bigger owners can produce 1 hundred cubic yards per day, call that 10 trucks. That would be the biggest we could handle in the time frame that we have in a given day. This plant can produce a lot more concrete than this, it depends on the operator and how fast they want to push the plant.

Commissioner Gnuse continued, he had a couple questions about the pond. I agree that some of the recommendations in the Certificate seem to be redundant or perhaps unnecessary. Is there a head waters for the pond? How does the pond get its water? Is there an inflow from a head waters?

Clark replied, our water rights come from St. Louis Creek from the Gaskell Ditch Head Gate primarily on Beaver Dam Ditch Water Rights. I have 3 points of diversion available to me under my decrees. You can see the ditch coming into the pond, it comes down the blue fence line and angles over and goes straight into the pond. We use this also to irrigate the land. We can divert water in 3 different directions.

Commissioner Gnuse asked where does the water go that comes out of the pond.

Clark replied it makes snow primarily. If the pond is overflowing, there is an aggregate structure in the pond, that takes water from the bottom of the pond when it is full and pushes it out to an underground pipe between the 2 parking lots and delivers water to a road side swall next to County Road 72.

Commissioner Gnuse continued, so basically you divert water into the pond, if you need more water in the pond. But you don't really have a lot of water leaving the pond other than through a drain pipe that you showed us on the document, and eventually goes back to Elk Creek.

Clark stated, that is correct.

Commissioner Gnuse stated he is not sure why you would have to have a water discharge permit.

Clark replied we will not need a storm water discharge permit. The conditions were written before I had a chance to talk with Robert. We will have a Storm Water Management Plan because of the concrete wash out, etc. The site is semi recessed and sandy gravelly in this area. Even when we get a big rain storm the water goes into the ground and dries quickly. If we had run off from a big storm, it will go into the pond.

Commissioner Fitch, (no response).

Commissioner Davis stated we still have a quorum for voting without Deborah. She was having technical difficulties. The roads are owned by the Town of Fraser and there is an Intergovernmental Agreement (IGA) with Grand County Road & Bridge and we need to make sure we have a Reclamation Agreement, typically what they look like is any wear and tear directly caused by the function of this operation are the sole responsibilities to work with Grand County Road & Bridge to remedy. Recommend a conversation with Grand County Road & Bridge, who has the IGA for maintenance. Is there something already to that effect in the conditions Robert? This is a standard condition for Special Use Permits (SUP).

Clark replied, I think it is fine to have a condition to the effect of, to the extent that damage is physically caused by our operations, specifically that we would assist with correcting, paying. The trucks are DOT certified they run up and down all day long. They are no different than any other trucks on our public roads, concrete truck wise. They are heavy trucks, but they are designed to do what they do.

Commissioner Davis added, what we typically see on an excavation or heavy equipment type SUP, the track out of the plant leaves a trail, they have the nice construction boot scrapers (what I call them) a mat that you drive over as you exit and it sheds the material onto the collector road.

Clarks stated those are tracking control pads. We use them when we are doing construction on sites for in and out and get it going on asphalt roads. In this case, we are going gravel to gravel (County Road 721) I think they were more focused that we cause damage to County Road 721 and they want us to be responsible for that damage and we are fine with that.

Commissioner Davis continued, I just want to look at our standard language and make sure that is included, Robert?

Robert replied, yes. Shared his screen, the highlighted portion is the condition for road repair. It will be Exhibit A of the Special Use Permit.

Commissioner Davis continued, as far as longevity, I am not struggling with the 1 year ask to return and then do 4 years. I think this is appropriate because we want to make sure there is no major issues moving forward.

Clark stated I would like this clarified it is a 5 year permit with after 1 year a review to make sure all is working well and we are in compliance.

Commissioner Davis added, here is my typical argument. Our standard language states that if you break the rules we pull your permit.

Clark stated, exactly.

Commissioner Davis continued so if you sat on this for 5 years, we already know there is 5 years if we get complaints we are going to call you anyway. So I think just do 5 years. If the Board of County Commissioners (BOCC) does not like that, they will modify it. I would like to push it forward.

Clark replied, I can attest to the fact that when we first did the Colorado Adventure Park, every single year we were in doing amendments to the point that they finally just gave us a perpetual permit. We are well aware, you follow the rules that are in the SUP.

Commissioner Davis asked unless there is objections from the other commissioners, I would like to just say, give the 5 years with the expectation that the plant will exist for 5 years. Option to renew upon coming back through the process. We already have the ability to pull a permit. If this was a permanent plant, what I would tell you is, let's do 1 year and reconvene and then we could give a lifetime permit. We have standard language that states, in our permits, applicant must apply with all local state and federal requirements. The only thing I am aware of is if you are doing a SUP and you lease the land, then we want a current copy of the lease on file. In this case, Air Pollution Emission Notice (APEN) for a concrete batch plant. Prior to issuance of the SUP all pertinent permitting must be in place. You would prove that to Planning Department prior to them issuing by Resolution this SUP.

Clark stated rather than be specific about it lets keep it generic like the standards you already have. All state, federal and local regulations will be adhered to. Any permits necessary will be acquired. I am fine doing this before BOCC I was going to suggest doing it before the plant is operational. I have an environmental firm working on what might be necessary after this conversation and suspect we can get this done fairly quickly.

Commissioner Davis stated if the conditions state prior to issuance, the conditions are met then we should be good to go. Then the BOCC can modify if they require it.

Clark asked are you suggesting to delete all these repetitive conditions like #5, #8, #6, they are all related.

Commissioner Davis agreed they are all related. Staff what I would say is if it is a standard requirement in the SUP Regulations then you change before BOCC. Just state "Meets all standard requirements of the SUP", if it is an exception to the rule, something we are asking then it should be a specific condition.

Clark stated having a state agency provide a statement stating we do not require a permit is virtually impossible. #5 is worded in a very poor fashion and the language should change so that instead of saying somebody has to tell you that no permits are required, instead we are obtaining all the permits that are required and necessary.

Commissioner Davis agreed, reword #5 to be our standard language. Applicant must comply with all local, state and federal requirements for permits. We will get notified on air pollution, noise and traffic through complaints. We have a condition that the applicant would be restricted to only County Road 72 and 721, looks like this has already been modified. #16, in the event of observed high trip totals on US 40 or local streets, the applicant may be required to submit to Community Development a Traffic Study. I am not opposed to leaving this in but I think we will get a complaint from Road & Bridge. This is one that is not normal in a standard SUP. What you are saying is we are going to let you fly until we hear a complaint.

Robert agreed.

Commissioner Davis continued, that complaint is not highlighted specifically in a standard SUP, correct?

Robert, agreed.

Commissioner Davis stated we should do a Traffic Impact instead of a Traffic Study. Applicant may be required to address Traffic Impact.

Clark stated that is fine.

Commissioner Davis stated Planning & Zoning carries the Use Permit, Road and Bridge enforces the traffic. It is a Grand County joint effort. Hours of operation? There was a question about operating on Saturdays. Maybe a request to do an 8am start on Saturdays, can we reword to state, "hours of operation shall be Monday-Saturday 7am-7pm, applicant agrees to delay the start of business upon further discussion. I am trying to avoid you losing your permit or to have to come back through Planning Commission and the BOCC to modify your permit.

Clark asked if you are saying to start later on Saturday.

Commissioner Davis stated I don't think you need to start at 8AM on Saturday. The way we have been talking here, I don't think anyone will hear it at 7AM or 6AM. But if there is concern about Saturdays we can do an administrative amendment and shall be allowed to modify hours as necessary.

Commissioner Karlstrom stated if there are any complaints we will hear them, but if they are not making any noise it doesn't seem like it matters.

Commissioner Davis stated, under that pretense, scrap all of that and leave it 7AM-7PM. If we hear complaints it will be back before the Commission anyway.

Clark agrees.

Commissioner Davis added make sure our standard wording for Road & Bridge for the cost of road maintenance is on the applicant, cost of road maintenance specifically affiliated or impacted by the applicant is responsibility of the applicant, which is standard language. Plus state and federal permits.

Clark stated item #7 he has a question. We have our water right decrees to the pond, it is our pond we own it. I can provide the decree to Robert, but it is oddly written.

Commissioner Davis agreed, if you own the water you get to use it. If you use the water outside of what you have a decree for, you will be in trouble.

Clark stated that is why I think #7 is redundant.

Edward Moyer, Grand County Manager added, Clark are you using any water from your own water rights to use in this plant?

Clark responded, we plan on pumping water out of the pond to go into the concrete trucks.

Edward Moyer continues, so what we need is verification that the water rights in your aug plant, the pond can be used for industrial uses. That's all we need.

Clark state would you like that as a letter from our water lawyer or what do you want.

Edward Moyer, stated sure. We want to make sure those water rights are permitted for industrial use.

Clark stated it is permitted for the use. Which you already have. I don't know how you define industrial, I don't know that concrete is defined as industrial.

Commissioner Davis added, how about for the requested use?

Edward Moyer commented, the requested use is fine. Mr. Chair, if the Planning Commission has all spoken I have a couple questions. Clark, normally in a SUP, #19 in the conditions, that is an all-encompassing, all our standard conditions that are in every single permit. The damage to the road, all of it that applies to state and federal and county regulations is in there. But specific conditions like a Storm Water Management Plan that is always called out as a separate condition. A condition for a Storm Water Discharge Permit, and I understand Clark that you don't need one in this case, or at least you are saying you don't need one. Those would be separate conditions, they would not be under the all-encompassing. The CDPAT Air Quality Control Commission open permits, which is the air pollutant condition notice and then whatever applicant you have to make. That is under the air quality control commission verses the water quality control commission. Going back to the noise, Clark is this thing noisy?

Clark replied, no. You can turn my sound system on at the Tubing Hill and you will hear it before you hear this.

Edward Moyer, stated oh we know. I guess the question is at 7AM on a summer morning when it is quiet and the backup beeping alarms start, that noise carries and that is all I am saying is if that is the loudest thing there is, is it possible for you to get that alternative device that you don't have to have that beeping noise. It might go a long way for folks adjacent in the town of Fraser.

Clark stated I don't think you will hear this at all given how it is tucked next to the hill. And the town of Fraser is a pretty good distance away. I would most likely hear it at my house, depending on the wind direction.

Edward Moyer stated if we get complaints from back-up beepers are you willing to switch those devices?

Clark replied, I don't know what you are talking about, but I would be glad to look into it. I can hear the pole yard beeping at my house 6:30 in the morning.

Edward Moyer stated we did an SUP on Highway 9 for the gravel pit, I think they have some type of strobes

and not back up beepers as an alternative.

Clark continued, OK if there is an alternative that is totally fine, but safety is kind of number 1.

Edward Moyer continued, going to the 1 comment from a Planning Commissioners about inversions, we do have that standard language (explicable to) Peaks SUP about later start times. What sort of emissions are you going to have from a concrete batch plant?

Clark replied, I don't think we are really going to have any emissions, I said the thing is electric. Your cement trucks are diesel. The cement is in a closed encapsulated silo, with a dust collection system. I don't think there is any emission. I am learning also Ed, I have not done this before.

Edward Moyer stated those are most of the complaints we get with these sorts of uses. Back up beepers, noise and emissions in the morning. Especially with there is an inversions. Going back to the hours of operation, if there is complaints. If you would offer to start later, that would be helpful.

Clark replied, 1 of the primary determinates when you're working with concrete is weather. In the heat of summer, it is important to get out early and get it down early and in the winter we usually don't like to start until 10AM or 11AM if we are doing stuff because it is warmer. There are a lot of factors involved to determine when you are going out. The window does not mean we will be running all of those hours. Those are when we could produce.

Edward Moyer added lastly, Robert talked about those comments from the town of Fraser and they did not have a chance to review this project. This review went out late and there will most likely be several comments from the town of Fraser. Also several comments from adjacent property owners that have not had a chance to review. I am stating for the record prior to the BOCC hearing there could be a lot more additional comments incorporated into the recommendation.

Commissioner Davis asked Edward Moyer if we have the right to modify our list of conditions. I hear your question on the Saturday 7AM start time, we approved 7AM-7PM with can add, unless administrative request bump to 8AM due to complaints.

Commissioner Shepton added, I am concerned about the wording "unless there are complaints" because there will be complaints if people have the opportunity and the door is open. Are we putting more restrictions on Clark that are not applied to other people's businesses in the town of Fraser?

Edward Moyer replied, this is a SUP in unincorporated Grand County and we try to be consistent with all of our Special Use Permittees in unincorporated Grand County. We are not picking on Clark or making him do something that we would not require others to do. I am just noting this stuff, they are our typical complaints. He needs to be posed to address those and there are some subtleties that in hours of operation that he can look at especially within versions that can kill 2 birds with 1 stone. We can work with him on those conditions before we go to the BOCC.

Commissioner Davis asked would it be permissible on a SUP to have an administrative amendment on a SUP ever?

Edward Moyer stated yes that is the issue, you have to have it built in. I agree with Kim, I hate to say if there are complaints then it will be "X" but yes there are going to be complaints. Those administrative amendments, whatever we end up with as a condition that the BOCC approve needs to be the condition and only go back to the board for an amendment.

Commissioner Davis stated so no administrative amendment provision?

Edward Moyer stated I don't know how we could do that.

Commissioner Davis continued, the other times we had administrative amendments, like on a cell phone tower, unless the overall height of your site plan has changed we don't care what your do. You work that out

with the owner of the tower. This one is different, I hear what you are saying and we have never done it, that is why I am throwing it out there and it doesn't sound like we should go down that path. You are asking, to do an 8AM start on Saturday to minimize complaints and be respectful of neighbors and just avoid it all together, I would need to hear from the other Commissioners. I don't want to restrict Clark if there are not going to be any complaints and there is a need to continue to work an earlier hour, especially with the traffic we get throughout the summer. If on a Saturday he can get done moving his trucks before 8AM or 9AM then that is not an additional impact to our already taxed roads through Fraser. I am not speaking for the town of Fraser. That is why I am pushing the opposite direction. What are your thoughts Commissioners?

Commissioner Shepton, state it is probably a good PR move to say 8AM on Saturday.

Commissioner Davis asked, are we in the business of PR?

Commissioner Shepton stated unless there is complaints then people will organize and make sure there are complaints.

Commissioners Davis stated I see where you are coming from.

Commissioner Karlstrom state there will only be complaints if there is something to complain about. Make it easy I say, 7AM-7PM.

Commissioner Gnuse stated he is in agreement with 7AM-7PM. The way it is worded now is sufficient and if there is going to be complaints, there will be complaints. We may have to call Clark back into to talks to us about it. A truck backing up could be coming from anywhere, not just the plant. The trucks plowing from the town of Fraser in the winter time have back up beepers. Let's leave it the way it is.

Commissioner MacDonald agreed. I don't think we should be inviting complaints, we are a complaint driven organization and it drives me crazy that this is how we work. It is just asking for people to complain if we add it.

Commissioner Davis asked, what is your recommendation 7AM or 8AM?

Commissioner MacDonald stated 7AM. Pay attention to the inversions, I know it is not the easiest thing to adapt to.

Commissioner Fournet stated she is good with 7AM-7PM.

Commissioner Davis stated, Robert look at this language and I think Ed brought it up for Peak. There is standard language on the inversion days.

Clarks asked, isn't that related to the asphalt operation, which is where they have real issues?

Commissioner Davis stated, we talked about it with the asphalt addition. The main complaint there was driven by the inversion to the high winds, we see more complaints during high wind times.

Clark stated we are cognizant of being sensitive to where we are at and the fact that we have a microscope on us all the time. I think from an emissions perspective starting up 2 DOT certified cement trucks and running an electric powered plant, I don't think there are any emissions effected by the inversions.

Commissioner Davis stated I think you are fine on the inversions. I do think we have it covered, I was just trying to see if there is a happy medium on some standard wording. At the end of the day, double check, before you go to BOCC if there is anything that we missed from a standard wording that you could run past Clark. Make sure that both of you are in agreement because BOCC will talk about this. Sounds like the Planning Commission wants to move forward with a 7AM start on Saturday. We are certainly not rejecting any request, but this will also go before the BOCC and they will have a chance to review.

Clark asked if you talked about Condition #20 that just got added.

Commissioner Davis stated, that was what he was just saying. We are going to reword it. To review Peaks to see if there is standard language that can be used in agreement with this SUP. There have been comments brought up that we need to address in the SUP so that not only does Clark understand and agree with his duties but Planning Commission actually has the appropriate teeth to pull or address an issue with the SUP if needed.

Commissioner Gnuse asked why dust mitigation is not listed in our Condition #19.

Commissioner Davis stated it is listed. It is under site management and compliance with county, state and federal regulations. If we start having major air quality issues, it is covered. Don't over burden the application just make sure you can come back and resolve issues. 2 things that staff has to address is clearly in it notes to BOCC, is hours of operation and inversion. Any public comments? Hearing none he asked for a motion.

Motion to recommend approval by Bob Gnuse for Byers Peak Ranch Mobile Concrete Special Use Permit with the amended conditions. Seconded by Ryan McNertney. No further discussion. All in favor "aye", none opposed. Motion carries.

Meeting adjourned at 9:45 pm
