

GRAND COUNTY PLANNING COMMISSION
July 12, 2023

MEMBERS PRESENT:	Bob Gnuse (Webex)	Kim Shepton
	Loreta Silverio	Ryan McNerty
	Chris Murphy	Lynn Adams
	Shaun Mullahey	Brad White

MEMBERS ABSENT: All present

STAFF PRESENT:	Kris Manguso	Maxine LaBarre-Krostue (Webex)
	Jorune Klisauskaite	Shira Cohen (Webex – phone)
	Hannah Zagone	

The July 12, 2023 Grand County Planning Commission. The meeting was called to order by Shaun Mullahey at 5:31 p.m. Minutes from June 14 PC meeting were reviewed corrections were made in advance. Shaun motioned for approval and all commissioners agreed on approval.

Discussion:

Max was asked to talk about chair voting and stated that they're a voting member and that previous boards have decided that the chair would only be a tie breaker, but there is nothing legally binding in that and was just a policy decision. If you want the chair to vote the chair can vote.

In the case of a tie vote, the item is a recommended denial. Also, it can be tabled before voting but not once voting has taken place.

After further discussion the board tabled the decision on the chair voting versus just a tie breaker until next month's (August) PC meeting.

1.) Amended Final Plat, Lots 1- 2, Block 1 Amended Cairns Shadow Mountain Subdivision
A request to combine two lots in order to construct an addition to the existing home.

STAFF COMMENTS

Brian and Sharon Norwell, the "Applicants" have owned Lots 1 and 2, Block 1 of the Cairns Shadow Mountain Subdivision since 2022 by Warranty Deed recorded at Reception No. 2022005704 of the Grand County Records.

The Cairns Shadow Mountain Subdivision is located west of Shadow Mountain Lake and was originally platted in 1924 (Reception No. 89385) and subsequently amended in 1980 by Reception No. 91531, prior to both Senate Bill 35 and the adoption of Grand County Zoning Regulations.

The purpose of this request is to combine Lots 1 and 2 in order to build an addition to the existing home across the common lot line.

STAFF RECOMMENDATION

Staff recommends approval of the Amended Final Plat, Lots 1- 2, Block 1 Amended Cairns Shadow Mountain Subdivision with the following conditions to be met or sufficiently addressed prior to recording:

1. The Final Plat Mylar shall be on a 24” x 36” sheet, at a minimum scale of 1” = 100’.
2. An electronic copy of the Final Plat shall be provided in AutoCAD.dwg or AutoCAD.dxf format prior to recording. 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.
3. A Quit Claim Deed shall be provided conveying the new property description from “Brian P. Norwell and Sharon R. Norwell” to “Brian P. Norwell and Sharon R. Norwell”.
4. All recording fees are to be paid by the Applicant.

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

DISCUSSIONS:

There were no comments from the public or commissioners.

Shaun entertained a motion and Loretta motioned to recommend approval Amended Final Plat, Lots 1- 2, Block 1 Amended Cairns Shadow Mountain Subdivision with the 4 conditions and was second by Ryan. Motion passes.

2.) Peters Phase II Subdivision Exemption – Sketch Plan

Approval of Subdivision Exemption to divide a 35.56 acre, metes and bounds parcel, into two parcels.

STAFF COMMENTS:

Provided that the subject property is located in Old Park Subdivision, a relatively remote subdivision, Staff recommends the following plat notes to be included:

- ✓ Any fencing installed on this subdivision shall conform to the recommendations of the Colorado Division of Wildlife publication, “Fencing with Wildlife in Mind.”

- ✓ All windows shall have low emissivity glass with no exterior reflective coating.

STAFF RECOMMENDATION

Staff recommends approval of the Peters Phase II Subdivision Exemption Sketch Plan. The following conditions shall be met prior to the recording of the Subdivision Exemption:

1. The plat shall be amended to show all water features with the required thirty (30) foot water quality setbacks.
2. A plat note shall be added stating “Driveways shall be constructed along County Road 134 in order to avoid crossing Burke Creek. Any proposed driveway shall be reviewed and permitted by the Grand County Road and Bridge Department.”
3. One (1) approved solid fuel burning device is allowed per single family residence for any new construction.
4. School fees shall be determined by Staff prior to any meeting with the Board of County Commissioners.
5. The title of the plat shall be changed to:

Peters Phase II Subdivision Exemption
Located in a portion of the SE1/4 of the NE1/4, NE1/4 of the SE1/4 & NW1/4
of the SE1/4 Section 30 Township 2 North, Range 81 West of the 6th P.M.
County of Grand, State of Colorado
Conveyance recorded at Reception No. 2004005719

6. 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 adjoining lot.
7. Acreage of all the lots shall be shown to the nearest 1/100th of an acre.
8. Certificate of notice to mineral estate owners shall be provided prior to any hearing by the Board of County Commissioners. The name and addresses of the mineral estates owner(s) shall be provided.
9. The applicant shall provide a title commitment of the entirety of the property or provide a supplementary title commitment for proposed Parcel C prior to any Board of County Commissioners meeting.
10. In order to address water quality concerns for the long term, if this proposal is approved, the applicant will be required to provide \$1000.00 per lot for a total of one (1) lot at the sale of the lot to be held either by Grand County or turned over to a properly formed Sanitation District for future water quality measures.

11. The Applicant shall be required to pay fee in lieu of school land dedication. The calculation shall be determined by Staff prior to any meeting with the Board of County Commissioners. School fees shall be deposited with the Grand County Treasurer prior to recording of the final plat.
12. A plat note shall be added stating “Any fencing installed on this subdivision shall conform to the recommendations of the Colorado Division of Wildlife publication, “Fencing with Wildlife in Mind.”
13. A plat note shall be added stating “All windows shall have low emissivity glass with no exterior reflective coating.”

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

DISCUSSION:

Mr. Peters (owner) reviewed certificate and spoke with Water resources in Denver and as long as it gets approved there is no problem with getting a household use well only on each parcel. The original parcel (13 acres) had an ancestral well on it, which I had registered and inspected.

Kim asked for clarification on if there is a water augmentation plan and the owner stated that his understanding was that it wasn't required. Jorune also made it clear that each of the 2 lots that would be created by this subdivision exemption would only be for single family household use only. The water augmentation plan would be separate from that.

No further discussion from the public or the commissioners

Shaun entertained a motion and Ryan motioned to recommend approval on the Peter's Phase II subdivision exemption sketch plan. Motion was second by Bob, and the motion carries by all commissioners in favor.

3.) Amended Final Plat of Tracts in the Reilly Subdivision Exemption, Reception 293295 and as amended in the Amended Final Plat Reilly Subdivision Exemption Reception. 94014101

The Applicant is requesting an Amended Final Plat to combine several platted lots and a metes and bounds parcel into a single 77.638 acre parcel of land to be known as Kawuneeche Ranch.

STAFF COMMENTS:

This plat is the result of joining several complicated legal descriptions into a single parcel of land. Additionally a portion of this property is encumbered by a conservation easement recorded at Reception No. 2001-012870. This combination of property is in compliance with the terms of the conservation easement, as the restriction within the easement prohibit division of the property, but this request is to combine property, creating a single 77.638 acre parcel of land. In this instance, staff is recommending the following note be placed on the plat:

“The combination of these parcels results in a 77.638 parcel of land. Although this parcel is above the Senate Bill 35 requirement of 35 acres, the owner agrees and covenants the property will be forever combined, never to be sold, mortgaged or transferred separately. Once joined, the property shown on this plat and known as the “Kawuneeche Ranch” will never be subdivided using any land use process including outright or subdivision exemption processes. The owner agrees this shall be binding on all future owners, heirs, successor and assigns.”

- ✓ If approved, the applicant will be required to provide a Quit-Claim deed conveying the new legal description from themselves to themselves.

STAFF RECOMMENDATION:

Staff recommends approval of the Amended Final Plat of Tracts in the Reilly Subdivision Exemption Reception 293295 and as Amended in the Amended Final Plat of Tract 1 Reilly Subdivision Exemption and Simcox Outright Exemption Reception 94014101 aka Kawuneeche Ranch with the following conditions to be met prior to recording:

1. The title of the plat shall be amended to read:
 - a. Kawuneeche Ranch
 - b. Being an Amended Final Plat of Tracts containing portions of the Reilly Subdivision
 - i. Exemption, Reception 293295 and as Amended in the
 - ii. Amended Final Plat of Tract 1 Reilly Subdivision Exemption and Simcox Outright Exemption Reception 94014101
2. The location, dimension and recording information for the 60 foot right-of-way shall be shown on the plat. They can be noted in the “plat note” section along with the existing
 - a. statement that all survey and easement information can be found on LS2570. The references that must be contained on the plat itself are Book 200 Page 620, Book 250
 - b. Page 139, Book 160 Page 486 and Book 491` Page 523. These all refer to the 60 foot
 - c. access easement that also provides access to the Ostwald and King property.
3. The following note shall be placed on the plat:

“The combination of these parcels results in a 77.638 parcel of land. Although this parcel is above the Senate Bill 35 requirement of 35 acres, the owner agrees and covenants the property will be forever combined, never to be sold, mortgaged or transferred separately. Once joined, the property shown on this plat and known as the

“Kawuneeche Ranch” will never be subdivided using any land use process including outright or subdivision exemption processes. The owner agrees this shall be binding on all future owners, heirs, successor and assigns.”

4. A portion of the property is subject to a Conservation Easement recorded at Reception
a. number 2001-012870. This shall be made a note on the plat.
5. A Quit-Claim deed conveying the Amended Final Plat of Tracts in the Reilly Subdivision Exemption Reception 293295 and as Amended in the Amended Final Plat of Tract 1 Reilly Subdivision Exemption and Simcox Outright Exemption Reception 94014101 aka Kawuneeche Ranch from themselves to themselves according to the plat recorded at Reception No. 2023_____ shall be provided.
6. An electronic copy of the amended final plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided.
7. A black-line mylar shall be provided.
8. All recording fees shall be paid by the Applicant.

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

DISCUSSION:

Valissa the representative stated that there has been a big change on this property since the fire and clean up has made the area look really great. She also confirmed that she had reviewed the certificate and has not questions or comments.

Brad asked for clarification how the conservation easement is written and Kris stated that the legal description is by metes and bounds and there is no delineation.

Shaun entertained a motion after not further questions or comments. Kim recommended approval Amended Final Plat of Tracts in the Reilly Subdivision Exemption Reception 293295 and as Amended in the Amended Final Plat of Tract 1 Reilly Subdivision Exemption and Simcox Outright Exemption Reception 94014101 aka Kawuneeche Ranch with conditions as listed. Motion was second by Ryan. All in favor and motion carries.

4.) Mulligan Estates Minor Subdivision – Preliminary Plat

The Applicant is requesting approval for a minor subdivision in order to divide a two unit (duplex) building on a 0.58 acre parcel creating a density of 3.4 dwelling units/acre.

STAFF COMMENTS

Written notice was sent on July 5, 2023 to adjacent property owners and proof of a sign posted on the property has been provided.

✓ The Applicant is responsible for all costs associated with mailing notification requirements which shall be paid in full prior to final plat recording.

✓ In order to address water quality concerns in the long term, if this subdivision is approved, the Applicant will be required to provide \$500.00 for a total of one (1) unit at the time of recording of any final plat to be turned over to the Winter Park Ranch Water and Sanitation District, for future water quality measures. The Applicant will be required to enter into a water quality agreement for the payment of this fund.

Previous neighbor concerns pertained to drainage and the existing rock wall location impeding access across the public bridle path easement. While Winter Park Ranch does not have an active HOA, the covenants for the subdivision have been amended five times and run with the land. The last amendment to the covenants, recorded at Reception No. 2010004624, including any reference to prior Declarations of Covenants, does not include any restrictions on the 10 foot bridle path easement.

Within approximately a ¼ mile from the property, there are eleven (11) other townhome and condominium type developments. The density of the development is approximately 3.4 du/acre, similar to densities of surrounding townhouse and condominium development.

In addition, it is to be noted that an Agreement dated February 19, 2010, recorded at Reception No. 2010001479, restricts Lot 27 to building of and use for a single family dwelling or two-family dwelling. While this Agreement, does not encumber this request, the following plat note has been added to the plat:

“Lots 1 and 2 of Mulligan Estates Subdivision is restricted to a single family unit unless the agreement recorded at Reception No. 2010001479 is terminated.”

Finally, the Applicant has provided Declaration of Covenants and Bylaws.

✓ The County Attorney shall review the Declaration of Covenants and Bylaws before final plat approval

STAFF RECOMMENDATION

Staff recommends approval of Mulligan Estates Minor Subdivision with the following conditions to be met or sufficiently addressed prior to Final Plat:

1. The Applicant shall be required to revegetate the southeastern parking area prior to

recording of any Final Plat.

2. A formal request from the Applicants Engineer for a variance to Section 4.1 of the Grand County Storm Drainage Design and Technical Criteria Manual (August 1, 2006) regarding on-site storm water detention requirements shall be provided prior to any Board of County Commissioners meeting. Confirmation from the County Engineer shall also be provided in writing prior to any Board of County Commissioners meeting.
3. Should the Board of County Commissioners grant site disturbance prior to recording, the Applicant shall relocate the rock wall as according to the construction drawings provided. The County Engineer shall sign off on the improvement prior to recording of the final plat and supporting documents. A separate resolution will be prepared by Staff should the Board authorize disturbance of the site prior to recording.
4. Maintenance for the driveway shall be addressed in the Declaration of Covenants including improvements and snow removal.
5. School fees in the amount of \$1,473.97, for a total of one (1) unit, shall be paid at the time of Final Plat recording and deposited with the Grand County Treasurer.
6. The Applicant shall address water and sewer line maintenance cost within the Declaration of Covenants.
7. The updated construction drawings have been sent to the Grand County Engineer for a final review. Final review shall be provided and any concerns shall be addressed prior to the Board of County Commissioners.
8. Lot 1 shall have an address of 997 GCR 830, Unit 1 and Lot 2 shall have an address of 997 GCR 830, Unit 2. This shall be updated for enhancement of 911 Emergency Systems.
9. An electronic copy of the Final Plat shall be provided in AutoCAD.dwg or AutoCAD.dxf format prior to recording. 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.
10. The Applicant is responsible for all costs associated with mailing notification requirements which shall be paid in full prior to final plat recording.
11. In order to address water quality concerns in the long term, if this subdivision is approved, the Applicant will be required to provide \$500.00 for a total of one (1) unit at the time of recording of any final plat to be turned over to the Winter Park Ranch Water and Sanitation District, for future water quality measures. The Applicant will be required to enter into a water quality agreement for the payment of this fund.
12. The County Attorney shall review the Declaration of Covenants and Bylaws before final plat approval.

All legal documents are subject to the review and approval of the County Attorney's office

DISCUSSION:

Kim asked for clarification on why a formal request for a variance was needed. Kris stated the that it is not necessary, but is required.

Chris asked for clarification on why it is listed as a duplex. Kris stated it is listed that way because it is one owner but two single family attached and the open space is 20% opposed to 60% for multifamily.

No further comments or questions

Shaun entertained a motion and Lynn motioned to recommend approval of Mulligan Estates Minor Subdivision Preliminary Plat with 12 conditions as presented. Motion was second by Kim. All in favor and motion carries.

5.) Red Hawk Ranch Subdivision – Sketch Plan

The applicant is requesting sketch plan approval for Red Hawk Ranch Subdivision to allow for 228 residential units on approximately 95 acres of land.

STAFF COMMENTS

It is staff's understanding that the developer's intent is to obtain sketch plan approval, then move forward with preliminary and final plat for the cabins and the single family lots, leaving the multifamily areas for future platting and development. The Applicant has made a significant change to the sketch plan, eliminating the large multi-family buildings that were originally on the north boundary within MF-1 and MF-2, and replacing them with Tri-plex townhomes. The larger buildings are now located more in the center and to the south of the development which was requested during the May 2, 2023 meeting with the BOCC. The sketch plan also continues to respect the 50 foot buffer from MF-1 and the Arnold property that was agreed upon back in 2000.

All preliminary plat requirements contained within the Grand County Subdivision Regulations must also be provided with any submittal. Draft covenants for the proposed subdivision shall be provided for review by the County Attorney's office.

During the 2000 review, it was noted that there is an existing high-pressure gas line on site. Xcel Energy is a review agency, and will require that the line and the easement be clearly labeled on the preliminary plat. If relocation of the line is proposed, a detailed gas line relocation plan should be discussed with Xcel and provided with the preliminary plat.

✓ The Board of County Commissioners have determined that any division of land produces an impact on Grand County Schools and therefore fees will be required in lieu of school land dedication. The Grand County Subdivision Regulations allow the Board of County Commissioners the latitude to apply these fees. The calculation of school fees will be based on the dollar amount per acre of what the applicants paid for the property or Assessed Actual Value from the Grand County Assessor and will be determined with any preliminary plat review of this

development request. School fees will be deposited with the Grand County Treasurer prior to any approved final plat being recorded.

✓In order to address water quality concerns for a long term, as each phase receives approval, the applicant will be required to provide \$500.00 per lot, at the time of recording of any final plat, to be held by Grand County for future water quality measures. The applicant will be required to enter into a water quality agreement for the payment to this fund.

PLANNING COMMISSION RECOMMENDATION

The Grand County Planning Commission unanimously recommended approval of the former sketch plan at their April 12, 2023 meeting by Resolution No. 2023-4-6. This request is before you once again with a revision to the location of the large multi-family buildings and the correct signage on the property.

STAFF RECOMMENDATION

Staff recommends approval of the Red Hawk Ranch Subdivision Sketch Plan with the following conditions to be met or adequately addressed with any Preliminary Plat submittal:

1. Proof of adequate water and sanitation services to serve the proposed density.
2. Irrigation ditches must be shown and labeled on the plat.
3. All wetlands shall be clearly labeled on the Preliminary Plat and noted as non disturbance zones.
4. The 100 year flood plain shall be delineated on the Preliminary Plat, and noted as a non-disturbance zone.
5. An updated traffic study will be required. This study will be provided to CDOT for their review and comments.
6. Adjacent property owners shall be shown.
7. All building envelopes shall comply with setback regulations, including water quality setbacks.
8. All easements, including the high pressure gas line shall be shown.
9. The following notes shall be placed on the plat:

Earthen tone colors and materials that blend with the natural environment shall be used on the exterior of all structures, including but not limited to, facades, roofs, doors, and trim.

All items within the certificate identified with a ✓ symbol are preliminary plat requirements and must be addressed with any preliminary plat submittal. This is not an inclusive list, but some of the main issues that shall be addressed based off initial review.

DISCUSSION:

Lynn mentioned there needs to be a bigger discussion at some point on the Fraser Valley Parkway and how it's not happening. Shaun also expressed his concerns on the right of way on the roads in the surrounding area and how it affects the Fraser/Granby trails in the area. He would also like to have a workshop arranged on the road situation in the Tabernash area at some point to address all these concerns. Kris stated that she could have workshop set in place in the near future.

There was also questions about the recent traffic study and if a new study would be required at Preliminary Plat if necessary. Kris said that could take 3 to 6 months depending on traffic studies, engineers, and going back and forth solving conditions.

Chris B. expressed that the population growth should be restricted until the other road is completed for the 2nd egress so that there are two ways to get in and out of the area as a concern for safety. Kris stated that the previous agreements do not allow the county to place any restrictions.

Becky stated that she is very concerned about the access and the state of the roads going through Tabernash, and the fact that it's not the county but the taxpayers are going to pay a lot of money for this to all get put together.

After much discussion Shaun entertained a motion. Chris motioned to recommend approval for the Red Hawk Sketch Plan and the motion was second by Ryan. All in favor and motion carries.

The meeting was motioned to adjourn at 6:53pm, motion was second.